

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 08/15)

Fiscal Year 2016-17	Business Unit 4265	Department California Department of Public Health	Priority No.
Budget Request Name 4265-013-BCP-DP-2016-GB		Program 4050010 – Health Facilities	Subprogram

Budget Request Description
 Timely Investigations of Caregivers

Budget Request Summary

The California Department of Public Health (Public Health), Center for Health Care Quality, Professional Certification Branch, requests an additional \$2.5 million in expenditure authority from the State Department of Public Health Licensing and Certification Program Fund in fiscal year 2016-17 to convert 18.0 existing two-year limited-term positions to permanent positions, and fund 2.0 additional positions for the Office of Legal Services, for a total of 20.0 positions to improve the timeliness of investigations of complaints against caregivers.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date
For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance. <input type="checkbox"/> FSR <input type="checkbox"/> SPR Project No. Date:		

If proposal affects another department, does other department concur with proposal? Yes No
 Attach comments of affected department, signed and dated by the department director or designee.

Prepared By <i>Jean Luc</i>	Date 1/6/16	Reviewed By <i>[Signature]</i>	Date 1/6/16
Department Director <i>[Signature]</i>	Date 1/6/16	Agency Secretary <i>[Signature]</i>	Date 1/7/16

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE CALSTARS Dept. of Technology

CP Type: Policy Workload Budget per Government Code 13308.05

PPBA <i>Barbara J. [Signature]</i>	Date submitted to the Legislature 1/8/2016
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A. Budget Request Summary

The California Department of Public Health (Public Health), Center for Health Care Quality, Professional Certification Branch, requests an additional \$2.5 million in expenditure authority from the State Department of Public Health Licensing and Certification Program Fund in fiscal year 2016-17 to convert 18.0 two-year limited-term positions approved in fiscal year 2014-15 to permanent positions, and fund 2.0 additional positions for the Office of Legal Services, for a total of 20.0 positions to improve the timeliness of investigations of complaints against caregivers. The two positions for the Office of Legal Services will provide the Professional Certification Branch with house counsel and litigation support during investigations and criminal convictions, and represent Public Health at administrative appeal hearings.

B. Background/History

The Professional Certification Branch is responsible for the certification of nurse assistants, home health aides, hemodialysis technicians, and the licensure of nursing home administrators. It is also responsible for the investigation of allegations involving health care professionals and the enforcement of disciplinary actions. There are over 200,000 active certified nurse assistant, home health aide, and certified hemodialysis technicians, and over 400,000 inactive applicants and certificate holders (hereinafter referred to collectively as caregivers). These caregivers provide approximately 80 percent of direct patient care activities for daily living in skilled nursing facilities licensed by Public Health, and may also provide direct care in residences through licensed home health agencies.

The Professional Certification Branch is composed of three sections: (1) the Aide and Technician Certification Section, (2) the Criminal Background Section, and (3) the Investigation Section. The Aide and Technician Certification Section certifies caregivers and maintains a registry of certified caregivers. The Criminal Background Section retrieves and analyzes criminal offender record information received from the California Department of Justice. The Investigation Section investigates all complaints/allegations of unprofessional conduct against these caregivers.

Federal and state laws require investigation of complaints against caregivers. These laws include Social Security Act sections 1819 and 1919, Title 42 of the Code of Federal Regulations, California Health and Safety Code sections 1337 and 1338, Business and Professions Code section 1247, and Government Code section 11400.

The Professional Certification Branch receives approximately 1,200 complaints annually alleging wrongdoing by caregivers, and as of December 31, 2015 had 160 open complaints from prior fiscal years and 538 from the current fiscal year, for a total pending of 698. Furloughs, vacancies, and outdated processes initially led to the number of open complaints in previous years. As a result of audits in 2013 and 2014 and internal and consultant-driven business process reviews, the Professional Certification Branch has instituted a number of business process improvements. These improvements include:

- Redirected two positions to create a more robust management team.
- Filled 18.0 two-year limited-term positions received in fiscal year 2014-15.
- Developed "on-boarding" training for new employees.
- Automated business processes.
- Piloted a "hearing team" of analysts to develop skills representing Public Health at administrative appeal hearings.

- Created and enhanced existing tracking documents and tools used to capture and monitor data and identify trends.
- Published quarterly statistical information on the Internet.
- Began strategically documenting policies and procedures.
- Enhanced communication and information sharing efforts with the California Departments of Justice and Social Services, and the California State Long-Term Care Ombudsman Program.

These improvements enabled staff to complete investigations of all pending complaints received prior to January 1, 2014, while continuing to assess and address current complaints based on severity. As shown in the Workload History chart, as of December 31, 2015, 2 complaints remain of the 1,169 received in fiscal year 2013-14.

