

Office of Administrative Hearings

State of California



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

January 2019

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 2017-18, DCA filings with OAH were reduced 8 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 20 percent. The time from setting a hearing to conducting the hearing increased slightly (1 percent). There was no change to the average number of days from decision submission to decision issuance (22 days), which continues to remain 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 2017-18, OAH received a total of 3,877 cases, a decrease of 8 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	5	2	-	3	10
Board for Professional Engineers, Land Surveyors and Geologists	2	1	3	-	6
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	5	6	3	8	22
Board of Accountancy	15	4	5	3	27
Board of Barbering and Cosmetology	29	3	14	16	62
Board of Behavioral Sciences	46	26	15	25	112
Board of Chiropractic Examiners	20	7	2	4	33
Board of Occupational Therapy	3	2	6	2	13
Board of Optometry	6	4	18	7	35
Board of Pharmacy	99	34	58	33	224
Board of Podiatric Medicine	4	2	-	1	7
Board of Psychology	18	17	6	13	54
Board of Registered Nursing	168	139	130	122	559
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	3	-	8	-	11
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	60	44	49	19	172
Bureau for Private Postsecondary Education	13	7	3	6	29
Bureau of Automotive Repair	123	18	11	33	185
Bureau of Automotive Repair - Smog Check	180	74	115	63	432
Bureau of Real Estate	220	87	93	44	444
Bureau of Real Estate Appraisers	2	1	-	2	5
Bureau of Security and Investigative Services	38	13	7	10	68
Bureau of Security and Investigative Services - Alarm Companies	-	-	-	-	-
Bureau of Security and Investigative Services - Private Investigators	1	-	-	-	1
California Architects Board	-	1	1	-	2

Total number of cases for fiscal year 2017-18					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Cemetery and Funeral Bureau - Crematories	-	-	-	-	-
Cemetery and Funeral Bureau - Establishments	1	-	1	-	2
Contractors State License Board	214	114	223	79	630
Court Reporters Board of California		1	1	-	2
Dental Board of California	38	11	15	11	75
Dental Hygiene Committee of California	5	3	1	-	9
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1	-	1	-	2
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	165	108	84	76	433
Osteopathic Medical Board of California	5	5	5	2	17
Physical Therapy Board of California	12	2	7	11	32
Physician Assistant Board	7	-	4	5	16
Professional Fiduciaries Bureau	1		1		2
Respiratory Care Board	11	3	1	11	26
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	4	3	3	2	12
Structural Pest Control Board	18	11	15	4	48
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	14	12	15	17	58
Total cases	1556	765	924	632	3877

Case filings Fiscal year comparison					
Office	2015-16	2016-17	2017-18	Change	% Change
Los Angeles	1733	1589	1556	-33	-2%
Oakland	842	750	765	15	2%
Sacramento	931	1039	924	-115	-11%
San Diego	769	815	632	-183	-22%
OAH total	4275	4193	3877	-316	-8%

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 20 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	-	1	3
Board for Professional Engineers, Land Surveyors and Geologists	2	8	1	-	3
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	-	-	-	-	-
Board of Accountancy	2	6	1	0	2
Board of Barbering and Cosmetology	17	4	1	3	10
Board of Behavioral Sciences	1	0	2	0	1
Board of Chiropractic Examiners	2	6	1	0	2
Board of Occupational Therapy	4	4	1	0	2
Board of Optometry	2	6	8	1	3
Board of Pharmacy	2	8	1	0	2
Board of Podiatric Medicine	6	2	-	1	4
Board of Psychology	3	6	2	-1	3
Board of Registered Nursing	4	5	2	0	3
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	0	-	2	-	2
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	2	6	1	1	2
Bureau for Private Postsecondary Education	3	9	3	1	4
Bureau of Automotive Repair	7	6	1	0	5
Bureau of Automotive Repair - Smog Check	6	4	3	2	4
Bureau of Real Estate	2	5	2	0	2
Bureau of Real Estate Appraisers	1	8	-	0	2
Bureau of Security and Investigative Services	7	8	1	2	6
Bureau of Security and Investigative Services - Alarm Companies	-	-	-	-	-
Bureau of Security and Investigative Services - Private Investigators	0	-	-	-	0
California Architects Board	-	7	0	-	4
Cemetery and Funeral Bureau - Crematories	-	-	-	-	-

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
Cemetery and Funeral Bureau - Establishments	1	-	1	-	1
Contractors State License Board ¹	9	9	1	16	7
Court Reporters Board of California	-	10	1	-	6
Dental Board of California	3	6	3	0	3
Dental Hygiene Committee of California	1	8	1	-	3
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	2	-	1	-	2
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	4	6	1	1	3
Osteopathic Medical Board of California	1	7	1	0	3
Physical Therapy Board of California	2	-	1	2	2
Physician Assistant Board	5		1		3
Professional Fiduciaries Bureau	0	-	1	-	1
Respiratory Care Board	2	7	1	0	1
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	1	8	2	0	2
Structural Pest Control Board	2	3	2	0	2
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	1	6	3	0	2
Total average days	4	6	2	2	4

