



BOARD OF REGISTERED NURSING
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Louise R. Bailey, MEd, RN, Executive Officer



DIVERSION/DISCIPLINE COMMITTEE MINUTES

DATE: March 5, 2015

SITE: Hilton Garden Inn
1800 Powell Street
Emeryville, CA 94608

MEMBERS PRESENT: Cynthia Klein, RN, Chair
Imelda Ceja-Butkiewicz

MEMBERS NOT PRESENT: Raymond Mallel
Beverly Hayden-Pugh, MA, RN

STAFF PRESENT: Louise Bailey, M.Ed., RN, Executive Officer
Stacie Berumen, Assistant Executive Officer
Beth Scott, Deputy Chief, Discipline, Probation & Diversion
Shannon Silberling, Deputy Chief, Complaints and Investigations
Ronnie Whitaker, Legislation and Regulation Analyst

The Chair called the meeting to order at approximately 1:09 p.m. and they met as a Sub-Committee.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of January 8, 2015

M/S/C: January 2015 meeting minutes held over to May 2015 committee meeting due to meeting as a sub-committee.

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

We have a vacancy for 1 Office Assistant (OA).

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.

INVESTIGATIONS:

Staff

We have a vacancy for one northern Special Investigator.

Program

Investigators are focused on clearing all aging cases. There are approximately 15 cases over one year old that have not been completed. The new field investigators will help us keep cases in house that are more appropriate for investigation by the board.

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

Statistics

The following are internal numbers (end of month) across all investigators not broken out on the performance measurement report.

BRN Investigation Unit	Feb 2014	Mar 2014	Apr 2014	May 2014	June 2014	Jul 2014
Total cases assigned	243	223	242	244	236	225
Total cases unassigned (pending)	58	49	74	70	71	88
Average days to case completion	294	326	229	230	209	228
Average cost per case	\$3,312	\$3,529	\$3,772	\$2,289	\$3,106	\$3,743
Cases closed	19	33	37	45	31	28

BRN Investigation Unit	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015
Total cases assigned	218	285	287	290	303	333
Total cases unassigned (pending)	116	47	80	104	144	134
Average days to case completion	227	219	294	221	218	232
Average cost per case	\$3,453	\$2,809	\$3,481	\$2,641	\$3,400	\$3,753
Cases closed	39	47	37	34	35	43

As of February 19, 2015, there were 366 DOI investigations pending.

9.2 Discipline, Probation, and Diversion Update

PROGRAM UPDATE

Staff

The Probation Unit has one Office Technician (OT) vacancy. Interviews were held and the approval to hire is pending. One Probation Monitor is out on an extended leave, we are awaiting approval to advertise a limited term position for this vacancy.

The Citation and Fine Unit has filled the vacant Staff Services Analyst position with an internal candidate from our licensing unit. The Discipline Unit has filled the vacant discipline analyst position and the candidate will begin on March 9, 2015.

Program – Discipline

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

Below reflects FY2015 (July 1, 2014 – February 26, 2015) decision statistics:

Decisions Adopted	1044
Pleadings served	661
Petitions to Revoke Probation served	70
Surrenders signed by E. O.	205

Statistics - Discipline

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 case load per probation monitor is approximately 143.

Statistics – Probation

Below are the statistics for the Probation program from July 1, 2014 to February 19, 2015.

Probation Data	Numbers	% of Active
Male	245	26%
Female	705	74%
Chemical Dependency	423	45%
Practice Case	235	25%
Mental Health	2	0%
Conviction (Alcohol/Drug = 98)	290	30%
Advanced Certificates	93	10%
Southern California	505	53%
Northern California	430	46%
Tolled at the AG	15	01%
Pending with AG/Board	117	12%
License Revoked YTD	21	02%
License Surrendered YTD	64	06%
Terminated YTD	15	01%
Successfully completed YTD	80	08%
Active in-state probationers	950	

Completed/Revoked/Terminated/ Surrendered YTD	180	
Tolled Probationers	275	
Active and Tolled Probationers	1,225	

Program -Diversion

Effective February 12, 2015, Don Walker was appointed as the Diversion Program Manager. Don has been with the Board since December 2011 and has served in the capacity of Discipline Program Analyst, Probation Monitor, and Diversion Program Analyst. We welcome Don to the management team and feel confident he will follow in Carol Stanford's footsteps and carry out the mission of the Diversion Program.

The Office Technician position for the Diversion Unit has been filled and recruitment efforts are under way for the vacant Associate Governmental Program Analyst position.

The Diversion Unit is focusing on cost-efficient out-reach opportunities to provide information and resources for nurses in need.

Diversion Program Contractor Update

Maximus, the Diversion Program Contractor is in the process of planning training for Diversion Evaluation Committee Members on accessing the records through the Maximus secure server. These technological upgrades will provide added security and increased efficiency.

Diversion Evaluation Committees (DEC)

There are currently two physician member vacancies at this time. One vacancy is in San Jose (DEC 7) and one is in Oakland (DEC 13).

Statistics – Diversion

The Statistical Summary Report for December 2014 through January 31, 2015 is after this update. As of January 31, 2015, there were 1,944 successful completions.

9.2.1 Diversion Evaluation Committee Members

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.

APPOINTMENT

Below is the name of the candidate who is being recommended for appointment to the Diversion Evaluation Committees (DEC). Her application and résumé is attached. If appointed, her term will begin on July 1, 2015 and expire June 30, 2019.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Millicent Lowery	Public	Sacramento	1

9.2.2 Proposed Name Change for the Diversion Program

On January 9, 2015 the Board submitted a legislative proposal to the Senate Business, Professions and Economic Committee to modify language in 2770 et. al. to change the name of the “Diversion Program” to “Intervention Program for Registered Nurses.”

It is anticipated that this recommendation will encourage greater participation and provide a better description of how the program benefits the participants.

9.3 Update: “Uniform Standards Regarding Substance-Abusing Healing Art Licensees” Business and Professions Code, Section 315

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 is 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	<ul style="list-style-type: none"> * 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?

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The committee discussed standards 5 and 6 at this meeting and will continue to discuss at each meeting until all have been discussed.

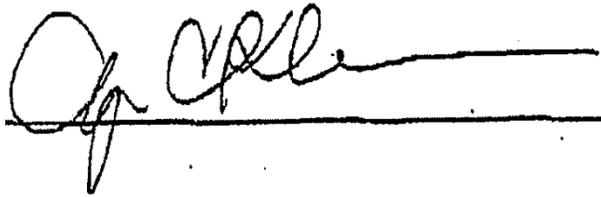
Public Comment:

Trisha Hunter
Elsa Munroe
Deann McKewin
Catherine Hughes

9.4 Public Comment for Items Not on the Agenda

No public comment for items not on the agenda.

The Chair adjourned the committee meeting at approximately 1:55 p.m.

Approved:  _____