

Office of Administrative Hearings State of California



Second Annual Caseload Statistics and Hearing Timeframe Report to the Legislature

September 2015

**Department of General Services
Office of Administrative Hearings**

**Report to the Joint Legislative Budget Committee and
the Department of Finance**

Executive Summary

This report is required by supplemental budget language Item Number 7760-001-0666 of the California State Budget Act. This is the second annual report to the Legislature. The supplemental budget language Item 7760-001-0666 requires the Office of Administrative Hearings (OAH) to provide the following:

The OAH within the Department of General Services shall submit a report to the Department of Finance and the Joint Legislative Budget Committee no later than September 1 of each year for the five years beginning in 2014. This report shall include, but not be limited to, the following caseload statistics and hearing timeframe information, covering the previous fiscal year:

- a) For all OAH cases before an Administrative Law Judge (ALJ), excluding Keyhea, State Hospital, and Public Works Contract Arbitration cases where only Pro Tem Administrative Law Judges (Pro Tem) are used:

Section A – Office of Administrative Hearings (broken down by OAH Office)	Los Angeles	Oakland	Sacramento	San Diego	Special Education Division	Total
i. Number of cases filed during the fiscal year	3,235	1,547	1,645	1,336	3,894	11,657
ii. Number of cases closed during the fiscal year	3,185	1,568	1,840	1,466	3,826	11,885
iii. Number of decisions issued during the fiscal year	1,275	726	622	523	83	3,229
iv. Number of authorized ALJ positions	24	10	12	9	30	85
v. Number of filled ALJ positions as of the end of the fiscal year	23	8	12	9	26	78
vi. Number of Pro Tem hours billed during the fiscal year	3458	1,025.75	2,594	4,294.25	4,219.5	15,591.5

b) For all cases filed in the Special Education Division:

Section B - Special Education Division	Total
i. Number of due process cases filed during the fiscal year	3,894
a. Due Process only	32
b. Mediation only	224
c. Hearing and mediation	3,638
ii. Number of cases closed without decision during fiscal year	3,826
iii. Number of decisions issued during the fiscal year	83
iv. Average number of days per hearing conducted during the fiscal year	3
v. Average number of days between the filing of a district-filed due process complaint and the issuance of a decision during the fiscal year	125
vi. Average number of days between the filing of a student-filed due process complaint and the issuance of a decision during the fiscal year	159
vii. Number of filled ALJ positions as of the end of the fiscal year	26
viii. Number of Pro Tem hours billed during the fiscal year	4,219.50

c) For all cases filed in the General Jurisdiction Division (cases to be broken down by OAH office where the case was filed):

Section C - General Jurisdiction Division for Fiscal Year	Los Angeles	Oakland	Sacramento*	San Diego	Total
i. Number of cases filed during the fiscal year	3,235	1,547	3,180	1,336	9,298
ii. Number of cases closed without decision during the fiscal year	1,919	849	1,248	943	4,959
iii. Number of cases that went to hearing** during the fiscal year	2,012	843	2,518	651	6,024
iv. Average number of days per hearing during the fiscal year	1.53	1.28	1.27	1.3	1.36
v. Total number of decisions issued*** during the fiscal year	1,275	726	1,996	523	4,520
vi. Total number of filled ALJ positions as of the end of the fiscal year	23	8	12	9	52
vii. Total number of Pro Tem hours billed during the fiscal year	3458	1,025.75	2,594	4,294.25	11,372

*Sacramento cases included Department of State Hospitals and Department of Corrections and Rehabilitation (Keyhea) hearings for all of OAH. ***"Went to hearing," for item C-iii, was defined to include evidentiary hearings, law & motion hearings, interim order hearings and petition hearings. ****"Decisions issued" for item C-v, was defined to mean a final administrative decision after an evidentiary hearing. Many cases in which some form of hearing was conducted did not result in a final administrative decision.

- d) All Department of Consumer Affairs (DCA) cases filled in the General Jurisdiction Division (cases to be broken down by DCA Board and Bureau, and by the OAH office where the case was filed):

Section D - Department of Consumer Affairs Totals	Los Angeles	Oakland	Sacramento	San Diego	Total
i. Number of cases filed during the fiscal year	1,524	831	920	722	3,997
ii. Total number of cases that went to hearing* during the fiscal year	875	424	468	366	2,133
iii. Average number of days per hearing during the fiscal year	1.28	1.16	1.23	1.28	1.25
iv. Number of decisions issued** during the fiscal year	613	358	347	299	1,617
v. Average number of days between case submission to issuance of the proposed decision for proposed decisions issued during the fiscal year	23.19	21.71	22.94	30.23	24.11
vi. Average number of days between filing of a request to set a hearing and the issuance of the proposed decision for proposed decisions issued during the fiscal year	212	141	244	238	208

"Went to hearing," for item D-ii, was defined to include evidentiary hearings, law & motion hearings, interim order hearings and petition hearings. *"Decisions issued" for item D-iv, was defined to mean a final administrative decision after an evidentiary hearing. Many cases in which some form of hearing was conducted did not result in a final administrative decision.

