

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

DATE: September 2-3, 2015

LOCATION: Holiday Inn Sacramento Capitol Plaza  
300 J Street  
Sacramento, CA 95814

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

ABSENT: Jeanette Dong

ALSO PRESENT: Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Assistant Executive Officer  
Christina Sprigg, Deputy Chief, Licensing and Administrative Services  
Beth Scott, Deputy Chief, Discipline, Probation and Diversion  
Shannon Silberling, Deputy Chief, Complaint Intake and Investigations  
Janette Wackerly, Supervising NEC  
Miyo Minato, Supervising NEC  
Leslie Moody, NEC  
Kim Ott, Decisions and Appeals Analyst  
Katie Daugherty, NEC  
Badrieh Caraway, NEC  
Shelley Ward, NEC  
Julie Campbell-Warnock, Research Program Specialist  
Long Dau, Licensing Manager  
Rose Ramos, Administrative Assistant  
Michael Santiago, Legal Counsel  
Marcie Larson, Administrative Law Judge  
Malissa Siemantel, Deputy Attorney General  
David Brice, Deputy Attorney General

**Wednesday, September 2, 2015 – 9:00 am**

**1.0 Call to Order** – Michael Jackson, President called the meeting to order at 9:06 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:**

<b><u>Reinstatements</u></b>	<b><u>Early Termination of Probation</u></b>
Joey Almario Rimplejit Dhaliwal Kevin Moore Paul Ndawula Brent Newcomer Phillip Romanelli	Robin Fisher-Nweke Lilit Sahakyan Fredilynne Sals Renee Walbert

Meeting adjourned at 3:21 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 3:30 pm. The closed session adjourned at 5:21 pm.

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

Meeting adjourned at 5:22 pm.

**Thursday, September 3, 2015 – 9:00 am**

**1.0 Call to Order**

Michael Jackson, President, called the meeting to order at 9:10 am and had the Board Members introduce themselves.

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

No public comment.

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

- June 3-4, 2015, Board Meeting Minutes
- June 30, 2015, Board Meeting Minutes

- August 5, 2015, Board Discipline Meeting Minutes
- August 6, 2015, Board Meeting Minutes – Fee Audit Report

No public comment.

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

**Second:** Imelda Ceja-Butkiewicz

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

#### 4.0 Report on Board Members’ Activities

No Board Members’ activities to report.

#### 5.0 Board and Department Activities

##### 5.1 Executive Officer Report

Louise Bailey, Executive Officer presented this report.

**Dr. Bhavna Shamasunder, PhD.** was appointed to the Board of Registered Nursing by the Senate Rules Committee on August 19, 2015. Dr. Shamasunder is an Assistant Professor in the Urban and Environmental Policy Department at Occidental College. She previously worked at Urban Habitat, a nonprofit organization. She is a member of the Association of Environmental Studies and Sciences. Her term will expire on June 1, 2016.

##### 5.2 Board’s Budget Update

Workload & Revenue – The following is a sampling of the trends that were noted in various revenue categories for FY 2014/2015: For the fourth straight year, repeat exam applications are down from 7,978 to 7,675 a 3.8% decrease from the previous year. This is due to fewer International first time applicants. First time applicants went up from 14,365 to 15,062 a 4.85% increase from the previous year. RN renewals went up slightly by 0.5% from FY 2012/2013 due to actual renewals for FY 2013/2014 being over inflated due to Revenue Collected in Advance (RCA) when BreZE went live. All other categories remained fairly consistent.

##### 5.3 Senator Hill’s Request at August 6, 2015 Board Meeting

Senator Jerry Hill attended the Board’s August 6, 2015 meeting, to provide public comment. Senator Hill requested the Board reconsider its disciplinary decisions for Nancy Bryant and Deborah Wolff-Baker. The Executive Officer provided a letter of response to Senator Hill on August 11, 2015, after consulting with DCA Legal Counsel.

##### 5.4 Regulation Update: Abortion by Aspiration Techniques

In order to comply with Assembly Bill 154 affective January 1, 2014, the Board of Registered Nursing is processing a regulatory package in accordance with Business and Professions Code Section 2725.4(a) requiring training recognized by the BRN in order to perform an abortion by aspiration techniques pursuant to Section 2253. There is a tight

timeline for the regulations to be approved by the January 1, 2016 deadline. The public hearing is scheduled for September 21, 2015. In the event there may be public comments that must be addressed by the Board, a special teleconference board meeting may be called to allow for the additional 15 day public comment period. The final regulatory package must be submitted to the Office of Administrative Law by no later than November 13, 2015 in order to allow the OAL to review and hopefully approve the package by December 30, 2015.

#### **5.5 Meeting with Department of Finance**

On August 11, 2015, BRN management, DCA Budget management, Tina Daley from Business, Consumer Services, and Housing Agency and Jeff Weiner from Department of Finance met. BRN management provided an overview of the various units of the board and answered questions from DOF regarding our overall business processes, future goals of our board and what is needed to achieve those goals. BRN discussed in length our customer service efforts and staffing needs to achieve our goal of better customer service. We discussed minimum staffing needs to help assure applications are processed as efficiently as possible while still allowing the board to make certain applicants meet all educational requirements.

#### **5.6 SB 466 BRN Sunset Bill**

SB 466 was amended in Assembly Business & Professions Committee on August 18, 2015 to extend the board's sunset date to January 1, 2018. Additional information will be provided during the Legislative update.

#### **5.7 Health Professions Education Foundation ADN and BSN Scholarship and Loan Repayment Program**

The Health Professions Education Foundation (HPEF) housed within the Office of Statewide Health Planning and Development (OSHPD) is a non-profit foundation statutorily created to encourage people from underrepresented communities to become health professionals and increase access to health providers in medically underserved areas and the public mental health system. HPEF encourages people to work in these areas by providing scholarships and loan repayments. These programs for Registered Nurses are partially funded by a \$10 surcharge placed on the biennial RN renewal fee. Applications are accepted once a year and are completed and submitted through an online system CalREACH.

Application Cycle Information:

- HPEF's Loan Repayments that fund various types of nursing professionals will be open from September 9th through November 2nd.
- HPEF's Scholarship Programs that fund various types of nursing students will be open from January 4th through February 29th.

Additional information regarding requirements, how to complete an application and much more can be found at:

Foundation: [www.healthprofessions.ca.gov](http://www.healthprofessions.ca.gov)

Facebook: [www.facebook.com/CalHealthWorkforce](https://www.facebook.com/CalHealthWorkforce)

Twitter: [www.twitter.com/HealthProfCAgov](https://www.twitter.com/HealthProfCAgov)

**5.8 New Contract with UCSF for Continued Data Collection**

The Board recently entered into a new two-year contract with the University of California, San Francisco (UCSF) to continue conducting the biennial survey of Registered Nurses in California and the BRN Annual School Survey. The contract will be in effect until June 30, 2017.

**5.9 BRN and UCSF to Host an Annual School Survey Webinar for Nursing Program Deans and Directors**

On October 13, 2015 the BRN and UCSF will be offering 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 will provide information to assist in the completion of the annual school survey and answer questions. The Webinar will be recorded and available for viewing for those who are unable to attend. A preview copy of the 2014-2015 Annual School Survey has been e-mailed to the nursing programs and will be available on-line for completion beginning October 1, 2015.