In the Spring Finance Letter that requested the 18.0 two-year limited term positions, the Center projected the number of pending complaints would decrease by 360 in fiscal year 2014-15. The actual decrease in the number of pending complaints was 267; however, the Center received 253 more complaints than projected for that time period. The Center also projected an analyst could complete approximately two current investigations per month. Recent data show that analysts are able to conduct between three and four current investigations per month. This improved productivity is the result of the process improvements described above.

The Professional Certification Branch has statutory authority to take administrative action against certificate holders and applicants due to criminal convictions and substantiated complaints. As the Professional Certification Branch completes investigations more timely, the number of investigations resulting in administrative actions will increase. Applicants or certificate holders may appeal these administrative actions. Analysts represent the Department at administrative appeal hearings, while attorneys often represent appellants.

Administrative Law Judges increasingly require Public Health analysts to provide complicated legal briefs, and require them to respond to questions of evidence and legal issues at hearings. The Administrative Law Judges also frequently question why the Professional Certification Branch is not represented by attorneys similar to other departmental programs, such as the Woman, Infants, and Children Program, and challenge the analysts' qualifications to assume this role in the administrative hearings.

Resource History
California Department of Public Health Licensing and Certification Program Fund 3098
(Dollars in thousands)

Program Budget	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Authorized Expenditures	\$90,267	\$89,876	\$93,644	\$98,757	\$136,746*
Actual Expenditures	\$75,072	\$70,751	\$81,665	\$91,291	\$136,746*
Revenues	\$78,287	\$79,623	\$78,955	\$78,161	\$90,839*
Authorized Positions	1,275.1	1,116.3	1,064.3	1,077.3	1,317.3**
Filled Positions	939.7	931.0	926.5	1,002.5	N/A
Vacancies	335.4	185.3	137.8	74.8	N/A

* Projected Expenditures and Revenue based on the proposed 2016-17 Governor's Budget.

** Projected Positions for 2015-16 are based on the 2015-16 May Revision.

Note: Position information from the annual Salaries and Wages report posted by the Department of Finance. Position counts reflect the entire Licensing & Certification (L&C) Division (these positions are funded in part by either the L&C Program Fund or a combination of the L&C Program Fund, Federal Funds, and Reimbursement Funds).

Resource History
Professional Certification Branch
(Dollars in thousands)

Program Budget	FY 2010-11*	FY 2011-12*	FY2012-13**	FY 2013-14**	FY 2014-15**
Authorized Expenditures***	N/A	N/A	N/A	N/A	N/A
Actual Expenditures	\$9,295	\$8,339	\$11,107	\$11,371	\$13,594
Revenues ****	\$374	\$342	\$381	\$351	\$414
Authorized Positions *****	84.0	85.0	84.5	84.0	102.0
Filled Positions *****	69.0	76.0	79.0	80.0	96.0
Vacancies *****	15.0	9.0	5.5	5.0	6.0

* Actual Expenditures.

** Expenditures include encumbrances.

*** Center does not establish budgets for each Branch.

**** Resources collected from the Nursing Home Administrator Program. The balance is supported by facility fees collected in the L&C Program Fund (3098).

***** Obtained from the Center's Professional Certification Branch position distribution report.

Workload History*The Professional Certification Branch Complaint Investigation Volume*

Workload Measure	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Investigations Pending July 1 of Fiscal Year	1,441	1,397	1,143	1,027	761
Complaints Received	939	944	1,169	1,201	1,424*
Investigations Completed June 30 of Fiscal Year	983	1,198	1,285	1,467	1,548*
Investigations Pending June 30 of Fiscal Year	1,397	1,143	1,027	761	637*
Investigation Analysts	20**	20**	20**	33***	33***
Investigations per Analyst per Month	4.1	5.0	5.4	3.7	3.9
Investigations Remaining by Fiscal Year Received as of December 31, 2015	0	0	2	158	538

*Projected Complaints Received based on the average of the actual numbers from the first two quarters of fiscal year 2015-16.

**Figures reflect authorized positions; actual staffing was greater than 20 analysts because of position redirection and use of overtime.

***The Professional Certification Branch has 36 analysts. Three analysts are devoted to technical support investigation functions. These functions include processing the intake of complaints, reviewing reports, performance reporting, and performance monitoring

C. State Level Considerations

The Professional Certification Branch's activities, as outlined in this proposal, align with the following objectives described in the Department's Strategic Map:

- Strategic Objective A-1: Develop Workforce. Develop and sustain a comprehensive workforce strategy to address challenges and achieve current and future excellence.
- Strategic Objective C-4: Promote Compliance with Health and Safety Laws. Utilize the Department's regulatory authority to promote compliance that protects public health and well-being.

This proposal also addresses the recommendations made in the 2014 Hubbert Report regarding implementing lean thinking in work processes (recommendation number 18), documenting policies and procedures (recommendation number 20), and updating regulations (recommendation number 21). The Professional Certification Branch is able to support this mission, in part, by conducting timely investigations of complaints against caregivers for unprofessional conduct, including, but not limited to, abuse, neglect, and/or misappropriation.

