

**OFFICE OF
ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**



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

January 2021

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 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 sixth annual report and it contains data for the 2019-20 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 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 2019-20, DCA filings with OAH were reduced 8% from the previous year. Average case-setting times increased by 33% (which is an increase of one day) over the previous year. The average time from setting a hearing to conducting the hearing increased slightly (2%) over the previous year. There was also a slight increase of 4% in the average number of days from a matter being submitted for decision to the date of decision issuance (23 days), although this number continues to remain 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. DCA agencies 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 2019-20, OAH received a total of **3,377** cases, a decrease of **8%** compared to the prior fiscal year.

Table A: Total number of cases for fiscal year 2019-20

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Acupuncture Board	7	4	-	2	13
Board for Professional Engineers, Land Surveyors and Geologists ¹	10	6	2	2	20
Board of Accountancy	23	7	12	8	50
Board of Barbering and Cosmetology	24	7	10	13	54

¹ Per the board's request, OAH merged the Board for Professional Engineers, Land Surveyors and Geologists with the Board for Professional Engineers, Land Surveyors and Geologists - Engineers & Land Surveyors into one entity. This report reflects all case data for the board under the Board for Professional Engineers, Land Surveyors and Geologists.

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Board of Behavioral Sciences	27	14	37	10	88
Board of Chiropractic Examiners	6	8	5	3	22
Board of Occupational Therapy	2	1	5	3	11
Board of Optometry	3	2	5	-	10
Board of Pharmacy	76	31	49	29	185
Board of Podiatric Medicine	3	1	1	3	8
Board of Psychology	15	2	8	13	38
Board of Registered Nursing	150	142	154	161	607
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	6	3	6	-	15
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	81	24	38	27	170

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Bureau for Private Postsecondary Education	19	8	6	10	43
Bureau of Automotive Repair	149	11	12	33	205
Bureau of Automotive Repair - Smog Check	81	87	41	90	299
Bureau of Real Estate Appraisers	-	1	-	-	1
Bureau of Security and Investigative Services	212	82	50	73	417
California Architects Board	5	2	-	-	7
Cemetery and Funeral Bureau - Crematories	1	-	-	4	5
Contractors State License Board	170	116	87	87	460
Court Reporters Board of California	-	2	3	-	5
Dental Board of California	24	17	7	25	73
Dental Hygiene Board of California	8	3	5	6	22

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Medical Board of California	127	99	100	73	399
Osteopathic Medical Board of California	4	3	3	2	12
Physical Therapy Board of California	5	-	4	7	16
Physician Assistant Board	5	3	4	3	15
Professional Fiduciaries Bureau	2	-	-	1	3
Respiratory Care Board	3	2	2	16	23
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	4	-	-	3	7
Structural Pest Control Board	12	10	12	7	41
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	7	2	12	6	27

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Cemetery and Funeral Bureau - Establishments	2	1	-	-	3
Bureau of Household Goods and Services	1	-	1	1	3
Total cases	1,274	701	681	721	3,377

Table B compares case filings for fiscal years 2017-18, 2018-19 and 2019-20, 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	2017-18	2018-19	2019-20	Change	% Change
Los Angeles	1,556	1,567	1,274	-293	-19%
Oakland	765	636	701	65	10%
Sacramento	924	762	681	-81	-11%
San Diego	632	713	721	8	1%
OAH total	3,877	3,678	3,377	-301	-8%

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 has increased by **33%** over the prior fiscal year.

Table C:
Average number of days to set hearing date by OAH office in fiscal year 2019-20

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	2	4	-	0	2
Board for Professional Engineers, Land Surveyors and Geologists	3	8	2	1	4
Board of Accountancy	2	7	1	0	2
Board of Barbering and Cosmetology	4	7	2	1	3
Board of Behavioral Sciences	3	3	1	0	2
Board of Chiropractic Examiners	3	6	1	0	3
Board of Occupational Therapy	146	6	0	0	41

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board of Optometry	2	2	1	-	1
Board of Pharmacy	4	6	1	4	3
Board of Podiatric Medicine	7	0	8	0	4
Board of Psychology	3	13	3	1	3
Board of Registered Nursing	3	5	1	1	2
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	7	6	2	0	5
Bureau for Private Postsecondary Education	7	6	1	1	3
Bureau of Automotive Repair	9	6	1	10	8
Bureau of Automotive Repair - Smog Check	4	7	1	1	4
Bureau of Real Estate Appraisers	-	1	-	-	1
Bureau of Security and Investigative Services	5	4	1	1	4
California Architects Board	3	0	-	-	2

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Cemetery and Funeral Bureau - Crematories	3	-	-	1	1
Contractors State License Board	3	8	1	1	4
Court Reporters Board of California	-	4	1	-	2
Dental Board of California	5	12	1	2	5
Medical Board of California	4	5	3	0	3
Osteopathic Medical Board of California	9	5	0	1	4
Physical Therapy Board of California	4	-	1	1	2
Physician Assistant Board	2	4	6	0	3
Respiratory Care Board	3	12	1	1	2
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	1	-	-	0	1
Structural Pest Control Board	3	7	1	2	3

