

**OFFICE OF
ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**



**Case-related Data Report Pursuant
to California Business and
Professions Code Section 312.1
January 2023**

Office of Administrative Hearings

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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 Jan. 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 Jan. 1, 2016. This is the eighth annual report, and it contains data for the 2021-22 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 summary of three fiscal years' data and a comparison to the last fiscal year's report. This comparison data assists in identifying areas where improvement has been made and areas where additional improvement is needed.

For fiscal year 2021-22, DCA filings with OAH were reduced **14 percent** from the previous year. Average case-setting times increased by **33 percent** (an increase of one day) over the previous year. The average time from setting a hearing to conducting the hearing decreased slightly (**19 percent**) over the previous year. There was also a slight decrease of **4 percent** in the average number of days from a matter being submitted for decision to the date of decision issuance (**25** days). This number remains well below the target of 30 days.

Report Detail

Business and Professions Code Section 312.1, subdivision (a)

Table A provides the number of cases referred to each OAH office by each DCA agency. Any DCA agencies that did not refer any cases to OAH during the 2021-22 fiscal year are not listed. DCA agencies¹ are in rows. OAH offices are in columns. The final column represents the total cases for all OAH offices. The final row totals each column.

During the 2021-22 fiscal year, OAH received a total of **2,305** cases, a decrease of **14 percent** compared to the prior fiscal year.

Table A: Total number of cases for fiscal year 2021-22

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Total
Acupuncture Board	3	1	1	2	7
Board for Professional Engineers, Land Surveyors and Geologists	7	5	9	7	28
California Board of Accountancy	8	2	11	2	23

¹ The names of the DCA constituent entities reflect the entities' official names set forth in Business and Professions Code section 101. For the Board of Vocational Nursing and Psychiatric Technicians, the Bureau of Automotive Repair, and the Cemetery and Funeral Bureau, there is sub-reporting of case types, consistent with prior year reporting.

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Total
State Board of Barbering and Cosmetology	3	3	6	5	17
Board of Behavioral Sciences	19	9	36	1	65
State Board of Chiropractic Examiners	18	6	14	3	41
California Board of Occupational Therapy	7	3	-	-	10
California State Board of Optometry	5	-	2	2	9
California State Board of Pharmacy	52	17	54	26	149
Podiatric Medical Board of California	1	1	2	1	5
Board of Psychology	11	11	5	6	33
Board of Registered Nursing	137	60	121	123	441
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	10	1	8	5	24

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Total
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	85	22	33	46	186
Bureau for Private Postsecondary Education	9	6	1	6	22
Bureau of Automotive Repair	36	6	14	8	64
Bureau of Automotive Repair - Smog Check	57	20	16	16	109
Bureau of Real Estate Appraisers	2	1	-	-	3
Bureau of Security and Investigative Services	110	33	26	16	185
California Architects Board	-	3	-	1	4
Cemetery and Funeral Bureau - Crematories	4	-	1	-	5
Cemetery and Funeral Bureau - Establishments	1	-	-	-	1
Contractors State License Board	119	58	37	37	251

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Total
Court Reporters Board of California	1	-	-	-	1
Dental Board of California	33	21	20	22	96
Dental Hygiene Board of California	6	4	6	3	19
Medical Board of California	120	99	73	83	375
Osteopathic Medical Board of California	8	4	2	3	17
Physical Therapy Board of California	15	5	8	10	38
Physician Assistant Board	5	4	10	3	22
Respiratory Care Board of California	4	1	3	4	12
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	4	-	1	3	8
Structural Pest Control Board	4	4	6	3	17
Veterinary Medical Board	4	2	7	4	17

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Total
Bureau of Household Goods and Services	1	-	-	-	1
Total cases	909	412	533	451	2,305

Table B compares case filings for fiscal years 2019-20, 2020-21, and 2021-22 and shows the change and percent change from the previous year. OAH offices are in rows and fiscal years, change and percent change are in columns. The final row shows the OAH totals for each column.

Table B: Case filings (Fiscal year comparison)

Office	2019-20	2020-21	2021-22	Change	% Change
Los Angeles	1,274	1,054	909	-145	-14%
Oakland	701	527	412	-115	-22%
Sacramento	681	663	533	-130	-20%
San Diego	721	449	451	2	0%
OAH total	3,377	2,693	2,305	-388	-14%

Business and Professions Code Section 312.1, subdivision (b)

Table C provides the average number of days from receiving a request to setting a hearing date for all DCA agencies by each OAH regional office. DCA agencies are in rows. OAH offices are in columns. The final column shows the overall OAH average. The final row shows the overall average for each column. For OAH statewide, the average number of days taken to set a case for hearing after receiving a request to set a hearing date has increased by **33 percent** (an increase of one day) over the prior fiscal year.