**5.10 Update: Implementation of AB 2102-Requirement to Survey all New and Renewal Applicants**

As reported at the June Board meeting, on July 1 the BRN along with a few other health care boards within DCA (Vocational Nursing, Respiratory Care and Physician Assistants), in coordination with staff from the other impacted boards and DCA Office of Information Services and DCA Legal Office, implemented an online survey to collect the mandated six data elements, as required by AB 2102, from newly licensed nurses and upon renewal to share this data with OSHPD. The data elements include:

1. Location of practice, including city, county and zip code
2. Race or ethnicity (optional for respondent)
3. Gender
4. Languages Spoken
5. Educational Background
6. Classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization or private practice

A website address to access the survey and information about the survey is being provided in the license packets sent to all renewing and new licensees. Licensees may also contact the Board for a printed copy of the survey if internet access to the survey is a problem. As of August 19, 2015 the BRN has received 30 requests for printed surveys. BRN staff are mailing out surveys and including a self-addressed envelope to UCSF who will receive and complete data entry of responses into the DCA system. The Boards and DCA will assess the processing options and financial impact of providing paper surveys as an option to be sent in renewal and new licensee packets in the future. BRN staff will continue to tally requests, attend meetings and work with DCA staff to implement these survey requirements.

**5.11 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 May 29, 2015 through August 31, 2015 the BRN received and processed 41 public record requests.

## 5.12 Personnel

<b>NEW HIRES</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Wayne Boyer, DNP, PhD, RN	Nursing Education Consultant	Administration
Michael Hoang	Office Assistant (Limited Term)	Complaint Intake
Joe Martinez	Program Technician II (Limited Term)	Call Center
Denise Clark	Special Investigator	Investigations
Melissa Brokken	Program Technician II	Licensing
<b>PROMOTIONS</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Timothy Buntjer	Staff Services Analyst	Discipline
Mario Zetter	Assoc. Governmental Program Analyst	Licensing
<b>SEPARATIONS</b>		
<b>Name</b>	<b>Classification</b>	<b>Program</b>
Jennifer Gereghty	Staff Services Analyst (RA)	Administration
Nancy R. Caouette	Office Technician (T) RA	Licensee Support Unit
Geri Nibbs	Nursing Education Consultant (RA)	Administration/Enforcement
Alice Takahashi	Nursing Education Consultant (RA)	Administration
Lupe Caceres	Special Investigator (RA)	Investigations
Jenny Hai-Jew	Program Technician	Licensing
Donald Wallace	Seasonal Clerk	Enforcement

### 6.0 **Report of the Administrative Committee**

Michael Jackson, President, Chairperson

### 6.1 **Update on Changes to Website Format/Information**

Julie Campbell-Warnock, Research Program Specialist and

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

### **BACKGROUND**

The BRN staff Website Committee which includes at least one representative from each unit (Administration, Advanced Practice, Complaint Intake, Discipline, Diversion, Investigations, Licensing, Nursing Education Consultants, Probation, and Renewals/Support) and the Information Systems Analysts have been working since April 2015 on updating website information, navigation, links, functionality, satisfaction survey and drafting a new website format to be consistent with the new state template. The goal is to improve licensee, applicant and consumer access to BRN information in a user friendly environment. Accomplishments of the Website Committee since April include:

- Tracking of phone, e-mail and public counter inquiries to assess needs that could be met by updating, clarifying or adding information to the website.

- Review, update and addition of Frequently Asked Questions.
- Review of Website Satisfaction Survey and website statistics data to make revisions to the website and the Survey.
- Facilitating input and feedback from other staff to improve the website information.
- Review and updating of website forms and links.
- Input into the new draft website format and navigation of the website.
- Review and recommendations for placement of new items on the website.

BRN staff provided a presentation to overview the new website format.

No public comment and no motion required.

## **6.2 2015 Forecasting Report of RNs in California**

Dr. Joanne Spetz from UCSF presented a PowerPoint presentation on this data and draft report.

### **BACKGROUND**

Along with each biennial RN survey and report, the BRN contracts with the University of California San Francisco (UCSF), Institute for Health Policy Studies to complete the Forecasts of the Registered Nurse Workforce in California report which presents RN supply and demand projections. Following the 2014 RN Survey, UCSF is currently preparing the 2015 forecasting report which is based on a variety of data sources including the 2014 Survey of California RNs, BRN licensing data, data from other California state agencies (i.e., OSHPD, EDD, Department of Finance) and national survey data. When final, this report will be included under the forms section of the BRN website.

For the PowerPoint presentation slides of the Forecasting Report go to:

<http://www.rn.ca.gov/pdfs/forms/forecast2015pp.pdf>

No public comment and no motion required.

## **6.3 Survey of Recently Licensed California RNs Clinical Education Experiences in Preparation for RN Practice**

Dr. Joanne Spetz from UCSF presented a PowerPoint presentation on the preliminary findings of this survey.

### **BACKGROUND**

The BRN commissioned the University of California San Francisco (UCSF), Institute for Health Policy Studies to complete a survey of recently licensed California RNs to learn about their clinical education experiences and how they thought it prepared them for practice as an RN. The purpose of the survey was to obtain data about the outcome of clinical simulation and practice experience from the student/RN perspective and learn more about clinical simulation experiences in California nursing programs. The survey is being supplemented with analysis of data from the BRN Annual School Survey and NCLEX score data. This data may be helpful for future decision making for educational programs and policy development in the area of clinical simulation and determine what additional

research might be helpful. When final, this report will be included under the forms/publications section of the BRN website.

For PowerPoint presentation slides of the simulation survey information, go to:

<http://www.rn.ca.gov/pdfs/forms/survey2015pp.pdf>

Public comments:

Liz Dietz, Legislative Director, ANA/C  
DeAnn McEwen, RN, CNA  
Judy Corless, MSN, RN

No motion required.

#### **6.4 Review Executive Officer Duty Statement**

Louise Bailey, Executive Officer presented this report.

The Board reviewed the current Executive Officer duty statement so recruitment can begin.

No public comment.

**Motion:** Michael Jackson made a motion to accept the Executive Officer duty statement as it is written.

**Second:** Raymond Mallel

<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

#### **6.4.1 Appointment of Board Members to Executive Officer Recruitment Committee**

Michael Jackson, President and Raymond Mallel, Vice President are the appointed Board Members for the recruitment of the Executive Officer position.

No public comment and no motion required.

#### **6.5 Vote on Whether to Increase Maximum Statutory Fees**

Stacie Berumen, Assistant Executive Officer presented this report.

Fee charts prepared by the contractor were provided to the board for their consideration.

#### **6.5.1 Possible Appointment of Board Members to Evaluate Fee Audit Report**

Board Members Imelda Ceja-Butkiewicz and Cynthia Klein were appointed to evaluate the fee audit report.

No public comment and no motion required.

## 6.6 Proposed Board and Committee Meeting Dates in 2016

January 13-14, 2016	North
February 10-11, 2016	North
March 9-10, 2016	South
April 13-14, 2016	South
May 11-12, 2016	North
June 15-16, 2016	North
August 10-11, 2016	South
September 14-15, 2016	South
October 12-13, 2016	North
November 9-10, 2016	North

No public comment and no motion required.