D. Justification

Despite the reduction in pending cases, the Professional Certification Branch will be unable to keep current with the approximately 1,200 new cases received annually unless the 18.0 limited-term positions are made permanent. The inability to conduct timely investigations jeopardizes the health, safety, and welfare of California's vulnerable population and diminishes

Public Health's ability to establish clear and convincing evidence to substantiate the complaints.

Augmenting the existing analysts with position and spending authority by converting the 18.0 two-year limited-term positions will allow the Professional Certification Branch to improve the timeliness of complaint investigations from greater than one year to less than three months by fiscal year 2018-19. Adding the 2.0 attorney positions to serve as the Professional Certification Branch's house counsel and litigation support will better represent Public Health at administrative appeal hearings. The Professional Certification Branch needs dedicated house counsel and litigation support to prepare for and testify at these hearings and address the Administrative Law Judges' concerns about Public Health's representation at these hearings.

The 18.0 limited-term positions have greatly reduced the number of pending complaint investigations; however, Public Health is not yet able to investigate all complaints in a timely manner. The Professional Certification Branch received 1,201 complaints in fiscal year 2014-15, which is an increase of 32 (or 3 percent) compared with the fiscal year 2013-14 amount of 1,169. As open cases are completed and analysts work increasingly on more current cases, analysts complete an average of 3.7 investigations per month. Conducting timely investigations will provide greater protection for California's vulnerable population and enhance the Professional Certification Branch's ability to substantiate complaints and take administrative actions.

As the Professional Certification Branch has started to address complaints more timely, the number of administrative appeals has increased. In fiscal year 2014-15, the Professional Certification Branch received 52 requests for appeal, an increase of 7 (or 15.5 percent) compared to the fiscal year 2013-14 number of 45. As investigations are completed more timely, the expectation is that the existence of evidence and witness testimony will increase and the number of disciplinary actions will increase; therefore, the number of administrative appeal hearings will also increase.

One of the requested attorneys will provide litigation support at administrative appeal hearings. This attorney will provide legal expertise to the Professional Certification Branch in preparing pre-and post-hearing briefs, statements of issues, accusations, responses to discovery requests, and analyst and witness testimony for administrative appeal hearings. At some hearings, this attorney will appear and represent Public Health. The attorney will also provide on-going training to analysts regarding hearing protocol, legal grounds for objections, and introducing evidence.

The second requested attorney will serve as the Professional Certification Branch house counsel. The house counsel will become familiar with the branch's work and issues. The house counsel will provide legal advice, review, and assistance on disciplinary actions, regulations, policies and procedures, bill analyses, contracts, subpoenas, Public Records Act requests, and media responses. The house counsel will also assist the Professional Certification Branch in interpreting complex federal regulations related to requirements for professional staff in long-term care facilities (e.g., the federal registry and the national data bank for suspended and excluded providers). The house counsel will work closely with the administrative litigation attorney to provide consistent guidance to help ensure appealed disciplinary actions are upheld by the Administrative Law Judges.

These two legal positions will allow the Professional Certification Branch to concentrate on completing timely investigations and criminal record reviews, while continuing to reduce the number of aged complaint cases.

E. Outcomes and Accountability

The Professional Certification Branch has developed performance objectives to measure the volume and timeliness of investigations and the outcomes of administrative hearings. The Professional Certification Branch uses trending charts to monitor progress and timeliness of investigations from the section down to the individual analyst on a monthly and quarterly basis. The trending charts also document the outcomes and timeliness of administrative appeal hearings. The Professional Certification Branch will continue to post quarterly performance reports to the Department of Public Health's website.

Projected Outcomes

The Professional Certification Branch Complaint Investigation Outcomes

Workload Measure	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Investigations Pending July 1 of Fiscal Year	761	637	596	430	430
Complaints Received	1,424	1,424	1,465**	1,465**	1,465**
Investigations Completed June 30 of Fiscal Year***	1,548	1,465	1,465	1,465	1,465
Investigations Pending June 30 of Fiscal Year	637	596	596	430	430
Investigation Analysts*	33	33	33	33	33
Investigations per Analyst per Month***	3.9	3.7	3.7	3.7	3.7

* The Professional Certification Branch has 36 analysts. Three analysts are devoted to technical support investigation functions. These functions include processing the intake of complaints, reviewing reports, performance reporting, and performance monitoring.

** Complaints received are projected to increase by three percent beginning fiscal year 2017-18, based on previous growth.

*** Completed investigations are expected to decrease from 3.9 in fiscal year 2015-16 to 3.7 in fiscal year 2016-17 and forward because timely investigations produce more witnesses, documentation, and physical evidence that results in more investigative tasks and time to complete.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve the proposal as requested with an additional \$2.5 million in expenditure authority from the State Department of Public Health Licensing and Certification Program Fund in fiscal year 2016-17 to convert the 18.0 two-year limited-term positions approved in fiscal year 2014-15 to permanent positions, and add 2.0 positions for the Office of Legal Services to support the Professional Certification Branch.