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	2015-16	2016-17	2017-18	Change	% Change	
Los Angeles	10	8	4	-4	-50%	
Oakland	3	6	6	0	0%	
Sacramento	3	2	2	0	0%	
San Diego	3	3	2	-1	-33%	
OAH total	6	5	4	-1	-20%	

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, there was a slight increase of 1 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 2017-18					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	179 (1)	-	53 (3)	55 (2)	75 (6)
Board for Professional Engineers, Land Surveyors and Geologists	-	-	111 (1)	-	111 (1)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	208 (6)	124 (1)	166 (3)	99 (5)	158 (15)
Board of Accountancy	103 (7)	63 (1)	103 (3)	72 (1)	97 (12)
Board of Barbering and Cosmetology	165 (16)	82 (4)	68 (7)	69 (16)	106 (43)
Board of Behavioral Sciences	100 (27)	77 (7)	56 (11)	58 (9)	81 (54)
Board of Chiropractic Examiners	48 (10)	22 (2)	-	-	43 (12)
Board of Occupational Therapy	162 (1)	-	115 (5)	-	123 (6)
Board of Optometry	45 (3)	78 (2)	-	105 (2)	72 (7)
Board of Pharmacy	145 (50)	85 (11)	70 (24)	93 (13)	113 (98)
Board of Podiatric Medicine	-	74 (3)	-	-	74 (3)
Board of Psychology	108 (7)	59 (2)	101 (4)	69 (7)	88 (20)
Board of Registered Nursing	107 (58)	91 (61)	77 (50)	70 (60)	87 (229)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	191 (3)	-	181 (2)	-	187 (5)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	100 (46)	90 (22)	72 (32)	140 (8)	93 (108)
Bureau for Private Postsecondary Education	221 (4)	-	73 (1)	129 (4)	163 (9)
Bureau of Automotive Repair	136(75)	170 (17)	102 (6)	120 (5)	139 (103)
Bureau of Automotive Repair - Smog Check	158 (119)	92 (66)	95 (57)	114 (54)	123 (296)
Bureau of Real Estate	89 (138)	87 (38)	114 (54)	95 (28)	95 (258)
Bureau of Real Estate Appraisers	70 (1)	-	-	-	70 (1)
Bureau of Security and Investigative Services	117 (16)	76 (17)	67 (9)	107 (3)	95 (36)
Bureau of Security and Investigative Services - Alarm Companies	-	-	-	-	-
Bureau of Security and Investigative Services - Private Investigators	50 (1)	-	-	-	50 (1)

Average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2017-18					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California Architects Board	188 (1)	108 (1)	-	77 (1)	124 (3)
Cemetery and Funeral Bureau - Crematories	-	-	-	-	-
Cemetery and Funeral Bureau - Establishments	-	-	133 (1)	-	133 (1)
Contractors State License Board	149 (59)	124 (41)	94 (67)	88 (27)	116 (194)
Court Reporters Board of California	-	-	84 (1)	-	84 (1)
Dental Board of California	103 (14)	86 (4)	93 (5)	119 (5)	101 (28)
Dental Hygiene Committee of California	-	-	21 (1)	-	21 (1)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	-	74 (1)	-	74 (1)
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	121 (59)	87 (39)	109 (31)	81 (28)	103 (157)
Osteopathic Medical Board of California	-	33 (1)	46 (4)	-	44 (5)
Physical Therapy Board of California	109 (6)	15 (1)	132 (3)	21 (1)	99 (11)
Physician Assistant Board	172 (4)	-	107 (4)	57 (3)	117 (11)
Professional Fiduciaries Bureau	167 (1)	-	-	-	167 (1)
Respiratory Care Board	256 (2)	107 (2)	-	73 (3)	135 (7)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	126 (3)	145 (1)	61 (4)	-	96 (8)
Structural Pest Control Board	79 (13)	73 (7)	34 (9)	99 (5)	69 (34)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	68 (3)	63 (4)	43 (8)	52 (5)	53 (20)
Total average days (hearing count)	123 (754)	96 (346)	89 (413)	89 (295)	105 (1808)

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	2015-16	2016-17	2017-18	Change	% Change
Los Angeles average	130	129	123	-6	-5%
Los Angeles no. of hearings	767	750	754	4	1%
Oakland average	111	89	96	7	8%
Oakland no. of hearings	424	389	413	24	6%
Sacramento average	138	79	89	10	13%
Sacramento no. of hearings	472	459	295	-164	-36%
San Diego average	165	98	89	-9	-9%
San Diego no. of hearings	306	369	295	-74	-20%
Overall OAH average	133	104	105	1	1%
Total no. of hearings	1969	1967	1808	-159	-8%