Table C: Average number of days to set hearing date by OAH office in fiscal year 2021-22

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Acupuncture Board	1	21	1	1	4
Board for Professional Engineers, Land Surveyors and Geologists	10	7	1	1	4
California Board of Accountancy	7	5	0	0	3
State Board of Barbering and Cosmetology	5	5	1	0	2
Board of Behavioral Sciences	6	5	1	0	3

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
State Board of Chiropractic Examiners	8	19	1	2	6
California Board of Occupational Therapy	5	8	-	-	5
California State Board of Optometry	3	-	1	2	2
California State Board of Pharmacy	7	5	1	1	4
Podiatric Medical Board of California	0	0	1	1	0
Board of Psychology	9	16	0	3	9
Board of Registered Nursing	7	8	1	1	4
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	8	14	1	0	5
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	7	6	1	1	4
Bureau for Private Postsecondary Education	8	9	2	0	6

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Bureau of Automotive Repair	5	8	1	2	4
Bureau of Automotive Repair - Smog Check	12	7	0	1	8
Bureau of Real Estate Appraisers	20	8	-	-	14
Bureau of Security and Investigative Services	4	6	1	4	4
California Architects Board	-	8	-	0	6
Cemetery and Funeral Bureau - Crematories	6	-	0	-	5
Cemetery and Funeral Bureau - Establishments	0	-	-	-	0
Contractors State License Board	10	13	1	1	8
Court Reporters Board of California	0	-	-	-	0
Dental Board of California	4	7	0	1	3
Dental Hygiene Board of California	13	5	1	1	5

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Medical Board of California	4	5	1	1	3
Osteopathic Medical Board of California	2	3	1	1	2
Physical Therapy Board of California	6	5	1	1	3
Physician Assistant Board	7	3	1	0	3
Respiratory Care Board of California	9	-	1	2	4
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	0	-	0	1	0
Structural Pest Control Board	0	5	1	0	2
Veterinary Medical Board	4	5	0	0	2
Bureau of Household Goods and Services	0	-	-	-	0
Total average days	6	7	1	1	4

Table D compares the average case-setting times for OAH offices for fiscal years 2019-20, 2020-21, and 2021-22 and shows the change and percent change over the previous year. OAH offices are in rows. Fiscal years, change, and percent change are in columns. The final row shows the overall average, change, and percent change.

Table D: Average case-setting times (Fiscal year comparison)

Office	2019-20	2020-21	2021-22	Change	% Change
Los Angeles	5	4	6	2	50%
Oakland	6	4	7	3	75%
Sacramento	1	1	1	0	0%
San Diego	1	1	1	0	0%
OAH total	4	3	4	1	33%

Business and Professions Code Section 312.1, subdivision (c)

Table E provides the average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2021-22 by each regional OAH office. The average number of days is shown with a case count in parentheses for each DCA agency. The case count is the number of cases used to calculate each average. DCA agencies are in rows. OAH offices are in columns. The final column is the OAH overall average and case count. The final row is the overall average and case count for each column.

On average statewide, there was a slight decrease of **19 percent** in the average number of days from setting a hearing to conducting the hearing over the prior fiscal year.

Table E: Average number of days from setting a hearing to conducting the hearing for hearings that occurred in fiscal year 2021-22