Pros:

- Public Health will have the spending authority and positions required to complete timely investigations.
- Will investigate all complaints timely.

- Will achieve a greater degree of security and protection for one of California's most vulnerable populations.
- Dedicated in-house counsel and litigation support will provide invaluable and knowledgeable support to address and resolve issues, prepare legal briefs and documents for administrative hearings, and provide guidance and direction at hearings requiring analysts to represent the Department against appellants' experienced legal counsel.

Cons:

- Will need to increase Licensing and Certification Program Fund licensing fees.

Alternative 2: Increase expenditure authority from the Licensing and Certification Program Fund in fiscal year 2016-17 by \$2 million to convert the 18.0 two-year limited-term positions approved in fiscal year 2014-15 to permanent positions. Convert two of these permanent positions to general counsel and litigation support positions in the Office of Legal Services to support the Professional Certification Branch.

Pros:

- Public Health will have the spending authority and positions required to continue to improve the timeliness of investigations.
- Public Health will address complaints more timely with significantly fewer aging investigations.
- Will achieve a greater degree of security and protection for one of California's most vulnerable populations.
- Dedicated in-house counsel and litigation support will provide invaluable and knowledgeable support to address and resolve issues, prepare legal briefs and documents for administrative hearings, and provide guidance and direction at hearings requiring analysts to represent the Department against appellants' experienced legal counsel.

Cons:

- Will need to increase Licensing and Certification Program Fund licensing fees.
- Does not entirely meet the projected workload figures.
- The Professional Certification Branch will not investigate all complaints as timely.

Alternative 3: Increase expenditure authority by \$2.12 million and establish 19.0 permanent positions over two fiscal years. (1) In fiscal year 2016-17, increase expenditure authority from the Licensing and Certification Program Fund by \$1.32 million to convert 12.0 of the 18.0 two-year limited term positions approved in fiscal year 2014-15 to permanent positions. Convert 1.0 of these permanent positions to an attorney to serve as the general counsel position in the Office of Legal Services to support the Professional Certification Branch. (2) In fiscal year 2017-18, increase expenditure authority from the Licensing and Certification Program Fund by \$800,000 to establish 7.0 positions. Convert 1.0 of these permanent positions to an attorney position in the Office of Legal Services to provide litigation support the Professional Certification Branch.

Pros:

- Public Health will have the spending authority and positions to continue to strive to conduct more timely investigations.
- Will achieve a greater degree of security and protection for one of California's most vulnerable populations.

- Dedicated in-house counsel will provide invaluable and knowledgeable support to address and resolve issues, respond to subpoenas and Public Records Act requests, and review legal briefs and documents for administrative hearings beginning in fiscal year 2016-17. Then in fiscal year 2017-18, dedicated litigation support will provide guidance and assistance related to administrative appeal hearings.

Cons:

- Public Health's pending complaints will significantly increase with insufficient spending authority and staff to complete timely investigations.
- Will need to increase Licensing and Certification Program Fund licensing fees.

Alternative 4: Allow the 18.0 existing limited-term positions to expire.

Pros:

- Will decrease the licensing fees for the Licensing and Certification Program Fund.

Cons:

- Public Health will be unable to conduct timely investigations.
- Complaints will age in fiscal year 2016-17.
- Will undo the progress that has been made to reduce the number of pending investigations.
- The security and protection for one of California's most vulnerable populations will be at greater risk.
- Legal assistance for general items and administrative appeal hearings will be limited, and assigned staff will not be familiar with the issues related to the Professional Certification Branch or the challenges it faces at the administrative appeal hearings.

G. Implementation Plan

The 18.0 two-year limited-term positions are currently filled with competent, trained individuals. Therefore, establishing these positions as permanent and authorizing expenditure authority will allow Public Health to continue to improve the timeliness of investigations and enhance efficiencies. The Staff Counsel classification already exists within state government and there is a current certification list from which to recruit candidates. Public Health anticipates filling the 2.0 requested positions for the Office of Legal Services within two months of establishing the positions, and will immediately initiate training of staff to assist the Professional Certification Branch.

- Initiate recruitment and conduct interviews prior to enactment of the 2016 Budget Act.
- Establish positions effective July 1, 2016.
- Fill two Staff Counsel positions by August 1, 2016.

H. Supplemental Information

N/A

I. Recommendation

Approve Alternative 1: Increase State Department of Public Health Licensing and Certification Program Fund expenditure authority by \$2.5 million in fiscal year 2016-17, convert the 18.0 two-year limited-term positions authorized in fiscal year 2014-15 to permanent positions, and establish 2.0 additional positions in the Office of Legal Support Services as dedicated in-house counsel and litigation support to the Professional Certification Branch.