## 6.7 Update on Emergency Fee Regulations

Emergency fee regulations were approved by the Office of Administrative Law on August 20, 2015. To accommodate necessary programming changes to Board systems, the fee increases will take effect on October 14, 2015 and January 1, 2016.

No public comment and no motion required.

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

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

- Mount Saint Mary's University Baccalaureate Degree Nursing Program

- San Diego State University Baccalaureate Degree Nursing Program
- Simpson University Baccalaureate Degree Nursing Program
- Sonoma State University Baccalaureate Degree Nursing Program
- University of San Francisco Baccalaureate Degree Nursing Program
- Charles Drew University Of Medicine And Science Entry Level Master’s Degree Nursing Program
- Sonoma State University Entry Level Master’s Degree Nursing Program
- University of San Diego Hahn School Of Nursing Entry Level Master’s Degree Nursing Program
- University Of San Francisco Entry Level Master’s Degree Nursing Program
- Chabot College Associate Degree Nursing Program
- Chaffey College Associate Degree Nursing Program
- Mira Costa College Associate Degree Nursing Program
- Reedley College At Madera Community College Center LVN-RN Associate Degree Nursing Program
- Sacramento City College Associate Degree Nursing Program
- Saddleback College Associate Degree Nursing Program
- Santa Barbara City College Associate Degree Nursing Program
- Sierra College Associate Degree Nursing Program
- Solano Community College Associate Degree Nursing Program
- Stanbridge College Associate Degree Nursing Program
- Weimar Institute Associate Degree Nursing Program
- Samuel Merritt University Family Nurse Practitioner Program

Acknowledge Receipt of Program Progress Report:

- Los Angeles Trade-Tech College Associate Degree Nursing Program
- Napa Valley College Associate Degree Nursing Program
- San Joaquin Valley College Associate Degree Nursing Program
- Stanbridge College Associate Degree Nursing Program
- Weimar Institute Associate Degree Nursing Program

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

**Second:** Trande Phillips

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 August 6, 2015 and made the following recommendations:

### A. Continue Approval of Prelicensure Nursing Program

- Western University of Health Sciences Entry Level Master’s Degree Nursing Program
- College of the Redwoods Associate Degree Nursing Program
- Contra Costa College Associate Degree Nursing Program
- Hartnell College Associate Degree Nursing Program

- Kaplan College Associate Degree Nursing Program
- Los Angeles City College Associate Degree Nursing Program
- Modesto Junior College Associate Degree Nursing Program

B. Defer Approval of Prelicensure Nursing Program

- Dominican University of California Baccalaureate Degree Nursing Program
- Reedley College At Madera Community College Center Associate Degree Nursing Program

C. Approve Major Curriculum Revision

- Azusa Pacific University LVN-Baccalaureate Degree and Entry Level Master's Degree Nursing Program
- California State University, Fresno Baccalaureate Degree Nursing Program
- Western University of Health Sciences Entry Level Master's Degree Nursing Program
- Glendale Community College Associate Degree Nursing Program
- Kaplan College Associate Degree Nursing Program
- Ohlone College Associate Degree Nursing Program
- Pasadena City College Associate Degree Nursing Program
- San Joaquin Valley College Associate Degree Nursing Program
- Loma Linda University Nurse Practitioner Program

No public comment.

**Motion:** Raymond Mallel made a motion to:

***Continue Approval of Prelicensure Nursing Program***

- Western University of Health Sciences Entry Level Master's Degree Nursing Program
- College of the Redwoods Associate Degree Nursing Program
- Contra Costa College Associate Degree Nursing Program
- Hartnell College Associate Degree Nursing Program
- Kaplan College Associate Degree Nursing Program
- Los Angeles City College Associate Degree Nursing Program
- Modesto Junior College Associate Degree Nursing Program

***Defer Approval of Prelicensure Nursing Program***

- Dominican University of California Baccalaureate Degree Nursing Program
- Reedley College At Madera Community College Center Associate Degree Nursing Program

***Approve Major Curriculum Revision***

- Azusa Pacific University LVN-Baccalaureate Degree and Entry Level Master's Degree Nursing Program
- California State University, Fresno Baccalaureate Degree Nursing Program
- Western University of Health Sciences Entry Level Master's Degree Nursing Program
- Glendale Community College Associate Degree Nursing Program
- Kaplan College Associate Degree Nursing Program
- Ohlone College Associate Degree Nursing Program
- Pasadena City College Associate Degree Nursing Program
- San Joaquin Valley College Associate Degree Nursing Program
- Loma Linda University Nurse Practitioner Program

**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

### **7.3 Vote on Whether to Accept Recommendation to Place East Los Angeles College Associate Degree Nursing Program on Warning Status With Intent to Close the Nursing Program**

Shelley Ward, NEC presented this report.

#### **BACKGROUND**

Lurelean Gaines, RN, MSN, Program Director/Chairperson –

The Board at its February 6, 2014 meeting placed the program on Warning Status with Intent to Withdraw Approval, as a result of the findings and progress to date from the 5 areas of non-compliance identified at the October 7-8, 2013, scheduled continuing approval visit (letter attached). The Board at its September 18, 2014 meeting voted to change the program's approval status to Defer Action to Continue Approval (letter attached).

Actions that the program was required to comply with as a condition of the Defer Action to Continue Approval status (September 18, 2014) included:

- Program to return to Education/Licensing Committee for a progress report in August 2015
- Submit quarterly progress reports to the NEC
- Continue to recruit full-time faculty to fill the psych/mental health position
- Continue to limit program admission/enrollment to (48) students admitted twice annually

Responses sent to the NEC after September 2014 included:

Submission of 4 progress reports from December 2014- June 2015. The program met the requirement to submit quarterly progress reports. The Systematic Plan for Program Evaluation and Assessment of Outcomes document was revised in spring 2015, as recommended by the NEC, and provides information on program review by faculty (attached).

The program did receive approval for a new assistant instructor in the mental health and geriatric nursing areas (Nelson Okeke 4-8-15). The progress report submitted on June 23, 2015 (attached), indicates that the program is continuing the recruitment process for 1 full-time mental health faculty position in summer 2015.

The program reported that it continued to limit new enrollments to 48 for new students entering the program in Winter/Spring 2015.

NCLEX- RN examination pass rates are:

2014-2015 – 58.02% - (81 taken, 47 passed) -July 2014-Mar. 2015

2013-2014 - 49.45% - (91 taken, 45 passed)

2012-2013 – 62.28% - (114 taken, 71 passed)

2011-2012 – 82.26 % - (124 taken, 102 passed) \* the only year in last eight years where pass rate > 75%

2010-2011 – 69.05% - (84 taken, 58 passed)

2009-2010 – 61.67% - (120 taken, 74 passed)

2008-2009 -74.77% - (107 taken, 80 passed) \*\* close to 75% pass rate  
 2007-2008 – 64.44% - (90 taken, 58 passed)

The NCLEX examination pass rate area of non-compliance remains unresolved from the October 2013 continuing approval visit. The program implemented the major curriculum revision approved by the Board in November 2014, with newly enrolled students as planned in January 2015. This cohort is scheduled to graduate in December 2016. The Systematic Plan for Program Evaluation and Assessment of Outcomes data analysis indicated that “many first- time test takers are delaying first attempt (6) months to a year.

