

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING MINUTES**

DATE: November 4-5, 2015

LOCATION: Embassy Suites Santa Ana – Orange County Airport North  
1325 E. Dyer Road  
Santa Ana, CA 92705

PRESENT: Michael D. Jackson, MSN, RN, President  
Raymond Mallel, Vice President  
Cynthia Klein, RN  
Elizabeth A. Woods, MSN, FNP, RN  
Trande Phillips, RN  
Imelda Ceja-Butkiewicz  
Dr. Bhavna Shamasunder, M.ES., PhD

ABSENT: Jeanette Dong  
Dr. Bhavna Shamasunder, M.ES., PhD (11/5/2015)

ALSO PRESENT: Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Assistant Executive Officer  
Christina Sprigg, Deputy Chief, Licensing and Administrative Services  
Shannon Silberling, Deputy Chief, Complaint Intake and Investigations  
Janette Wackerly, Supervising NEC  
Miyo Minato, Supervising NEC  
Leslie Moody, NEC  
Katie Daugherty, NEC  
Susan Engle, NEC  
Carol MacKay, NEC  
Don Walker, Diversion Program Manager  
Kim Ott, Decisions and Appeals Analyst  
Doreatha Johnson, Deputy Director/General Counsel  
Michael Santiago, Legal Counsel  
Debra Nye-Perkins, Administrative Law Judge  
Agustin Lopez, Deputy Attorney General  
Lauro Paredes, Deputy Attorney General

**Wednesday, November 4, 2015 – 9:00 am**

- 1.0 Call to Order** – Michael Jackson, President called the meeting to order at 9:20 am and had the members introduce themselves.
- 2.0 Public Comment for Items Not on the Agenda**

No public comment.

**3.0 Disciplinary Matters. Hearings on Petitions For:**

<u>Reinstatements</u>	<u>Early Termination of Probation</u>
Karin Lyon Toni Varone	Jennester Culp Beatrice Foltz Mary La Botz Annamarie Meyers Santiago Nunez Jenny Smyth James West

Meeting adjourned at 12:33 pm.

**4.0 Closed Session**

**Disciplinary Matters**

The Board convened in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Michael Jackson, President, called the closed session meeting to order at 1:40 pm. The closed session adjourned at 3:34 pm.

**5.0 Reconvene in Open Session for Purposes of Adjournment**

Meeting adjourned at 3:35 pm.

**Thursday, November 5, 2015 – 9:00 am**

**1.0 Call to Order**

Michael Jackson, President, called the meeting to order at 9:09 am and had the Board Members introduce themselves.

**2.0 Public Comment for Items Not on the Agenda**

Public Comment: Jeannie King, RN, SEIU 121 RN and Nurse Alliance of Ca.

Public Comment: Genevieve Clavreul, RN, PhD

Public Comment: Doreathea Johnson, Deputy Chief/General Counsel

**3.0 Review and Vote on Whether to Approve Minutes:**

- September 2-3, Board Meeting Minutes
- October 7, 2015, Board Meeting Minutes

No public comment.

**Motion:** Raymond Mallel made a motion that the Board approve the Minutes from both Board Meetings listed in Agenda Item 3.0.

**Second:** Imelda Ceja-Butkiewicz

Votes	CK	ICB	MJ	RM	EW	TP
	A	Y	Y	Y	Y	Y

#### 4.0 Report on Board Members' Activities

Michael Jackson, President, attended the Diversion Liaison Committee Meeting on September 24, 2015 and the California Organization of Associate Degree Nursing (COADN) Program Directors on November 1-2, 2015.

#### 5.0 Board and Department Activities

##### 5.1 Executive Officer Report

Louise Bailey, Executive Officer and Stacie Berumen Assistant Executive Officer presented this report.

**Trande Phillips**, has been reappointed by the Governor on October 28, 2015 to the California Board of Registered Nursing, where she has served since 2012. Phillips has been a registered nurse at the RotaCare Richmond Free Medical Clinic since 2015. She was a registered nurse at the Kaiser Permanente Walnut Creek Medical Center in the pediatric-flex, medical, surgical, hospice and oncology units from 1983 to 2014. Phillips was a registered nurse at the Contra Costa Regional Medical Center from 1979 to 1981 and at the Wichita General Hospital from 1971 to 1972. Her term will expire June 1, 2019.

**Pilar De La Cruz-Reyes**, has been appointed by the Governor on October 28, 2015 to the California Board of Registered Nursing. De La Cruz-Reyes has been director of the Central California Center for Excellence in Nursing at Fresno State since 2013. She was dean at the United States University in Chula Vista School of Nursing from 2011 to 2013, a project manager at the Hospital Council of Northern and Central California from 2007 to 2011, a faculty member at San Joaquin Valley College from 2003 to 2007 and a staff nurse to the chief nurse executive at the Fresno Community Medical Center from 2002 to 2006. She was chief nurse executive at the Fresno Heart Hospital from 2003 to 2006, held several positions at the Community Medical Centers from 1996 to 2003, including vice president and executive director of the Education Department, vice president of continuum services and facility service integrator. De La Cruz-Reyes was administrative director and service integrator at the Clovis Community Hospital from 1992 to 1995 and held several positions at the Fresno Community Hospital from 1969 to 1992, including director of nurses, nursing manager, supervisor of the Education and Training Department and critical care and clinical instructor. De La Cruz-Reyes earned a Master of Science degree in nursing from California State University, Dominguez Hills. Her term will expire on June 1, 2019.

##### 5.2 Board's Budget Update

The Board submitted a legislative BCP requesting \$450,000 to pay for the Enforcement audit requested by the legislature in the Board's sunset bill. Additionally the Board identified positions necessary to complete the work to meet the new requirements to evaluate military education and experience. Due to the Board's structural imbalance, positions associated with new requirements of the sunset bill will be requested at a later date. Although positions were requested the Department could not approve a BCP for these positions due to inadequate funding.

The general fund loan of \$8,300,000 plus interest of \$121,272 was paid back to the Board in July, 2015. The Board's current year budget is again going to be very tight and is being monitored to maintain the business of the Board and ensuring only necessary expenditures are being made.

AG Budget - As of the first quarter of FY 15/16 the Board expended 30% of its AG line allocation. If necessary the Board will request an augmentation pursuant to Budget Bill Language (Item 1110-402) related to AG expenditures contained in the 2010 Budget Act.

### **5.3 Fee Increase**

The Board implemented the first phase of the Emergency Fee Increase on October 15, 2015. The fee increase was broken into two phases. The first is an increase in application fees for initial advance practice certifications, delinquent renewal fees and a few miscellaneous fees such as outgoing verifications, copies of school transcripts and duplicate licenses.

The second phase will go into effect on January 1, 2016 and will cover the license and certificate renewal fees. The first group affected by this increase will be those expiring on January 31, 2016. The fee increase is expected to generate approximately \$2,000,000.

Programming the new fees in the BreEZe system has been challenging. Fee programming changes caused an additional workload for staff to clear fee errors on pending open paid renewals.

### **5.4 Statement of Economic Interest, Form 700 Update**

The Fair Political Practices Commission announced it will be accepting the annual Statement of Economic Interest, affectionately known as the Form 700, electronically beginning in 2016. This will allow all board members and staff required to file online with an electronic signature.

### **5.5 DCA Updates- Chief Information Officer**

Amy Cox-O'Farrell, Chief Information Officer for DCA's Office of Information Services will be retiring the end of December 2015 after more than 38 years of state service. We wish Amy well on her retirement!

Jason Piccione, has been promoted to the new Chief Information Officer and he started in his new role on November 2, 2015.

## **5.6 New Bureau of Medical Marijuana under DCA**

The Governor signed SB 643 (Chapter 716) on October 9, 2015 establishing a comprehensive licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical cannabis to be administered by the Department of Consumer Affairs (DCA), Department of Food and Agriculture (CDFA), and Department of Public Health (CDPH).

This bill requires the Governor to appoint a Chief of the Bureau of Medical Marijuana Regulation, within the DCA and authorizes the Chief of the Bureau or a deputy to exercise every power or duty given to the Director. It also vests in the DCA the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for medical marijuana activities within the state and to collect related fees, and authorizes the DCA to create additional licenses.

## **5.7 Enforcement Performance Measures**

As a result of the Governor signing SB 467 which now requires the Office of the Attorney General (AG) to submit annual reports to the legislature beginning in January 2018, the AG's office will meet with the DCA Boards to discuss the establishment of new enforcement performance measures for FY 2016/2017. The AG's office wants to consider the boards' budgets and staffing in establishing the new performance measures.

## **5.8 Maximus Audit**

Pursuant to SB 1441, the independent contractor authorized to fulfill the seven DCA Boards' diversion and some probation program components is mandated to undergo an audit on a periodic basis. Maximus, as the current contractor, will be audited as it relates to their compliance with Uniform Standards from July 2, 2011 thru December 2014. The contract to conduct the audit was awarded to Cooperative Personnel Services (CPS). The audit is expected to begin the last week of October and should be completed by February 2016.

## **5.9 BRN on Facebook**

On October 12, 2015 the Board went live with our new Facebook page. We will use this additional outreach opportunity to provide our consumers, applicants and licensees with information that is being added to our website, meeting notifications, updates to our licensing and renewal processing times, outreach to assist obtaining expert witnesses and notifications from our Diversion Program. We recently sent out an e-mail to our subscriber listing as well as our nursing program deans and directors to inform them of the new page. We have posted this information on our website and our call center is getting the word out. We have already posted several items to our page that have generated sharing of our posts.

## **5.10 Social Media and Outreach – Breeze Release 2 Go Live**

The DCA recently posted information on their Website and Facebook page regarding the Release 2 preparation activities. The BRN also added this information to our Website and our Facebook page.

“The Department of Consumer Affairs is scheduled to transition additional Boards and Bureaus to the new BreEZe online licensing and enforcement system in January 2016.

The transition to the new system will require a temporary shutdown of all licensing processes for several business days, and could result in delays in processing initial license applications, license renewals, and changes such as name changes or changes of address.

- **License Renewals:** Individuals holding a professional license with December 2015 or January 2016 expiration dates who wish to renew their licenses are strongly encouraged to renew as early as possible, preferably **before the end of November 2015**.
- **New Licenses:** Individuals seeking a new license are strongly encouraged to apply **before November 23, 2015 or after January 2016** to help avoid delays in license issuance.

DCA will update this message if there are any changes in the dates, as it is important to us in assisting you to avoid licensing delays. Please watch for updates to this message. Thank you.”