Center for Health Care Quality
Professional Certification Branch
Office of Legal Services
House Counsel

Attachment I
Workload Analysis

**Attorney
1.0 Position**

Activity	Number of Items	Hours per Item	Total Annual Hours
Assist in drafting and reviewing Professional Certification Branch (PCB) regulation packages, legislation and bill analysis.	15	8	120
Research and draft legal opinions and advisory opinions to Professional Certification Branch, including but not limited to: issues arising from investigation of various professionals certified or licensed by the Branch, federal requirements for training, federal requirements for the nurse assistant registry, and requirements under the Affordable Care Act.	30	12	360
Assist the administrative litigation team in appeals of denial of applications, revocation of licenses and certificates, and other disciplinary actions against license and certificate holders. Assist PCB personnel in responding to subpoenas.	45	8	360
Assist staff in responding to public records requests and assist in responding to inquiries from the Governor's Office, the Legislature, Agency, and the public.	30	6	180
Review BCP policies, procedures, and other communications with regulated personnel; provide PCB staff with training regarding subpoenas, public records, conflicts of interest, and hearing testimony.	20	20	400
Assist investigators in decisions related to sanctions against license and certificate holders. Assist in drafting and reviewing documents and notifying license and certificate holders of those sanctions.	65	6	390
Total hours for workload projected for this classification			1,800
1,800 hours = 1 PY			
Actual number of PYs requested			1.0

Note: Should be for all activities related to the workload for your proposal by position or position classification.

Attorney
1.0 Position

Activity	Number of Items	Hours per Item	Total Annual Hours
Open the case file, review the request for hearing from the appellant, establish a tentative schedule, draft initial correspondence and identify all interested parties.	45	6	270
Review the supporting case documents, investigative reports, declarations, statutory and regulatory citations, and then prepare appropriate pleadings such as accusations or statement of issues. Consult with house counsel as appropriate.	45	4	180
Meet with client to establish the Department's position on the case, participate in telephone conferences with judges, opposing counsel and interested parties, prepare for and attend status and settlement conferences, prepare or defend against motions regarding discovery, witnesses or continuances. Travel as required.	45	8	360
Prepare and review exhibit packages for hearing, do percipient and expert witness preparation, conduct ongoing settlement negotiations, prepare settlement offers, draft settlement agreements or prepare for presentations at hearing. Travel as required.	45	10	450
Present the case to an Administrative Law Judge including oral witness testimony, admission of exhibits, oral opening or closing argument and draft post hearing opening and reply briefs. Review the proposed decision, consult with client, prepare request for alternation when necessary, and circulate the final decision to all interested parties. Travel as required.	45	12	540
Total hours for workload projected for this classification			1800
1,800 hours = 1 PY			
Actual number of PYs requested			1.0

Note: Should be for all activities related to the workload for your proposal by position or position classification

Staff Services Manager I
5.0 Position

Activity	Number of Items Per Year	Hours per Item	Total Annual Hours
Provide direct oversight of the daily activities and workload of assigned staff. Monitor workload trends, production, special assignments, caseload statistics to ensure timeliness and efficiency; and complete special projects and administrative assignments.	39 Staff	105	4,095
Assist with complex investigations, provide on-the-job training and instruction to assigned staff (includes travel, preparation, etc. to conduct field component of investigations and attend hearings), and coordinate with other agencies on investigations	39 Staff	110	4,290
Review, evaluate, discuss, and edit completed investigations for compliance, thoroughness, accuracy, grammar, punctuation, etc.	277 Cases	2	554
Total hours for workload projected for this classification			8,939
1,800 hours = 1 PY			
PYs requested			5.0

Program Technician II
2.0 Position

Activity	Number of Cases Per Year	Hours per Item	Total Annual Hours
Complaint Intake/Data Entry - HALS and Spreadsheets.	1,237	1	1,237
Filing.	1,237	0.5	619
Create case file and assign cases to investigators.	1,237	0.5	619
Process incoming & outgoing calls, emails, and Abuse Hotline (phone and email).	1,237	0.5	619
Monitor and make required updates to spreadsheets and HALS regarding suspensions, revocations, denials, and diversions.	277	2	554
Complete special projects.	25	10	250
Total hours for workload projected for this classification			3,897
1,800 hours = 1 PY			
Number of PYs requested			2.0

