

Exhibit

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Medical Board of California
BOARD OF PODIATRIC MEDICINE
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RAYMOND K. CHENG, A.I.A.
JAMES J. LONGOBARDI, D.P.M.

ENFORCEMENT COMMITTEE

a. Overview.....N

Status of Probation Program: Last November, Dennis Rodriguez, one of our Southern California Probation Monitors, informed staff that he could not continue working with our program. However, because of the hiring freeze, he has agreed to continue monitoring his assigned probationers until the hiring freeze has lifted. Christina Holley, Probation Analyst, is working very closely with all four monitors. She is a great asset and will also assist with the revision of BPM enforcement forms and manuals.

In January, prior to the date of this report, two probationers successfully completed probation. By the end of the first quarter of this year (March 30, 2011) staff anticipates four more probation completions.

Revisions to Enforcement Manual: Staff has been working on revisions to BPM’s Enforcement Manual, which includes the citation and fine and probation programs. This manual contains all standard operating procedures and forms for consultants, staff, and investigators working with cases in MBC’s complaint unit, field offices, and the board office. The updates must be in place prior to June 2011, so they can be used for the Enforcement and Probation training/meetings. Once the revisions are in place, they will be posted to DCA’s intranet Knowledge Management Center.

Expert Reviewer Training: The next Expert Reviewer Training session will be held on Saturday, February 26, 2011, in Sacramento. So far 14 expert reviewers are confirmed and another 7 are still trying to clear their schedules. Dr. Mansdorf will be making some opening comments and Dr. LaRose will be conducting the case review session. Staff has been working with the same panel of subject matter experts that assisted with the June 2010 training. The training will include additional items that weren’t included in the past training, so an update will be provided to all experts following the training.

Consultant Training:
The annual enforcement meeting/training will be held on either June 9 or 10, 2011 in conjunction with the CPMA’s Western Foot and Ankle Conference in Anaheim. Staff will focus on training newly appointed consultants in all aspects of complaint review, assisting with field interviews, probation monitoring, and practice monitoring cases. All BPM medical consultants are expected to attend since it allows them to review existing and new procedures. If you are interested in attending this meeting, please let staff know.

Proposed Revisions to Manual of Disciplinary Guidelines:

The Medical Board of California (MBC) had an interested parties meeting on January 6, 2011 and proposed some modified text to its Manual of Disciplinary Guidelines (11th Edition). The comment period runs through January 25 and MBC staff is anticipating getting final approval to move forward at MBC's January 28, 2011 meeting. A status update will be available at the February 11 meeting.

- b. Data Reports.....O**
Complaint and Disciplinary Data Report, Continuing Competence Report, BPM and MBC Matrix Reports, the Monthly Enforcement Report to DCA, Quarter 2 Performance Measures, and the Probation Report are exhibited in Tab O.
- c. Implementation of new policy on medical consultants.....P**
Tab P is exhibited for review and implementation.
- d. Vertical Enforcement.....Q**
Tab Q contains a response from Carlos Ramirez, Senior Assistant Attorney General, regarding physician discipline under the Vertical Prosecution Program. Mr. Ramirez's suggestions on expert reviewer training will be incorporated into the BPM February 26, 2011 expert reviewer training.
- e. B&P Section 2335(c)(2).....R**
Board Member Dr. James Longobardi and Jim Rathlesberger, Executive Officer, will discuss this section.

Submitted by:

Michelle Mason
Enforcement Coordinator
January 27, 2011

Exhibit O

COMPLAINTS & DISCIPLINARY DATA

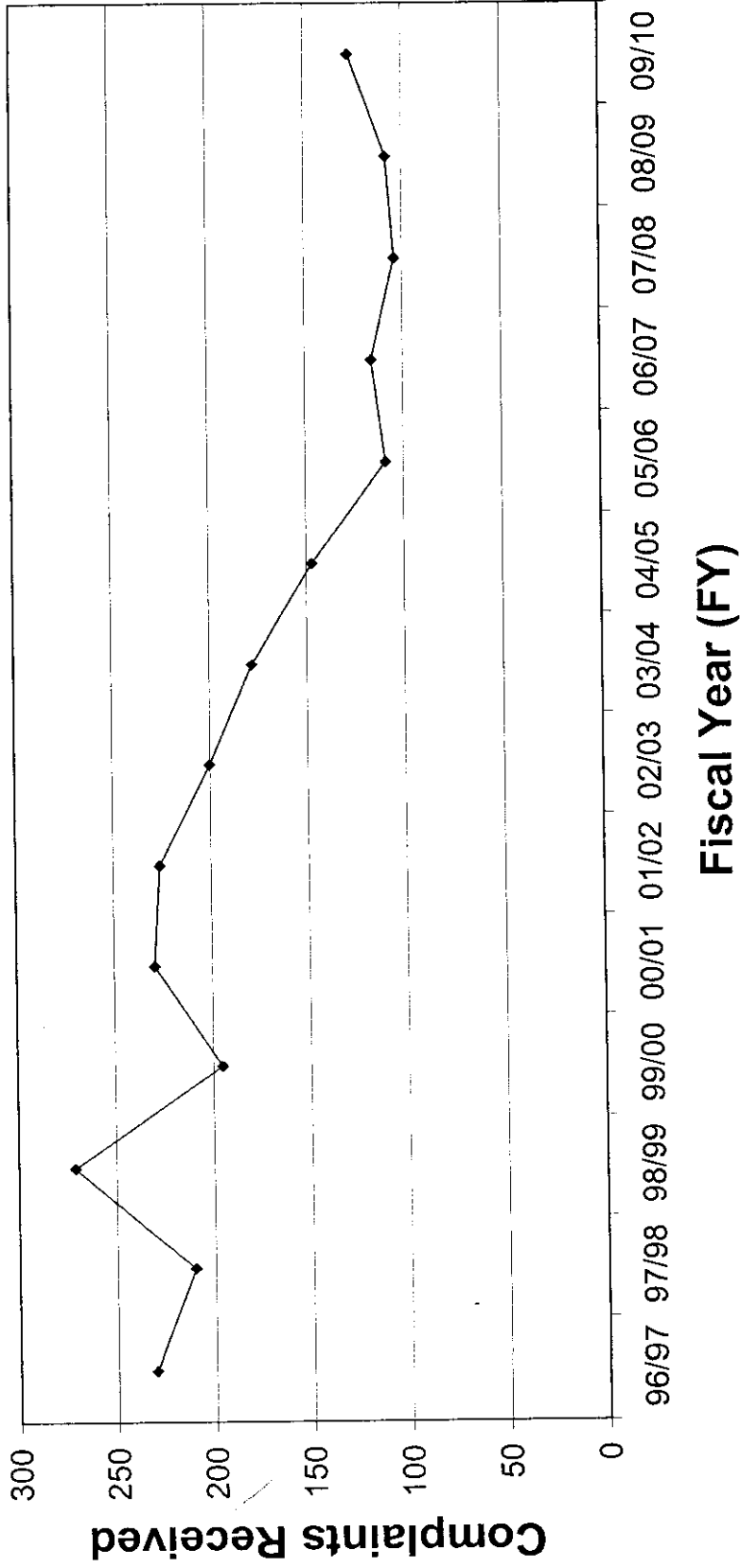
FY 10/11 July 1, 2010 - January 3, 2011

Fiscal Year	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Numbers of Licensees*:	1834	1868	2016	2004	2000	2014	2022	2039	2041
Complaints Received**:	200	178	147	109	116	104	108	127	40
Open Cases:56									
Discipline Cases Pending at Attorney General:12									
Licensees on Probation: 29	5	1	1	4	1	0	4	4	0
Citations and Fines	2	7	10	5	6	4	5	2	7
Cease/Desist Letters***									
Referred to Attorney General	14	14	12	12	13	9	7	9	8
Referred to District Attorney	0	2	0	0	1	0	0	0	0
Accusations/Petitions to									
Revoke Probation/SOI	9	11	9	7	12	8	4	8	6
Penalty Relief Petitions Filed	1	2	1	0	1	1	1	2	1
Hearings****	6	6	4	2	2	5	2	2	2
Prop. Dec. Non-adopted	0	1	0	1	0	0	0	0	0
Prop. Dec. Adopted	6	6	2	1	2	1	2	2	1
Stipulations Adopted	9	5	6	6	9	5	8	5	1
Probations	12	6	4	4	9	5	6	5	1
Suspensions	1	2	1	0	1	2	1	1	0
Revocations	1	3	1	2	0	1	2	1	0
Surrenders During Prosecution	2	2	1	2	0	0	0	1	1
Public Letter of Reprimand	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	2	0	0
Criminal arrests/convictions	0/0	2/1	0/0	0/0	1/0	0/0	0/1	0/0	0/0
Temporary Restraining Orders/Interim Suspensions/Automatic Suspensions/PC-23 Orders	1	2	1	0	2	1	1	1	0

