

Office of Administrative Hearings

State of California



Case-related Data Report Pursuant to California Business and Professions Code Section 312.1

January 2017

Office of Administrative Hearings

Zackery P. Morazzini, Director

Report to the Governor, the Legislature and the Department of Consumer Affairs

Executive Summary

This report is required by Business and Professions Code section 312.1, effective January 1, 2015. Business and Professions Code section 312.1 directs the Office of Administrative Hearings (OAH) to provide specified case-related data yearly to the Governor, the Legislature and the Department of Consumer Affairs, commencing January 1, 2016. This is the second annual report which contains data for the fiscal year July 1, 2015 through June 30, 2016.

Measures Reported

Business and Professions Code section 312.1 requires OAH to provide the following case-related data for the previous fiscal year:

- a) Number of cases referred by each constituent entity to each office of OAH for a hearing.
- b) Average number of days from receiving a request to setting a hearing date at each office of OAH.
- c) Average number of days from setting a hearing to conducting the hearing.
- d) Average number of days after conducting a hearing to transmitting the proposed decision by each office of OAH.

Analysis

Along with the required data, this report also contains a comparison to last fiscal year's report on the summary information. This comparison data assists in identifying areas of improvement and areas where additional improvement is needed.

For fiscal year 2015-2016, OAH received a 7 percent increase in case filings by the Department of Consumer Affairs over the previous fiscal year. Despite the increase in case filings, there was improvement in each of the case processing measures. The average number of days from receiving a request to set a hearing has decreased by 4 days (40% improvement). The average number of days from setting a hearing to conducting the hearing has decreased by 31 days (19% improvement). The average number of days after conducting a hearing to transmitting the proposed decision has decreased by 4 days (16% improvement).

OAH believes that two important staffing changes implemented during the fiscal year have positively impacted our case timeline measures. First, additional ALJ and staff positions were authorized and filled in 2014-15. These new employees have now been fully trained and the ALJs are now handling full caseloads. Second, OAH received authority to upgrade a number of staff positions to analyst and staff services manager levels. We believe adding the needed ALJs and staff, and upgrading the professionalism of our workforce by providing promotional opportunities for staff have had a positive impact on case processing times.

We also believe the improvements in case processing times are due in large part to working cooperatively with agency attorneys, allowing OAH to set cases on the calendar more quickly. As counsel for many of the DCA entities covered by this report, the Office of the Attorney General has assisted in getting cases on calendar and hearing dates set more efficiently.

While this report reflects great improvements on many levels, one area where additional improvements are necessary is also identified. Notably, while the average time to open and set a case for hearing in our Los Angeles office decreased by 44 percent over last fiscal year even with a 14 percent increase in case filings, it continues to be inordinately high. OAH will continue to work on process improvements in all of our offices, with a special emphasis on decreasing case-setting time in Los Angeles while handling the increasing workload.

Report Detail

Business and Professions Code Section 312.1, subdivision (a)

This table provides the number of cases referred to each OAH office by each constituent entity. During the fiscal year, OAH received a total of 4,275 cases, an increase of 7 percent over the prior fiscal year.

Total number of cases for fiscal year 2015-16

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Acupuncture Board	6	5	3	2	16
Board for Professional Engineers, Land Surveyors and Geologists	1	-	1	-	2
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	15	8	5	7	35
Board of Accountancy	36	4	10	7	57
Board of Barbering and Cosmetology	19	9	29	33	90

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Board of Behavioral Sciences	44	17	23	17	101
Board of Chiropractic Examiners	17	5	8	9	39
Board of Occupational Therapy	3	3	1	3	10
Board of Optometry	1	3	2	2	8
Board of Pharmacy	105	33	62	53	253
Board of Podiatric Medicine	5	1	-	-	6
Board of Psychology	16	5	9	7	37
Board of Registered Nursing	258	196	167	178	799
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	14	-	8	3	25
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	90	30	56	26	202
Bureau for Private Postsecondary Education	13	11	5	5	34
Bureau of Automotive Repair	34	92	27	41	194
Bureau of Automotive Repair - Smog Check	113	-	41	21	175
Bureau of Real Estate	254	80	117	39	490
Bureau of Real Estate Appraisers	3	6	1	-	10
Bureau of Security and Investigative Services	25	14	3	8	50
Bureau of Security and Investigative Services - Alarm Companies	-	-	1	-	1
Bureau of Security and Investigative Services - Private Investigators	1	-	-	-	1
California Architects Board	4	4	1	-	9
Cemetery and Funeral Bureau - Crematories	1	3	-	1	5
Cemetery and Funeral Bureau - Establishments	5	-	-	-	5
Contractors State License Board	371	140	237	171	919
Court Reporters Board of California	1	1	1	1	4