**Staff Services Analyst and Associate Governmental Program Analyst
36.0 Positions**

Activity	Number of Cases per Year	Hours Per Case	Total Annual Hours
Reviews, organizes, and plans investigative activities.	1,386	1.5	2,079
Investigates and analyzes complaints/allegations, conducts research, and coordinates with other agencies.	1,386	5	6,930
Conducts interviews (includes development and preparation of questions, interview, and follow-up notes).	1,386	15	20,790
Conducts follow-up investigation, research, and interviews to finalize investigation.	1,386	1	1,386
Conducts field component (includes travel, preparation, and follow-up notes. Note: time to conduct interviews is not included in this line as it is shown above as its own line item).	900	20	18,000
Prepares comprehensive investigative reports and notes.	1,386	7	9,702
Prepares for and represents CDPH at Administrative Appeal Hearings (includes travel, preparation and strategizing, follow-up, witness preparation [developing questions, interview, notes, follow-up, and travel - separate from travel for hearing], preparing and responding to Requests for Discovery, preparing evidence package, and attending hearing).	25	30	750
Completes administrative paperwork and tasks and compile and generate various statistical data reports.	1,386	4	5,544
Total hours for Current workload projected for this classification			65,181
1,800 hours = 1 PY			
Number of PYs Requested			36.0

**Administrative Litigation Support Attorney
1.0 Positions**

Activity	Number of Items	Hours per Item	Total Annual Hours
Open the case file, review the request for hearing from the appellant, establish a tentative schedule, draft initial correspondence and identify all interested parties.	60	5	300
Review the supporting case documents, investigative reports, declarations, statutory and regulatory citations, and then prepare appropriate pleadings such as accusations or statement of issues. Consult with house counsel as appropriate.	60	4	240
Meet with client to establish the Department's position on the case, participate in telephone conferences with judges, opposing counsel and interested parties, prepare for and attend status and settlement conferences, prepare or defend against motions regarding discovery, witnesses or continuances. Travel as required.	60	6	360
Prepare and review exhibit packages for hearing, do percipient and expert witness preparation, conduct ongoing settlement negotiations, prepare settlement offers, draft settlement agreements or prepare for presentations at hearing. Travel as required.	60	8	480
Present the case to an Administrative Law Judge including oral witness testimony, admission of exhibits, oral opening or closing argument and draft post hearing opening and reply briefs. Review the proposed decision, consult with client, prepare request for alternation when necessary, and circulate the final decision to all interested parties. Travel as required.	60	10	600
Total hours for workload projected for this classification			1,980
1,800 hours = 1 PY			
Number of PYs requested			1.0

Center for Health Care Quality
Professional Certification Branch
Investigation Section