* includes all licensees with a status code 10 (E)
 ** includes multiple complaints against individual licensees
 *** includes letters following educational interviews
 **** includes reinstatements, penalty relief petitions, and any other cases heard by an Administrative Law Judge (ALJ)

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Complaints Received Since Implementation of BPM's Continuing Competence Program (January 1, 1999)



Fiscal Year	96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Complaints Received	230	210	271	195	229	226	200	178	147	109	116	104	108	127

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MEDICAL BOARD OF CALIF
 NUMBER & STATUS OF OPEN CASES AS OF 12/31/2010
 FOR: 1B BOARD OF PODIATRIC MEDICINE

REPORT: FD7A
 AGENCY: 6301

DAYS:	M O N T H S		Y E A R S		TOTAL				
	0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)		1 (365-728)	2 (729-1092)	3 (1093-1456)	4 (1457-1820)
CAT/ CSR/ CSA	12	2	1						15
CONSULTANT	4								4
EXEC OFFICER									
INVESTIGATION	7	2	5	6					25
AG - PRE	2								2
AG - POST	3	3	1	2			1		10
** REPORT TOTALS:	28	7	6	6	8	1			56

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
 CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.
 CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.
 CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

- =UDK=^
- ^+X
- =UDK=^
- ^C0
- ^+1XCF14isc-L
- ^l
- ^m510,17,4,8,660
- ^y20,10,3250,7,2
- ^y30,10,3250,7,2
- ^y40,10,3250,7,2
- ^y50,10,3250,7,2
- ^y60,10,3250,7,2
- ^y70,10,3250,7,2
- ^y80,10,3250,7,2
- ^y90,10,3250,7,2
- ^y100,10,3250,7,2

AVERAGE NUMBER OF DAYS FOR OPEN CASES AS OF 12/31/2010

FOR: 1B BOARD OF PODIATRIC MEDICINE

CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST- IGATION	PRE (3)	POST (4)
53	20	0	237	35	325

BOARD OF PODIATRIC MEDI

*** AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY ***

- (1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
- (2) CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.
- (3) CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.
- (4) CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

DAYS:	M O N T H S		Y E A R S		TOTAL				
	0-3 (0-90)	4-6 (91-180)	7-9 (181-270)	10-12 (271-364)		1 (365-728)	2 (729-1092)	3 (1093-1456)	4 (1457-1820)
CAT/ CSR/ CSA	783	124	25	5	1				938
CONSULTANT	240	13							253
EXEC OFFICER									
INVESTIGATION	308	241	204	146	234	16			1149
AG - PRE	92	40	22	18	13	5			190
AG - POST	72	58	57	51	64	11	5	1	323
** REPORT TOTALS:	1495	476	308	220	312	32	5	1	2853

INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
 CONSULTANT REVIEW DURING EVALUATION OF COMPLAINT.
 CASES AWAITING FILING OF ACCUSATION BY ATTORNEY GENERAL'S OFFICE.
 CASES AFTER FILING OF AN ACCUSATION BY ATTORNEY GENERAL'S OFFICE.

- =UDK=^
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- =UDK=^
- ^CO
- ^1
- ^+1XCP14iso-L
- ^1
- ^m510,17,4,8,660
- ^Y20,10,3250,7,2
- ^Y30,10,3250,7,2
- ^Y40,10,3250,7,2
- ^Y50,10,3250,7,2
- ^Y60,10,3250,7,2
- ^Y70,10,3250,7,2
- ^Y80,10,3250,7,2
- ^Y90,10,3250,7,2
- ^Y100,10,3250,7,2