No public comment.

**Motion:** Michael Jackson made a motion to place East Los Angeles College Associate Degree Nursing Program on warning status with intent to close the nursing program. The program is required to submit quarterly progress reports to the Nursing Education Consultant and return to the Education/Licensing Committee in August 2016.

**Second:** Raymond Mallel

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

**7.4 Vote on Whether to Accept Recommendation to Continue Warning Status With Intent to Close the Nursing Program for Shepherd University Associate Degree Nursing Program**

Miyo Minato, Supervising NEC presented this report.

**BACKGROUND**

Misun Sprina Jeon, RN, MSN, is Director of ADN Program since November 2011.

On February 26 - 27, 2014, Miyo Minato, SNEC, and Shelley Ward, NEC, conducted a regularly scheduled first continuing approval visit to Shepherd University ADN Program. Additionally this board-approval visit was done pursuant to CCR 1431(b) for the program’s licensing pass rate for first time candidates below 75% for two consecutive academic years.

The program was found to be in non-compliance in three areas: Sec 1424(h) Insufficient FT faculty; Sec 1426(a) Approved curriculum; Sec 1431 NCLEX pass rate standard, and three recommendations were given: Sec 1424(b)(1) Program evaluation; Sec 1424(d) Sufficient resources; Sec 1425.1(b) Faculty responsibilities for instruction. SU’s progress report submitted June 29, 2014 showed actions to correct deficiencies and the recommendations. ELC reviewed the NEC’s Report and the progress report on August 7, 2014 and recommended to place SU on a warning status with intent to withdraw approval. ELC directed SU to continue implementation of corrective actions and return to ELC at August 2015 meeting. The Board endorsed ELC’s recommendation on September 18, with the following actions: Place the program on Warning Status with Intent to Withdraw Approval; the program is to notify existing and future students of the status of the school and post the program's status information on the school's Website; NEC to monitor school's progress, make a site visit in Spring 2015 and provide progress report to ELC in August

2015; the program will ensure that new student admission/enrollment pattern is in accordance with approved cohort size of 33 students.

On July 7, 2015 SU submitted a progress report as required per the board action. NEC has been in close contact with the director and the consultant working with the school since the 2014 Board visit. A site visit to the school was done on June 16, 2015. The current progress report provided the following update:

Areas of Non-compliance:

- Section 1424(h) Insufficient FT faculty was addressed and in compliance. There are seven full-time faculty for the program, which included two new hires, and needed complementary clinical faculty to offer the number of admission each semester. There is content-expert for each of the required nursing areas. Following the continuing approval visit in 2014, Sue Albert, former Director at College of the Canyons, has been acting as curriculum consultant at SU and assisting with faculty and curriculum development activities.
- Section 1426(a) Approved curriculum – The report and attached documents showed that the curriculum is being implemented as approved, following the academic calendar and schedule and admission of students are in accordance with the curriculum sequencing to maintain the approved number of admissions each cohort. There have been multiple staff development, and the faculty participated in faculty development opportunities related to curriculum review, evaluation tools, teaching enhancements, including incorporating simulations throughout the curriculum. All course syllabi were reviewed for consistency and clarity as instructional guide.
- Section 1431(b) NCLEX Pass rate – below 75% remains low and not improved.

Shepherd University NCLEX Report

	JUL-SEP			OCT-DEC			JAN-MAR			APR-JUN			ANNUAL RATE		
	Taken	Passed	Percent	Taken	Passed	Percent									
2010 2011 -	0	0		0	0		0	0		0	0	100%	1	1	100%
2011 2012 -	28	21	75%	1	0	0.00%	13	11	84.62%	13	8	61.54%	55	40	74.73%
2012 2013 -	12	9	75%	17	9	52.94%	31	20	64.52%	6	2	33.33%	66	40	60.61%
2013 2014 -	5	3	60.00%	19	8	42.11%	3	0	0.00%	16	8	50%	43	19	44.19%
2014 2015 -	14	4	28.57%	23	4	17.39%	9	1	11.11%	18	10	55.56%	64	19	29.69%

The changes described in the Progress Reports of 2014 and 2015 were raised admission criteria, strengthened progression requirements, improved students' testing skills, reviewed faculty theory/clinical teaching, and provided success and support strategies and have been added over the last two years. Additions of Kaplan resources have been implemented for each course and comprehensive exam at end of each semester to ensure

learning, as well as comprehensive predictor test to improve success with testing. Students take Kaplan Review to prepare for NCLEX exam. The report indicated that at the time of this progress report, “6 students taking the NCLEX who have received the changes that the program has implemented since 2013 to present, four have passed.” They are hopeful that “this demonstrates some improvement, but it is important to remember that these students have the benefit from having only 2 semesters of the new changes. The full impact of the changes that were implemented Fall 2014 will not be seen until this class graduates on June 2016 and takes the licensing exam.” Attached to this summary are tables described in the recent progress report. (Table 8-1. 3QTRs NCLEX result of 2014/2015; Table 8-2. 2014/15 NCLEX Result Identified by Graduate Timelines (Non-Action Plan Applied Cohorts) (Table 8-3. 2014/15 NCLEX Result Achieved from Action Plan Applied Graduates- Dec 2014) (Table 13. Shepherd Graduates’ NCLEX-RN Result by Exam Period) (Table 17. Number/Percent Comparison of First Language (native) versus ESL (English as Second Language).

Despite implementation of many corrective actions the current pass rate is low. Attached is a table that NEC prepared to assist with data review by showing quarterly NCLEX results and distribution of students taking the NCLEX exam grouped per graduation date. Graduating classes June 2011 (63.65%), January 2012 (76.93%), and January 2013 (67.67%) have pass-rate above 60%, while graduating classes June 2012, June 2013, January 2014, and June 2014 have scored in the 40’s% or below. In order to achieve improved first time pass rate, the program needs additional program evaluation which includes analysis of individual student characteristics to accurately identify and target areas of improvement needed to ensure graduate success.

No public comment.

**Motion:** Michael Jackson made a motion to continue warning status with intent to close the nursing program for Shepherd University Associate Degree nursing Program and monitor progress. The program is to submit to the Board a progress report on the quarterly NCLEX performance and return to Education/Licensing Committee in March 2016.

**Second:** Elizabeth Woods

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

## 7.5 Vote on Whether to Accept Recommendation for Addition of Nursing Program Information to the BRN Website (Accreditation, Retention, Attrition)

Leslie Moody, NEC presented this report.

### BACKGROUND

Currently the BRN website provides the following data related to each approved pre-licensure nursing program:

- Listing of programs by degree type with complete school address, telephone number and whether they have an accelerated fast track program or the program admits LVNs only. The program listing is also linked to the schools website.

- Information about and indication of programs on warning status included on the school listing (as approved by the Board at the June 2015 Board meeting).
- Most recent five years of NCLEX results by program.

Recommendations from the Senate Committee on Business, Professions and Economic Development (BP&ED) and the Assembly Committee on Business and Professions (B&P), collectively “the Committees”, in response to the 2014 Sunset Review Report, are to additionally post individual program information regarding accreditation, attrition, and retention to the website to better inform current and potential students as well as the general public.