#### **5.11 BRN and UCSF Hosted Annual School Survey Webinar for Nursing Program Deans and Directors**

On October 13, 2015 the BRN and UCSF conducted its first annual school survey webinar for nursing program deans and directors and other nursing program staff who assist in compiling the survey data. The Webinar provided information to assist in the completion of the annual school survey and answered questions. The webinar was recorded and is available for viewing. A link to the recorded webinar was sent to all nursing programs deans and directors and other nursing program staff who attended the webinar. An FAQ document was developed and is included in the survey information to further assist in completing the survey. Each program was sent an e-mail on October 1, 2015 with a unique link to access their program’s survey. The survey response deadline date is November 16, 2015.

#### **5.12 Nursing Workforce Advisory Committee**

The Nursing Workforce Advisory Committee (NWAC) will be meeting on November 17, 2015 at the BRN headquarters in Sacramento. The main focus of the meeting will be to review and provide recommendations for the 2016 biennial RN survey instrument. Data collected from this survey is used and relied on by a variety of entities, both government and private sector, to make policy and funding decisions, RN workforce planning and used with other research. Committee members will also share and discuss recent issues, information and data collection related to the nursing workforce and education in California. This committee was originally appointed by the Board in November 2001 and last met in January 2014.

#### **5.13 Winter 2015 Edition of BRN Report**

A Winter 2015 edition of the BRN Report Newsletter is currently being prepared and is anticipated to be available on the BRN website in late December. The BRN Report is published annually (except for years in which the Board prepares its Sunset Review Report) for the purpose of informing registered nurses of Board policies, activities and processes, current laws related to nursing, and issues pertaining to the regulation of nursing practice and education.

#### 5.14 Public Record Requests

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of September 1, 2015 through October 26, 2015 the BRN received and processed 33 public record requests.

#### 5.15 Personnel

<b>NEW HIRES</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Roseanna Kafati	Administrative Assistant II	Administration
Kim Ngo	Special Investigator	Enforcement Investigations
Evelyn Medina	Seasonal Clerk	Licensing Unit
<b>PROMOTIONS</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Jessica Guanzon	Associate Governmental Program Analyst	Complaint Intake
Kim Poston	Staff Services Analyst	Diversion
Brandon Tagawa	Staff Services Analyst	Licensing
<b>SEPARATIONS</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Tim Maciel	Associate Governmental Program Analyst	Administration
Stephanie Morrison	Staff Services Analyst	Diversion
Detrea James	Office Technician	Discipline
Kimberly Brauer	Supervising Program Technician II	Call Center
Suzanne Smith	Program Technician II	Licensing
Brianne Gregory	Associate Governmental Program Analyst	Probation
Rose Ramos	Administrative Assistant II	Administration
Gabriella Sprigg	Youth Aid	Complaint Intake
<b>RETIREMENTS</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Gumercindo Flores (Cindo)	Associate Governmental Program Analyst	Discipline Unit

Cindo Flores will retire from state service on December 30, 2015. He began his career in public service in September 1978 as a Student Assistant and then Seasonal Clerk with the Employment Development Department. He then moved to the Department of Justice and was promoted to an Assistant Clerk in September of 1983 then to a Case Records Technician. Cindo stayed with DOJ for over 9 years. In April 1993 he transferred to the Board of Registered Nursing as a Staff Services Analyst in the Licensing Program's Advance Practice unit and was promoted in 1999 to an Associate Governmental Program Analyst in the Enforcement Program as a case analyst and has remained with BRN ever since. Cindo has served the State of California for 35 ½ years and has earned the trust, respect and friendship of all who have worked with him. We congratulate Cindo on his retirement, commend him on his outstanding record of service and extend our best wishes on his future endeavors.

Franklin Cole

Office Services Supervisor III

Renewals Unit

Franklin Cole will retire from state service on December 31, 2015. He began his career in public service in July 1997 as a Custodian for the Department of General Services where he promoted twice to Custodian Supervisor I in February 2000 and Custodian Supervisor II in October 2001. He transferred to the Department of Consumer Affairs in September 2005 to take the position of Supervising Program Technician II in the Consumer Information Call Center. He then promoted to the classification of Office Services Supervisor III over the Renewals unit with the Board of Registered Nursing in May 2008 and has remained with the Board ever since. Franklin has served the State of California for over 17 years and has earned the trust, respect and friendship of all who have worked with him. We congratulate Franklin on his retirement, commend his outstanding record of service and extend our best wishes on his future endeavors.

### RETIREMENTS

Name	Classification	Program
Louise R. Bailey	Executive Officer	Board of Registered Nursing

Louise Bailey will retire as Executive Office of the Board of Registered Nursing on July 1, 2016. Her last working day with the Board is December 31, 2015. Louise began her nursing career in 1961 after graduating from Laney College and obtaining her Vocational Nursing license. She went on to obtain her AA degree from Merritt College where she completed her Registered Nursing program and became licensed as a registered nurse on November 24, 1964. In 1969 she completed her Bachelor of Science in Nursing degree at San Francisco State University and then in 1983 received her Master's in Education from the University of Virginia. She attended Virginia Polytechnic Institute and State University as a Doctoral Student where her major was Educational Research and Evaluation. She obtained professional certifications which include Coronary Care Nursing in 1980; Lifetime Community College Teaching Credential in 1972 and her Public Health Nursing certification in 1969. Louise is a member of Sigma Theta Tau International Nursing Honor Society and University of Virginia Alumni Association.

Louise has worked in various areas of nursing including an LVN in a Medical/Surgical

Unit and an RN in an Intensive Care Unit. She was a nursing supervisor over a Surgical Unit, ICU, Recovery Room, Orthopedic & Respiratory Care and Hemodialysis Units. She was also a charge nurse over an ICU. In the early 1970s she became a Vocational Nursing Instructor at East Bay Skills Center and eventually the program director in 1972. In 1974 she became the Associate Director of Nursing Services of Highland General Hospital and then the Acting Director in 1979. In 1981 Louise took a Faculty Instructor position with the College of Nursing at Howard University in Washington, D.C. She also worked as a part time staff nurse at several hospitals in the Washington, D.C area from 1985 to 1988. In 1986 she became the Coordinator of Student Affairs at Howard University until 1988 where she took a position as a Consultant/Research Assistant for Philadelphia Associates of Clinical Trials. In 1989 she returned to California and worked as a staff nurse in Oakland until 1990 when she began her work as a School Nurse for Developmentally Disabled Students with the Oakland Unified School District. By 1991 she began her career in public service with the state as a Health Facilities Evaluator Nurse with the Department of Health Services, Licensing and Certification and promoted to Nurse Consultant I in December 1992. In May of 1994 Louise once again promoted to a Nursing Education Consultant with the Department of Consumer Affairs, Board of Registered Nursing. She became the Supervising Nursing Education Consultant in October 2001. After a role as Interim Executive Officer Louise was appointed in July 2009 to the Executive Officer position of the Board of Registered Nursing where she has remained.

Louise served the public as a practicing vocational nurse, registered nurse and educator for almost 30 years and continued her public service with the State of California for 25 more. She has earned the trust, respect and friendship of all who have worked with her. The Board congratulates Louise on her retirement, commends her outstanding record of public service and extends our best wishes on her future endeavors.

Public Comment: Genevieve Clavreul, RN, PhD

**6.0 Report of the Administrative Committee**

Michael Jackson, President, Chairperson

**6.1 Update from Executive Officer Selection Committee**

Michael Jackson, President, presented this report.

**6.2 Discussion and Possible Action on Appointment of Acting Executive Officer**

Action deferred to January 2016 Board Meeting.

Public comment: Doreathea Johnson, Deputy Chief/General Counsel.

**6.3 Discussion and Possible Action on Report from Fee Audit Committee**

Stacie Berumen, Assistant Executive Officer, presented this report.

**BACKGROUND**

Imelda Ceja-Butkiewicz and Cynthia Klein volunteered to participate on the Fee Audit Committee at the September 3, 2015 board meeting.

Two telephone conferences were conducted with the committee members, board staff, and Dan Edds, fee audit contractor on or about September 10 and 15, 2015.

Minor corrections were suggested and made to the fee audit report and is presented to the board for consideration. The Fee Audit Committee asked Mr. Edds to extend the fee increases from five to 10 years along with an annual increase of 4.5%.

Upon review of the fees outlined by Mr. Edds it was determined some fees are not reasonable. The Fee Audit Committee asked board staff to review the fees and provide recommendations at the November 2015 board meeting.

Public Comment: Tricia Hunter, Government Relations Group

**Motion:** Cynthia Klein made a motion for the committee to review the numbers in depth, add additional information regarding the reserve line item and then conduct a teleconference call with all of the board members prior to the end of the year.

**Second:** Imelda Ceja-Butkiewicz

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	N	Y	Y

**Motion:** Trande Phillips made a motion to authorize staff to seek an author to sponsor the BRNs fee increase bill.

**Second:** Michael Jackson

No public comment

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	N	Y	Y

#### 6.4 **Vote on Whether to Approve Proposed Modified Language for California Code of Regulations, Article 1, Section 1417, Fees**

Stacie Berumen, Assistant Executive Officer presented this report.

#### **BACKGROUND**

The Board will review the proposed modified language for the fee increase regulations.

SB 809 from 2013, states that beginning April 1, 2014, it requires an annual fee of \$6 to be assessed on specified licensees, including licensees authorized to prescribe, order, administer, furnish, or dispense controlled substances, and require the regulating agency of each of those licensees to bill and collect that fee at the time of license renewal. The proposed modified language complies with this bill.

No public comment.

**Motion:** Michael Jackson made a motion to accept the modified language for California Code of Regulations, Article 1, Section 1417, Fees.

**Second:** Cynthia Klein

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	Y	Y	Y

**6.5 Vote on Whether to Approve Regulatory Proposal for Abortion by Aspiration Techniques implementing section 2725.4 of the Business and Professions Code and Whether to Proceed as an Emergency Regulation**

Stacie Berumen, Assistant Executive Officer presented this report.

**BACKGROUND**

Due to a technical error the board may pull back the regulatory package and seeks board approval to resubmit the package as an emergency regulation. Staff will submit the package with language approved by the board at the October 7, 2015 meeting. In order to perform an abortion by aspiration techniques pursuant to Section 2725.4, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife shall complete training recognized by the Board of Registered Nursing. The proposed regulatory action will set forth parameters in order to comply with BCP Section 2725.4.

Board staff has been in communication with the Office of Administrative Law and is considering other alternatives in order for a regulation to be approved as close to January 1, 2016 as possible.