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Dental Board of California	34	15	13	20	82
Dental Hygiene Committee of California	-	1	2	1	4
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	-	2	-	2
Landscape Architects Technical Committee	-	1	-	-	1
Medical Board of California	164	127	55	60	406
Osteopathic Medical Board of California	5	6	4	6	21
Physical Therapy Board of California	7	7	8	9	31
Physician Assistant Board	9	3	6	3	21
Professional Fiduciaries Bureau	-	-	-	1	1
Respiratory Care Board	15	3	-	12	30
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	8	1	4	2	15
Structural Pest Control Board	19	5	11	10	45
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	17	3	8	11	39
Total cases	1,733	842	931	769	4,275

Case Filings Fiscal Year Comparison

Office	2014-15	2015-16	Change	%Change
Los Angeles	1521	1733	212	14%
Oakland	830	842	12	1%
Sacramento	918	931	13	1%
San Diego	725	769	44	6%
OAH Total	3994	4275	281	7%

Business and Professions Code Section 312.1, subdivision (b)

This table provides the average number of days from receiving a request to setting a hearing date by each OAH regional office. On average statewide, OAH decreased this number of days by 40 percent over the prior fiscal year.

Average number of days for each OAH office for fiscal year 2015-16

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	6	2	3	1	3
Board for Professional Engineers, Land Surveyors and Geologists	8		1		4
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	9	9	3	1	6
Board of Accountancy	7	4	3	2	5
Board of Barbering and Cosmetology	7	2	5	1	4
Board of Behavioral Sciences	11	3	4	1	6
Board of Chiropractic Examiners	8	4	3	1	5
Board of Occupational Therapy	8	2	2	1	3
Board of Optometry	12	4	2	2	4
Board of Pharmacy	8	3	3	2	5
Board of Podiatric Medicine	8	4	-	-	8
Board of Psychology	7	3	4	1	5
Board of Registered Nursing	8	3	3	2	5
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	6	-	4	19	7

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	7	3	4	7	5
Bureau for Private Postsecondary Education	7	3	2	2	4
Bureau of Automotive Repair	9	3	4	1	4
Bureau of Automotive Repair - Smog Check	9	-	4	2	7
Bureau of Real Estate	7	3	3	1	5
Bureau of Real Estate Appraisers	11	2	1	-	4
Bureau of Security and Investigative Services	4	2	1	2	3
Bureau of Security and Investigative Services - Alarm Companies	-	-	5	-	5
Bureau of Security and Investigative Services - Private Investigators	8	-	-	-	8
California Architects Board	16	2	1	-	8
Cemetery and Funeral Bureau - Crematories	2	2	-	1	2
Cemetery and Funeral Bureau - Establishments	5	-	-	-	5
Contractors State License Board ¹	21	3	4	5	10
Court Reporters Board of California	2	1	4	1	2
Dental Board of California	6	3	4	3	5
Dental Hygiene Committee of California	-	2	4	29	10
Electronic and Appliance Repair, Home Furnishings	-	-	1	-	1

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
and Thermal Insulation					
Landscape Architects Technical Committee ²	-	43	-	-	43
Medical Board of California	7	3	3	2	4
Osteopathic Medical Board of California	6	4	1	1	3
Physical Therapy Board of California	7	2	3	1	3
Physician Assistant Board	10	1	4	1	6
Professional Fiduciaries Bureau	-	-	-	4	4
Respiratory Care Board	6	5	-	1	4
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	7	1	4	2	5
Structural Pest Control Board	8	2	2	1	4
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	8	4	1	1	4
Total average days	10	3	3	3	6

Notes: ¹ In Los Angeles, many Contractors' State License Board cases are initially set for mandatory settlement conferences before hearings are set on the OAH calendar. This early settlement process has proved very successful in resolving many cases quickly and efficiently before a hearing. The cases that do not settle during this process are only then set for hearing. The setting of these cases after the completion of the settlement conference has the effect of artificially increasing the overall average number of days for setting Contractors' State License Board cases in the Los Angeles office.

² There was only one Landscape Architects Technical Committee case in Oakland during the fiscal year. The case had a significant delay in case-setting due to respondent being incarcerated out-of-state, a change in complainant's attorney, and a continuance.

Average Setting Times Year-over-Year Comparison

Office	2014-15	2015-16	Change	%Change
Los Angeles	18	10	-8	-44%
Oakland	4	3	-1	-25%
Sacramento	6	3	-3	-50%
San Diego	4	3	-1	-25%
OAH Total	10	6	-4	-40%

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Business and Professions Code Section 312.1, subdivision (c)

This table provides the average number of days from setting a hearing to conducting the hearing by each regional OAH office. The average number of days is shown with a case count in parentheses for each constituent entity. The case count is the number of cases used to calculate each average. On average statewide, OAH decreased this number of days by 19 percent over the prior fiscal year.