- **Accreditation** – There are two types of accreditation, institutional/school accreditation and program accreditation. School and/or program accreditation may impact the student’s transfer of academic credits from one institution to another, their ability to qualify for admission to a higher degree program, or employer’s recognition of the degree.

To date the BRN has collected institutional accreditation information only during the initial approval process and receives verification of approval from BPPE. This information has not been systematically updated. Regular collection of this data will begin with the 2014-2015 Annual School Survey. Program accreditation information is currently collected on the Annual School Survey. Thus, current information regarding program accreditation is available and could be added to the BRN website at any time and institutional accreditation information will be available beginning in early 2016 from the 2014-2015 Annual School Survey.

- **Attrition and Retention** – The BRN Annual Survey currently collects program data that is used to calculate attrition and retention via and reports this along with other data from the survey in aggregate (regionally, by program type, statewide, etc.). Attrition and retention data is calculated and reported in various ways by different schools, programs and organizations and there does not appear to be one universal method. The BRN has collected student completion data for many years which includes the number of students: scheduled on admission to complete the program during the survey time period; completed during the survey time period; dropped out of the program or were disqualified during the survey time period; still enrolled in the program during the survey time period; completed the program during the survey time period but behind schedule. Since 2004-2005, the BRN has calculated and reported retention and attrition in the same manner:
  - Retention = (students completing the program on-time) / (students scheduled to complete the program)
  - Attrition = (students dropped or disqualified who were scheduled to complete) / (students scheduled to complete the program)

Although the two most common nursing program accrediting bodies (ACEN and CCNE) use different formulas, the BRN’s Education Issues Workgroup (EIW) has discussed the issue of calculations many times (most recently at the April 30, 2015 meeting) and they continue to recommend the BRN calculate and report in the same way. Questions on the BRN Annual School Survey regarding this data do not specify a time period, allowing the programs to decide by providing the number of students who were scheduled to complete.

Program-specific information provided on the BRN website should include definitions for attrition, retention and factors influencing the experiences, to help the public understand and interpret the data. The attachment to this AIS presents a proposed format for BRN website posting of program specific accreditation, attrition and retention data.

BRN staff proposed the following for website presentation of program-specific data:

- Maintain program specific NCLEX data and aggregate program data as currently presented on the website.
- Add a table to present program specific data for institutional accreditation, program accreditation, attrition and retention.

No public comment.

**Motion:** Michael Jackson made a motion to accept recommendation for addition of Nursing Program information to the BRN website of program and institutional accreditation, attrition and retention information in the format presented.

**Second:** Elizabeth Woods

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

## 7.6 Licensing Program Report

Long Dau, Licensing Manager presented this report.

### **BACGROUND:**

Program Update: The Licensing Program evaluators are currently processing the initial review of exam and endorsement applications cashiered in early June.

The vacant Associate Governmental Program Analyst position has been filled by Mario Zetter. Mario was promoted on July 24<sup>th</sup> and brings with him extensive licensing experience having started with the BRN Licensing Unit in 2006 and has worked in all facet of the evaluation process. I would like to take this opportunity to welcome Mario into his new role as an Advanced Practice Analyst. With his promotion, the Board will recruit to fill his vacant Staff Services Analyst position in the International Evaluations unit as well as two new vacancies for limited term Program Technician II within the Licensing Unit. I expect to have these positions as well as a limited term Program Technician I and three Seasonal positions filled by the end of August or early September.

The Licensing Program management reported the following information regarding the Licensing Process Mapping and recommendations report from the Department of Consumer Affairs' SOLID planning Solutions at the ELC meeting on August 6<sup>th</sup>. The Board of Registered Nursing (Board) licensing unit's subject matter experts met with the DCA's SOLID planning solutions to develop a Licensing Process Map that would diagram the Board's licensing processes. The entire project was conducted over a span of three months. At the end of the project, SOLID provided the Board with a comprehensive Licensing Process Mapping report that was a total of 87 pages. The report contained all of

the information that was collected and analyzed in order to provide the Board with the information they need to correspond to the auditor's request.

Within this report, SOLID made some recommendations for the Board. There were four main recommendations throughout the report:

1. Eliminate re-checking of work done by the support staff.
  - a. Re-checking of work is completed for quality control.
2. Research and implement more effective ways to track and store documents received from applicants. Documents located in too many different locations.
  - a. The Board is frequently coming up with better ways to improve the process.
3. Research a more effective process for support staff to eliminate the lengthy time spent prior to evaluating applications.
  - a. By scanning documents beforehand, it eliminates the need for support staff to check multiple locations to retrieve documents.
4. Potential BreEZe configuration issues.
  - a. The areas they identified have to do with separate interfaces that interact with BreEZe and due to specific program requirements are not changeable.

Additional changes not included in the report:

1. Change the way the licensing unit processes web applications.
2. Specific units for application type which we are discussing the separation of the unit by application method (i.e. exam, endorsement).

No public comment and no motion required.

## **7.7 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  
July 1, 2014-June 30, 2015\***

<b>JURISDICTION</b>	<b>TOTAL TAKING TEST</b>	<b>PERCENT PASSED %</b>
California*	10,960	84.22
United States and Territories	159,528	82.53

**CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES  
By Quarters and Year July 1, 2014-June 30, 2015\***

<b>7/01/14- 9/30/14</b>		<b>10/01/14- 12/31/14</b>		<b>1/01/15- 3/31/15</b>		<b>4/01/15- 6/30/15</b>		<b>7/01/14- 6/30/15</b>	
<b># cand.</b>	<b>% pass</b>	<b># cand.</b>	<b>% pass</b>	<b># cand.</b>	<b>% pass</b>	<b># cand.</b>	<b>% pass</b>	<b># cand.</b>	<b>% pass</b>
3,946	83.27	1,673	78.54	2,909	87.01	2,432	86.31	10,960	84.22

*\*Includes (4), (1), (1) and (3) “re-entry” candidates. The 2013 NCLEX-RN Test Plan and higher Passing Standard of 0.00 logit remains 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 proposed 2016 NCSBN NCLEX-RN Test Plan to be adopted by NCSBN Delegate Assembly in mid-August 2015 will be effective April 1, 2016. Refer to the attached strikethrough copy for the minor edits and additions to the proposed 2016 plan. 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 2016 Test Plan and Passing Standard, when released by NCSBN, 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, 2014-June 30, 2015**

<b>Academic Year July 1-June 30^</b>	<b>July-Sept #Tested % Pass</b>	<b>Oct-Dec #Tested % Pass</b>	<b>Jan-Mar #Tested % Pass</b>	<b>April-June #Tested %Pass</b>	<b>^2014-2015 Cumulative Totals</b>
<b>National US Educated- All degree types *</b>	<b>53,989 (78.4)</b>	<b>14,340 (71.0)</b>	<b>39,686 (85.2)</b>	<b>51,513 (87.9)</b>	
<b>CA Educated- All degree types*</b>	<b>3,946 (83.2)</b>	<b>1,673 (78.5)</b>	<b>2,909 (87.1)</b>	<b>2,432 (86.3)</b>	
<b>National-Associate Degree rates**</b>	<b>28,510 (76.5)</b>	<b>8,199 (65.4)</b>	<b>21,674 (82.7)</b>	<b>27,809 (85.4)</b>	
<b>CA-Associate Degree rates**</b>	<b>2,201 (85.5)</b>	<b>759 (75.3)</b>	<b>1,528 (86.7)</b>	<b>1,188 (84.6)</b>	
<b>National-BSN+ELM rates**/***</b>	<b>23,966 (80.3)</b>	<b>5,848 (78.7)</b>	<b>17,518 (88.3)</b>	<b>23,285 (90.8)</b>	
<b>CA-BSN+ELM rates**/***</b>	<b>1,732 (80.4)</b>	<b>912 (81.1)</b>	<b>1,370 (87.2)</b>	<b>1,241 (87.9)</b>	

\*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.

