



DIVERSION/DISCIPLINE COMMITTEE MINUTES

DATE: October 9, 2014

SITE: Hilton Garden Inn – San Francisco/Oakland Bay Bridge
1800 Powell Street
Emeryville, CA 94608

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

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

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
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at approximately 1:51 p.m. The committee met as a sub-committee due to the lack of a quorum.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of May 7, 2014

M/S/C: The sub-committee deferred action on the May 7, 2014, minutes to the January 8, 2015, committee meeting.

Approve/Not Approve: Minutes of August 7, 2014

M/S/C: The sub-committee deferred action on the August 7, 2014, minutes to the January 8, 2015, committee meeting

9.1 Complaint Intake and Investigations Update

PROGRAM UPDATES

COMPLAINT INTAKE:

Staff

Complaint Intake has gained many new positions through a Budget Change Proposal (BCP) approved for fiscal year 2014/15 – 1 Associate Governmental Program Analyst (AGPA), 2 Staff Services Analysts (SSA), 1 Office Technician (OT) and 2 Office Assistants (OA).

One of the SSA positions was for an Expert Analyst and we have filled that position by promoting Felicia Woodard. She previously worked in Complaint Intake as an Office Technician.

We filled one of the Office Assistant positions with Janet Schroeder. She is transferring from the Department of Corrections and Rehabilitation.

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

The investigation unit has gained many new positions from the BCP approved for fiscal year 2014/15 – 5 Special Investigators and 1 Office Technician.

Three of the five Investigator positions have been filled. Staff began work on various dates in September 2014. There are two remaining southern positions pending. Interviews will be conducted in October.

We are in the process of filling our Office Technician vacancy.

Program

Investigators are focused on clearing all aging cases. There are approximately 51 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.

Statistics

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

BRN Investigation Unit	Sep 2013	Oct 2013	Nov 2013	Dec 2013	Jan 2014	Feb 2014
Total cases assigned	270	256	252	243	223	236
Total cases unassigned (pending)	104	89	59	58	49	52
Average days to case completion	212	278	215	294	326	301
Average cost per case	\$2,920	\$3,447	\$2,792	\$3,312	\$3,529	\$3,804
Cases closed	23	36	34	19	33	28

BRN Investigation Unit	Mar 2014	Apr 2014	May 2014	June 2014	Jul 2014	Aug 2014
Total cases assigned	251	242	244	236	225	218
Total cases unassigned (pending)	49	74	70	71	88	116
Average days to case completion	327	229	230	209	228	227
Average cost per case	\$3,776	\$3,772	\$2,289	\$3,106	\$3,743	\$3,453
Cases closed	49	37	45	31	28	39

As of September 25, 2014, there were 433 DOI investigations pending.

9.2 Discipline and Probation Update

PROGRAM UPDATE

Staff

The Probation Unit added an additional probation monitor at the Associate Governmental Program Analyst (AGPA) level. The Probation Unit has advertised for one additional monitor at the Staff Services Analyst (SSA) level and one additional Office Technician (OT). This will give the Probation Unit a total of 9 monitors and 2 technical support staff.

The Citation and Fine unit has begun recruitment for the vacant AGPA position and the Discipline unit has advertised for two SSA positions and one OT position.

Program – Discipline

The discipline unit is noticing an increase in cases involving fraud in the area of Basic Life Support (BLS) certification and Advanced Cardiac Life Support (ACLS) training. The BRN has received notification that 72 RNs from a single facility submitted false or invalid BLS and or ACLS certification.

The BRN will begin posting accusations to the National Council of State Boards of Nursing (NCSBN-Nursys) system at the time of service as opposed to waiting for the final decision to be rendered.

An alert will be added to the Nursys system when a citation is final to comply with CCR 1435.7, which mandates notification to other boards of nursing and other regulatory agencies. The alert will stay on the system for 3 years.

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-September 22, 2014) decision statistics:

Decisions Adopted	444
Pleadings served	249
Petitions to Revoke Probation served	27
Surrenders signed by E. O.	43

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 September 22, 2014.

