

Office of Administrative Hearings

State of California



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

January 2018

Office of Administrative Hearings

Zackery P. Morazzini, Director and Chief Administrative Law Judge

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 (DCA), commencing January 1, 2016. This is the fourth annual report containing data for the 2017-18 fiscal year.

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 where improvement has been made and areas where additional improvement is needed.

For fiscal year 2016-17, DCA filings with OAH were reduced slightly (two percent) from the previous year. OAH has generally maintained or improved upon case setting timelines and decision processing times over the previous year. Case setting times were reduced by 17 percent. The time from setting a hearing to conducting the hearing was reduced by 22 percent. The average days from decision submission to decision issuance increased slightly (5 percent), but at 22 days, remained well below the target of 30 days.

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 fiscal year 2016-17, OAH received a total of 4,193 cases, a decrease of two percent compared to the prior fiscal year.

Total Number of Cases for Fiscal Year 2017-18

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Acupuncture Board	7	3	5	1	16
Board for Professional Engineers, Land Surveyors and Geologists	-	-	1	-	1
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	11	9	4	5	29
Board of Accountancy	18	9	8	6	41
Board of Barbering and Cosmetology	29	16	22	17	84
Board of Behavioral Sciences	46	14	32	22	114
Board of Chiropractic Examiners	11	8	9	7	35
Board of Occupational Therapy	2	1	1	1	5
Board of Optometry	2	-	1	4	7
Board of Pharmacy	84	32	58	48	222
Board of Podiatric Medicine	3	4	4	1	12
Board of Psychology	12	7	5	16	40
Board of Registered Nursing	189	135	172	151	647
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	9	-	5	2	16
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	93	39	39	42	213
Bureau for Private Postsecondary Education	19	6	3	5	33
Bureau of Automotive Repair	121	93	24	37	275
Bureau of Automotive Repair - Smog Check	148	45	104	75	372
Bureau of Real Estate	218	73	100	56	447
Bureau of Real Estate Appraisers	3	3	1	1	8
Bureau of Security and Investigative Services	29	6	10	9	54
Bureau of Security and Investigative Services - Alarm Companies	-	-	2	-	2
Bureau of Security and Investigative Services - Private Investigators	-	-	-	-	-
California Architects Board	3	1	-	4	8
Cemetery and Funeral Bureau - Crematories	1	-	-	-	1

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Cemetery and Funeral Bureau - Establishments	-	-	-	-	-
Contractors State License Board	275	81	278	154	788
Court Reporters Board of California	3	1	-	-	4
Dental Board of California	27	17	16	21	81
Dental Hygiene Committee of California	3	2	1	-	6
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	2	1	1	3	7
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	146	112	82	70	410
Osteopathic Medical Board of California	4	9	5	3	21
Physical Therapy Board of California	12	2	8	11	33
Physician Assistant Board	11	3	7	8	29
Professional Fiduciaries Bureau	-	1	-	-	1
Respiratory Care Board	17	4	4	13	38
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	5	3	9	1	18
Structural Pest Control Board	16	5	9	8	38
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	10	5	9	13	37
Total cases	1,589	750	1,039	815	4,193

Case Filings
Fiscal Year Comparison

Office	2014-15	2015-16	2016-17	Change	% Change
Los Angeles	1,521	1,733	1,589	-144	-8%
Oakland	830	842	750	-92	-11%
Sacramento	918	931	1039	108	12%
San Diego	725	769	815	46	6%
OAH total	3,994	4,275	4,193	-82	-2%

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, the number of days has decreased by 17 percent over the prior fiscal year.