Average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2015-16

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	125 (3)	103 (3)	-	-	114 (6)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	278 (2)	-	23 (1)	190 (4)	191 (7)
Board of Accountancy	58 (16)	126 (5)	65 (5)	33 (1)	71 (27)
Board of Barbering and Cosmetology	195 (18)	94 (10)	121 (27)	157 (28)	146 (83)
Board of Behavioral Sciences	99 (15)	108 (6)	114 (28)	112 (7)	109 (56)
Board of Chiropractic Examiners	101 (8)	121 (1)	50 (6)	31 (1)	78 (16)
Board of Occupational Therapy	202 (1)	80 (1)	55 (1)	85 (1)	106 (4)
Board of Optometry	178 (1)	30 (2)	43 (1)	264 (1)	109 (5)
Board of Pharmacy	133 (53)	93 (16)	104 (29)	180 (26)	131 (124)
Board of Psychology	101 (5)	195 (2)	176 (5)	118 (2)	143 (14)
Board of Registered Nursing	119 (95)	95 (75)	100 (82)	104 (52)	105 (304)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	70 (6)	-	159 (9)	190 (3)	135 (18)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	104 (48)	77 (18)	88 (21)	142 (20)	104 (107)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau for Private Postsecondary Education	286 (6)	165 (4)	228 (4)	429 (1)	248 (15)
Bureau of Automotive Repair	114 (12)	124 (66)	213 (10)	279 (26)	166 (114)
Bureau of Automotive Repair - Smog Check	146 (63)	-	225 (41)	222 (7)	180 (111)
Bureau of Real Estate	114 (153)	120 (37)	131 (49)	124 (21)	119 (260)
Bureau of Real Estate Appraisers	150 (5)	-	-	-	150 (5)
Bureau of Security and Investigative Services	110 (18)	91 (13)	218 (3)	220 (3)	121 (37)
Bureau of Security and Investigative Services - Alarm Companies	-	-	92 (1)	-	92 (1)
Bureau of Security and Investigative Services - Private Investigators	74 (1)	-	-	-	74 (1)
California Architects Board	271 (2)	118 (3)	-	342 (1)	206 (6)
Cemetery and Funeral Bureau - Crematories	131 (1)	160 (2)	77 (1)	155 (1)	137 (5)
Contractors State License Board	140 (119)	134 (87)	156 (88)	199 (51)	151 (345)
Court Reporters Board of California	-	-	115 (2)	-	115 (2)
Dental Board of California	147 (11)	82 (10)	164 (7)	195 (6)	140 (34)
Dental Hygiene Committee of California	-	-	105 (1)	-	105 (1)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	-	152 (3)	-	152 (3)
Landscape Architects Technical Committee	-	155 (1)	-	-	155 (1)
Medical Board of California	163 (71)	95 (44)	174 (27)	136 (19)	143 (161)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Osteopathic Medical Board of California	30 (2)	124 (5)	105 (5)	7 (2)	87 (14)
Physical Therapy Board of California	27 (2)	74 (5)	108 (3)	124 (1)	79 (11)
Physician Assistant Board	230 (1)	93 (3)	125 (2)	351 (4)	216 (10)
Professional Fiduciaries Bureau	-	-	-	193 (1)	193 (1)
Respiratory Care Board	149 (8)	97 (3)	294 (2)	177 (5)	164 (18)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	70 (1)	145 (1)	161 (1)	61 (2)	99 (5)
Structural Pest Control Board	95 (14)	83 (1)	28 (5)	98 (4)	81 (24)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	244 (6)	-	353 (2)	79 (5)	197 (13)
Total average days (hearing count)	130 (767)	111 (424)	138 (472)	165 (305)	133 (1,969)

Note: This chart reports cases that went to hearing during the fiscal year, regardless of when the case was filed with OAH.

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**Average Days from Setting Hearing to Conducting Hearing; Number of Hearings
Year-over-Year Comparison**

Office	2014-15	2015-16	Change	%change
Los Angeles Average	160	130	-30	-19%
Los Angeles No. of Hearings	745	767	22	3%
Oakland Average	106	111	5	5%
Oakland No. of Hearings	420	424	4	1%
Sacramento Average	210	138	-72	-34%
Sacramento No. of Hearings	457	472	15	3%
San Diego Average	183	165	-18	-10%
San Diego No. of Hearings	357	306	-51	-14%
Overall OAH Average	164	133	-31	-19%
Total No. of Hearings	1979	1969	-10	-1%

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Business and Professions Code Section 312.1, subdivision (d)

This table provides the average number of days after conducting a hearing to transmitting the proposed decision by each regional OAH office. The average number of days is shown with a decision count in parentheses for each constituent entity. The decision count is the number of decisions issued used to calculate each average. On average statewide, OAH decreased this number of days by 16 percent over the prior fiscal year.