Space intentionally left blank.

Section D-i. Number of cases filed during the fiscal year by DCA agency and OAH offices.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	13	5	1	1	20
Board of Accountancy	15	10	5	8	38
Board of Barbering and Cosmetology	35	12	22	24	93
Board of Behavioral Sciences	28	35	32	21	116
Board of Chiropractic Examiners	7	9	7	14	37
Board of Occupational Therapy	1	1	4	1	7
Board of Optometry	11	1	4	0	16
Board of Pharmacy	102	33	33	46	214
Board of Podiatric Medicine	3	0	1	1	5
Board of Psychology	13	8	7	9	37
Board of Registered Nursing	237	220	151	171	779
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	84	29	29	69	211
Bureau for Private Postsecondary Education	10	9	8	6	33
Bureau of Automotive Repair	25	54	18	45	142
Bureau of Automotive Repair - Smog Check	77	0	53	15	145
Bureau of Real Estate	227	103	98	38	466
Bureau of Real Estate Appraisers	5	4	2	1	12
Bureau of Security and Investigative Services	18	15	6	3	42
California Architects Board	3	1	1	1	6

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Cemetery and Funeral Bureau - Crematories	0	2	3	0	5
Contractors State License Board	379	149	313	133	974
Court Reporters Board of California	1	0	2	1	4
Dental Board of California	31	14	18	25	88
Dental Hygiene Committee of California	1	3	3	3	10
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1	0	2	2	5
Medical Board of California	119	82	61	45	307
Osteopathic Medical Board of California	2	5	4	3	14
Physical Therapy Board of California	21	5	9	9	44
Physician Assistant Board	7	3	6	6	22
Professional Fiduciaries Bureau	0	1	0	1	2
Respiratory Care Board	12	10	2	6	30
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	3	2	0	0	5
Structural Pest Control Board	21	0	8	6	35
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	12	6	7	8	33
OAH Total	1,524	831	920	722	3,997

Space intentionally left blank.

Section D-ii. Total number of cases that went to hearing during the fiscal year by DCA agency and OAH offices

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	5	2	1	1	9
Board for Professional Engineers, Land Surveyors and Geologists	0	0	2	0	2
Board of Accountancy	5	3	2	2	12
Board of Barbering and Cosmetology	26	9	18	13	66
Board of Behavioral Sciences	17	12	13	15	57
Board of Chiropractic Examiners	6	8	2	8	24
Board of Occupational Therapy	1	0	3	0	4
Board of Optometry	9	1	5	0	15
Board of Pharmacy	66	15	28	29	138
Board of Podiatric Medicine	0	0	2	0	2
Board of Psychology	5	3	2	6	16
Board of Registered Nursing	112	114	57	76	359
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	70	22	36	30	158
Bureau for Private Postsecondary Education	0	0	3	1	4
Bureau of Automotive Repair	21	32	16	16	85
Bureau of Automotive Repair - Smog Check	66	0	34	19	119
Bureau of Real Estate	180	50	56	25	311
Bureau of Real Estate Appraisers	1	0	1	2	4
Bureau of Security and Investigative Services	29	12	6	5	52

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California Architects Board	0	1	0	0	1
Cemetery and Funeral Bureau - Crematories	0	1	0	3	4
Contractors State License Board	122	59	109	50	340
Court Reporters Board of California	0	0	1	0	1
Dental Board of California	26	10	11	17	64
Dental Hygiene Committee of California	0	2	2	0	4
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1	1	0	2	4
Medical Board of California	74	47	32	29	182
Osteopathic Medical Board of California	1	3	0	2	6
Physical Therapy Board of California	9	0	5	2	16
Physician Assistant Board	3	2	6	0	11
Respiratory Care Board	5	6	1	3	15
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2	1	2	0	5
Structural Pest Control Board	7	1	8	8	24
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	6	7	4	2	19
OAH Total	875	424	468	366	2,133

Space intentionally left blank.