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Acupuncture Board	-	-	-	-	-
Board for Professional Engineers, Land Surveyors and Geologists	86 (3)	138 (1)	46 (4)	81 (7)	77 (15)
California Board of Accountancy	114 (4)	-	59 (10)	-	75 (14)
State Board of Barbering and Cosmetology	13 (1)	-	15 (3)	143 (6)	92 (10)
Board of Behavioral Sciences	76 (6)	111 (8)	34 (36)	88 (2)	52 (52)
State Board of Chiropractic Examiners	168 (8)	28 (2)	40 (10)	-	90 (20)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
California Board of Occupational Therapy	97 (2)	58 (3)	93 (1)	-	77 (6)
California State Board of Optometry	107 (2)	-	37 (1)	18 (1)	67 (4)
California State Board of Pharmacy	128 (19)	136 (5)	29 (35)	191 (2)	74 (61)
Podiatric Medical Board California	-	23 (1)	98 (1)	0 (1)	40 (3)
Board of Psychology	220 (2)	125 (7)	91 (4)	151 (1)	131 (14)
Board of Registered Nursing	108 (64)	70 (26)	75 (67)	94 (47)	89 (204)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	163 (6)	29 (1)	76 (6)	69 (1)	109 (14)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	115 (43)	84 (9)	86 (24)	93 (24)	100 (100)
Bureau for Private Postsecondary Education	180 (4)	130 (3)	111 (1)	230 (1)	161 (9)
Bureau of Automotive Repair	129 (32)	89 (10)	90 (7)	115 (5)	115 (54)
Bureau of Automotive Repair - Smog Check	122 (26)	126 (13)	126 (13)	159 (13)	131 (65)
Bureau of Real Estate Appraisers	-	-	-	-	-
Bureau of Security and Investigative Services	89 (94)	78 (26)	73 (25)	84 (12)	84 (157)
California Architects Board	418 (1)	93 (2)	-	182 (1)	197 (4)
Cemetery and Funeral Bureau - Crematories	206 (3)	-	44 (1)	137 (1)	160 (5)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Cemetery and Funeral Bureau - Establishments	131 (2)	183 (1)	-	-	148 (3)
Contractors State License Board	130 (51)	114 (20)	110 (24)	120 (21)	121 (116)
Court Reporters Board of California	-	-	-	-	-
Dental Board of California	120 (11)	47 (6)	77 (9)	95 (4)	89 (30)
Dental Hygiene Board of California	-	71 (1)	61 (3)	-	63 (4)
Medical Board of California	162 (31)	85 (54)	66 (29)	147 (31)	111 (145)
Osteopathic Medical Board of California	63 (4)	81 (3)	-	-	71 (7)
Physical Therapy Board of California	163 (2)	-	54 (3)	182 (2)	121 (7)
Physician Assistant Board	196 (1)	80 (4)	85 (6)	66 (2)	89 (13)
Respiratory Care Board of California	32 (1)	34 (1)	170 (3)	90 (3)	106 (8)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	135 (2)	-	-	215 (2)	175 (4)
Structural Pest Control Board	112 (3)	78 (2)	32 (4)	91 (1)	71 (10)
Veterinary Medical Board	1 (1)	-	61 (3)	208 (1)	78 (5)
Bureau of Household Goods and Services	137 (1)	-	138 (1)	-	138 (2)
Total average days (hearing count)	118 (430)	89 (209)	69 (334)	115 (192)	98 (1,165)

Note: This chart reports cases that went to hearing during the 2021-22 fiscal year, regardless of when the case was filed with OAH.

Table F compares the average number of days from setting a hearing to conducting a hearing for fiscal years 2019-20, 2020-21, and 2021-22 and shows the change and percent change over the previous year. OAH offices are in rows. Fiscal years, change, and percent change are in columns. The final rows show the overall averages, change, percent change and the overall number of hearings held.

Table F: Average number of days from setting hearing to conducting hearing, and number of hearings (fiscal year comparison)

Office	2019-20	2020-21	2021-22	Change	% Change
Los Angeles average	134	142	118	-24	-17%
Los Angeles no. of hearings	614	589	430	-159	-27%
Oakland average	90	111	89	-22	-20%
Oakland no. of hearings	331	319	209	-110	-34%
Sacramento average	73	81	69	-12	-15%
Sacramento no. of hearings	359	444	334	-110	-25%
San Diego average	129	157	115	-42	-27%
San Diego no. of hearings	304	239	192	-47	-20%
Overall OAH average	110	121	98	-23	-19%
Total no. of hearings	1,608	1,591	1,165	-426	-27%

Business and Professions Code Section 312.1, subdivision (d)

Table G 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 DCA agency. The decision count is the number of decisions issued, which is used to calculate each average. DCA agencies are in rows. OAH offices are in columns. The final column shows the OAH overall average and decision count for each agency. The final row shows the overall average and decision count for each OAH office.

Statewide, the average number of days after conducting a hearing to transmitting the proposed decision slightly decreased to **25** days. This average remains well below the 30-day target.

Table G: Average number of days from conducting a hearing to transmitting the proposed decision for decisions issued during fiscal year 2021-22