Average number of days from conducting a hearing to transmitting the proposed decision for decisions issued during fiscal year 2014-15

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	18 (3)	34 (3)	14 (1)	-	24 (7)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	24 (2)	-	23 (1)	37 (3)	30 (6)
Board of Accountancy	22 (14)	22 (3)	17 (4)	7 (1)	20 (22)
Board of Barbering and Cosmetology	22 (12)	15 (10)	21 (21)	24 (26)	22 (69)
Board of Behavioral Sciences	27 (13)	16 (5)	26 (24)	32 (6)	26 (48)
Board of Chiropractic Examiners	26 (7)	33 (1)	15 (6)	5 (1)	21 (15)
Board of Occupational Therapy	25 (1)	32 (1)	24 (1)	8 (1)	22 (4)
Board of Optometry	22 (1)	9 (2)	26 (1)	15 (1)	16 (5)
Board of Pharmacy	20 (46)	18 (16)	19 (24)	24 (19)	20 (105)
Board of Podiatric Medicine	-	-	24 (1)	-	24 (1)
Board of Psychology	26 (6)	20 (2)	14 (3)	16 (3)	20 (14)
Board of Registered Nursing	24 (85)	22 (66)	21 (61)	25 (45)	23 (257)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	24 (4)	-	18 (9)	26 (2)	20 (15)
Board of Vocational Nursing and Psychiatric	20 (38)	21 (17)	20 (15)	26 (16)	21 (86)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Technicians - Vocational Nursing					
Bureau for Private Postsecondary Education	24 (2)	22 (2)	17 (2)	29 (2)	23 (8)
Bureau of Automotive Repair	19 (8)	13 (56)	23 (10)	17 (25)	16 (99)
Bureau of Automotive Repair - Smog Check	16 (52)	-	19 (35)	21 (8)	17 (95)
Bureau of Real Estate	24 (132)	18 (36)	24 (45)	26 (20)	23 (233)
Bureau of Real Estate Appraisers	21 (5)	-	-	-	21 (5)
Bureau of Security and Investigative Services	23 (12)	21 (10)	22 (1)	20 (2)	22 (25)
Bureau of Security and Investigative Services - Private Investigators	9 (1)	-	-	-	9 (1)
California Architects Board	-	27 (3)	-	27 (1)	27 (4)
Cemetery and Funeral Bureau - Crematories	-	29 (2)	24 (1)	-	27 (3)
Contractors State License Board	26 (64)	19 (58)	20 (50)	24 (35)	22 (207)
Court Reporters Board of California	-	-	8 (1)	-	9 (1)
Dental Board of California	24 (9)	19 (9)	23 (7)	21 (6)	22 (31)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	-	11 (1)	-	11 (1)
Landscape Architects Technical Committee	-	32 (1)	-	-	32 (1)
Medical Board of California	19 (58)	18 (40)	18 (15)	25 (13)	19 (126)
Osteopathic Medical Board of California	6 (2)	25 (4)	26 (5)	15 (2)	21 (13)
Physical Therapy Board of California	11 (2)	21 (4)	22 (3)	28 (1)	20 (10)
Physician Assistant Board	-	-	18 (1)	31 (3)	28 (4)
Professional Fiduciaries Bureau	-	-	-	29 (1)	29 (1)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Respiratory Care Board	21 (6)	15 (1)	25 (2)	25 (4)	22 (13)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	30 (1)	-	-	15 (2)	20 (3)
Structural Pest Control Board	16 (10)	-	7 (5)	22 (3)	15 (18)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	23 (5)	-	-	24 (4)	23 (9)
Total average days (decision count)	22 (601)	19 (352)	21 (356)	24 (256)	21 (1,565)

Note: this chart reports cases in which a decision was issued during the fiscal year, regardless of when the case was filed with OAH.

Average Decision Issuance Time; Number of Decisions Year-over-Year Comparison

Office	2014-15	2015-16	Change	%change
Los Angeles Average	24	22	-2	-8%
Los Angeles No. of Decisions	613	601	-12	-2%
Oakland Average	23	19	-4	-17%
Oakland No. of Decisions	358	352	-6	-2%
Sacramento Average	24	21	-3	-13%
Sacramento No. of Decisions	347	356	9	3%
San Diego Average	30	24	-6	-20%
San Diego No. of Decisions	299	256	-43	-14%
Overall OAH Average	25	21	-4	-16%
Total No. of Decisions	1617	1565	-52	-3%

If you have any questions regarding this report, please contact Carlos Trejo by phone at (916) 263-0759 or by email at Carlos.Trejo@dgs.ca.gov.