AVERAGE NUMBER OF DAYS FOR OPEN CASES AS OF 12/31/2010

FOR: IDENTIFIERS OF PHYSICIANS AND SURGEONS

CAT/CSR CSA (1)	CONSULT (2)	EXEC OFFICER	INVEST- IGATION	PRE (3)	ATTORNEY GENERAL POST (4)	
PHYSICIANS & SURGEONS	57	31	0	233	160	331

*** AVERAGE AGING CASES CALCULATED USING OPEN CASES ONLY ***

- (1) INITIAL COMPLAINT REVIEWED BY CONSUMER ASSISTANT TECHNICIAN / CONSUMER SERVICES REPRESENTATIVE / ANALYST.
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CONSUMER PROTECTION ENFORCEMENT INITIATIVE

Monthly Enforcement Report to DCA

Month: December

Year: 2010

Program: California Board of Podiatric Medicine

Date Submitted: 01-14-2011

Complaint Intake

Complaints Received by the Program. Measured from date received to assignment for investigation or closure without action.

Complaints

Received: 9

Closed without Assignment for Investigation: 0

Assigned for Investigation: 10

Average Days to Close or Assigned for Investigation: 6

Pending: 0

Convictions/Arrest Reports

Received: 0

Closed: 0

Average Days to Close: 0

Pending: 0

Investigation

Complaints investigated by the program whether by desk investigation or by field investigation. Measured by date the complaint is received to the date the complaint is closed or referred for enforcement action. If a complaint is

never referred for Field Investigation, it will be counted as "Closed" under Desk Investigation. If a complaint is referred for Field Investigation, it will be counted as "Closed" under Non-Sworn or Sworn.

Desk Investigation

Initial Assignment for Desk Investigation: 10

Closed: 6

Average Days to Close: 72

Pending: 20

Field Investigation (Non-Sworn)

Assignment for Non-Sworn Field Investigation: 0

Closed: 0

Average Days to Close: 0

Pending: 0

Field Investigation (Sworn)

Assignment for Sworn Field Investigation: 3

Closed: 2

Average Days to Close: 91

Pending: 25

All Investigation

Closed: 8

Average Days to Close: 76

Pending: 45

Enforcement Actions

AG Cases

AG Cases Initiated: 1

AG Cases Pending: 12

SOIs/Accusations

SOIs Filed: 0

SOIs Withdrawn: 0

SOIs Dismissed: 0

SOIs Declined: 0

Average Days to Complete SOIs: 0

Accusations Filed: 0

Accusations Withdrawn: 0

Accusations Dismissed: 0

Accusations Declined: 0

Average Days to Complete Accusations: 0

Decisions/Stipulations

Proposed/Default Decisions: 1

Stipulations: 0

Disciplinary Orders

Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations): 1

Average Days to Complete: 555

Interim Suspension Orders: 0

Citations

Final Citations: 0

Average Days to Complete: 0

Comments:

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Performance Measures

Q2 Report (October - December 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

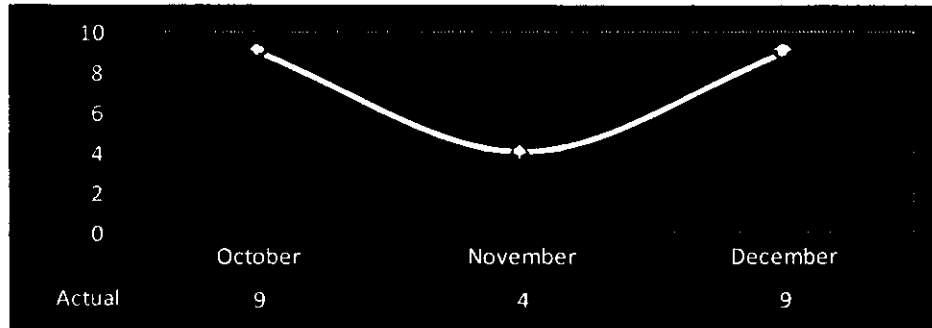
Volume

Number of complaints and convictions received.