Section D-iii. Average number of days per hearing held during the fiscal year by DCA agency and OAH offices.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	1.11	1.00	1.00	1.00	1.11
Board for Professional Engineers, Land Surveyors and Geologists	0.00	0.00	1.00	0.00	1.00
Board of Accountancy	1.20	1.00	1.00	1.00	1.08
Board of Barbering and Cosmetology	1.12	1.00	1.06	1.00	1.06
Board of Behavioral Sciences	1.12	1.00	1.00	1.00	1.04
Board of Chiropractic Examiners	1.00	1.00	1.00	1.00	1.00
Board of Occupational Therapy	1.00	0.00	1.00	0.00	1.00
Board of Optometry	1.22	2.00	1.20	0.00	1.27
Board of Pharmacy	1.44	1.07	1.07	1.45	1.33
Board of Podiatric Medicine	0.00	0.00	2.50	0.00	2.50
Board of Psychology	2.40	1.00	4.50	3.00	2.63
Board of Registered Nursing	1.13	1.31	1.26	1.01	1.18
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	1.03	1.09	1.28	1.17	1.12
Bureau for Private Postsecondary Education	0.00	0.00	1.00	3.00	1.50
Bureau of Automotive Repair	1.38	1.03	1.00	1.00	1.11
Bureau of Automotive Repair - Smog Check	1.17	0.00	1.06	1.11	1.13
Bureau of Real Estate	1.15	1.00	1.14	1.08	1.12
Bureau of Real Estate Appraisers	2.00	0.00	1.00	6.50	4.00

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Security and Investigative Services	1.00	1.00	1.17	1.00	1.02
California Architects Board	1.00	0.00	0.00	0.00	1.00
Cemetery and Funeral Bureau - Crematories	0.00	1.00	0.00	1.00	1.00
Contractors State License Board	1.21	1.12	1.22	1.14	1.19
Court Reporters Board of California	0.00	0.00	1.00	0.00	1.00
Dental Board of California	2.15	1.00	1.18	1.12	1.53
Dental Hygiene Committee of California	0.00	1.00	1.00	0.00	1.00
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	1.00	1.00	0.00	1.00	1.00
Medical Board of California	1.92	1.34	1.56	2.41	1.79
Osteopathic Medical Board of California	1.00	1.67	0.00	1.50	1.50
Physical Therapy Board of California	1.78	0.00	1.20	3.00	1.75
Physician Assistant Board	1.67	1.00	1.67	0.00	1.55
Respiratory Care Board	1.00	1.00	2.00	1.00	1.07
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	1.00	1.00	1.00	0.00	1.00
Structural Pest Control Board	1.14	1.00	1.38	1.00	1.17
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	2.20	1.29	2.00	1.00	1.63
OAH Average	1.28	1.16	1.23	1.28	1.25

Section D-iv. Total number of decisions issued during the fiscal year by DCA agency and OAH offices.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	2	2	0	1	5
Board for Professional Engineers, Land Surveyors and Geologists	0	0	1	0	1
Board of Accountancy	7	2	2	1	12
Board of Barbering and Cosmetology	22	9	13	9	53
Board of Behavioral Sciences	13	11	14	14	52
Board of Chiropractic Examiners	4	7	2	7	20
Board of Occupational Therapy	3	0	3	0	6
Board of Optometry	7	0	4	0	11
Board of Pharmacy	45	13	15	22	95
Board of Psychology	3	4	2	5	14
Board of Registered Nursing	74	103	51	65	293
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	63	18	33	24	138
Bureau for Private Postsecondary Education	0	0	1	1	2
Bureau of Automotive Repair	12	31	10	15	68
Bureau of Automotive Repair - Smog Check	46	0	20	14	80
Bureau of Real Estate	143	47	45	23	258
Bureau of Real Estate Appraisers	1	0	1	2	4
Bureau of Security and Investigative Services	14	3	4	4	25

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California Architects Board	0	1	0	0	1
Cemetery and Funeral Bureau - Crematories	0	1	0	3	4
Contractors State License Board	67	41	64	36	208
Court Reporters Board of California	0	0	1	0	1
Dental Board of California	17	8	9	9	43
Dental Hygiene Committee of California	0	2	2	0	4
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	0	1	0	0	1
Medical Board of California	46	39	25	29	139
Osteopathic Medical Board of California	1	2	0	2	5
Physical Therapy Board of California	5	2	5	3	15
Physician Assistant Board	5	2	6	0	13
Respiratory Care Board	3	2	1	1	7
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	3	1	1	0	5
Structural Pest Control Board	6	0	7	7	20
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	1	6	5	2	14
OAH Total	613	358	347	299	1,617

Space intentionally left blank.