No Public Comment

**Motion:** Michael Jackson made a motion to go forward with the current process.

**Second:** Trande Phillips

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	N	Y	Y

**7.0 Report of the Education/Licensing Committee**

Michael Jackson, MSN, RN, Chairperson

**7.1 Vote on Whether to Ratify Minor Curriculum Revision**

**BACKGROUND**

According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

Minor Curriculum revisions include the following categories:

- Curriculum changes
- Work Study programs
- Preceptor programs
- Public Health Nurse (PHN) certificate programs
- Progress reports that are not related to continuing approval
- Approved Nurse Practitioner program adding a category of specialization

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

- Charles R. Drew University of Medicine and Science Entry Level Master’s Degree Nursing Program
- Mount Saint Mary’s University, Los Angeles Baccalaureate Degree Nursing Program
- Samuel Merritt University Baccalaureate Degree Nursing Program
- Sonoma State University Baccalaureate Degree Nursing Program
- The Valley Foundation School of Nursing at San Jose State University Baccalaureate Degree Nursing Program
- University of California, Irvine Baccalaureate Degree Nursing Program
- University of California, San Francisco Entry Level Master’s Degree Nursing Program
- Carrington College LVN-RN Associate Degree Nursing Program
- El Camino College and Compton Community Education Center Associate Degree Nursing Program
- Mount Saint Mary’s University, Los Angeles Associate Degree Nursing Program
- Pasadena City College Associate Degree Nursing Program

Acknowledge Receipt of Program Progress Report:

- Mount Saint Mary’s University, Los Angeles Baccalaureate Degree Nursing Program
- University of San Diego Hahn School of Nursing Entry Level Master’s Degree Nursing Program
- Western Governors University Baccalaureate Degree Nursing Program
- Carrington College LVN-RN Associate Degree Nursing Program
- Fresno City College Associate Degree Nursing Program
- Los Angeles Southwest College Associate Degree Nursing Program
- Mendocino College Associate Degree Nursing Program
- Mount Saint Mary’s University, Los Angeles Associate Degree Nursing Program
- Solano Community College Associate Degree Nursing Program
- Victor Valley College Associate Degree Nursing Program

**Motion:** Michael Jackson made a motion to ratify approval of minor curriculum revisions and acknowledge receipt of programs’ progress reports.

**Second:** Elizabeth Woods

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	Y	Y	Y

**7.2 Vote on Whether to Approve Education/Licensing Committee Recommendations**

Leslie Moody, NEC presented this report.

The Education/Licensing Committee met on October 8, 2015 and made the following recommendations:

- A. Continue Approval of Prelicensure Nursing Program
  - Gavilan College LVN to RN Associate Degree Nursing Program
- B. Defer Action to Continue Approval of Prelicensure Nursing Program
  - Charles R. Drew University of Medicine and Science Entry Level Master’s Degree Nursing Program for Clinical Nurse Leader
  - Holy Names University LVN to Baccalaureate Degree Nursing Program
- C. Approve Major Curriculum Revision
  - Azusa Pacific University Entry Level Master’s Degree Nursing Program
  - California State University, San Bernardino Baccalaureate Degree Nursing Program
  - California State University, San Marcos Baccalaureate Degree Nursing Program
  - University of San Francisco Entry Level Master’s Degree Nursing Program

No public comment.

**Motion:** Michael Jackson made a motion to:

- Continue Approval of Prelicensure Nursing Program***
  - Gavilan College LVN to RN Associate Degree Nursing Program
- Defer Action to Continue Approval of Prelicensure Nursing Program***
  - Charles R. Drew University of Medicine and Science Entry Level Master’s Degree Nursing Program for Clinical Nurse Leader
  - Holy Names University LVN to Baccalaureate Degree Nursing Program
- Approve Major Curriculum Revision***
  - Azusa Pacific University Entry Level Master’s Degree Nursing Program
  - California State University, San Bernardino Baccalaureate Degree Nursing Program
  - California State University, San Marcos Baccalaureate Degree Nursing Program
  - University of San Francisco Entry Level Master’s Degree Nursing Program

**Second:** Elizabeth Woods

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	Y	Y	Y

**7.3 Vote on Whether to Grant Initial Approval of Chamberlain College of Nursing Baccalaureate Degree Nursing Program**

Susan Engle, NEC presented this report.

## BACKGROUND

Dr. Laura Smith-McKenna, PhD, RN was appointed the program director effective June 3, 2015. Angela Strawn was appointed Assistant Director May 27, 2015. The program submitted the required initial program approval self-study report and supporting evidence on June 15, 2015. Please refer to the Consultant Approval Report Initial Prelicensure Program Visit and the Report of findings and supporting evidence. The program was found to be in compliance with the Board's rules and regulations and no recommendations were made.

**Clinical Agencies and Facilities** - An initial program approval site visit was conducted by Susan C. Engle, Nursing Education Consultant on June 23 and July 22, 2015. On August 24, 25, 26, and September 1-2, 2015, sixteen clinical site visits were completed. The representative responsible for approving student clinical placements affirmed that the clinical agency or facility would not be impacted with the addition of Chamberlain College of Nursing student placements. Chamberlain College of Nursing has secured signed clinical affiliation agreements for each of the clinical sites visited.

**Driving Distances** - The driving distances from the program's location, 10971 Sun Center Drive, Rancho Cordova, California 95670, are noted next to each clinical agency or facility. The program plan is to place students based on student place of residence and proximity to the clinical agency or facility.

Facility	Miles	Facility	Miles
Advanced Home Health	10.6	Bristol Hospice	12
Heritage Oaks Hospital	10.7	Marshall Medical Center	30.4
Marshall Medical Center Home Care	30	NorthBay Medical Center	55.2
Norwood Pines Alzheimer's Care Center	16.4	Pro-Care Home Health	17.7
Saint Claire's Nursing Center	13.9	Sierra Vista Hospital	19.7
Snowline Hospice	26.1	Sutter Auburn Faith Hospital	29.8
Sutter Care at Home Sacramento	11.6	Sutter Medical Center Sacramento	11.2
Sutter Roseville Medical Center	12.8	Vibra Hospital Sacramento	10

**Chamberlain College of Nursing History** - Chamberlain College of Nursing, formerly Deaconess College of Nursing, is a private degree-granting institution of higher learning established for the purpose of educating professional nurses. The roots of the college date back to 1889, when the Deaconess Evangelical Society established a hospital school of nursing in St. Louis, Missouri, to train Deaconess Sisters as professional nurses. Deaconess Hospital School of Nursing was granted approval to offer a nursing program by the Missouri Board of Nursing in 1917. In 1983, the school transitioned to a college of nursing, offering more extensive nursing experience and sound liberal arts courses culminating in a baccalaureate degree. Deaconess College of Nursing received accreditation from the Higher Learning Commission (HLC) of the North Central Association of Colleges and Schools in 1985 and after that maintained continuous HLC accreditation. In 1989, Deaconess initiated an associate degree in nursing program designed for licensed vocational nurses. In

2000, an online BSN degree completion degree option was added for registered nurses to complete a baccalaureate degree. In 1992, the BSN program was awarded National League of Nursing Accrediting Commission (NLNAC) accreditation. In 1996, following a successful NLNAN reaccreditation, Deaconess College of Nursing received preliminary approval for the BSN degree program from (CCNE). The first onsite CCNE accreditation visit occurred in 2004 and resulted in a ten year accreditation award. Chamberlain’s BSN degree program conducted a self-study and hosted a CCNE site visit in 2013-2014. The BSN degree program received approval for continued accreditation through 2024.

DeVry Education Group, Inc (formerly DeVry, Inc.) acquired Deaconess College of Nursing in March 2005. A substantive change report relating to the change in ownership was approved by CCNE in 2005. As a stipulation of the purchase agreement, the Deaconess Foundation required DeVry, Inc. to choose a new name. In 2006, the name was changed to Chamberlain College of Nursing. Chamberlain College of Nursing continues the traditions of quality care and education established by Deaconess more than a century ago while expanding the vision for the future.

Chamberlain currently provides prelicensure BSN degree programs in seventeen campus locations in twelve states. Chamberlain also offers an Associate Degree in Nursing program at the Columbus, Ohio campus, an online RN to BSN Degree Completion Option, Master of Science in Nursing Degree program, and Doctor of Nursing Practice degree program. Chamberlain initiated the online Master of Science in Nursing online in 2009 with two specialty tracks: nurse educator and nurse executive. Over the past four years, specialty tracks in nursing informatics, healthcare policy, and family nurse practitioner have been added. Graduate certificate programs in nursing education and nursing informatics were implemented in 2012. Chamberlain initiated the online Doctor of Nursing Practice degree program in 2012.

**BSN degree program costs**

<i>Tuition &amp; Fees per Student</i>	
<i>(Assumes enrollment in all courses required for BSN degree program over 9 semesters without transfer credit for general education courses; 126 credit hours)</i>	
Application Fee (one-time)	\$95
Total Program Tuition	\$78,120
Student Services Charge	\$2,700
Total Program Tuition & Fees per Student	\$80,915

The projected costs for the nine semester, three year BSN degree program is displayed in the table above and communicated to prospective students in the Academic Catalog and on the College Website. No tuition increases are planned for at

least three years from the date for the self-study submission. The number of general education transfer credits each student has on admission drives the total cost of the program. Based on Chamberlain's experience at its other campuses, the following trends are assumed for prospective students at the Sacramento campus:

- 10% of each cohort will enroll with no general education transfer credit and will complete the degree program in nine semesters of study at Chamberlain (the standard full-time program of study for the degree)
- 40% of each cohort will enroll with some general education transfer credits and will complete the degree program in eight semesters of study at Chamberlain
- 50% of each cohort will enroll with a significant number of general education transfer credits and will complete the degree program in seven semesters of study at Chamberlain

Additionally, students are assisted in accessing grants, scholarships, and employer-based tuition reimbursement to offset tuition costs; consequently, only a relatively small percentage of students pay the full tuition and fees displayed below. The College provides students with financial aid counseling and access to a variety of financial assistance options.

**Faculty Recruitment** - Chamberlain offers a salary, benefit and relocation package that is competitive and attractive to educators. Programs such as the Red Carpet Orientation Program for new faculty and Chamberlain-wide orientation via the COMPASS Orientation Program help faculty feel supported and facilitate role integration. Faculty training and collaboration are augmented by National Academic Leadership Forums held quarterly, either in-person or using virtual meeting technology. Opportunities for internal advancement and encouragement for professional career development (e.g., Nurse Educator Certification) are key elements in retention and satisfaction of qualified faculty and staff.

Chamberlain's compensation and benefit package supports recruitment and retention of qualified faculty. Faculty salaries are competitive, with generous holiday, vacation and personal/sick days. A "flex-time" option that allows for adjusting working hours to achieve work/life balance and faculty satisfaction is also available. Salaries are determined by the Human Resources Department using American Association of Colleges of Nursing salary data resulting in a cost-of-living adjusted pay scale that is competitive and fair for each program and location. Faculty benefits include an annual \$1,500 professional development stipend, reimbursement for all expenses incurred in scholarly presentations, up to \$50,000 in tuition assistance for doctoral study outside of the College, and complete tuition remission for Chamberlain's doctoral program. Tuition remission for Chamberlain's master's degree program is provided for personnel who hold a baccalaureate degree in nursing. Additionally, Chamberlain employees enjoy tuition remission for coursework at DeVry University and/or Keller Graduate School of Management.