Q2 Total: 22

Complaints: 21 Convictions: 1

Q2 Monthly Average: 7

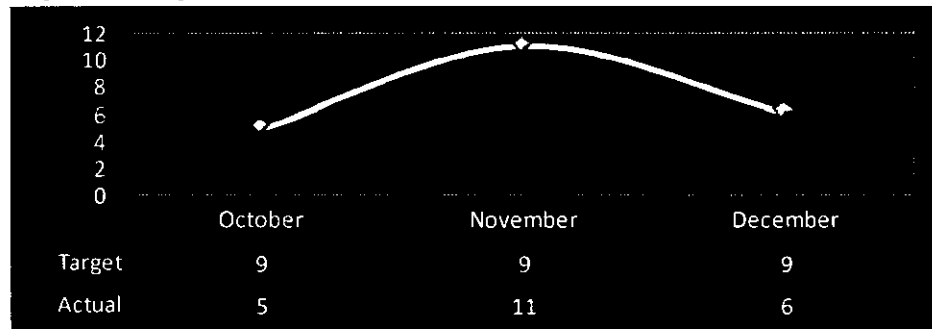


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 9 Days

Q2 Average: 7 Days

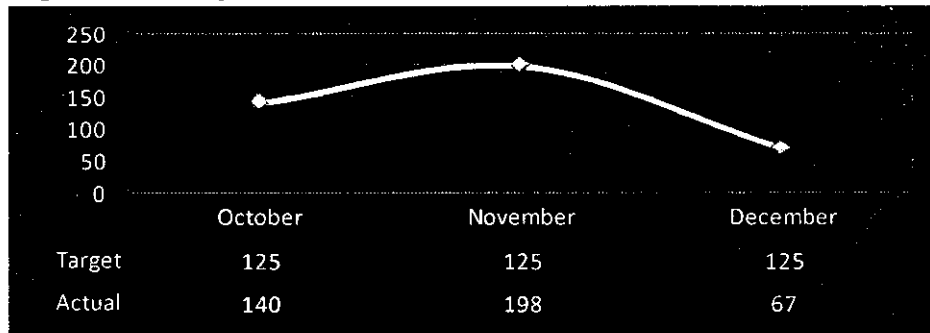


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 125 Days

Q2 Average: 145 Days

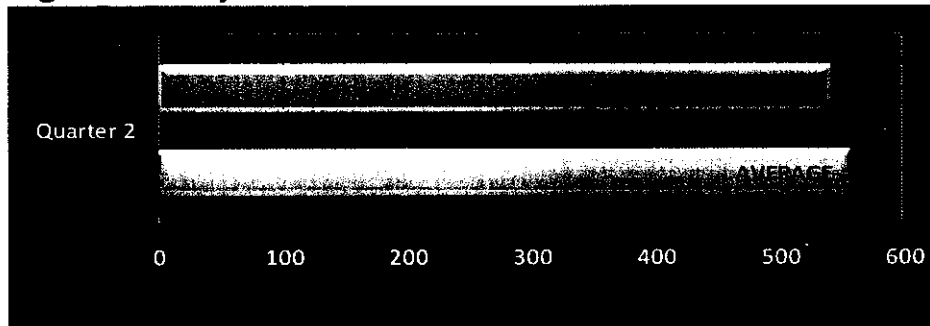


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 555 Days

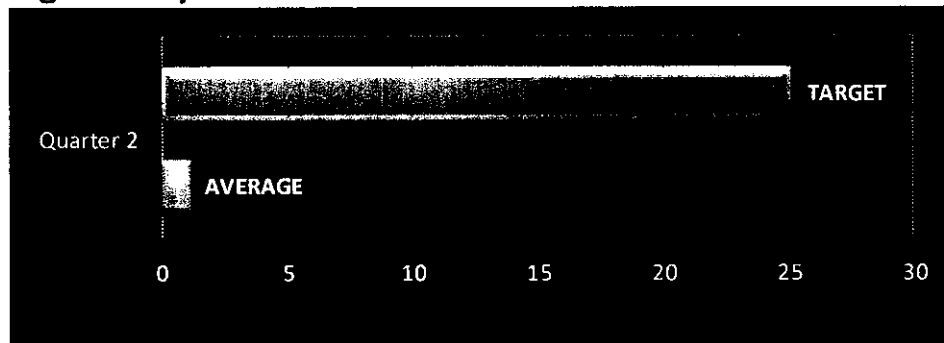


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 25 Days

Q2 Average: 1 Day



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 14 Days

Q2 Average: N/A

The Board did not handle any probation violations this quarter.