^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.

## 7.8 2013-15 ELC Goals & Objectives Achievement Report

Leslie Moody, NEC presented this report.

### BACKGROUND

The Education/Licensing Committee annually reviews and reports the achievements relative to the ELC goals and objectives. At the end of the two-year period a comprehensive report of achievements is submitted. The attached report presents the achievements for the period of July 1, 2013 – June 30, 2015 relative to the ELC Goals and Objectives 2013-2015 which were Board approved on 02/06/2013.

Nursing program education activities reported for the period include:

- Scheduled continuing approval visits are conducted for prelicensure and advanced practice nursing programs every five years. Nursing Education Consultant (NEC) continuing approval visit reports were reviewed by Education/Licensing Committee (ELC) for 40 ADN programs, 16 BSN programs, 3 ELM programs and 5 NP programs with approval status recommendations made to the Board.
- Eight letters of intent (LOI) for new prelicensure programs were received. Six feasibility studies were reviewed and accepted by ELC. Three new ADN and one new ELM prelicensure nursing programs were granted initial program approval.
- ELC reviewed and made recommendations regarding twenty-five major curriculum revision proposals.
- Teach out plan and final progress report were reviewed for ITT Tech, Rancho Cordova Associate Degree Nursing Program that closed June 2015.
- Everest College closed April 27, 2015 without notice resulting also in closure of the Associate Degree Nursing Program. Program approval was withdrawn and arrangements were facilitated for the requesting San Joaquin Valley College Associate Degree Nursing Program to assume instruction of the displaced nursing students.

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

AB 12  
AB 26  
AB 85  
AB 172  
AB 611

#### Senate Bills

SB 319  
SB 323  
SB 390  
SB 408  
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	

**AB 1351 (Eggman) Deferred entry of judgment: pretrial diversion**

No public comment.

**Motion:** Imelda Ceja-Butkiewicz motioned that the Board **Oppose Unless Amended** AB 1351.

**Second:** Michael Jackson

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

**AB 1352 (Eggman) Deferred entry of judgment: withdrawal of plea**

No public comment.

**Motion:** Imelda Ceja-Butkiewicz motioned that the Board **Oppose Unless Amended** AB 1352.

**Second:** Elizabeth Woods

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

**SB 319 (Beall) Child welfare services: public health nursing**

No public comment.

**Motion:** Imelda Ceja-Butkiewicz motioned that the Board **Watch** SB 319.

**Second:** Michael Jackson

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

**SB 464 (Hernandez) Healing arts: self-reporting tools**

No public comment and no motion required – bill was enrolled August 31, 2015.

**SB 466 (Hill) Nursing: Board of Registered Nursing**

Public comment received by Ingela Dahlgren, RN, Executive Director, SEIU Nurse Alliance of California.

**Motion:** Imelda Ceja-Butkiewicz motioned that the Board **Watch** SB 466.

**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

**SB 467 (Hill) Professions and vocations**

No public comment.

**Motion:** Imelda Ceja-Butkiewicz motioned that the Board **Watch** SB 467.

**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

**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.

**BACKGROUND**

**PROGRAM UPDATES**

**COMPLAINT INTAKE:**

**Staff**

We are currently fully staffed. We will have one case analyst going out on leave for a year beginning end of September.

**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) BreZE team and is involved in the Reports User Group, as well as the Enforcement User Group.

The new Controlled Substance Utilization Review & Evaluation System (CURES) had a soft launch July 1, 2015. CURES 2.0 will be rolled out to users in phases over the next several 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**

Southern California

- We are currently fully staffed. We had two new investigators join our team, Denise Clark on August 17<sup>th</sup> and Kim Ngo on September 2<sup>nd</sup>.

Northern California

- We have one Special Investigator out on leave through the end of the year.

### **Program**

Division of Investigation (DOI) has begun the quarterly Managers' Enforcement Consortium and we will be having our second meeting September 30<sup>th</sup>. This is a group of enforcement managers from across the different disciplines that come together to discuss processes, procedures, how to create efficiencies as well as possible barriers that each of us face in processing our cases.

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI). As of August 24, 2015, there were approximately 27 BRN cases over one year old that are still open and there are approximately 36 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	Feb 2015	Mar 2015	Apr 2015	May 2015	June 2015	July 2015
Total cases assigned	329	337	344	342	329	330
Total cases unassigned (pending)	170	152	162	153	166	176
Average days to case completion	201	212	215	214	247	238
Average cost per case	\$2,909	\$2,779	\$3,180	\$3,280	\$2,810	\$2,849
Cases closed	36	56	57	41	51	44
Division of Investigations	Feb 2015	Mar 2015	Apr 2015	May 2015	June 2015	July 2015
Total cases assigned	331	316	298	290	311	297
Total cases unassigned (pending)	20	33	38	53	36	49
Average days to case completion	270	299	271	271	326	325
Average cost per case	\$5,365	\$6,185	\$5,124	\$5,896	\$7,028	\$6,064
Cases closed	38	36	54	38	40	55

Investigators are focused on clearing all aging cases.

No public comment and no motion required.

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

Beth Scott, Deputy Chief, Discipline, Probation and Diversion presented this report.

### **Staffing**

Currently the probation Unit is fully staffed.

The Discipline Unit filled the vacant Staff Services Analyst position with a promotion of the Discipline Unit Office Technician (OT). The vacant OT position was filled with an existing OT within the Enforcement Unit.

#### 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.

On July 9, 2015 the BRN began working with the AGs office to fast-track the movement of less complex discipline cases. These cases will be assigned to specific Deputy Attorney General’s and a single discipline analyst to give focused attention to these cases. The AGs office will be able to schedule these cases with the Office of Administrative Hearings on a more expedited schedule which will benefit the Registered Nurses and the BRN.

Discipline staff is diligently reviewing past discipline cases to ensure all discipline documents are present on our website. It is anticipated this process will be completed by September 2015.

#### 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 – August 24, 2015) discipline statistics:

Decisions Adopted	306
Pleadings served	208
Petitions to Revoke Probation served	11
Surrenders signed by E. O.	30

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

Effective July 30, 2015, Sheila Granby, the Probation Program Manager retired from state service after 14 years of service. Sheila was a Probation Monitor for 4 years and the Program Manager for 3.5 years. She will be missed and we wish her continued success in her retirement. The Board of Registered Nursing would like to thank Sheila for her service.

We will advertise and recruit for this position and will fill the position in the near future. Information regarding the new Probation Program Manager will be provided at an upcoming DDC meeting.