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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. Statewide, the average number of days remains at 22 days, and 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 2017-18					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	-	29 (1)	28 (3)	-	28 (4)
Board for Professional Engineers, Land Surveyors and Geologists	-	-	11 (1)	-	11 (1)
Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors	15 (3)	14 (1)	30 (2)	24 (4)	22 (10)
Board of Accountancy	17 (6)	29 (1)	15 (1)	-	18 (8)
Board of Barbering and Cosmetology	23 (9)	25 (5)	20 (7)	22 (18)	22 (39)
Board of Behavioral Sciences	25 (270)	19 (6)	25 (12)	25 (8)	24 (53)
Board of Chiropractic Examiners	16 (8)	23 (3)	-	-	18 (11)
Board of Occupational Therapy	-	-	13 (5)	-	13 (5)
Board of Optometry	30 (3)	13 (2)	30 (1)	30 (1)	25 (7)
Board of Pharmacy	25 (40)	19 (11)	19 (19)	28 (12)	23 (82)
Board of Podiatric Medicine	-	18 (3)	-	-	18 (3)
Board of Psychology	25 (8)	21 (2)	21 (3)	21 (7)	23 (20)
Board of Registered Nursing	28 (52)	21 (54)	21 (39)	27 (51)	25 (196)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	22 (3)	-	21 (1)	-	22 (4)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	19 (37)	20 (20)	23 (27)	26 (9)	21 (93)
Bureau for Private Postsecondary Education	-	29 (1)	-	24 (2)	26 (3)
Bureau of Automotive Repair	19 (68)	24 (14)	24 (6)	23 (7)	21 (95)
Bureau of Automotive Repair - Smog Check	24 (97)	17 (70)	20 (81)	24 (56)	22 (304)
Bureau of Real Estate	24 (126)	20 (32)	22 (47)	26 (23)	23 (228)
Bureau of Real Estate Appraisers	30 (3)	-	-	-	30 (3)
Bureau of Security and Investigative Services	19 (11)	19 (3)	19 (6)	16 (1)	19 (21)
Bureau of Security and Investigative Services - Alarm Companies	-	-	28 (1)	-	28 (1)
Bureau of Security and Investigative Services - Private Investigators	-	-	-	-	-
California Architects Board	32 (1)	21 (1)	-	29 (2)	28 (4)

Average number of days from conducting a hearing to transmitting the proposed decision for decisions issued during fiscal year 2017-18					
DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Cemetery and Funeral Bureau - Crematories	-	-	-	-	-
Cemetery and Funeral Bureau - Establishments	-	-	-	-	-
Contractors State License Board	24 (37)	22 (22)	22 (47)	27 (20)	23 (126)
Court Reporters Board of California	-	-	-	-	-
Dental Board of California	21 (14)	21 (4)	24 (5)	24 (3)	22 (26)
Dental Hygiene Committee of California	-	-	20 (1)	-	20 (1)
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	-	-	27 (1)	-	27 (1)
Landscape Architects Technical Committee	-	-	-	-	-
Medical Board of California	19 (49)	20 (32)	22 (25)	24 (23)	21 (129)
Osteopathic Medical Board of California	-	-	23 (4)	-	23 (4)
Physical Therapy Board of California	20 (4)	34 (1)	13 (2)	0 (1)	17 (8)
Physician Assistant Board	26 (3)	-	23 (3)	21 (4)	23 (10)
Professional Fiduciaries Bureau	32 (1)	-	-	-	32 (1)
Respiratory Care Board	25 (2)	9 (2)	-	19 (2)	17 (6)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	31 (2)	24 (1)	25 (2)	-	27 (5)
Structural Pest Control Board	20 (14)	14 (6)	20 (9)	21 (5)	19 (34)
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	16 (3)	31 (2)	20 (8)	20 (4)	21 (17)
Total average days (decision count)	23 (631)	20 (300)	21 (369)	25 (263)	22 (1563)

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 Fiscal year comparison					
Office	2015-16	2016-17	2017-18	Change	% Change
Los Angeles average	22	24	23	-1	-4%
Los Angeles no. of decisions	601	579	631	52	4%
Oakland average	19	20	20	0	0%
Oakland no. of decisions	352	314	300	-14	-4%
Sacramento average	21	20	21	1	5%
Sacramento no. of decisions	356	402	369	-33	-8%
San Diego average	24	23	25	2	9%
San Diego no. of decisions	256	289	263	-26	-9%
Overall OAH average	21	22	22	0	0%
Total no. of decisions	1565	1584	1563	-21	-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.

You can find this report on the Office of Administrative Hearings' website at <http://www.dgs.ca.gov/oah/Home/Publications.aspx> and the Department of General Services' website at <http://www.dgs.ca.gov/ola/home/2019Reports.aspx>