Average Number of Days to Set Hearing Date by OAH Office in Fiscal Year 2017-18

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average set time
Acupuncture Board	5	2	3	0	4
Board for Professional Engineers, Land Surveyors and Geologists	-	-	0	-	0
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	7	4	1	0	4
Board of Accountancy	9	5	2	0	5
Board of Barbering and Cosmetology	9	5	2	0	5
Board of Behavioral Sciences	5	5	1	0	3
Board of Chiropractic Examiners	6	2	2	1	3
Board of Occupational Therapy	4	-	0	-	2
Board of Optometry	6	-	1	0	2
Board of Pharmacy	5	5	2	2	4
Board of Podiatric Medicine	4	1	3	0	2
Board of Psychology	6	3	1	1	3
Board of Registered Nursing	7	4	1	1	3
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	4	-	1	0	3
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	6	5	1	4	5
Bureau for Private Postsecondary Education	6	5	2	0	5
Bureau of Automotive Repair	6	9	2	0	5
Bureau of Automotive Repair - Smog Check	5	4	3	1	4
Bureau of Real Estate	4	5	2	0	3
Bureau of Real Estate Appraisers	4	2	0	0	2
Bureau of Security and Investigative Services	6	8	1	0	4
Bureau of Security and Investigative Services - Alarm Companies	-	-	1	-	1
Bureau of Security and Investigative Services - Private Investigators	-	-	-	-	-
California Architects Board	7	11	-	1	4
Cemetery and Funeral Bureau - Crematories	0	-	-	-	0

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average set time
Cemetery and Funeral Bureau - Establishments	-	-	-	-	-
Contractors State License Board ¹	36	10	2	17	19
Court Reporters Board of California	5	-	-	-	5
Dental Board of California	6	5	1	1	4
Dental Hygiene Committee of California	7	6	-	-	7
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	9	5	2	0	3
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	5	5	2	4	4
Osteopathic Medical Board of California	8	8	3	0	5
Physical Therapy Board of California	-	-	-	-	-
Physician Assistant Board	8	8	3	0	5
Professional Fiduciaries Bureau	-	-	-	-	-
Respiratory Care Board	5	-	3	1	3
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	8	7	36	0	24
Structural Pest Control Board	5	3	1	3	3
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	8	5	2	1	4
Total average days	8	6	2	3	5

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.

Average Setting Times Fiscal year Comparison

Office	2014-15	2015-16	2016-17	Change	% Change
Los Angeles	18	10	8	-2	-20%
Oakland	4	3	6	3	100%
Sacramento	6	3	2	-1	-33%
San Diego	4	3	3	0	0%
OAH total	10	6	5	-1	-17%

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 22 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 2016-17

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	107 (2)	26 (2)	-	42 (1)	62 (5)
Board for Professional Engineers, Land Surveyors and Geologists	211 (1)	-	63 (1)	-	137 (2)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	256 (9)	86 (3)	69 (3)	-	184 (15)
Board of Accountancy	149 (13)	124 (4)	-	112 (1)	141 (18)
Board of Barbering and Cosmetology	161 (8)	80 (12)	82 (13)	129 (19)	111 (52)
Board of Behavioral Sciences	188 (14)	82 (4)	70 (20)	66 (13)	102 (51)
Board of Chiropractic Examiners	156 (6)	133 (3)	76 (5)	139 (6)	127 (20)
Board of Occupational Therapy	140 (3)	44 (2)	-	-	102 (5)
Board of Optometry	194 (2)	184 (1)	56 (1)	64 (1)	138 (5)
Board of Pharmacy	159 (51)	88 (19)	108 (27)	106 (14)	128 (111)
Board of Podiatric Medicine	166 (2)	43 (2)	-	-	102 (5)
Board of Psychology	181 (4)	55 (3)	31 (1)	116 (6)	115 (14)
Board of Registered Nursing	115 (75)	92 (47)	55 (103)	87 (62)	84 (287)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	107 (3)	-	68 (2)	-	92 (5)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	108 (37)	78 (12)	56 (24)	60 (27)	79 (100)
Bureau for Private Postsecondary Education	187 (6)	87 (2)	140 (2)	269 (4)	189 (14)
Bureau of Automotive Repair	111 (28)	87 (70)	71 (20)	95 (28)	91 (146)
Bureau of Automotive Repair - Smog Check	141 (82)	70 (7)	93 (42)	108 (36)	119 (167)
Bureau of Real Estate	89 (145)	102 (38)	128 (61)	92 (38)	100 (282)
Bureau of Real Estate Appraisers	128 (3)	129 (2)	84 (1)	-	121 (6)
Bureau of Security and Investigative Services	104 (20)	80 (9)	86 (6)	100 (11)	96 (46)
Bureau of Security and Investigative Services - Alarm Companies	-	-	-	-	-