Statistics - Probation

Statistics – FY July 1, 2014 to June 30, 2015

Probation Data	Numbers	% of Active
Male	287	27%
Female	808	73%
Chemical Dependency	707	64%
Practice Case	267	25%
Mental Health	5	0%
Conviction (Non CD)	116	12%
Advanced Certificates	113	10%
Southern California	601	55%
Northern California	479	44%
Tolled at the AG	15	1%
Pending with AG/Board	113	10%
License Revoked YTD	31	3%
License Surrendered YTD	89	8%
Terminated YTD	30	3%
Successfully completed YTD	98	9%
Active in-state probationers	<b>1,095</b>	
Completed/Revoked/Terminated/ Surrendered YTD	248	
Tolled Probationers	290	
Active and Tolled Probationers	<b>1,385</b>	

Statistics – July 1, 2015 to August 21, 2015

Probation Data	Numbers	% of Active
Male	287	26%
Female	798	74%
Chemical Dependency	694	64%
Practice Case	268	25%
Mental Health	6	1%
Conviction - excluding chemical dependency/alcohol use	117	11%
Advanced Certificates	106	10%
Southern California	594	55%
Northern California	482	44%
Pending AG - tolled	9	1%
Pending AG	98	9%
License Revoked Fiscal YTD	10	
License Surrendered Fiscal YTD	12	

Terminated Fiscal YTD	5	
Successfully completed Fiscal YTD	20	
Active in-state probationers	<b>1,085</b>	
Completed/Revoked/Terminated/ Surrendered Fiscal YTD	47	
Tolled Probationers	296	
Active and Tolled Probationers	<b>1,381</b>	

The case load per probation monitor is approximately 120

### Program -Diversion

On August 5<sup>th</sup> and 6<sup>th</sup>, BRN staff and the Diversion Program contractor Maximus conducted a presentation to the Director of Nursing and Clinical Practice Peer Group (the ambulatory practice leaders) and to the Chief Nursing Officers Peer group (the hospital/inpatient leaders). Both presentations were conducted at the Kaiser Regional Offices in Oakland. The focus of the presentation was to aid front line leaders to develop or hone their ability to recognize, detect and intervene when the subtle and not so subtle signs and indications of potential alcohol and or drug abuse in the work place. Both presentations were well attended and attendees indicated they appreciated the opportunity to learn about Substance Use Disorder and how it is detectable in the workplace.

In a continuous effort to reach out to nurses in need and provide community outreach, the Diversion program has scheduled the following upcoming presentations:

The Board of Registered Nursing's Diversion program will be present at the California State Capitol on September 2, 2015, for the annual Recovery Happens rally. Recovery Happens is the 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 brings over 5,000 people together for a day to celebrate recovery.

On September 2, 2015, at 10:30AM, the Diversion program contractor Maximus will be providing a training session regarding substance use disorders and the Diversion Program to Dominican Hospital's class of 9 New Graduate RNs. Dominican Hospital is part of the Dignity Health system and is located in Santa Cruz.

In addition to the Board's traditional outreach efforts, the Diversion Program began using DCA's Facebook page and Twitter via "Tweets" to get the word out about the Program. On August 19<sup>th</sup>, DCA published initial content about the Diversion Program, and there are plans to release future online content next month.

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. Additional information can be found on the Board's website at <http://www.rn.ca.gov/diversion/div-support.shtml>.

### Diversion Evaluation Committees (DEC)

There are currently three physician member vacancies at this time. One vacancy is in Ontario (DEC 9), one is in Oakland (DEC 13) and the third vacancy in north Central (DEC 12). The vacancy in Oakland (DEC 13) will be filled upon approval of the new appointee.

There are currently seven RN member vacancies at this time. One in Sacramento (DEC 1), Two in the Bay Area (DEC 2), one in Orange County (DEC 4), one in Palm Springs (DEC 6), one in San Jose (DEC 7) and one in North Coast Emeryville (DEC 11). Vacancies on DEC 1, 2, 4, 6, 7 and 11 will be filled upon approval of new appointees.

### Statistics – Diversion

The Statistical Summary Report for April 1, 2015 through June 30, 2015 is after this update. As of June 30, 2015, there were 1,990 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**

Beth Scott, Deputy Chief, Discipline, Probation and Diversion 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.

**NEW APPOINTMENTS**

Below are the names of the candidates who are being recommended for appointment to the Diversion Evaluation Committees (DEC). If appointed, their terms will begin on October 1, 2015 and expire September 30, 2019.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>#</u>
Gail Sims	RN	North Coast Emeryville	11
Cheryl Janus	RN	Palm Springs	6
Christine Vourakis	RN	Bay Area	2
Michelle Buckman	RN	Orange Co	4
Rodney Collins	MD	Burbank	8
Melody Law	MD	Oakland	13

**ADDED SINCE AUGUST 6, 2015, DDC MEETING**

David Aust	RN	Bay Area	2
Phyllis M. Connolly	RN	San Jose	7
Robert Desrosiers	RN	Sacramento	1

No public comment.

**Motion:** Cynthia Klein made a motion to approve the new appointments.

**Second:** Michael Jackson

<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

**RESIGNATIONS**

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

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>#</u>
Elaine Bradley	RN	Palm Springs	6

## TERMS EXPIRED JUNE 30, 2015

Below are the names of the DEC members whose terms have expired

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>#</u>
Leah Monterrosa	RN	North Coast Emeryville	11
Inna Zelikman	RN	Bay Area Emeryville	2
Cynthia Rinde	Public	Sacramento	1

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>#</u>
Rosemary Miller	RN	Oakland	13
Michael Parr	MD	North Central	12
Patti Velez	Public	Ontario	9
William Slavin	Public	Burbank	8

### 9.3 Update: “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees” – Business and Professions Code, Section 315 et. seq.

Stacie Berumen, Assistant Executive Officer presented this report.

#### BACKGROUND

As directed by the Board at its November 2013 meeting, staff conducted a comparative analysis of the Uniform Standards, Diversion Program, and Probation Program, including the potential fiscal impact. Staff met with Legal Counsel to discuss a number of issues related to Uniform Standards, including the specific recommendations from Doreathea Johnson, Deputy Director, DCA Legal Affairs. Legal Counsel advised the Board continue with the regulatory process, although the Attorney General’s Office has not rendered its opinion relative to the Uniform Standards. The Board will be notified if changes are necessary as a result of the opinion.

Staff submitted a report of its findings to the Committee at its March 2014 meeting.

The Medical Board of California has promulgated regulations implementing the Uniform Standards. A comparison was made and was provided for the committee’s consideration at the May 2014 meeting.

Staff will continue to facilitate discussion of each standard in conjunction with the attachments.

The committee reviewed the following standards:

**Standard #1** - Clinical Diagnostic Evaluations

Are the BRN evaluations considered “clinical diagnostic evaluations?”

**Standard #2** - Temporary Removal of Licensee from Practice due to Clinical Diagnostic Evaluation

Public Comment made by ANA/C who opposes testing two times per week.

**Standard #3** - Ability to Communicate with Licensee's Employer

No issues identified.

**Standard #4** - Standards for Required Testing

- Concerns with number of tests for Diversion Program participants when they are not working and have no income.
- Cost of testing is \$62.50 plus collection fee. Total of \$10,000 to test each year.
- Mandatory testing each week takes away board's discretion and ability to conduct "random" testing.
- Public comment made by ANA/C and SEIU relative to opposition of this uniform standard.