Chamberlain's existing campuses have a very low faculty turnover rate, with new positions frequently having numerous qualified applicants. It is anticipated this will be the same for the proposed Sacramento location. Chamberlain's Talent Acquisition

team focuses on recruiting nursing leaders and faculty members. The team works with major and local job boards to post all faculty positions. Employment opportunities are advertised quarterly in *Nursing Spectrum* and through email blasts via CareerBuilder. Open positions are also posted on social networking sites such as LinkedIn. Additionally, multiple communication channels are used to advertise faculty openings including but not limited to: Chamberlain's website, Hospital News, Hospital & Health Networks, local newspapers, Jobfox, Modern Healthcare, Monster.com, Minoritynurse.com, Nursetown.com, NLN Nurses.com, The Chronicle for Higher Ed, and Jobhealth.com.

All potential faculty members who apply are screened by the Talent Acquisition team. If a candidate meets the qualifications of Chamberlain and the state of California, a member of the Talent Acquisition team will follow up with an initial interview. Qualifications include but are not limited to valid, active, and unencumbered licensure as a Registered Nurse in California and evidence of the academic and experiential requirements for the position.

After prescreening, Talent Acquisition sends all qualified candidates to the Campus Director/Dean for review. Upon the Campus Director/Dean's approval and identification of courses for which the candidate has required levels of experience and education, an in-person interview and teaching demonstration follow. The final step of the interview process includes an interview with the Vice President of Campus Operations or her designee. All faculty candidates who are successful in the interview and teaching demonstration and have the required educational and experiential background for the open position must also pass a background check and drug screen. All faculty candidates will be submitted for Board of Registered Nursing approval on form EDP-P-02 prior to hire. It is Chamberlain's intention to hire experienced and qualified faculty members who approach teaching from a learner-centered perspective and who are familiar with creative teaching strategies to actively engage learners.

**Faculty Diversity** - Chamberlain's commitment to diversity in its student population extends to faculty. In communities with significant minorities, faculty are recruited to reflect the make-up of the student body. Chamberlain faculty acknowledge potential gaps in student learning secondary to language or other cultural issues; consequently, the College makes every effort to employ faculty who mirror the student population to provide an enhanced learning environment. Chamberlain's Miramar, Florida, and Phoenix, Arizona, campuses exemplify the success of this initiative.

**Student Support Services** - Academic resources include admission and advising services, registrar services, counseling services, support for students with disabilities, library services, military support services, technology and distance education support, a SIMCARE CENTER<sup>TM</sup>, and academic success resources.

**Center for Academic Success** - Every Chamberlain campus includes a Center for Academic Success (CAS). The CAS employs professional nurse educators to provide academic support free of charge to all students who desire additional help outside the classroom, especially students who are academically challenged or low performing.

The CAS provides support for student learning outcomes through individualized assisted remediation. In the CAS, professional nursing tutors and qualified peer-tutors assist students to develop, implement, and evaluate plans for developing test taking skills, improving writing competency or acquiring knowledge in a specific content area.

In support of the diversity of Chamberlain's student body, CAS managers and staff are prepared to tutor students from diverse cultures addressing the cultural perception of tutoring. The CAS also:

- Maintains and updates a list of terminology challenging to non-native English speaking students when learning medical terminology.
- Surveys students regarding their culture and home of origin to ensure tutoring that meets each student's particular needs.
- Focuses on aiding students utilizing rote memory by presenting concept based workshops that help diverse students transition from content memorization to concept analysis.
- Presents webinars on supporting international students highlighting best practices in tutoring culturally diverse students as well as supporting students as they transition to the United States.

**Chamberlain Care Student Success Model** - Developed by the Office of Academic Affairs, the *Chamberlain Care Student Success Model* uses standardized assessment tools to identify challenges and barriers to undergraduate campus-based student success in progression, program completion and on the registered nurse licensing exam. Assessments are conducted at the time the student enrolls in the College, at the mid-point of the plan of study, and during the final semester. Assessments consider every aspect of the student experience by evaluating social, emotional, motivational and academic factors that might impede student success. Based on the categorization of identified challenges, trained coaching teams work with the student to create and implement a success plan. The *Chamberlain Care Student Success Model* is supported by a comprehensive implementation manual used to train faculty and stakeholders in the tenets of the program and to monitor its introduction on each campus.

**SIMCARE CENTER™** - The Chamberlain SIMCARE CENTER is a learning lab for low, medium, and high fidelity educational activities. Through the use of physical and virtual simulation resources, the SIMCARE CENTER is designed to function as a simulated patient care clinical learning environment. In the SIMCARE CENTER students practice newly acquired cognitive, psychomotor, and psychosocial skills to develop knowledge, clinical judgment, communication skills, and professional behaviors that can be transferred to the nursing care of human patients.

Consisting of an acute-care private room with nursing station and medication station, as well as one or more Nursing Laboratories with multiple bays that can be curtained for privacy, the SIMCARE CENTER™ provides opportunities for multi-patient experiences allowing students to develop complex skills such as medication

administration, management of fluids, infection control and wound care. Complete audio and video capture capability is built into the spaces for instructor review and annotation for optimal learning, connected in the dedicated briefing rooms and available remotely off-site.

As part of Chamberlain's commitment to academic excellence, the SIMCARE CENTER™ is also supported by a resource center that helps with the development of clinical judgment, including:

- SimChart - a fully-functional, HIPAA-compliant Electronic Health Record (EHR) system that trains students to document assessment findings.
- Learning Space™ - a real-time video patient monitoring and archiving of high-fidelity simulations for review during debriefing.

**Library Services** - Chamberlain College of Nursing's library services are effectively delivered in virtual as well as physical environments from program initiation to beyond graduation. Library users are able to conveniently find and access critical resources, including professional librarians that support information literacy and learning outcomes. To that end, the Chamberlain library is an integral part of the Center for Academic Success (CAS) on each campus.

A full-time clinical library specialist with a master's degree in library science provides oversight for all library services. Contact information for the specialist librarian is posted prominently in the CAS. The librarian is available electronically, and periodically face to face. In addition to access to a specialist librarian, CAS staff are fully trained to assist students in identifying relevant research and instructional resources. The hours for all personnel who support library services are posted in the CAS and on the website for librarian availability on campus, chat service hours, virtual office hours, and scheduled instructional sessions.

A national library committee guides collection development for all Chamberlain libraries. Chaired by the national library director and comprised of faculty representatives from campuses and online programs, the committee is responsible for reviewing library budget allocations, proposed collection additions and identification of outdated materials in the existing collection for removal or replacement.

Each Chamberlain College of Nursing campus library contains approximately 300 volumes of nursing specific print reserve texts including copies of all required course texts. Chamberlain libraries also offer extensive online collections through the Chamberlain website at <http://library.chamberlain.edu>. Dedicated computers are provided to students in order to access databases, learning resources, e-books and online journals. Library e-resources are remotely accessible regardless of whether a student is campus-based or online.

The e-book collection includes more than 300,000 volumes and is regularly updated and expanded. A significant online collection of nursing journals also supports scholarly endeavors across the curriculum. In addition, Chamberlain's St. Louis

campus houses an archive of print journals that are not yet available to students electronically or are deemed important for historical research. Students may request copies of items from that collection be emailed or mailed to their postal address. Chamberlain College of Nursing also subscribes to a large list of online scholarly resources. These include:

- Alexander Street Nursing Videos streaming collection
- CINAHL and Medline with Full Text
- Cochrane Collaboration Databases
- The Joanna Briggs Institute of evidence-based resources
- Micromedex
- Natural Medicines
- Nursing Reference Center
- OVID Nursing and Health Professions Premier
- Primal Pictures Anatomy & Physiology multimedia resource
- ProQuest Nursing & Allied Health
- STAT!Ref with clinical tools

The Chamberlain Library is a member of OCLC WorldShare lending services as well as the Docline service hosted by the National Library of Medicine. Research materials not held by Chamberlain may be requested through the interlibrary loan service, prominently linked to the library webpage. All Chamberlain librarians are assigned campus CAS locations and are responsible for reporting data including instructional, reference and teaching hours used to compile comprehensive assessments. Library collection data is reported annually to IPEDS and the Association of College and Research Libraries (ACRL).

Chamberlain librarians actively explore and successfully integrate emerging technologies that enhance resource discovery, adaptive learning and library service delivery mechanisms. Library users are provided with the tools and instruction necessary to build proficiencies with adopted technologies. Appropriate information resources are purchased, licensed or freely accessed based on community demand, preference for digital formats and the judicious allocation of funding. Library support for lifelong learning activities includes uninterrupted access to information resources including scholarly literature, evidence-based databases and professional research assistance. In addition to providing resources, course-specific LibGuides are developed by librarians in collaboration with faculty content experts. A LibGuide for each course in program curricula highlights and promotes course content-specific resources.

A live chat service staffed by professional librarians is provided in the afternoons and evenings seven days a week. Links to the Ask-a-Librarian live chat service and librarian contact information are posted on the library website. E-mails are answered by a librarian within 24 hours. Library materials, cataloged in Library of Congress format, are discoverable by searching the library catalog shared by Chamberlain with

DeVry University. The libraries' collections (books, journals and audiovisual materials) are available to all Chamberlain students, online and on-campus upon request. Requested items are shipped to students at no charge. Materials not held by Chamberlain libraries can be requested from lending libraries via interlibrary loan. Turn-around time for item and article requests is typically within 48 hours.

**Technology and distance education support** - Hardware installation and maintenance, software application administration, and help desk services are provided by the DeVry Group Information Technology (IT) team. Help desk technical support staff strive to resolve all reported problems within 24 hours, including assistance in recovery of lost login or password information. Technology and distance education support ensure stability and ease of access to the student portal, faculty portal, student financial account site, student course registration site, course media and related software, and Salesforce, a College-wide response tracking system for all students and faculty. Additionally, the ServiceNow System is used by students, faculty and staff to request IT assistance when immediate action is not required.

Technology resources for campus programs include computer labs on every campus, computers for all faculty, staff, managers and administration, and hardware and software available in classrooms for presentations, lectures and conferences. Wired classrooms have a computer available for every student. Smart board technology, classroom clickers and presentation technology support are available in classrooms. Campus-based IT staff provide problem resolution for Chamberlain faculty and students in classrooms and learning labs.