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Security and Investigative Services - Private Investigators	-	-	-	-	-
California Architects Board	209 (3)	131 (1)	-	63 (2)	147 (6)
Cemetery and Funeral Bureau - Crematories	172 (1)	118 (1)	-	-	145 (2)
Cemetery and Funeral Bureau - Establishments	167 (1)	-	-	-	167 (1)
Contractors State License Board	138 (112)	112 (58)	85 (52)	128 (36)	120 (258)
Court Reporters Board of California	-	137 (1)	-	-	137 (1)
Dental Board of California	189 (18)	55 (8)	78 (8)	46 (5)	120 (39)
Dental Hygiene Committee of California	-	45 (1)	-	238 (1)	142 (2)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	164 (1)	-	-	42 (1)	103 (2)
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	129 (78)	80 (58)	73 (42)	76 (36)	96 (214)
Osteopathic Medical Board of California	123 (2)	63 (4)	38 (1)	148 (3)	98 (10)
Physical Therapy Board of California	64 (5)	-	35 (5)	4 (1)	45 (11)
Physician Assistant Board	182 (1)	-	-	1 (1)	92 (2)
Professional Fiduciaries Bureau	-	-	-	-	-
Respiratory Care Board	98 (6)	25 (4)	-	74 (6)	71 (16)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	262 (2)	130 (2)	-	-	196 (4)
Structural Pest Control Board	83 (5)	50 (4)	43 (8)	164 (5)	81 (22)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	495 (1)	69 (5)	42 (11)	100 (5)	82 (22)
Total average days (hearing count)	129 (750)	89 (389)	79 (459)	98 (369)	104 (1,967)

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

Average Days from Setting Hearing to Conducting Hearing; Number of Hearings
Fiscal Year Comparison

Office	2014-15	2015-16	2016-17	Change	% Change
Los Angeles average	160	130	129	-1	-1%
Los Angeles no. of hearings	745	767	750	-17	-2%
Oakland average	106	111	89	-22	-20%
Oakland no. of hearings	420	424	389	-35	-8%
Sacramento average	210	138	79	-59	-43%
Sacramento no. of hearings	457	472	459	-13	-3%
San Diego average	183	165	98	-67	-41%
San Diego no. of hearings	357	306	369	63	21%
Overall OAH average	164	133	104	-29	-22%
Total no. of hearings	1,979	1,969	1,967	-2	0%

This space intentionally left blank

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, the average number of days increased by one day, but at 22 days, remains well below the 30-day target.

Average Number of Days from Conducting a Hearing to Transmitting the Proposed Decision for Decisions Issued During Fiscal year 2016-17

