OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF CALIFORNIA



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

January 2022

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 seventh annual report, and it contains data for the 2020-21 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 2020-21, DCA filings with OAH were reduced by **20**% from the previous year. Average case-setting times decreased by **25**% (which is a decrease of one day) over the previous year. The average time from setting a hearing to conducting the hearing increased slightly (**10**%) over the previous year. There was also an increase of **13**% in the average number of days from a matter being submitted for decision to the date of decision issuance (**26** days). However, this number continues to remain 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 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 2020-21, OAH received a total of **2,693** cases, a decrease of **20%** compared to the prior fiscal year.

Table A: Total number of cases for fiscal year 2020-21

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Acupuncture Board	2	1	1	2	6
Board for Professional Engineers, Land Surveyors and Geologists	14	10	7	8	39
Board of Accountancy	9	4	9	1	23
Board of Barbering and Cosmetology	15	5	15	11	46

¹ The names of the DCA constituent entities have been changed slightly from those listed in prior reports to reflect the entities' official names. 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
Board of Behavioral Sciences	24	22	44	3	93
Board of Chiropractic Examiners	11	4	14	6	35
California Board of Occupational Therapy	2	1	3	1	7
State Board of Optometry	1	1	4	-	6
California State Board of Pharmacy	75	23	48	22	168
Board of Psychology	17	12	3	8	40
Board of Registered Nursing	167	83	130	102	482
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	9	-	9	2	20
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	56	17	95	16	184

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Bureau for Private Postsecondary Education	11	7	4	5	27
Bureau of Automotive Repair	74	16	9	22	121
Bureau of Automotive Repair - Smog Check	46	38	23	19	126
Bureau of Real Estate Appraisers	1	-	-	-	1
Bureau of Security and Investigative Services	169	55	50	28	302
California Architects Board	2	1	-	-	3
Contractors State License Board	115	73	59	44	291
Court Reporters Board of California	1	1	-	-	2
Dental Board of California	30	9	8	25	72
Dental Hygiene Board of California	2	2	2	2	8
Medical Board of California	130	118	86	100	434

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Osteopathic Medical Board of California	4	3	3	1	11
Podiatric Medical Board of California	6	2	4	2	14
Physical Therapy Board of California	14	2	5	5	26
Physician Assistant Board	7	2	5	3	17
Professional Fiduciaries Bureau	1	-	-	-	1
Respiratory Care Board of California	11	4	4	5	24
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	4	-	2	-	6
Structural Pest Control Board	14	1	7	4	26
Veterinary Medical Board	1	6	5	-	12
Cemetery and Funeral Bureau - Crematories	4	2	2	2	10
Cemetery and Funeral Bureau - Establishments	4	2	1	-	7

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH total
Bureau of Household Goods and Services	1	-	1	-	2
Bureau of Cannabis Control ²	-	-	1	-	1
Total cases	1,054	527	663	449	2,693

Table B compares case filings for fiscal years 2018-19, 2019-20, and 2020-21 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

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Office	2018-19	2019-20	2020-21	Change	% Change
Los Angeles	1,567	1,274	1,054	-220	-17%
Oakland	636	701	527	-174	-25%
Sacramento	762	681	663	-18	-3%
San Diego	713	721	449	-272	-38%
OAH total	3,678	3,377	2,693	-684	-20%

² During the 2020-21 fiscal year, the Bureau of Cannabis Control was under the Department of Consumer Affairs (DCA). As of July 1, 2021, the Bureau was consolidated with two other former state cannabis authorities to create the Department of Cannabis Control. This report reflects all case data for the Bureau while it was under DCA.

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 decreased by **25%** over the prior fiscal year.

Table C: Average number of days to set hearing date by OAH office in fiscal year 2020-21

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	1	7	0	8	4
Board for Professional Engineers, Land Surveyors and Geologists	2	2	1	1	1
California Board of Accountancy	4	2	5	0	3
State Board of Barbering and Cosmetology	2	6	0	1	2
Board of Behavioral Sciences	2	3	0	1	1
State Board of Chiropractic Examiners	5	6	0	1	2

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California Board of Occupational Therapy	3	-	0	0	1
State Board of Optometry	4	-	0	-	1
California State Board of Pharmacy	2	3	1	1	2
Board of Psychology	6	5	1	1	4
Board of Registered Nursing	3	5	1	1	2
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	3	-	0	3	2
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	3	3	1	1	2
Bureau for Private Postsecondary Education	6	8	0	2	5
Bureau of Automotive Repair	10	3	1	2	7
Bureau of Automotive Repair - Smog Check	3	7	1	2	4

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Real Estate Appraisers	0	-	-	-	0
Bureau of Security and Investigative Services	6	4	1	2	4
California Architects Board	-	0	-	-	0
Contractors State License Board	3	3	1	1	2
Court Reporters Board of California	1	12	-	-	7
Dental Board of California	4	3	1	2	3
Medical Board of California	4	4	0	1	3
Osteopathic Medical Board of California	14	1	0	0	6
Podiatric Medical Board of California	5	30	1	1	5
Physical Therapy Board of California	5	2	1	1	3
Physician Assistant Board	2	2	0	1	1
Respiratory Care Board of California	2	4	1	2	2