**Diversity in the Student Population** - Beginning with a commitment to provide nursing education access to a diverse student population, Chamberlain is further committed to preparing nursing professionals that will provide culturally competent nursing care for an increasingly diverse and aging population. The College understands its role in delivering programs of study in which diversity and multiculturalism are embedded and is able to demonstrate these concepts in the baccalaureate curriculum. Drawing on both commitments, Chamberlain recognizes the impact on the health of diverse communities when care is delivered by graduates who are members of those communities; consequently, student recruitment efforts are focused on attracting non-traditional students which include learners of all ages, racial/ethnic backgrounds and genders. At Chamberlain, minorities as a percentage of total prelicensure baccalaureate enrollments were 42% in Fall 2013 and 45% in Fall 2014, with more than half of students over 25 years of age. Racial diversity and an older student body in the undergraduate program demonstrate the College's commitment to improving diversity in the professional nursing workforce, while affording non-traditional adult students an opportunity to enter the nursing profession. Chamberlain's focus on diversity is a differentiator for the College and demonstrates achievement of its mission to provide access to education for a diverse population. The recent completion of the F-1 Visa Project was the result of a mission driven goal. F-1 status allows Chamberlain to recruit international students and students currently studying in the United States on an F-1 Visa who also wish to pursue an undergraduate nursing degree. While initially focused on providing domestic transfer options to F-1 students, the long-term goal is to expand international student access to

Chamberlain’s campus-based and online programs. This initiative further exemplifies the expansion of the College’s purpose: “To educate, empower, and embolden diverse healthcare professionals who advance the health of people, families, communities, and nations.”

<i>Comparative Diversity in BSN Enrollments – Chamberlain and AACN Member Programs</i>		
Minorities as a Percentage of Total Prelicensure BSN Enrollees		
	<b>Fall 2013</b>	<b>Fall 2014</b>
AACN Annual Survey Respondents	29%	30.1%
Chamberlain College of Nursing*	42%	46.5%

\*Data is for the May, July and September term enrollments

At Chamberlain, all instruction and services are provided in English. Applicants must prove English proficiency by providing evidence of one of the following:

- Having received the degree required for admission to Chamberlain at an institution where the language of instruction was English
- Having scored at least 550 on the paper-based Test of English as a Foreign Language (TOEFL); having scored at least 213 on the computer-based TOEFL; or having scored at least 79 on the Internet-based TOEFL
- Having successfully completed four consecutive years of a secondary education or higher, in which the language of instruction was English
- Having completed at least two consecutive years of full-time study (12 or more semester hours per semester) with a CGPA of 2.75 at a post-secondary institution at which English was the language of instruction
- Having achieved an overall band score of at least 6.5 and no lower than 6.0 on the International English Language Testing System (IELTS) examination

### **Grants, Loans and Work-Study Options:**

- **Dean's Scholarship:** A merit based scholarship providing tuition assistance for students who have shown exceptional academic performance.
- **Next Generation Scholarship:** A merit based scholarship providing tuition assistance for recent high school graduates who have shown exceptional academic performance.
- **Nightingale Scholarship:** A need based scholarship providing tuition assistance for students who have demonstrated exceptional need.
- **Chief Steward Scholarship:** A merit-based scholarship providing tuition assistance for students who have demonstrated exceptional academic performance and a commitment to community involvement.
- **Continuing Education Scholarship:** A merit-based scholarship providing tuition assistance for students who have completed a bachelor's degree in another field at a regionally accredited college or university

- Horizon Scholarship: A need-based scholarship providing tuition assistance for students who have shown exceptional need.
- Bridge Scholarship: A merit-based scholarship for students previously enrolled in a CCNE- or ACEN- accredited baccalaureate nursing program at another institution.

Chamberlain provides students with information and assistance in pursuing external scholarships.

- U.S. Department of Health and Human Services (NURSE Corps Scholarship Program)
- Johnson & Johnson (The Campaign for Nursing's Future)
- Tylenol (Future Care Scholarship)
- The Foundation of the National Nurses' Association (Promise of Nursing Scholarship)
- American Assembly for Men in Nursing
- National Black Nurses Association, Inc.
- Nurses Educational Funds, Inc.
- The Ulman Cancer Fund for Young Adults
- Giva a Semi-Annual Student Scholarship and Worldwide Community Ambassador Award
- Jan Egerton and Don Smitley Mesothelioma Scholarship
- Various State Scholarships
- American Addiction Center's Behavioral Health Academic Scholarship

Chamberlain maintains institutional eligibility for student financial assistance through the Federal Direct Student Loan Program®, grants and the Federal Work-Study program.

- Federal Pell Grants: Grants for eligible undergraduate students (who have not earned a prior bachelor's degree) have a maximum award of \$5,730 for the 2014-2015 award year and \$5,775 for the 2015-2016 award year. The actual amount of the grant is based on the cost of the education, financial need, number of hours enrolled and the Federal Pell Grant regulations.
- Federal Supplemental Educational Opportunity Grants (FSEOG): Grants for undergraduate students (who have not earned a prior bachelor's degree) who show exceptional need; FSEOG is \$375 per semester for those who qualify. The federal government provides the school with a limited pool of money. When the funds are exhausted, no more funds are awarded for the year.
- Chamberlain Access Grants (CAG): Additional grant funding for recipients of the Federal Supplemental Education Opportunity Grant (SEOG). This grant is funded by Chamberlain and is \$125 per semester for any student also receiving SEOG.

- **Work Study:** Federal Work-Study (FWS) enables students who demonstrate financial need to earn a portion of their educational expenses. (Students must complete the FAFSA to be considered for FWS funds.) In this program, students earn at least the current hourly minimum wage by working at the school or for nonprofit or private for-profit agencies. Chamberlain College of Nursing helps eligible students locate jobs; certain restrictions apply.

No public comment.

**Motion:** Michael Jackson made a motion to grant initial approval of Chamberlain College of Nursing Baccalaureate Degree Nursing Program with enrollment of thirty students three times per year.

**Second:** Elizabeth Woods

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	Y	Y	Y

**7.4.1 Vote on Whether to Accept Feasibility Study for Prelicensure Nursing Program Gurnick Academy of Medical Arts, Fresno Associate Degree Nursing Program**  
Carol Makay, NEC presented this report.

**BACKGROUND**

July 29, 2015 Gurnick Academy of Medical Arts submitted a Feasibility Study (FS) for a new Associate Degree Nursing Program. Dr. Karen Johnson-Brennan, Director of the RN-BSN program on the Gurnick Academy Concord campus, is responsible for the development of the FS.

Details relating to the FS may be found in the attached Nursing Education Consultant (NEC) Report (attached). The following summary presents highlights from the proposal.

**Description of Institution**

Gurnick Academy (GA) is a private, for-profit institution established in 2004. It consists of four campuses in California: San Mateo, Concord, Modesto, and Fresno. Currently, GA offers a LVN program on all four campuses, and a RN to BSN completion program on the Concord campus. The addition of the proposed ADN program will allow GA to provide seamless academic progression for its students. The proposed ADN program will be housed on the Fresno campus.

GA is in good standing with all its accrediting bodies and has been granted authority from the Accrediting Bureau for Health Education Schools to award an Associate of Science degree.

Since 2012, the NCLEX-PN pass rates (75%-83%) for first time candidates from the GA Fresno campus have met the BRN minimum standard of 75% success rate.

However, in the second quarter of 2015, the pass rate dropped (64.71%, N 17). The school attributes the decline to a vacant position that has responsibility for assisting students to prepare for NCLEX-PN. The position has been filled, and a return to satisfactory NCLEX-PN pass rates is expected.

### **Proposed Program and Curriculum**

The ADN program will be offered year round: three 15-week semesters per year. The proposed curriculum consists of 80 semester units: 33 GE and science units, 47 nursing units (25 nursing theory, 21, clinical practice, and one NCLEX-RN prep). The program extends over five academic semester units. This meets the BRN requirement that the course of instruction in prelicensure RN programs covers not less than two academic years. .

### **Applicant Pool**

The school plans to admit 28 students three times per year. Because of great interest in the RN program by its current LVN students and graduates, Gurnick Academy plans to limit the first student cohort to LVNs. All subsequent admission periods will be open to both generic and LVN students. At full student enrollment there will be 84 students in the program. The first student cohort will be admitted in January 2017. This date complies with BRN recommendation of projecting the first student enrollment two years from BRN acceptance of the FS.

### **Resources**

The Fresno campus has ample space to house the proposed program. With respect to student services, many services (Admissions, Financial Aid, and Academic Advising) already exist on the Fresno campus. However, to meet BRN requirements GA plans to establish a Student Services Resource Center. The Center will house the already existing student services, and offer new services: test taking strategies, writing essays, content comprehension and development, etc.

When all three nursing semesters are being implemented and the program is at full enrollment, the school projects needing 16 faculty members (8 full time and 8 part time).

### **Budget**

The five year budget projection demonstrates the ability to support the proposed program. It is expected that the program will break even, and become cash positive in its first year of operation. Cash reserves are in place for emergencies. Student tuition for the nursing courses is \$61,100.

### **Clinical Facilities**

GA has commitments for 26 clinical placements (grid attached) for the new ADN program. The FS demonstrated adequate clinical placement in all BRN required clinical areas with the exception of pediatric and psychiatric nursing. Please see NEC report for details. GA plans to strengthen these areas prior to the Self Study phase of initial approval.

## **Conclusion**

The Gurnick Academy of Medical Arts Feasibility Study meets the BRN feasibility study requirements. Three concerns in the FS are: recent NCLEX-PN pass rates, operationalization of the new Student Services Resource Center, and clinical placements in the pediatric and psychiatric nursing areas. These areas, as well as all BRN regulations, will be thoroughly reviewed during the Self Study phase of new RN program approval.

No public comment.

**Motion:** Michael Jackson made a motion to accept feasibility study for Gurnick Academy of Medical Arts Associate Degree Nursing Program.

**Second:** Trande Phillips

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	Y	Y	Y

### **7.4.2 Vote on Whether to Accept Feasibility Study for Pacific College Associate Degree Nursing Program**

Carol MacKay, NEC presented this report.

#### **BACKGROUND**

In July 2015, Judy Corless, MN, RN, consultant, submitted the most recent Feasibility Study (FS) for a new Associated Degree Nursing program at Pacific College (PC). Pacific College has been working toward establishing an ADN program for many years. PC was in the process of Feasibility Study review when the BRN placed a moratorium on accepting feasibility studies in June 2011. After the moratorium was lifted (May 2013), PC submitted a new FS (June 2013); however, there was a delay in reviewing this document until the school's NCLEX-PN pass rates improved.

#### **Description of the Institution**

Pacific College was established in 1993 in Costa Mesa, California. Since then, PC has expanded and now has satellite campuses in Los Angeles and the Inland Empire, as well as offering distance education online. It is a private, for-profit institution. The co-owners of PC are: William and Lia Nelson, Donna Woo, Ron VonSoosten, and the Taylor Trust.

The new RN program will be offered on the main campus in Costa Mesa. PC owns the building on the Costa Mesa campus. Currently, two programs are being offered on this campus: the RN to BSN program and the vocational nursing program (diploma and degree). The addition of the proposed ADN program will allow PC to provide seamless academic progression for its students. On March 31, 2015, the total student enrollment in these programs was 59 students.