Attachment 1
Workload Analysis

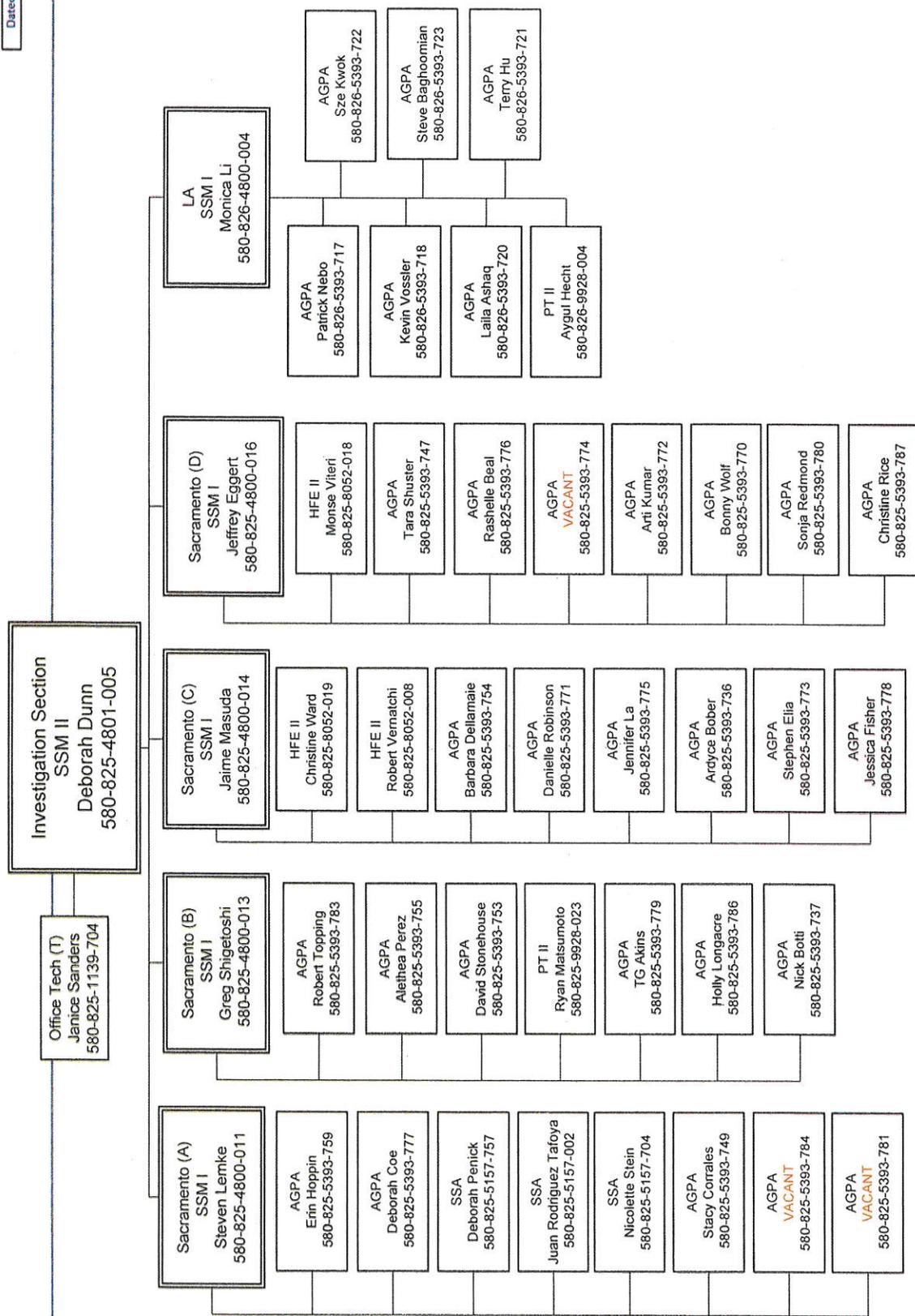
House Counsel Attorney
1.0 Position

Activity	Number of Items	Hours per Item	Total Annual Hours
Assist in drafting and reviewing Professional Certification Branch regulation packages, legislation and bill analysis.	15	8	120
Research and draft legal opinions and advisory opinions to Professional Certification Branch including but not limited to issues arising from investigation of various professionals certified or licensed by the Branch, federal requirements for training, federal requirements for the nurse assistant registry, and requirements under the Affordable Care Act.	30	12	360
Assist the administrative litigation team in appeals of denial of applications, revocation of licenses and certificates and other disciplinary actions against license and certificate holders. Assist PCB personnel in responding to subpoenas.	45	8	360
Assist staff in responding to public records requests and assist in responding to inquiries from the Governor's Office, Legislature, Agency and the public.	30	6	180
Review BCP policies, procedures, and other communications with regulated personnel; provide PCB staff with training regarding subpoenas, public records, conflicts of interest, and hearing testimony.	20	20	400
Assist investigators in decisions related to sanctions against license and certificate holders. Assist in drafting and reviewing documents notifying license and certificate holders of those sanctions.	65	6	390
Total hours for workload projected for this classification			1,800
1,800 hours = 1 PY			
Number of PYs requested			1.0

California Department of Public Health
Center for Health Care Quality
Licensing & Certification Branch
Professional Certification Branch
Investigation Section