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	2	-	0	-	1
Structural Pest Control Board	4	5	0	1	2
Veterinary Medical Board	4	9	0	-	5
Professional Fiduciaries Bureau	1	-	-	-	1
Cemetery and Funeral Bureau - Crematories	3	0	-	2	2
Cemetery and Funeral Bureau - Establishments	3	4	0	-	3
Bureau of Household Goods and Services	3	-	1	-	2
Dental Hygiene Board of California	17	7	1	1	7
Bureau of Cannabis Control	-	-	0	-	0
Total average days	4	4	1	1	3

Table D compares the average case-setting times for OAH offices for fiscal years 2018-19, 2019-20, and 2020-21 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	2018-19	2019-20	2020-21	Change	% Change
Los Angeles	4	5	4	-1	-20%
Oakland	5	6	4	-2	-33%
Sacramento	3	1	1	0	0%
San Diego	1	1	1	0	0%
OAH total	3	4	3	-1	-25%

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 2020-21 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 **10%** 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 2020-21

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	-	79 (1)	-	-	79 (1)
Board for Professional Engineers, Land Surveyors and Geologists	144 (8)	178 (3)	38 (4)	-	122 (15)
California Board of Accountancy	46 (1)	217 (1)	72 (5)	264 (1)	111 (8)
State Board of Barbering and Cosmetology	128 (10)	67 (5)	49 (14)	93 (9)	82 (38)
Board of Behavioral Sciences	129 (7)	119 (5)	27 (35)	75 (2)	53 (49)
State Board of Chiropractic Examiners	203 (1)	-	65 (11)	-	76 (12)
California Board of Occupational Therapy	147 (2)	58 (1)	21 (1)	149 (2)	112 (6)
State Board of Optometry	-	169 (2)	16 (4)	_	67 (6)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
California State Board of Pharmacy	144 (37)	59 (6)	48 (30)	145 (9)	103 (82)
Board of Psychology	163 (3)	57 (3)	203 (1)	446 (1)	164 (8)
Board of Registered Nursing	149 (7)	101 (48)	85 (81)	151 (53)	119 (249)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	126 (3)	10 (1)	43 (7)	-	63 (11)
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	147 (40)	163 (9)	74 (82)	146 (11)	106 (142)
Bureau for Private Postsecondary Education	137 (8)	116 (4)	161 (3)	70 (2)	128 (17)
Bureau of Automotive Repair	179 (57)	176 (6)	133 (7)	265 (11)	187 (81)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Bureau of Automotive Repair - Smog Check	175 (33)	170 (37)	117 (16)	251 (27)	183 (113)
Bureau of Real Estate Appraisers	193 (1)	-	-	-	193 (1)
Bureau of Security and Investigative Services	111 (145)	75 (56)	53 (35)	83 (36)	92 (272)
California Architects Board	253 (2)	239 (1)	-	-	248 (3)
Cemetery and Funeral Bureau - Crematories	15 (1)	-	-	239 (4)	194 (5)
Cemetery and Funeral Bureau - Establishments	170 (1)	117 (2)	-	-	134 (3)
Contractors State License Board	167 (76)	136 (59)	125 (40)	159 (25)	148 (200)
Court Reporters Board of California	-	-	-	-	-
Dental Board of California	104 (10)	137 (5)	50 (5)	197 (7)	124 (27)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Dental Hygiene Board of California	124 (3)	31 (2)	-	97 (2)	90 (7)
Bureau of Household Goods and Services	94 (2)	-	-	-	94 (2)
Medical Board of California	148 (45)	84 (57)	145 (42)	121 (24)	122 (168)
Osteopathic Medical Board of California	133 (2)	35 (1)	3 (1)	-	76 (4)
Podiatric Medical Board of California	-	48 (1)	-	-	48 (1)
Physical Therapy Board of California	205 (3)	-	237 (3)	82 (2)	186 (8)
Physician Assistant Board	12 (2)	-	11 (1)	322 (1)	89 (4)
Respiratory Care Board of California	126 (1)	83 (1)	-	182 (5)	160 (7)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Speech- Language Pathology and Audiology and Hearing Aid Dispensers Board	72 (5)	-	188 (1)	308 (2)	145 (8)
Structural Pest Control Board	115 (9)	204 (1)	32 (5)	144 (3)	102 (18)
Professional Fiduciaries Bureau	-	-	-	-	-
Veterinary Medical Board	108 (4)	106 (1)	27 (9)	_	56 (14)
Bureau of Cannabis Control	-	-	113 (1)	-	113 (1)
Total average days (hearing count)	142 (589)	111 (319)	81 (444)	157 (239)	121 (1,591)

Note: This chart reports cases that went to hearing during the 2020-21 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 2018-19, 2019-20, and 2020-21 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 number of hearings held.