Pacific College is in good standing with all its accrediting bodies and has degree granting authority. PC holds accreditation from the Accrediting Commission of Career Schools and Colleges, the Bureau of Private Postsecondary Education, the Board of Vocational Nursing and Psychiatric Technicians and the Commission on Collegiate Nursing Education. This Fall PC is hosting Western Association of Schools and Colleges for the last visit in the accreditation process.

The NCLEX-PN pass rates for graduates of PC vocational nursing program for the past five years were: 2010-76% (N143), 2011-72% (N200), 2012-63% (N134), 2013-75% (N118), and 2014-70% (N117). The pass rate for the last four consecutive quarters (07/01/2014- 06/30/2015) was 75.9% (83). When determining if a program adequately prepares students for NCLEX-PN, the BRN uses the same minimum pass rate standard it uses to monitor how successful RN programs are in preparing graduates for NCLEX-RN (75%). PC now meets this standard. Additionally, PC has had recent leadership changes, and the VN faculty has now integrated ATI into the VN program. It is anticipated these changes will lead to an increase in NCLEX-PN pass rates.

### **Proposed Program and Curriculum**

PC plans to offer the ADN program on a year round basis: three 16 week semesters per year. GE and science classes may be taken at PC, or may be transferred from other accredited institutions. The proposed curriculum consists of 72 academic semester units: 31 GE and science units and 41 nursing units (18 nursing theory and 23 clinical practice). The proposed program meets the BRN requirement that the course of instruction covers not less than 2 academic years (2 academic semesters equal one academic year). The PC ADN program consists of six academic semester.

### **Applicant Pool**

PC intends to recruit applicants who are graduates of its VN program, as well as qualified individuals who were not accepted at other RN programs in the geographic area. Additionally, PC plans to schedule classes in the evening and on week ends to attract students. The LA/Orange county area has a total of 46 RN programs: 24 ADN, 14 BSN and 8 entry-level MSN programs.

PC plans to enroll 90 students annually: 30 students three times per year. One of these admission periods per year will be designated for LVN students. Maximum nursing course enrollment will be 180 students.

PC plans to enroll its first student cohort of 30 generic students March 2017. This enrollment date complies with the BRN recommendation of projecting the first student enrollment two years from BRN acceptance of the FS to allow sufficient time to complete the Self Study phase of new program approval.

### **Resources**

The PC Costa Mesa campus has ample space to house the proposed RN program. The campus consists of a two-story 16,000 square foot building. The first floor has six classrooms, two nursing skills labs, a science lab, a nursing simulation lab, a computer lab, and a library/resource center. The second floor will house faculty and administrative offices.

PC has a full array of student support services in place: Admissions, Financial Aid, Tutoring, etc. Existing staff will handle the first set of students. Additional staff will be added as the program grows.

PC plans to hire 6 full time and 3 part time faculty members for Academic Year 1. The faculty will grow to 8 full time and 5 part time faculty members at full program enrollment.

### **Budget**

PC has sufficient fiscal resources to support the proposed program. Funds to develop and support initial program implementation come from Pacific College's earned surplus. PC has budgeted 1.7 million dollars to support initial program implementation. It is expected that the program will be self-sufficient by the second year of operation. Contingency funds are built into the budget. The tuition for the four semesters of PC nursing courses will be \$46,600.

### **Clinical Facilities**

The PC FS included Facility Verification Forms for 12 facilities. (Previous PC FS included additional forms: however, these are outdated at this time).

The FS demonstrated clinical placements to support a student placement in all BRN required clinical areas (MS, OB, Psych, Peds, and Geri). A Grid which lists the clinical facilities and clinical areas is attached.

There are two weak areas relating to clinical placements in the pediatric and psychiatric areas. The concerns pertain to census and location. In pediatrics, two of the three facilities are in the same geographic area as the school: the average daily census in pediatrics at both of these facilities is low (10 patients). It could be problematic placing 5-8 students. The other pediatric facility has a census of 16 patients: however, it is located in Victorville.

With respect to psychiatric clinical placements, there are six placements with five at facilities in the same geographic area as the school. One of these provides geriatric psych services. Of the remaining four facilities, only one facility reported a census of greater than 10 patients. It could be problematic placing 8-10 students at facilities reporting low census.

PC is a member of the Orange County clinical placement consortium. There is no clinical placement consortium in LA. PC works directly with the facilities for placements in the LA area.

**Conclusion**

The Pacific College Feasibility Study meets all BRN Feasibility Study requirements. Two weak areas are NCLEX-PN pass rates and the availability and adequacy (census and location) of the clinical placements in the pediatric and psychiatric nursing areas. These areas, as well as all BRN regulations for schools, will be reviewed thoroughly during the Self Study phase of new RN program approval.

No public comment.

**Motion:** Michael Jackson made a motion accept Feasibility Study for Pacific College Associate Degree Nursing Program.

**Second:** Trande Phillips

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	Y	Y	Y

**7.5 Licensing Program Report**

Christina Sprigg, Deputy Chief, Licensing and Administrative Services presented this report.

**BACKGROUND**

The Licensing Program evaluators are currently processing the initial review of exam and endorsement applications received in early August. Fall graduation is approaching and the Board is expecting another successful season.

The vacant Public Health Nurse Evaluator position has been filled by Melissa Brokken. Melissa started in the position in August 2015 and continues to enhance her evaluation experience from her former position as a US evaluator. Brandon Tagawa was promoted to an International Evaluator in September 2015. Brandon was previously working as a limited term Program Technician II in the board’s cashiering unit and also helped out with California and US application evaluations. I would like to take this opportunity to welcome Melissa and Brandon into their new role within the Licensing Unit. The Board is currently recruiting for six positions within the Licensing Unit (two Staff Services Analyst, one permanent Program Technician II, one limited term Program Technician II and two limited term Program Technician positions). I expect to have these positions filled by the end of November or early December.

We continue to improve processes within the Licensing Program and have implemented a new procedure on issuing Temporary Licenses. With this new procedure in place the Board is able to issue Temporary Licenses while the Endorsement applications are pending initial review. The average processing time ranges from 4 to 6 weeks which is considerably more proficient than the normal 10 to 12 weeks it took before.

On November 2, 2015 I presented at the annual Nursing Dean and Directors meeting. I am responsible for explaining the Licensing section of the Directors Handbook and

the Boards internal processes and timeframes. I provided updated information and changes to vital forms used by the directors on behalf of their students and will also provide guidance for the application process.

With the upcoming implementation of Release 2 into Breeze two of our licensing analysts have been assigned to User Acceptance Testing (UAT). This testing is necessary because of system changes for Release 2 boards. These changes could affect our already existing programming and must be identified prior to Release 2 boards go live in January 2016.

Public comment: Genevieve Clavreul, RN, PhD

## 7.6 NCLEX Update

Katie Daugherty, NEC presented this report.

### BACKGROUND

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

#### NCLEX RESULTS – FIRST TIME CANDIDATES

October 1, 2014-September 30, 2015\*

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California*	11,022	86.03
United States and Territories	157,842	84.18

#### CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year October 1, 2014-September 30, 2015\*

10/01/14-12/31/14		1/01/15-3/31/15		4/01/15-6/30/15		7/01/15-9/30/15		10/01/14-9/30/15	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
1,673	78.54	2,913	86.99	2,447	86.39	3,989	88.24	11,022	86.03

\*Includes (1), (1), (3) and (0) “re-entry” candidates. The 2013 NCLEX-RN Test Plan and Passing Standard of 0.00 logit remain effective through March 31, 2016. A logit is a unit of measurement to report relative differences between candidate ability estimates and exam item difficulties.

**Please note: The basic version of the 2016 NCLEX-RN Test Plan document is now available on the NCSBN website. The 2016 NCLEX-RN Test Plan is effective April 1, 2016 through March 31, 2019. The 2016 NCLEX-RN Passing Standard will be evaluated in December 2015 by the NCSBN Board of Directors and be effective April 1, 2016 along with the 2016 NCLEX-RN Test Plan. Copies of the basic version of the 2016 NCLEX-RN Test Plan can be obtained at [www.ncsbn.org](http://www.ncsbn.org).**

Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. If a program’s first time pass rate is below 75% pass rate for an academic year (July 1-June 30), the NEC sends the program written notification of non-compliance (CCR 1431) and requests the program submit a written assessment and

corrective action plan to improve results. The NEC will summarize the program's report for NCLEX improvement for the ELC/Board meetings per the Licensing Examination Passing Standard EDP-I-29 document approved 11/6/13. If a second consecutive year of substandard performance occurs, a continuing approval visit will be scheduled within six months, and the NEC's continuing approval visit findings reported to ELC with program representatives in attendance.

**California Board of Registered Nursing**  
**NCLEX-RN Pass Rates First Time Candidates**  
**Comparison of National US Educated and CA Educated Pass Rates**  
**By Degree Type**  
**Academic Year July 1, 2015-June 30, 2016**

Academic Year July 1-June 30 <sup>^</sup>	July-Sept #Tested % Pass	Oct-Dec #Tested % Pass	Jan-Mar #Tested % Pass	April-June #Tested %Pass	<sup>^</sup> 2015-2016 Cumulative Totals
National US Educated- All degree types *	52,295 (83.2)				
CA Educated- All degree types*	3,989 (88.2)				
National-Associate Degree rates**	26,948 (81.5)				
CA-Associate Degree rates**	2,201 (88.2)				
National-BSN+ELM rates**/***	23,882 (85.0)				
CA-BSN+ELM rates**/***	1,788 (88.2)				

\*National rate for All Degree types includes four categories of results: Diploma, AD, BSN+ELM, and Special Codes. Use of the Special Codes category may vary from state to state. In CA, the Special Codes category is most commonly used for re-entry candidates such as eight year retake candidates wishing to reinstate an expired license per CCR 1419.3(b). The CA aggregate rate for the All degree types includes AD, BSN+ELM, and Special Codes but no diploma program rates since there are no diploma programs in CA. CA rates by specific degree type exclude special code counts since these are not reported by specific degree type.

\*\*National and CA rates reported by specific degree type include only the specific results for the AD or BSN+ELM categories.

\*\*\*ELM program rates are included in the BSN degree category by NCSBN.

<sup>^</sup>Note: Cumulative totals in this report may vary from quarterly totals due to quarter by quarter NCSBN corrections. Typically, the NCSBN corrections have not significantly changed from previously reported quarterly pass rate info. Effective April 1, 2013 the NCLEX RN Test Plan changed and the PassingStandard became 0.00 logit through 3/31/16.

Source: National Council of State Boards Pass Rate Reports

No public comment and no motion required.