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	4	0	5	1	3
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	2	6	1	-	2
Professional Fiduciaries Bureau	8	-	-	3	6
Cemetery and Funeral Bureau - Establishments	3	1	-	-	2
Bureau of Household Goods and Services	4	-	3	-	4
Dental Hygiene Board of California	3	0	0	4	3
Total average days	5	6	1	1	4

Table D compares the average case-setting times for OAH offices for fiscal years 2017-18, 2018-19 and 2019-20, 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	2017-18	2018-19	2019-20	Change	% Change
Los Angeles	4	4	5	1	25%
Oakland	6	5	6	1	20%
Sacramento	2	3	1	-2	-66%
San Diego	2	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 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 increase of **2%** 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 2019-20

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	167 (2)	133 (2)	-	-	150 (4)
Board for Professional Engineers, Land Surveyors and Geologists	202 (5)	30 (2)	86 (1)	120 (2)	139 (10)
Board of Accountancy	107 (5)	49 (1)	78 (7)	-	87 (13)
Board of Barbering and Cosmetology	95 (13)	135 (4)	46 (5)	144 (6)	103 (28)
Board of Behavioral Sciences	131 (13)	98 (2)	47 (24)	158 (5)	87 (44)
Board of Chiropractic Examiners	247 (4)	95 (4)	27 (4)	65 (3)	111 (15)
Board of Occupational Therapy	74 (3)	49 (1)	77 (4)	146 (1)	80 (9)
Board of Optometry	142 (2)	182 (2)	31 (1)	151 (1)	138 (6)
Board of Pharmacy	134 (20)	69 (6)	26 (22)	143 (12)	90 (60)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board of Podiatric Medicine	3 (1)	123 (1)	-	227 (2)	145 (4)
Board of Psychology	83 (6)	126 (1)	94 (3)	69 (3)	86 (13)
Board of Registered Nursing	128 (7)	101 (50)	91 (71)	108 (55)	106 (233)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	188 (3)	136 (2)	103 (6)	-	132 (11)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	103 (42)	90 (17)	82 (22)	155 (12)	103 (93)
Bureau for Private Postsecondary Education	158 (4)	59 (1)	58 (1)	156 (2)	133 (8)
Bureau of Automotive Repair	152 (87)	139 (11)	126 (4)	188 (19)	155 (121)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Automotive Repair - Smog Check	153 (101)	116 (57)	87 (26)	149 (51)	136 (235)
Bureau of Real Estate Appraisers	160 (2)	-	-	149 (2)	154 (4)
Bureau of Security and Investigative Services	107 (106)	45 (52)	53 (48)	72 (46)	77 (252)
California Architects Board	154 (1)	87 (1)	-	-	121 (2)
Cemetery and Funeral Bureau - Crematories	117 (1)	167 (1)	-	-	142 (2)
Cemetery and Funeral Bureau - Establishments	153 (2)	167 (1)	-	-	157 (3)
Contractors State License Board	146 (68)	97 (40)	88 (49)	178 (37)	127 (194)
Court Reporters Board of California	-	33 (1)	42 (1)	-	38 (2)
Dental Board of California	182 (3)	116 (3)	172 (4)	118 (10)	138 (20)
Dental Hygiene Board of California	108 (1)	97 (1)	64 (4)	132 (2)	91 (8)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Household Goods and Services	-	222 (1)	3 (1)	-	113 (2)
Medical Board of California	132 (46)	74 (57)	88 (32)	100 (22)	98 (157)
Osteopathic Medical Board of California	-	112 (1)	55 (2)	-	74 (3)
Physical Therapy Board of California	51 (2)	-	40 (1)	120 (1)	65 (4)
Physician Assistant Board	181 (2)	-	-	-	181 (2)
Respiratory Care Board	131 (1)	57 (3)	-	96 (4)	85 (8)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	-	-	39 (1)	-	39 (1)
Structural Pest Control Board	119 (8)	92 (4)	36 (9)	142 (4)	88 (25)
Veterinary Medical Board and Registered Veterinary Technician	287 (3)	6 (1)	29 (6)	88 (2)	101 (12)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Examining Committee					
Total average days (hearing count)	134 (614)	90 (331)	73 (359)	129 (304)	110 (1,608)

Note: This chart reports cases that went to hearing during the 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 2017-18, 2018-19 and 2019-20 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; number of hearings (Fiscal year comparison)