Probation Data	Numbers	% of Active
Male	241	27%
Female	668	73%
Chemical Dependency	408	45%
Practice Case	228	25%
Mental Health	1	0%
Conviction (Alcohol/Drug = 102)	272	30%
Advanced Certificates	93	10%
Southern California	478	52%
Northern California	417	47%
Tolled at the AG	14	1%
Pending with AG/Board	102	11%
License Revoked YTD	11	1%
License Surrendered YTD	28	3%
Terminated YTD	5	%
Successfully completed YTD	20	2%
Active in-state probationers	909	
Completed/Revoked/Terminated/ Surrendered YTD	64	
Tolled Probationers	256	
Active and Tolled Probationers	1165	

9.3 Diversion Program Update and Statistics

Program Update

Staff members of the Board of Registered Nursing have become aware of false information being disseminated by stakeholders and others as it relates to the (BRN), the Diversion Program, Enforcement, and the Probation Program. It appears that providing information to administrators, nursing schools, and hospitals is now more crucial than ever. To counteract some of this misinformation and to help others become aware of the Diversion Program, the BRN has been

invited to give presentations at training sessions and major conferences. On September 19th, the Deputy Chief, Beth Scott and the Diversion Program Manager, Carol Stanford presented information regarding the BRN's enforcement processes and the Diversion Program at a class in southern California entitled BRN Drug Diversion. There were several questions and statements that were addressed to clarify the misconceptions surrounding the purpose of the BRN and the Diversion Program.

On September 24th, the Diversion Liaison Committee Meeting was held at the Hilton Garden Inn in Sacramento. The Executive Officer, Louise Bailey, the Deputy Chief, Beth Scott, the Diversion Program Manager, Carol Stanford and staff, the Maximus Project Director, Virginia Matthews and case managers, along with representatives from all of the Diversion Evaluation Committees were in attendance. There were approximately 38 attendees. This is an annual required meeting of the DLC Committee to maintain the continuity and integrity of the program. Several issues were addressed and the minutes of the meeting are available upon request.

On September 25th the Nurse Facilitator's Conference was conducted at the Hilton Garden Inn in Sacramento. It was attended by the Deputy Chief, Beth Scott, the Diversion Program Manager, Carol Stanford and staff, the Probation Program Manager, Sheila Granby and staff and representatives of the Nurse Support Groups throughout the State. There were approximately 65 attendees. There was lively conversation and training that occurred with several issues addressed and clarified. This is also a vital conference to maintain valuable communication between the facilitators, board staff and the contractor. The minutes of this meeting are available upon request.

Contractor Update

The Diversion Program Contract was awarded to Maximus, the current contract is valid for a period of five years. The Department of Consumer Affairs support and expertise in this process is to be commended along with their staff, William Pequinot, who was instrumental in working with the health care boards to maintain a comprehensive and thorough bidding process. The BRN is thankful to the DCA for their support and professionalism throughout the bidding process.

The Diversion Program staff is meeting with the contractor on a regular basis to develop and update the forms for the new contract which will begin January 1, 2015.

Diversion Evaluation Committees (DEC)

There are currently one public member and three physician member vacancies at this time. Recruitment continues.

Statistics

The Statistical Summary Report for July and September is attached. As of August 31, 2014, there were 1,906 successful completions.

9.3.1 Diversion Evaluation Committee Members

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.

APPOINTMENT

Below is the name of the candidate who is being recommended for appointment to the Diversion Evaluation Committees (DEC). His application and résumé is attached. If appointed, his term will expire November 30, 2018.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
James Collier	Physician	Emeryville	13

RESIGNATION

Below is a Diversion Evaluation Committee Member who resigned for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Sam Shapiro	Physician	Burbank	9

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

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 is provided for the committee’s consideration at the May 2014 meeting.

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

The committee discussed standards 3 and 4 at this meeting and will continue to discuss at each meeting until all have been discussed.

Public Comment:

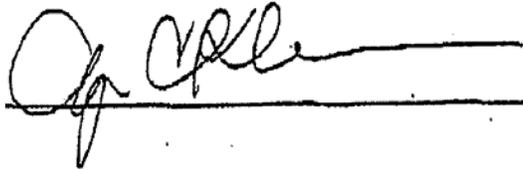
Tricia Hunter, ANAC

9.5 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 2:30 p.m.

Approved:

A handwritten signature in black ink, appearing to read "Tricia Hunter", is written over a horizontal line. The signature is cursive and somewhat stylized.