**8.0 Report of the Legislative Committee**

Imelda Ceja-Butkiewicz, Chairperson

**8.1 Discuss Bills of Interest to the Board and Recommend that the Board Adopt or Modify Positions on the Bills, and any other Bills of Interest to the Board Introduced During the 2015-2016 Legislative Session**

Stacie Berumen, Assistant Executive Officer presented this report.

**Assembly Bills**

**Senate Bills**

AB 12	SB 319
AB 26	SB 323
AB 85	SB 390
AB 172	SB 408
AB 611	SB 464
AB 637	SB 466
AB 840	SB 467
AB 1060	SB 482
AB 1306	SB 531
AB 1351	SB 800
AB 1352	
AB 1386	

2014-2015 bills that were presented were not adopted or modified as bills have been vetoed or chaptered, as follows:

Bill No: AB 85 (Wilke)  
Subject: Open Meetings  
Bill Status: Vetoed – September 28, 2015

Bill No: AB 172 (Rodriguez)  
Subject: Emergency Departments: Assaults and Batteries  
Bill Status: Vetoed - October 10, 2015

Bill No: AB 637 (Campos)  
Subject: Physician Orders for Life Sustaining Treatment Forms  
Bill Status: Chapter 217, Statutes of 2015

Bill No: AB 1351 (Eggmen)  
Subject: Deferred Entry of Judgment Pretrial Diversion  
Bill Status: Vetoed – October 8, 2015

Bill No: AB 1352 (Eggman)  
Subject: Deferred Entry of Judgment Withdrawal of Plea  
Bill Status: Chapter 646, Statutes of 2015

Bill No: SB 319 (Beall)  
Subject: Child Welfare Services: Public Health Nursing  
Bill Status: Chapter 535, Statutes of 2015

Bill No: SB 408 (Morrell)  
Subject: Midwife Assistants  
Bill Status: Chapter 280, Statutes of 2015

Bill No: SB 464 (Hernandez)  
Subject: Healing Arts: Self-Reporting Tools  
Bill Status: Chapter 387, Statutes of 2015

Bill No: SB 466 (Hill)  
Subject: Nursing: Board of Registered Nursing  
Bill Status: Chapter 489, Statutes of 2015

Bill No: SB 467 (Hill)  
Subject: Professions and Vocations  
Bill Status: Chapter, 656, Statutes of 2015

Bill No: SB 800 (Committee on Business and Professions and Economic Development)  
Subject: Healing Arts  
Bill Status: Chapter 426, Statutes of 2015

**AB 1306 (Burke) Healing Arts: Certified Nurse-Midwives: Scope of Practice**

Public comment: Linda Walsh, California Nurse Mid Wives Association

**Motion:** Cynthia Klein made a motion that the Board **Support if Amended** AB 1306.

**Second:** Imelda Ceja-Butkiewicz

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	Y	Y	Y

**9.0 Report of the Diversion/Discipline Committee**

Cynthia Klein, RN, Chairperson

**9.1 Complaint Intake and Investigations Update**

Shannon Silberling, Deputy Chief, Complaint Intake and Investigations presented this report.

**PROGRAM UPDATES**

**COMPLAINT INTAKE:**

## **Staff**

We have filled our 12 month limited term Associate Governmental Program Analyst position. It was filled with a Complaint Intake Staff Services Analyst (SSA). The SSA is now being recruited for as a limited term position.

## **Program**

Complaint intake continues to work new complaints, ensuring cases are moving to investigations in a timely manner and that aging cases are worked as a priority.

We have one analyst that is working with the Department of Consumer Affairs (Department) BreEZe team and is involved in the Reports User Group, as well as the Enforcement User Group.

The Controlled Substance Utilization Review & Evaluation System (CURES) had a soft launch July 1, 2015. CURES 2.0 is being rolled out over the next couple months. The BRN continues to work closely with the Department's Executive team and the Department of Justice (DOJ) to ensure its success.

## **INVESTIGATIONS:**

### **Staff**

We are currently fully staffed in both Northern and Southern California.

### **Program**

Division of Investigation (DOI) has begun the quarterly Managers' Enforcement Consortium and we had our second meeting on September 28, 2015, with guest speakers from the AG's office.

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI). As of October 27, 2015, there were approximately 37 BRN cases over one year old that are still open and there are approximately 21 DOI cases over one year old that are still open.

Investigative staff continues to attend Task Force meetings and develop working relationships with allied agencies.

### **Statistics**

BRN Investigations	Apr 2015	May 2015	June 2015	July 2015	August 2015	September 2015
Total cases assigned	344	342	329	330	345	373
Total cases unassigned (pending)	162	153	166	176	179	121
Average days to case completion	215	214	247	238	232	275
Average cost per case	\$3,180	\$3,280	\$2,810	\$2,849	\$2,632	\$3,448
Cases closed	57	41	51	44	45	52

Division of Investigations	Apr 2015	May 2015	June 2015	July 2015	August 2015	September 2015
Total cases assigned	298	290	311	297	327	328
Total cases unassigned (pending)	38	53	36	49	60	71
Average days to case completion	271	271	326	325	253	302
Average cost per case	\$5,124	\$5,896	\$7,028	\$6,064	\$4,801	\$5,389
Cases closed	54	38	40	55	16	28

Investigators are focused on clearing all aging cases.

Public comment: Genevieve Clavreul, RN

## 9.2 Discipline, Probation, and Diversion Update and Statistics

Don Walker, Program Manager, Diversion Unit presented this report.

### Staffing

Recruitment efforts are underway to fill the Probation Manager position.

The Diversion Unit has filled the limited term Staff Services Analyst position with the promotion of an internal candidate.

### Program – Discipline

The Discipline Unit is working with the Attorney General’s (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

### Statistics - Discipline

Below reflects FY 14/15 (July 1, 2014 – June 30, 2015) discipline statistics:

Decisions Adopted	1,578
Pleadings served	1,067
Petitions to Revoke Probation served	104
Surrenders signed by E. O.	291

Below reflects FY 15/16 (July 1, 2015 – October 23, 2015) discipline statistics:

Decisions Adopted	484
Pleadings served	433
Petitions to Revoke Probation served	28
Surrenders signed by E. O.	80

The BRN continues to work with the DCA BreEZe team to verify the accuracy of the performance measures statistics, formally the E19 report.

### Program – Probation

The probation unit continues to improve processes and procedures to streamline our cases.

## Statistics - Probation

Statistics – July 1, 2015 to October 23, 2015

Probation Data	Numbers	% of Active
Male	301	27%
Female	806	73%
Chemical Dependency	716	65%
Practice Case	274	25%
Mental Health	5	0%
Conviction (Alcohol/Drug = 109)	112	10%
Advanced Certificates	107	10%
Southern California	607	55%
Northern California	489	44%
Tolled at the AG	11	1%
Pending with AG/Board	102	9%
License Revoked YTD	13	14%
License Surrendered YTD	25	57%
Terminated YTD	9	0%
Successfully completed YTD	61	29%
Active in-state probationers	<b>1,107</b>	
Completed/Revoked/Terminated/ Surrendered YTD	108	
Tolled Probationers	304	
Active and Tolled Probationers	<b>1,391</b>	

The case load per probation monitor is approximately 134. Currently there are 29 Early Termination and 7 Modification of Probation cases waiting to be heard by the Board.

### Program -Diversion

Effective January 1, 2016 the official name of the Diversion Program will be changed to Intervention Program pursuant to SB 800.

Due to a consistent increase in probation participants, the BRN is in need of Nurse Support Group facilitators in all geographical areas, specifically in Humboldt, Los Angeles, Orange, and San Francisco counties.

The Diversion Program hosted the annual Diversion Liaison Committee meeting on September 24, 2015, at the DoubleTree by Hilton in Downtown San Diego. Board President, Michael Jackson, the Executive Officer, Louise Bailey, the Assistant Executive Officer, Stacie Berumen, Discipline, Probation, and Diversion Chief, Beth Scott, the

Diversion Program Manager, Don Henry Walker and staff, the Maximus Project Director, Virginia Matthews and case managers, along with representatives from the Diversion Evaluation Committees, two Public Members and one Nurse Support Group Facilitator were in attendance. There were approximately 29 attendees. The Diversion Liaison Committee meeting is held annually to maintain the continuity and integrity of the program in addition to providing a forum to vote on pertinent policy proposals that support the enhancement of the Diversion Program.

### Outreach

At the request of the Diversion Program Manager, in a continuous effort to reach out to nurses in need and provide community outreach, Virginia Matthews, Maximus Project Manager presented information concerning Diversion and the Board of Registered Nursing to Dignity Health Dominican Hospital on September 2, 2015. The presentation was for new graduate nurses working in all areas of the hospital. The attendees were interactive and the presentation was well-received.

The BRN's Diversion Program was present at this year's California State Capitol on September 2, 2015, for the annual Recovery Happens rally. Recovery Happens is a statewide campaign for everyone to celebrate the lives of people who are recovering from alcohol and/or drug addiction. Recovery Happens provides the perfect platform to inform Californians about the positive effects that recovery and treatment have on our communities. The rally brought over 6,000 people together for a day to celebrate recovery.

On October 16, 2015, the Diversion Program staff, and the Maximus Director, Virginia Matthews, provided an educational Diversion Program presentation to The PeriAnesthesia Nurses Association of California (PANAC). The presentation was titled, The California Diversion Program and the Health Professional with Substance Use Disorders. There were approximately 90 attendees and PANAC was extremely appreciative for the presentation and for the support the Diversion Program provides for California nurses in need.

In addition to traditional outreach, the BRN is now utilizing the Department of Consumer Affairs' Facebook page as well as the new BRN's Facebook page by posting educational information about the BRN's Diversion program. The BRN is also using Twitter to send out monthly "Tweets." The Diversion Program is looking to leverage social media to assist in getting the word out about the Diversion Program and recruit dedicated people to serve as Diversion Evaluation Committee members and Nurse Support Group Facilitators.

### Diversion Evaluation Committees (DEC)

There are currently two physician member vacancies at this time. One vacancy is in Ontario (DEC 9), and the second vacancy is in North Central (DEC 12).

There is currently one RN member vacancies at this time, in Orange County (DEC 4).

There are currently two Public Member vacancies at this time. One vacancy is in Los Angeles (DEC 3), and the second is in Ontario (DEC 9)

### Statistics – Diversion

The Statistical Summary Report for July 1, 2015 through August 31, 2015 is after this update. As of August 31, 2015, there were 2,001 successful completions.

No public comment and no motion required.

## **Insert**

**“9.2 att1 - DDC Diversion stats”**

**1 page only**

**9.2.1 Diversion Evaluation Committee Members/ New Appointments, Reappointments, Transfers & Resignations**

Don Walker, Program Manager, Diversion Unit presented this report.

**BACKGROUND:**

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in substance use disorders and/or mental health.

**RESIGNATIONS**

Below is the name of a DEC member who has resigned.