Table F: Average number of days from setting hearing to conducting hearing; number of hearings (Fiscal year comparison)

Office	2018-19	2019-20	2020-21	Change	% Change
Los Angeles average	126	134	142	8	6%
Los Angeles no. of hearings	756	614	589	-25	-4%
Oakland average	96	90	111	21	23%
Oakland no. of hearings	368	331	319	-12	-4%
Sacramento average	91	73	81	8	11%
Sacramento no. of hearings	432	359	444	85	24%
San Diego average	103	129	157	28	22%
San Diego no. of hearings	258	304	239	-65	-21%
Overall OAH average	108	110	121	11	10%
Total no. of hearings	1,814	1,608	1,591	-17	-1%

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 increased to **26** days, but this average remains 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 2020-21

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Acupuncture Board	-	24 (2)	-	-	24 (2)
Board for Professional Engineers, Land Surveyors and Geologists	28 (5)	23 (2)	25 (4)	-	26 (11)
California Board of Accountancy	22 (2)	27 (1)	28 (5)	22 (1)	26 (9)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
State Board of Barbering and Cosmetology	27 (9)	24 (6)	24 (18)	28 (7)	25 (40)
Board of Behavioral Sciences	27 (7)	25 (5)	23 (35)	31 (2)	24 (49)
State Board of Chiropractic Examiners	32 (1)	-	27 (10)	-	27 (11)
California Board of Occupational Therapy	1 (1)	11 (1)	-	30 (2)	18 (4)
State Board of Optometry	-	18 (2)	31 (25)	-	30 (27)
California State Board of Pharmacy	26 (29)	21 (5)	21 (28)	25 (7)	24 (69)
Board of Psychology	35 (1)	34 (3)	21 (1)	9 (1)	28 (6)
Board of Registered Nursing	27 (67)	27 (45)	25 (74)	28 (48)	27 (234)
Board of Vocational Nursing and Psychiatric Technicians - Psychiatric Technicians	26 (4)	29 (1)	22 (8)	-	24 (13)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Board of Vocational Nursing and Psychiatric Technicians - Vocational Nursing	26 (35)	24 (9)	23 (71)	23 (10)	24 (125)
Bureau for Private Postsecondary Education	27 (8)	25 (3)	17 (2)	6 (2)	22 (15)
Bureau of Automotive Repair	27 (48)	29 (7)	41 (6)	25 (5)	28 (66)
Bureau of Automotive Repair - Smog Check	21 (33)	27 (36)	27 (12)	25 (24)	25 (105)
Bureau of Real Estate Appraisers	21 (1)	-	-	-	21 (1)
Bureau of Security and Investigative Services	24 (95)	17 (34)	23 (25)	22 (24)	22 (178)
California Architects Board	30 (2)	-	-	-	30 (2)
Cemetery and Funeral Bureau - Crematories	4 (1)	-	-	20 (4)	17 (5)
Cemetery and Funeral Bureau - Establishments	41 (1)	23 (2)	-	-	29 (3)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Contractors State License Board	29 (60)	27 (37)	28 (31)	27 (1)	28 (144)
Court Reporters Board of California	-	-	-	-	-
Dental Board of California	24 (7)	28 (5)	39 (2)	25 (8)	27 (22)
Dental Hygiene Board of California	27 (4)	23 (1)	-	22 (2)	25 (7)
Bureau of Household Goods and Services	32 (2)	-	-	-	32 (2)
Medical Board of California	33 (41)	26 (52)	28 (29)	24 (26)	28 (148)
Osteopathic Medical Board of California	-	14 (1)	15 (1)	-	15 (2)
Podiatric Medical Board of California	-	-	-	-	-
Physical Therapy Board of California	22 (3)	-	36 (3)	27 (2)	28 (8)
Physician Assistant Board	15 (2)	-	41 (1)	29 (1)	25 (4)
Respiratory Care Board of California	24 (1)	24 (1)	-	17 (5)	19 (7)

DCA agency	Los Angeles	Oakland	Sacramento	San Diego	OAH average
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	25 (4)	-	22 (1)	25 (2)	24 (7)
Structural Pest Control Board	27 (8)	32 (1)	21 (5)	29 (2)	26 (16)
Professional Fiduciaries Bureau	-	-	-	-	-
Veterinary Medical Board	33 (4)	35 (1)	30 (11)	-	31 (16)
Bureau of Cannabis Control	-	-	-	-	-
Total average days (decision count)	26 (486)	25 (263)	25 (408)	25 (201)	26 (1,358)

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 2018-19, 2019-20, and 2020-21, 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, as well as the overall change and percent change from the prior fiscal year.

Table H: Average decision issuance time; number of decisions (Fiscal year comparison)

Office	2018-19	2019-20	2020-21	Change	% Change
Los Angeles average	23	24	26	2	8%
Los Angeles no. of decisions	601	495	486	-9	-2%
Oakland average	19	21	25	4	19%
Oakland no. of decisions	303	263	263	0	0%
Sacramento average	23	23	25	2	9%
Sacramento no. of decisions	376	305	408	103	34%
San Diego average	23	25	25	0	0%
San Diego no. of decisions	213	238	201	-37	-16%
Overall OAH average	22	23	26	3	13%
Total no. of decisions	1,493	1,301	1,358	57	4%

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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