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Acupuncture Board	-	-	-	-	-
Board for Professional Engineers, Land Surveyors and Geologists	24 (3)	29 (1)	29 (3)	14 (7)	21 (14)
California Board of Accountancy	17 (4)	-	27 (10)	-	24 (14)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
State Board of Barbering and Cosmetology	33 (1)	-	13 (3)	26 (5)	23 (9)
Board of Behavioral Sciences	29 (5)	18 (7)	18 (36)	29 (2)	20 (50)
State Board of Chiropractic Examiners	30 (6)	18 (2)	24 (11)	-	25 (19)
California Board of Occupational Therapy	30 (1)	19 (2)	32 (2)	-	26 (5)
California State Board of Optometry	28 (2)	-	7 (1)	31 (1)	24 (4)
California State Board of Pharmacy	28 (21)	29 (4)	24 (32)	40 (5)	27 (62)
Podiatric Medical Board of California	-	17 (2)	11 (1)	19 (1)	16 (4)
Board of Psychology	18 (2)	23 (6)	36 (4)	17 (1)	26 (13)
Board of Registered Nursing	29 (63)	18 (25)	23 (75)	23 (47)	24 (210)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	22 (5)	12 (1)	29 (3)	30 (1)	24 (10)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	30 (37)	21 (7)	30 (28)	26 (22)	29 (94)
Bureau for Private Postsecondary Education	42 (3)	17 (2)	-	-	32 (5)
Bureau of Automotive Repair	27 (30)	26 (7)	29 (5)	32 (7)	28 (49)
Bureau of Automotive Repair - Smog Check	19 (20)	21 (11)	30 (13)	26 (10)	23 (54)
Bureau of Real Estate Appraisers	-	-	-	-	-

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Bureau of Security and Investigative Services	24 (53)	15 (17)	21 (17)	22 (9)	22 (96)
California Architects Board	34 (1)	14 (1)	-	-	24 (2)
Cemetery and Funeral Bureau - Crematories	26 (2)	-	20 (1)	23 (1)	24 (4)
Cemetery and Funeral Bureau - Establishments	31 (2)	31 (1)	-	-	31 (3)
Contractors State License Board	30 (37)	23 (18)	29 (12)	27 (9)	28 (76)
Court Reporters Board of California	-	-	-	-	-
Dental Board of California	27 (8)	10 (5)	70 (9)	25 (4)	38 (26)
Dental Hygiene Board of California	-	29 (1)	-	-	29 (1)
Medical Board of California	27 (32)	21 (52)	36 (13)	25 (27)	25 (124)
Osteopathic Medical Board of California	20 (3)	24 (3)	-	-	22 (6)

DCA Agency	Los Angeles	Oakland	Sacramento	San Diego	OAH Average
Physical Therapy Board of California	17 (2)	-	6 (2)	29 (2)	17 (6)
Physician Assistant Board	19 (1)	18 (3)	21 (6)	14 (2)	19 (12)
Respiratory Care Board of California	29 (1)	2 (1)	26 (3)	31 (2)	24 (7)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	31 (2)	-	-	-	31 (2)
Structural Pest Control Board	31 (1)	24 (2)	19 (3)	8 (1)	20 (7)
Veterinary Medical Board	7 (1)	-	33 (4)	-	28 (5)
Bureau of Household Goods and Services	24 (1)	-	-	-	24 (1)
Total average days (decision count)	27 (350)	20 (181)	25 (297)²	25 (166)	25 (994)

² During the 2020-21 fiscal year, the Bureau of Cannabis Control was under the DCA. As of July 1, 2021, the Bureau was consolidated with two other former state cannabis authorities to create the Department of Cannabis Control. OAH had one

Note: This chart reports cases in which a decision was issued during the 2021-22 fiscal year, regardless of when the case was filed with OAH.

Bureau of Cannabis Control case filed and heard during the 2020-21 fiscal year. The 2020-21 report included the data associated with the filing and hearing of the case. However, the proposed decision in that case was issued in the 2021-22 fiscal year on behalf of the Department of Cannabis Control. The decision is not included in the total decision count because it was not issued on behalf of a DCA constituent entity.

Table H compares the average number of days to decision issuance and the number of decisions for each OAH office for fiscal years 2019-20, 2020-21, and 2021-22, as well as the change and percent change over the previous fiscal year. The average number of days to decision issuance and number of decisions for each OAH office are in rows. Fiscal years, change and percent change are in columns. The final rows show the overall averages and decision counts for each fiscal year, and the overall change and percent change.

Table H: Average decision issuance time, and number of decisions (fiscal year comparison)

Office	2019-20	2020-21	2021-22	Change	% Change
Los Angeles average	24	26	27	1	4%
Los Angeles no. of decisions	495	486	350	-136	-28%
Oakland average	21	25	20	-5	-20%
Oakland no. of decisions	263	263	181	-82	-31%
Sacramento average	23	25	25	0	0%
Sacramento no. of decisions	305	408	297	-111	-27%
San Diego average	25	25	25	0	0%
San Diego no. of decisions	238	201	166	-35	-17%
Overall OAH average	23	26	25	-1	-4%

Total no. of decisions	1,301	1,358	994	-364	-27%
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If you have any questions regarding this report, please contact Tzer Lor-Snyder by phone at (279) 799-3922 or by email at Tzer.lorsnyder@dgs.ca.gov.

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