<u>NAME</u>	<u>TITLE</u>	<u>DEC #</u>
Sally Barbella	RN	Orange County #4

**TRANSFERS**

Below are the names of the DEC members who are being recommended for transfer.

<u>NAME</u>	<u>TITLE</u>	<u>FROM DEC #</u>	<u>TO DEC #</u>
Mihran Ask	MD	Orange County #4	Ontario #9
Peter Scheid	MD	Burbank #8	Orange County #4

No public comment and no motion required.

**9.2.2 Re-Establish AD-HOC Committee to determine best practices for Mental Health Participants in the Diversion Program**

Don Walker, Program Manager, Diversion Unit presented this report.

**BACKGROUND**

On September 24, 2015, voting member attendees at this year’s annual Diversion Liaison Committee meeting unanimously voted in favor of seeking approval to establish a Mental Health Ad Hoc Committee. The purpose of this committee would be to develop best practice strategies to meet the unique needs of nurses with mental illness and to develop a model rehabilitation plan for use by all the Diversion Evaluation Committees.

No public comment.

**Motion:** Michael Jackson made a motion to re-establish Ad Hoc Committee to determine best practices for Mental Health Participants in the Diversion Program.

**Second:** Trande Phillips

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	Y	Y	Y

### 9.3 Discussion and Possible Action on Petitions for Modification of Penalty

#### BACKGROUND

The Board and staff are interested in pursuing additional options to handle petitions for reinstatement and modification of penalty workload.

Government Code section 11522 states:

“A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.”

Business and Professions Code section 2760.1(b) states:

“(b) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.”

The Board may wish to consider accepting written argument in certain petition for modification of penalty cases where the petitioner was in complete compliance with probation conditions. A stipulated settlement could be negotiated between the Board’s legal representative and the petitioner which could then be considered either through the mail vote or in person closed session process. The Board directed staff to contact the Office of the Attorney General and Office of Administrative Hearings to see if they could handle an additional discipline day at a spring and fall 2016 committee meeting to reduce the backlog of petitioners.

No public comment

**Motion:** Michael Jackson, President, made a motion to move forward with request to allow staff to work with Legal Counsel to draft language to amend Business and Professions Code section 2760.1 (b) to streamline the process of petitioners for reduction of penalty.

**Second:** Elizabeth Woods

<b>Votes</b>	<b>CK</b>	<b>ICB</b>	<b>MJ</b>	<b>RM</b>	<b>EW</b>	<b>TP</b>
	Y	Y	Y	Y	Y	Y

**9.4 Discussion and Possible Action on Adding Additional Discipline Meeting Dates in 2016**

**BACKGROUND**

The Board directed staff to contact the Office of the Attorney General and Office of Administrative Hearings to see if they could handle an additional discipline day at a spring and fall 2016 committee meeting to reduce the backlog of petitioners.

No public comment and no motion required.

**10.0 Report of the Nursing Practice Committee**

Trande Phillips, RN, Chairperson

**10.1 Review and Comments on Proposed Language for Article 8 Standards of Nurse Practitioner Practice: Office of Administrative Law’s Pre-Notice Public Discussion**

**BACKGROUND**

The Board of Registered Nursing directed staff to initiate the Office of Administrative Law’s pre-notice public discussion\* as a preliminary activity before starting the formal rulemaking process for Article 8 Standards for Nurse Practitioners proposed regulation.

Article 8 Standards for Nurse Practitioner regulations were primarily adopted between 1979 – 1985. The 1979 – 1985 context and content in Article 8 Standards of Nurse Practitioner are no longer relevant in the areas of Definitions, Categories, Holding Out as NP, Evaluation of Credentials, and Standards of Education.

As a result, the Nursing Education Consultants developed a comprehensive review of nurse practitioner practice, education, and regulation for Article 8 Standards for Nurse Practitioner that is intended to provide clarity in definitions, categories, NP use of title, and Standards of Education. Attached is the regulation proposal.

The following organizations are in agreement with updating Article 8 Standard for Nurse Practitioners, as specified, at the October 8, 2015 Practice Committee meeting, attached letters

**California Action Coalition**

Susan Philips DNP, RN, FNP-BC and Garret Chan, Ph.D., RN, ACNP-BC  
Co-Lead Workgroup #1 Removing Practice Barriers

**California Association for Nurse Practitioners**

Donna Emanuel DNP, RN, CNS, FNP-BC  
President

**California Hospital Association**  
BJ Bartleson, RN, MSN NEA-BS  
Vice President, Nursing and Clinical Services

**Association of California Nurse Leaders**  
Patricia McFarland, MS, RN, FAAN  
CEO, Association of California Nurse Leaders

**Western University of Health Science- Education Perspectives**  
Karen Hanford, EdD, MSN, FNP  
Dean, College of Graduate Nursing

The following organization is opposed, as specified, with updating Article 8 Standard for Nurse Practitioners at the October 8, 2015 Practice Committee. See attached letter.

**California Nurses Association**  
Donald W. Nielsen  
Director, Government Relations

The board invites interested parties to submit information/responses regarding the Nurse Practitioner proposed regulation to the following Nursing Practice Committee and Board at the following meeting:

January 14, 2016 3:00 – 4:30 pm – Practice Committee  
Northern California location to be determined  
February 11, 2016 – Board Meeting – North  
March 16, 2016 – Practice Committee – South  
April 14, 2016 – Board Meeting – South

Staff requests responses that will be presented at the above committee meetings be submitted prior to the meeting at the address below. In addition, any interested parties who are unable to attend one of the above meetings but wishes to provide information/responses may send your written information to:

Janette Wackerly RN, BSN, MBA  
Board of Registered Nursing  
1747 North Market Blvd., Ste. 150  
Sacramento, CA 95834

Public comment: Genevieve Clavreul, RN  
No motion required.

**10.2 Consideration for Appointment to Nurse-Midwifery Committee**  
Janette Wackerly, Supervising NEC presented this report.

**BACKGROUND**

In accordance with B & P Code Section 2746.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Nurse-Midwifery Committee. The Nurse-Midwifery Committee is composed of direct practice nurse- midwives one each from northern and southern California, a nurse midwife engaged in nurse-midwifery education, one public member who has been a consumer of nurse midwifery practice and an obstetrical physician with knowledge of nurse midwifery-practice.

### **Possible Appointments**

Below are the names of the candidates who can be considered for appointment to the Nurse-Midwifery Committee.

<u><b>NAME</b></u>	<u><b>TITLE</b></u>	<u><b>Location</b></u>
Karen Ruby Brown	RN, CNM	San Diego -Southern
Karen Roslie	Public Member	Encinitas- Southern
Lin Lee	RN, CNM	Los Altos- Northern
Stuart Fischbein	MD	Los Angeles- Southern
Rachael Latta	RN, CNM	Santa Rosa- Northern
Naomi E. Stotland	MD	San Francisco- Northern
Anne Galko	RN, CNM	Oakland- Northern
BJ Snell	RN, CNM	Cota De Caza- Southern
Susan Stone	RN, CNM	Sacramento- Northern
Candace Curlee	RN, CNM	Encinitas- Southern
Christina Choi	RN, CNM	Woodland hills- Southern
Linda Church	RN, CNM	Orange- Southern
Yolanda Estremera	Public Member	San Jose- Northern
Jane Finney	Public Member	Cupertino- Northern
Susan Fischer Wilhelm	Public Member	Sacramento-Northern

### **The Board made the following Motions on September 3, 2015**

Nurse-Midwifery Committee be composed of:

- One direct practice nurse-midwife from northern California
- One direct practice nurse mid-wife from southern California
- One nurse-midwifery educator
- One public member who is a consumer of nurse-midwifery services; and
- One obstetrical practicing with experience working with nurse-midwives- total of five members on the Committee.

Nurse Midwifery Committee should have membership with staggered terms for two direct practice nurse mid-wives. One direct practice nurse-midwife would be a term of two years and one direct nurse-midwife would be a term of three years. The other three members would have staggered terms of two years.

Nurse-midwifery committee will meet twice a year.

No public comment:

**Motion:** Trande Phillips made a motion to appoint the following applicants to the Nurse Midwifery Committee:

Naomi E. Stotland, MD San Francisco- Northern  
Lin Lee, RN, CNM Los Altos- Northern  
Karen Ruby Brown, RN, CNM San Diego -Southern  
BJ Snell, RN, CNM Cota De Caza- Southern  
Karen Roslie, Public Member Encinitas- Southern

**Second:** Michael Jackson

Votes	CK	ICB	MJ	RM	EW	TP
	Y	Y	Y	Y	Y	Y

**10.3 Review and Vote on Whether to Approve: Physician Orders for Life Sustaining Treatment (POLST) Signed by Nurse Practitioner and Physician Assistant Acting Under the Supervision of the Physician**

Janette Wackerly, Supervising NEC presented this report.

**BACKGROUND**

AB 637, (Campos) Chapter 217, enacted during the 2015 legislative session (Chaptered 8/17/15), amends Section 4780 of the Probate Code, relating to resuscitative measures: Physician Orders for Life Sustaining Treatment (POLST) forms. This amendment authorizes the signature of a nurse practitioner or a physician assistant acting under the supervision of the physician and within the scope of practice authorized by law, to create a valid POLST form.

Existing law defines a request regarding resuscitative measures to mean a written document, signed by an individual, as specified, and the physician, that directs a health care provider regarding resuscitative measure, and includes a POLST form. Existing law requires a physician to treat a patient in accordance with the POLST form and specifies the criteria for creation of the POLST form, including that the form be completed by a health care provider based on the patient or his or her legally recognized health care decision maker.

Additional information regarding this can be found at the legislative information website at

[http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab\\_0601-0650/ab\\_637\\_bill\\_20150817\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_0601-0650/ab_637_bill_20150817_chaptered.pdf)

and the BRN website at [www.rn.ca.gov/regulations/np.shtml](http://www.rn.ca.gov/regulations/np.shtml).

No public comment.

**Motion:** Trande Phillips made a motion to place the advisory Nurse Practitioners Physician Orders for Life Sustaining Treatment (POLST) Signed by Nurse Practitioner and Physician Assistant Acting Under the Supervision of the Physician

**Second:** Michael Jackson, President

**11.0 Public Comment for Items Not on the Agenda**

**Note:** The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code Section 11125 and 11125.7(a)).

Public comment:

Steve Michael, PhD, Provost, Charles R. Drew University of Medicine and Science  
Sheldon Fields, PhD, RN, FNP-BC, AACRN, FNAP, FAANP, Dean, Charles R. Drew  
University of Medicine and Science  
Dr. Liz Dietz, Director of Legislation for ANA-C

## 12.0 Adjournment

The meeting adjourned at 12:34 pm.

  
\_\_\_\_\_  
**Louise Bailey, M.Ed., RN**  
**Executive Officer**

  
\_\_\_\_\_  
**Michael Jackson**  
**President**