Dated: 12/14/2015



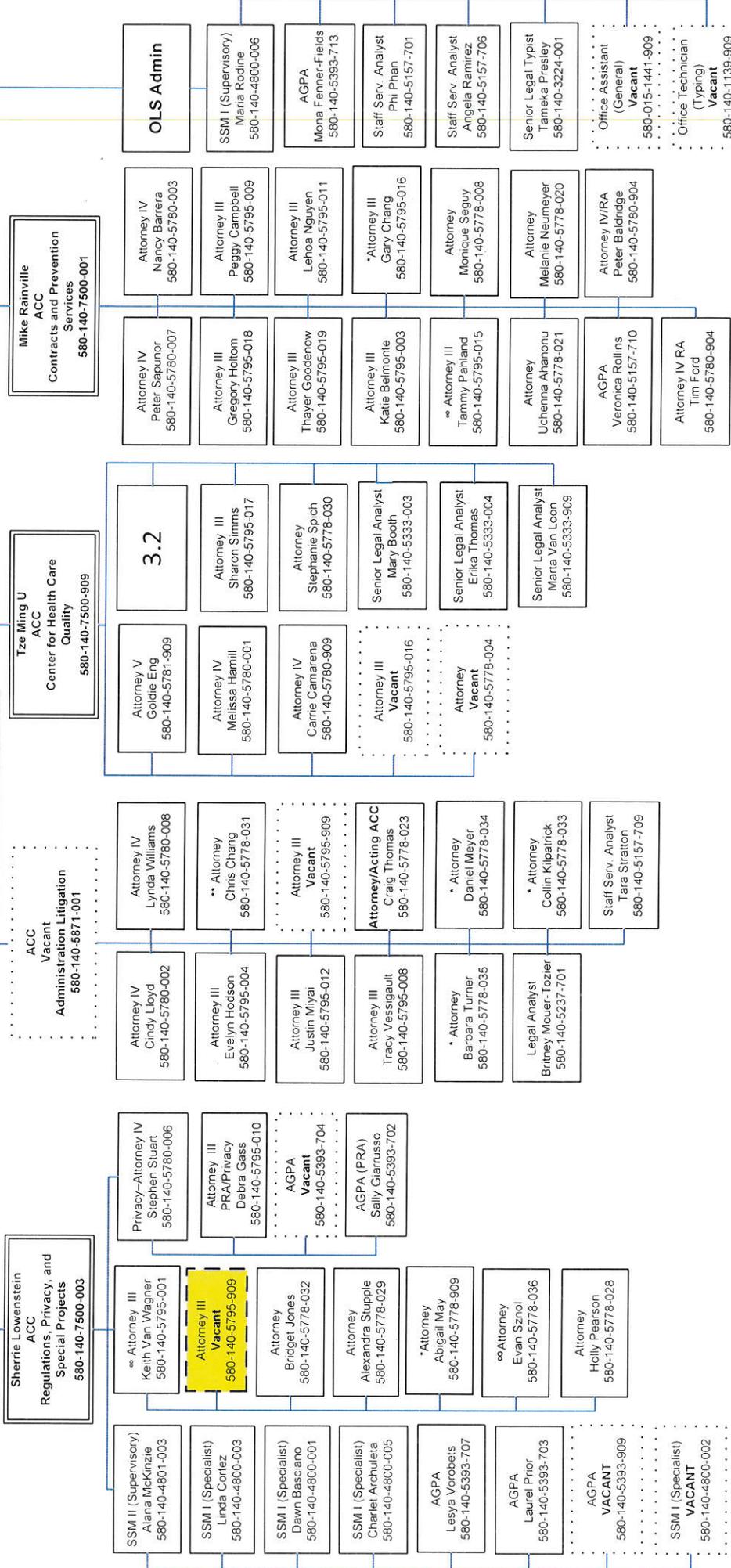
PPH for

CA Department of Public Health
Office of Legal Services



Karin Schwartz
Deputy Director
580-140-0056-001

SSM II
Miyoko Sawamura
580-140-4801-002



LEGEND

* WIC
** STAKE
∞ LAB FIELD SERVICES

Current POSITION

VACANT POSITION

CURRENT

December 2015

BCP Fiscal Detail Sheet

BCP Title: Licensing & Certification: Timely Investigations of Caregivers

DP Name: 4265-013-BCP-DP-2016-GB

Budget Request Summary

	FY16				
CY	BY	BY+1	BY+2	BY+3	BY+4
Positions - Permanent	0.0	20.0	20.0	20.0	20.0
Total Positions	0.0	20.0	20.0	20.0	20.0
Salaries and Wages					
Earnings - Permanent	0	1,280	1,280	1,280	1,280
Total Salaries and Wages	\$0	\$1,280	\$1,280	\$1,280	\$1,280
Total Staff Benefits	0	625	625	625	625
Total Personal Services	\$0	\$1,905	\$1,905	\$1,905	\$1,905
Operating Expenses and Equipment					
5301 - General Expense	0	72	68	68	68
5302 - Printing	0	36	36	36	36
5304 - Communications	0	26	26	26	26
5320 - Travel: In-State	0	234	234	234	234
5322 - Training	0	6	6	6	6
5324 - Facilities Operation	0	210	210	210	210
5344 - Consolidated Data Centers	0	6	6	6	6
Total Operating Expenses and Equipment	\$0	\$590	\$586	\$586	\$586
Total Budget Request	\$0	\$2,495	\$2,491	\$2,491	\$2,491

Fund Summary

Fund Source - State Operations
 State Department of Public Health
 3098 - Licensing and Certification Program
 Fund

Total State Operations Expenditures	\$0	\$2,495	\$2,491	\$2,491	\$2,491
Total All Funds	\$0	\$2,495	\$2,491	\$2,491	\$2,491

Program Summary

Program Funding
 4050010 - Health Facilities
 Total All Programs

Total All Programs	\$0	\$2,495	\$2,491	\$2,491	\$2,491
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Personal Services Details

Salary Information

Positions	Min	Mid	Max	CY	BY	BY+1	BY+2	BY+3	BY+4
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2016)				0.0	18.0	18.0	18.0	18.0	18.0
5778 - Atty (Eff. 07-01-2016)				0.0	2.0	2.0	2.0	2.0	2.0
Total Positions				0.0	20.0	20.0	20.0	20.0	20.0

Salaries and Wages

	CY	BY	BY+1	BY+2	BY+3	BY+4
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2016)	0	1,119	1,119	1,119	1,119	1,119
5778 - Atty (Eff. 07-01-2016)	0	161	161	161	161	161
Total Salaries and Wages	\$0	\$1,280	\$1,280	\$1,280	\$1,280	\$1,280

Staff Benefits

5150900 - Staff Benefits - Other	0	625	625	625	625	625
Total Staff Benefits	\$0	\$625	\$625	\$625	\$625	\$625
Total Personal Services	\$0	\$1,905	\$1,905	\$1,905	\$1,905	\$1,905