Office	2017-18	2018-19	2019-20	Change	% Change
Los Angeles average	123	126	134	8	6%
Los Angeles no. of hearings	754	756	614	-142	-19%
Oakland average	96	96	90	-6	-6%
Oakland no. of hearings	413	368	331	-37	-10%
Sacramento average	89	91	73	-18	-20%
Sacramento no. of hearings	295	432	359	-73	-17%
San Diego average	89	103	129	26	25%
San Diego no. of hearings	295	258	304	46	18%
Overall OAH average	105	108	110	2	2%
Total no. of hearings	1,808	1,814	1,608	-206	-11%

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 slightly increased to **23** days, and 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 2019-20

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	30 (1)	5 (1)	-	-	18 (2)
Board for Professional Engineers, Land Surveyors and Geologists	24 (7)	15 (1)	18 (1)	29 (2)	24 (11)
Board of Accountancy	21 (5)	29 (1)	22 (8)	-	22 (14)
Board of Barbering and Cosmetology	29 (4)	23 (2)	29 (3)	24 (6)	26 (15)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board of Behavioral Sciences	25 (10)	7 (2)	25 (23)	28 (6)	25 (41)
Board of Chiropractic Examiners	30 (4)	31 (2)	26 (4)	28 (2)	29 (12)
Board of Occupational Therapy	36 (1)	31 (1)	31 (4)	30 (1)	31 (7)
Board of Optometry	13 (1)	32 (1)	7 (1)	27 (1)	20 (4)
Board of Pharmacy	21 (18)	20 (6)	21 (19)	24 (7)	21 (50)
Board of Podiatric Medicine	6 (1)	28 (1)	-	25 (2)	21 (4)
Board of Psychology	35 (7)	-	25 (3)	27 (3)	31 (13)
Board of Registered Nursing	24 (53)	24 (47)	23 (61)	24 (45)	24 (206)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	29 (2)	30 (2)	17 (5)	-	22 (9)
Board of Vocational Nursing and	27 (36)	20 (16)	27 (25)	28 (12)	26 (89)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Psychiatric Technicians - Vocational Nursing					
Bureau for Private Postsecondary Education	23 (3)	-	20 (1)	28 (2)	24 (6)
Bureau of Automotive Repair	25 (70)	19 (7)	25 (3)	25 (17)	25 (97)
Bureau of Automotive Repair - Smog Check	23 (80)	19 (46)	24 (29)	24 (46)	22 (201)
Bureau of Real Estate Appraisers	27 (2)	-	-	35 (2)	31 (4)
Bureau of Security and Investigative Services	22 (59)	19 (35)	20 (32)	24 (29)	21 (155)
California Architects Board	-	-	-	-	-
Cemetery and Funeral Bureau - Crematories	29 (1)	17 (1)	-	-	23 (2)
Cemetery and Funeral Bureau - Establishments	31 (2)	17 (1)	-	-	26 (3)
Contractors State License Board	24 (60)	22 (28)	24 (39)	24 (24)	24 (151)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Court Reporters Board of California	-	3 (1)	1 (1)	-	2 (2)
Dental Board of California	9 (2)	7 (2)	29 (4)	28 (6)	22 (14)
Dental Hygiene Board of California	-	29 (1)	20 (4)	14 (1)	20 (6)
Bureau of Household Goods and Services	-	-	16 (1)	-	16 (1)
Medical Board of California	22 (48)	24 (49)	23 (18)	26 (15)	23 (130)
Osteopathic Medical Board of California	-	18 (1)	25 (2)	-	23 (3)
Physical Therapy Board of California	31 (4)	-	8 (1)	30 (1)	27 (6)
Physician Assistant Board	29 (2)	-	-	32 (1)	30 (3)
Respiratory Care Board	30 (1)	18 (3)	30 (1)	21 (3)	22 (8)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	-	-	20 (1)	-	20 (1)
Structural Pest Control Board	22 (8)	23 (4)	15 (8)	30 (2)	20 (22)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Veterinary Medical Board and Registered Veterinary Technician Examining Committee	33 (3)	30 (1)	23 (3)	19 (2)	26 (9)
Total average days (decision count)	24 (495)	21 (263)	23 (305)	25 (238)	23 (1,301)

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

Table H compares the average number of days to decision issuance and the number of decisions for each OAH office for fiscal years 2017-18, 2018-19 and 2019-20, and the change and percent change over the previous fiscal year. OAH offices' average and number of decisions 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; number of decisions (Fiscal year comparison)

Office	2017-18	2018-19	2019-20	Change	% Change
Los Angeles average	23	23	24	1	4%
Los Angeles no. of decisions	631	601	495	-106	-18%
Oakland average	20	19	21	2	10%
Oakland no. of decisions	300	303	263	-40	-13%
Sacramento average	21	23	23	0	0%
Sacramento no. of decisions	369	376	305	-71	-19%
San Diego average	25	23	25	2	9%
San Diego no. of decisions	263	213	238	25	12%
Overall OAH average	22	22	23	1	4%
Total no. of decisions	1,563	1,493	1,301	-192	-13%

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.

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