Section D-v. Average number of days between case submission to issuance of the proposed decision for proposed decisions issued during the fiscal year by DCA agency and OAH offices.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	23.00	21.50	0.00	24.00	22.60
Board for Professional Engineers, Land Surveyors and Geologists	0.00	0.00	5.00	0.00	5.00
Board of Accountancy	21.71	24.50	14.00	26.00	21.25
Board of Barbering and Cosmetology	19.50	19.00	12.62	34.67	20.30
Board of Behavioral Sciences	14.23	19.82	20.93	30.21	21.52
Board of Chiropractic Examiners	24.00	11.43	19.50	23.71	19.05
Board of Occupational Therapy	29.67	0.00	20.33	0.00	25.00
Board of Optometry	16.71	0.00	21.50	0.00	18.45
Board of Pharmacy	17.84	18.38	15.07	23.32	18.75
Board of Psychology	51.67	17.75	21.00	41.60	34.00
Board of Registered Nursing	27.51	24.79	24.78	26.58	25.87
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	29.14	21.17	19.85	26.75	25.46
Bureau for Private Postsecondary Education	0.00	0.00	30.00	32.00	31.00
Bureau of Automotive Repair	20.67	23.87	34.20	25.87	25.26
Bureau of Automotive Repair - Smog Check	20.85	0.00	17.95	26.50	25.26
Bureau of Real Estate	23.62	18.36	26.42	28.78	23.61
Bureau of Real Estate Appraisers	23.00	0.00	11.00	26.00	21.50

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Security and Investigative Services	38.50	27.00	9.25	35.00	31.88
California Architects Board	0.00	13.00	0.00	0.00	13.00
Cemetery and Funeral Bureau - Crematories	0.00	27.00	0.00	34.33	32.50
Contractors State License Board	21.21	24.93	26.48	34.64	25.89
Court Reporters Board of California	0.00	0.00	27.00	0.00	27.00
Dental Board of California	21.59	25.88	20.89	28.33	23.65
Dental Hygiene Committee of California	0.00	6.50	17.00	0.00	11.75
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	0.00	31.00	0.00	0.00	31.00
Medical Board of California	13.26	18.26	24.76	45.34	23.42
Osteopathic Medical Board of California	29.00	10.50	0.00	32.00	22.80
Physical Therapy Board of California	30.80	7.00	22.40	28.00	24.27
Physician Assistant Board	25.80	29.00	16.83	0.00	22.15
Respiratory Care Board	32.67	22.00	20.00	15.00	25.29
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	18.67	8.00	15.00	0.00	15.80
Structural Pest Control Board	39.17	0.00	26.71	24.57	29.70
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	26.00	18.67	26.40	48.50	26.21
OAH Average	23.19	21.71	22.94	30.23	24.11

Section D-vi. Average number of days between the filing of a request to set a hearing and the issuance of the proposed decision for proposed decisions issued during the fiscal year by DCA agency and OAH offices.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	412	221	0	41	261
Board for Professional Engineers, Land Surveyors and Geologists	0	0	315	0	315
Board of Accountancy	183	164	163	92	169
Board of Barbering and Cosmetology	207	105	185	190	182
Board of Behavioral Sciences	206	121	139	97	141
Board of Chiropractic Examiners	244	71	252	341	218
Board of Occupational Therapy	181	0	85	0	133
Board of Optometry	89	0	141	108	216
Board of Pharmacy	228	144	236	218	216
Board of Psychology	252	136	912	270	319
Board of Registered Nursing	183	143	253	194	184
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	187	125	236	235	199
Bureau for Private Postsecondary Education	0	0	100	412	256
Bureau of Automotive Repair	225	174	300	268	222
Bureau of Automotive Repair - Smog Check	183	0	250	308	222
Bureau of Real Estate	193	136	217	196	187
Bureau of Real Estate Appraisers	239	0	146	455	324

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Security and Investigative Services	204	110	346	147	206
California Architects Board	0	62	0	0	62
Cemetery and Funeral Bureau - Crematories	0	182	0	318	284
Contractors State License Board	271	146	306	333	268
Court Reporters Board of California	0	0	141	0	141
Dental Board of California	277	86	182	169	199
Dental Hygiene Committee of California	0	55	108	0	81
Electronic and Appliance Repair, Home Furnishings and Thermal Insulation	0	209	0	0	209
Medical Board of California	239	139	217	312	222
Osteopathic Medical Board of California	265	108	0	87	131
Physical Therapy Board of California	95	305	382	239	247
Physician Assistant Board	581	157	145	0	314
Respiratory Care Board	199	120	372	292	214
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	141	652	278	0	271
Structural Pest Control Board	266	0	138	162	185
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	399	101	290	382	230
OAH Average	212	141	244	238	202

This report provides the required data requested by the California State Budget Act.

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