**Standard #5** - Standards for Required Group Meeting Attendance

No issues identified.

**Standard #6** - Standards for Type of Treatment

How many additional staff would BRN need with appropriate training in chemical dependency and/or mental health?

**Standard #7** - Standards for Worksite Monitoring

No issues identified.

**Standard #8** - Procedures when a licensee tests positive for a banned substance

Standard to immediately cease practice for positive drug test for any banned substance does not allow for due process rights of licensee. No parameter set stating what a positive test result is. Incidental exposure to hand sanitizers can result in a low level positive and the licensee will be ordered to cease practice.

**Standard #9** - Procedures to follow when a licensee is confirmed to have ingested a banned substance

Public comment by ANA/C that there should be verification of use of a banned substance before removing a RN from work.

**Standard #10** - Consequences for major and minor violations

No issues identified.

**Standard #11** - Criteria for a licensee to meet in order to petition to return to full-time practice

No issues identified.

**Standard #12** - Criteria for a licensee to meet in order to petition for an unrestricted license

Public comment by SEIU that is in favor of the way BRN currently handles this process.

**Standard #13** – Diversion Program private vendor requirement that sets forth vendor reporting time for major and minor violations; approval process and a variety of criteria.

No issues identified.

**Standard #14** – Diversion Program private vendor requirement to disclose name and practice restrictions for DP participants.

Applicants and participants along with their records are to remain confidential while participating in the program pursuant to B&P code section 2770.12. Disclosure of names and practice restrictions violations this statute.

**Standard #15** – Diversion Program private vendor requirement to have external independent audit conducted at least once every three years.

No issues identified.

**Standard #16** – Reporting criteria for Diversion and Probation to determine whether each method appropriately protects patients from.

Concern with ability to obtain requested information for probationers from BreEZe. If data is not available from BreEZe then this would require manual tracking by staff to report to legislature.

No public comment and no motion required.

**10.0 Report of the Nursing Practice Committee**  
Trande Phillips, RN, Chairperson

**10.1 Speaker Ann O’Brien, RN, MSN, CPHIMS – Senior Director of Clinical Informatics – Clinical Transformation Team - Presentation on Now and Future RN Roles Kaiser Permanente**

No public comment and no motion required.

**10.2 Discussion & Possible Action on Recommendations on Composition of the Nurse-Midwifery Committee**  
Janette Wackerly, Supervising NEC presented this report.

**BACKGROUND**

The Practice Committee requests the board appoint a Nurse-Midwifery Committee in accordance with Business and Professions Code 2746.2 Nurse-Midwifery Committee and California Code of Regulations 1461 Nurse-Midwifery Committee. The Nurse-Midwifery Committee is an advisory to the Board through the Nursing Practice Committee.

The California Nurse-Midwives Association supports the Practice Committee’s request to have the board appoint a Nurse-Midwifery Committee.

With approval by the board, the Practice Committee, board staff, and California Nurse-Midwifery Association can begin suggesting a preliminary organizational structure for the planned committee to the Practice Committee and Board.

Board staff and California Nurse-Midwives Association, CNMA, have had discussions based on CCR 1461 membership on the board’s Nurse-Midwifery Committee: suggested (6) nurse-midwives from a variety of settings/practices, (1) obstetrical practicing physician with experience working with nurse-midwives, (1) RN practicing in healthcare organization familiar with CNMs, and (1) public member who is a consumer of nurse-midwifery services. Application process identifying interest in serving, availability for term of appointment 2 to 3 years, applicable license/certificate, submission of resume.

Business and Professions Code Section (BPC) 2746.2 is the authority to appoint a committee of qualified physicians and nurses, including but not limited to, obstetricians and nurse-midwives, to develop the necessary standards for educational requirements, ratio of nurse-midwives to supervising physician, and associate matters.

California Code of Regulation (CCR) Section 1461 Nurse Midwifery Committee. The board shall appoint a committee comprised of as at least one nurse-midwife and one physician, who have demonstrated familiarity with consumer needs, collegial practice and accompanied liability, and related educational standards in the delivery of maternal-child health care. This committee shall also include at least one public member and may include such other members as the board deems appropriate. The purpose of this committee is to advise the board on all matters pertaining to nurse-midwifery as established by the board and, if necessary, to assist the board or its designated representative in the evaluation of applications for nurse-midwifery certification.

**History:** Board between 1978 and 1995 utilized a nurse-midwifery committee which purpose was to advise the BRN on matters relating to nurse-midwifery, develop necessary standards related to education requirements and provide assistance in evaluation of application for nurse-midwifery certification.

Public comment received by Liz Dietz, Legislative Director, ANA/C

**Motion:** Trande made a motion that the Nurse-Midwifery Committee be composed of

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

**Second:** Michael Jackson

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

Public comment received by Jettie Deden-Castillo, NP, Treasurer, UNAC/UHCP

**Motion:** Trande made a motion that the Nurse-Midwifery Committee should have membership and staggered terms for the two direct practice nurse midwives. One would be a term of two years and one would be a term of three years. The other three members would have staggered terms of two years.

**Second:** Michael Jackson

<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

Public comments:

Jettie Deden-Castillo, NP, Treasurer, UNAC/UHCP  
Linda Walsh, President, CNMA

**Motion:** Trande Phillips made a motion that the nurse midwifery committee meet up to twice a year.

**Second:** Michael Jackson

<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

**10.3 Vote on Whether to Recommend Regulatory Proposal to Update Nurse Practitioner Standards, Title 16 of California Code of Regulations, Article 8, Section 1480-1484**  
Janette Wackerly, Supervising NEC presented this report.

**BACKGROUND**

The Nursing Education Consultants have developed a comprehensive review of nurse practitioner practice, education, and regulation to Business and Profession Code, BCP, 2836-2838.4 with revised regulations that provide clarity in definitions, categories, NP use of title, and Standards of Education. Attached is the regulation proposal.

Article 8 Standards for Nurse Practitioner regulations were primarily adopted through 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.

The Practice Committee extends to all interested parties who wish to respond to the proposed regulations to send their information/responses to Janette Wackerly RN, BSN, MBA.

Resources: Pre-notice involvement, an agency may involve the public in workshops or other preliminary activities well before the start of the formal rulemaking process. Government Code section 11346.46 requires agency propose to adopt complex proposal or a large proposal to involve the public.

No public comment and no motion required.

Trande Phillips made the following recommendations:

- Move this agenda item to the Practice Committee and further discuss at Committee Meeting held October 8, 2015 and encouraged the public to come forward and provide public comments on recommended language;
- November 5, 2015 – southern Board Meeting no action will be required by the Board;
- January 14, 2016 – northern Committee Meeting would like the public to come forward and provide public comments;
- February 11, 2016 Board Meeting – take action on the formed recommendations, if no action is made, a follow up would be made at the March 10, 2016 Nurse Practice Committee Meeting for a vote by the Board at the April 14, 2016 Board Meeting.

### 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)).

No public comment.

### 12.0 Adjournment

The meeting adjourned at 1:38 pm.

  
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 Louise Bailey, M.Ed., RN  
 Executive Officer

  
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 Michael Jackson  
 President