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	30 (2)	-	-	29 (1)	29 (3)
Board for Professional Engineers, Land Surveyors and Geologists	32 (1)	-	20 (1)	-	26 (2)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	25 (6)	22 (3)	30 (1)	-	25 (10)
Board of Accountancy	22 (12)	25 (3)	-	23 (1)	23 (16)
Board of Barbering and Cosmetology	25 (6)	16 (9)	19 (14)	22 (18)	20 (47)
Board of Behavioral Sciences	22 (11)	22 (3)	24 (16)	28 (8)	24 (38)
Board of Chiropractic Examiners	22 (4)	22 (2)	18 (5)	27 (5)	22 (16)
Board of Occupational Therapy	26 (3)	26 (2)	-	-	26 (5)
Board of Optometry	30 (2)	13 (1)	-	29 (1)	26 (4)
Board of Pharmacy	26 (37)	21 (17)	23 (21)	26 (11)	24 (86)
Board of Podiatric Medicine	8 (1)	22 (2)	18 (5)	27 (5)	22 (16)
Board of Psychology	27 (2)	19 (3)	31 (2)	21 (6)	23 (13)
Board of Registered Nursing	26 (62)	18 (32)	21 (111)	23 (46)	22 (251)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	20 (3)	-	25 (1)	-	21 (4)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	23 (30)	24 (10)	19 (19)	27 (23)	23 (82)
Bureau for Private Postsecondary Education	28 (7)	22 (1)	16 (1)	22 (2)	25 (11)
Bureau of Automotive Repair	17 (20)	19 (65)	14 (14)	14 (21)	17 (120)
Bureau of Automotive Repair - Smog Check	19 (66)	15 (5)	17 (34)	21 (35)	19 (140)
Bureau of Real Estate	26 (133)	22 (34)	23 (56)	24 (35)	24 (258)
Bureau of Real Estate Appraisers	34 (1)	20 (2)	30 (1)	-	26 (4)
Bureau of Security and Investigative Services	23 (10)	18 (4)	16 (4)	27 (8)	22 (26)
Bureau of Security and Investigative Services - Alarm Companies	-	-	29 (1)	-	29 (1)
Bureau of Security and Investigative Services - Private Investigators	-	-	-	-	-

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California Architects Board	25 (3)	15 (1)	-	32 (1)	24 (5)
Cemetery and Funeral Bureau - Crematories	34 (1)	23 (1)	-	-	24 (5)
Cemetery and Funeral Bureau - Establishments	30 (1)	-	-	-	30 (1)
Contractors State License Board	27 (53)	23 (45)	20 (41)	24 (21)	24 (160)
Court Reporters Board of California	-	23 (1)	25 (1)	-	24 (2)
Dental Board of California	23 (14)	22 (6)	28 (6)	21 (4)	24 (30)
Dental Hygiene Committee of California	-	14 (1)	-	27 (1)	20 (2)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	17 (1)	-	27 (1)	21 (1)	22 (3)
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	22 (72)	18 (43)	19 (28)	22 (25)	20 (168)
Osteopathic Medical Board of California	27 (2)	21 (4)	13 (1)	30 (2)	23 (9)
Physical Therapy Board of California	26 (5)	31 (1)	10 (4)	3 (1)	19 (11)
Physician Assistant Board	-	29 (1)	29 (1)	7 (1)	22 (3)
Professional Fiduciaries Bureau	-	-	-	-	-
Respiratory Care Board	27 (4)	22 (1)	-	19 (6)	22 (11)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	25 (2)	29 (2)	28 (1)	-	27 (5)
Structural Pest Control Board	29 (1)	25 (5)	15 (6)	17 (1)	20 (13)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	30 (1)	20 (4)	17 (10)	25 (4)	20 (19)
Total average days (decision count)	24 (579)	20 (314)	20 (402)	23 (289)	22 (1,584)

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 Decisions Issuance Time; Number of Decisions
Fiscal Year Comparison

Office	2014-15	2015-16	2016-17	Change	% Change
Los Angeles average	24	22	24	2	9%
Los Angeles no. of decisions	613	601	579	-22	-4%
Oakland average	23	19	20	1	5%
Oakland no. of decisions	358	352	314	-38	-11%
Sacramento average	24	21	20	-1	-5%
Sacramento no. of decisions	347	356	402	46	13%
San Diego average	30	24	23	-1	-4%
San Diego no. of decisions	299	256	289	33	13%
Overall OAH average	25	21	22	1	5%
Total no. of decisions	1,617	1,565	1,584	19	1%

If you have any questions regarding this report, please contact Tzer Lor-Snyder by phone at (916) 263-0550 or by email at Tzer.Lorsnyder@dgs.ca.gov.