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**Board of Podiatric Medicine's
Probation Surveillance Program
January 26, 2011**

Complaint No.	Subject's Name	Probation Officer	Medical Consultant	Practice Monitor	Status	Completion Date
Active Status:						
1B-2000-111711	Schultz, Alan	Emilio	Giacopelli		Active	11/05/09+
1B-2007-186067	Lee, Jake	Seamons	As needed		Active	01/29/11
1B-2004-158243	Lai, Chun-Sun	Seamons	Greenwald		Active	02/05/11
1B-2009-199504	Gilman, Rose Diane	Emilio	Walburg		Active	02/11/11
1B-1999-102247	Spletstoesser, James	Seamons	Buckenberger		Active	03/03/11
1B-2003-144948	Perales, Theresa	Seamons	Shuken		Active	05/08/11
1B-2004-160535	Ky, Nguyen	Seamons	Greenwald		Active	11/01/11
1B-2002-139109	Tabassian, Mitra	Rodriguez	Labovitz	Wagreich	Active	07/06/11
1B-2009-199504	Nazarian, Serjik	Emilio	Wagreich		Active	08/04/11
1B-2001-125040	Rash, Wayne	Seamons			Active	03/21/12
1B-2006-172684	Chen, Eric	Emilio	Wagreich		Active	05/26/12
1B-2004-162454	Hernandez, Virgil	Emilio	Giacopelli	Wagreich	Active	07/09/12
1B-2008-189509	Kobayashi, Wesley	Rodriguez	Wagreich		Active	03/05/13
1B-2005-163869	Lawrence, Eric	Emilio	Walburg	Labovitz	Active	11/19/13
1B-2006-178311	Allen, Kirk	Seamons	Greenwald		Active	11/19/13
1B-2004-162844	Graves, Richard	Rodriguez	Labovitz	Alavy	Active	03/09/14
1B-2007-181509	Servatjoo, Parviz	Rodriguez	Walburg	Walburg	Active	05/08/14

Complaint No.	Subject's Name	Probation Officer	Medical Consultant	Practice Monitor	Status	Completion Date
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1b-2005-169051	Nguyen, Tan	Seamons	Bois	Bois	Active	08/17/14
1B-2004-162196	Carrasco, Pete	Emilio	Wagreich	PEP	Active	07/02/15
1B-2004-1588802	Moy, Richard	Rodriguez	Labovitz	Taubman	Active	10/01/15
1B-2005-167595	Truong, Vinncente	Seamons	Greenwald	Greenwald	Active	07/28/18
Tolled Status: (Out of State)						21

1B-1990-3602	Marek, Neal	Seamons			Tolled	
1B-2000-105396	Salz, Joseph	Seamons			Tolled	
1B-2006-179270	O'Meara, Sean	Seamons			Tolled	
Tolled Status: (In State)						3

1B-1990-5979	Metz, Douglas	Seamons			Pended	
1B-1996-64516	Levy, Sherwin	Seamons			Pended	
1B-1995-52592	Weber, Bennie	Seamons			Pended	
1B-1998-090267	Jarvis, Brian	Seamons			Pended	
1B-2002-133194	Fowler, Morris	Seamons			Pended	
Subtotal						5

TOTAL PROBATION MONITORING CASES: 29

COMPLIANCE CASES - NON-PROBATIONARY

1B-2005-165008 Brim, Mark Avery

Pending

Conditions:

- 1) 65 hours of CME for three calendar years
- 2) Enroll in a Medical Recordkeeping Course
- 3) Pay \$15,000 for cost recovery

Due Dates:

July 13, 2009 – deadline to submit for approval OK

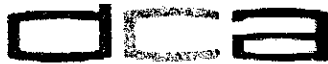
July 13, 2009 – deadline to enroll OK

May 14, 2012 – deadline to pay cost recovery in full

May 14, 2012 – if successfully completed all terms and conditions

Issue Public Reprimand

Exhibit P



Board of Podiatric Medicine ENFORCEMENT PROGRAM

EVALUATION OF CONSULTANT PERFORMANCE

CONSULTANT:		REVIEW CONDUCTED BY:	
Subject Name:		Name:	
Type of Case (violation):		Deputy Attorney General <input type="checkbox"/> MBC Investigator <input type="checkbox"/>	
BPM Case Number:		BPM Probation Monitor <input type="checkbox"/> BPM Expert Reviewer <input type="checkbox"/>	
<p>Provide a brief evaluation of the Consultant in each of the following areas that apply to this case. Hearing Preparation and Testimony, may or may not apply to this case. Any rating of 1 or 2 must be explained in the "Comments" Column. Use the following ratings:</p> <p style="text-align: center;"> (4) Excellent (3) Acceptable (2) Poor (1) Unacceptable </p>			
TASK	RATING	COMMENTS	
Written Report: (Factors to consider: clarity; completeness; technical terms defined; factual accuracy; objectivity; professional "tone" and style; Possible departures from standard of care were clearly identified, and report specifies how/why they were departures.)			
Knowledge of Case: (Factors to consider: demonstrated reasonable familiarity with case during pre-hearing interviews with DAG or investigator; did not make errors regarding facts or circumstances.)			
Preparation For Hearing: (Factors to consider: was reasonably available to meet or confer with DAG and/or investigator; kept appointments or gave reasonable notice if unavailable; returned phone calls within reasonable time; cooperative; amendable to suggestions on procedure.)			
Testimony at Hearing: (Factors to consider: responsive to questions; replies were clear, concise, on point; professional demeanor; demonstrated expertise consistent with credentials; cooperative.)			
Other: (If other factors not addressed above contributed to your overall evaluation, please summarize. Use reverse side if necessary.)			
Overall Rating			

NOTICE - CONFIDENTIAL: This evaluation is intended only for the use of the Office of the Attorney General, the Medical Board of California or the Board of Podiatric Medicine. It contains information from the State of California, Office of the Attorney General, the Medical Board of California or the Board of Podiatric Medicine, which is privileged, confidential and exempt from disclosure under applicable law. If the reader of this evaluation is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this evaluation is strictly prohibited.

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ANNUAL AGREEMENT

PROVIDING PODIATRIC MEDICAL CONSULTANT SERVICES TO THE BOARD OF PODIATRIC MEDICINE

I agree to provide podiatric medical consulting services to the Board of Podiatric Medicine pursuant to the general direction and supervision of the executive officer and/or his designee(s), e.g., the board's enforcement coordinator. I will assist in investigating and evaluating the complaints of professional misconduct against licensees, interpreting the medical significance of information and evidence. Specific tasks will include:

- Review complaints on Doctors of Podiatric Medicine (DPM) to evaluate the need for additional information or referral for formal investigation.
- Review medical records and other documents obtained by the board's consumer services analyst (CSA) to evaluate the medical care provided the patient.
- Assist investigators and Deputy Attorneys General in evaluating completed investigations to ensure quality and completeness.
- Assist the CSA in answering complaints from consumers, peer organizations and other sources regarding medically related matters.
- Personally obtain information and evidence that requires the immediate knowledge of podiatric medicine to secure.
- Assist in monitoring probationers as requested.
- Conduct educational/physician interviews with licensees as necessary.
- Assist in the training of expert reviewers and witnesses.
- Serve as a witness at hearing, as necessary.
- Other duties as requested.

The executive officer and/or his designee(s) will assign cases.

Payment for services rendered shall be at the rate of \$75.00 per hour to be paid in arrears following submission of a Statement of Services subject to the approval of the Executive Officer (see attached). Expenses (postage, telephone, etc.) shall be reimbursed. Travel expenses shall be reimbursed at the rates established for non-represented state employees.

Either party may terminate this contract by the giving of thirty (30) days written notice of termination to the other party. In the event this contract is terminated, consultant agrees to return to the State any and all materials related to this contract, and consultant shall be paid for services rendered and expenses incurred up to the date of termination. Consultant also agrees to return to the State, immediately upon request of the Executive Officer and/or his designee(s), any and all materials related to this contract (files, correspondence, uncompleted or completed reports, notes, records, etc.) at any time during the term of the contract.

Consultant agrees to hold all confidential matters confidential.

Consultant agrees to abide by the board's conflict of interest policy (attached).

Consultant agrees to attend training, as necessary, and review the current and all updates of the BPM Enforcement Manual.

Date

Consultant's Printed Name

Consultant's Signature

Date

Executive Officer