



INTERVENTION/DISCIPLINE COMMITTEE MEETING

AGENDA

Embassy Suites Anaheim – South
11767 Harbor Blvd.
Garden Grove, CA 92840
(714) 539-3300

January 11, 2017

**THIS MEETING WILL IMMEDIATELY FOLLOW THE CONCLUSION OF THE
EDUCATION/LICENSING COMMITTEE MEETING**

Wednesday, January 11, 2017

9.0 Call to Order and Establishment of a Quorum

9.0.1 Review and Vote on Whether to Approve Previous Meeting Minutes:

- August 11, 2016
- October 6, 2016

9.1 Complaint Intake and Investigations Update and Statistics

9.2 Discipline and Probation Program Update and Statistics

9.3 Intervention Program Update and Statistics

9.3.1 Intervention Evaluation Committee Members/ New Appointments &
Resignations

9.4 Public Comment for Items Not on the Agenda

9.5 Adjournment

NOTICE:

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email webmasterbrn@dca.ca.gov or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (800) 326-2297. Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation. Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote.



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: May 12, 2016

SITE: Embassy Suites San Francisco Airport – South San Francisco
 250 Gateway Blvd.
 South San Francisco, CA 94080

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

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
 Beth Scott, Deputy Chief, Discipline, Probation & Diversion
 Shannon Silberling, Deputy Chief, Complaints and Investigations
 Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:05 p.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of March 10, 2016

| | | | |
|--|--------------|---------------|--|
| Motion: Imelda Ceja-Butkiewicz to approve the minutes | | | |
| Second: Cynthia Klein | | | |
| CK: Y | RM: Y | ICB: Y | |

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

We currently have one Office Technician (OT) position and one Associate Governmental Program Analyst (AGPA) vacant. We hope to have these filled by end of May.

Program

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZE team and involved in the Reports User Group, as well as the Enforcement User Group.

The Controlled Substance Utilization Review & Evaluation System (CURES 2.0) has been up and running since July 1, 2015. Effective July 1, 2016, all California licensed furnishing/prescribing

practitioners and pharmacists must be registered to access CURES/PDMP. They can find information on the Boards website to assist them in this process.

As of April 25, 2016

| | |
|---|-------|
| Complaints Received (FY 15/16) | 6,305 |
| Complaints Pending | 1,954 |
| Arrest/Conviction (CORI & Self Report) | 1,055 |
| Complaints over 1 year | 68 |

INVESTIGATIONS:

Staff

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

Program

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of April 25, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 41 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 | Oct 2015 | Nov 2015 | Dec 2015 | Jan 2016 | Feb 2016 | Mar 2016 |
|----------------------------------|----------|----------|----------|----------|----------|----------|
| Total cases assigned | 379 | 374 | 363 | 375 | 383 | 385 |
| Total cases unassigned (pending) | 106 | 155 | 142 | 177 | 146 | 147 |
| Average days to case completion | 267 | 265 | 271 | 320 | 301 | 295 |
| Average cost per case | \$2,728 | \$2,968 | \$2,722 | \$2,769 | \$2,766 | \$3,648 |
| Cases closed | 58 | 58 | 67 | 37 | 80 | 49 |
| Division of Investigations | Oct 2015 | Nov 2015 | Dec 2015 | Jan 2016 | Feb 2016 | Mar 2016 |
| Total cases assigned | 359 | 328 | 268 | 274 | 277 | 291 |
| Total cases unassigned (pending) | 29 | 30 | 35 | 29 | 16 | 13 |
| Average days to case completion | 220 | 318 | 306 | 261 | 292 | 303 |
| Average cost per case | \$4,155 | \$6,696 | \$7,246 | \$4,350 | \$5,734 | \$5,544 |
| Cases closed | 40 | 33 | 33 | 29 | 21 | 20 |

Investigators are focused on clearing all aging cases.

9.2 Discipline and Probation Update

Staffing

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the position.

Program – Discipline

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

Statistics - Discipline

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

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

Below reflects FY 15/16 (July 1, 2015 – April 29, 2016) discipline statistics:

| | |
|--------------------------------------|-------|
| Decisions Adopted | 1,323 |
| Pleadings served | 1,061 |
| Petitions to Revoke Probation served | 65 |
| Surrenders signed by E. O. | 215 |

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics. The discipline unit has one discipline analyst dedicated to working on BreZE reports.

Program – Probation

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the position.

Statistics - Probation

Statistics – July 1, 2015 to April 28, 2016

| Probation Data | Numbers | % of Active |
|-------------------------|---------|-------------|
| Male | 337 | 29% |
| Female | 823 | 71% |
| Chemical Dependency | 769 | 66.3% |
| Required Drug-Screening | 605 | 52.2% |
| Practice | 275 | 23.7% |

| | | |
|--|--------------|------|
| Mental Health | 6 | 0.5% |
| Conviction - excluding chemical dependency/alcohol use | 110 | 9.5% |
| Advanced Certificates | 115 | 10% |
| Southern California | 670 | 58% |
| Northern California | 487 | 42% |
| Pending AG - Tolled | 3 | 0% |
| Pending AG | 87 | 8% |
| License Revoked Fiscal YTD | 36 | |
| License Surrendered Fiscal YTD | 66 | |
| Terminated Fiscal YTD | 31 | |
| Successfully Completed Fiscal YTD | 112 | |
| Active In-State Probationers | 1,160 | |
| Completed/Revoked/Terminated/Surrendered YTD | 245 | |
| Tolled Probationers | 333 | |
| Active and Tolled Probationers | 1,493 | |

The average case load of active probationers per probation monitor is approximately 145. However, the average number of cases per monitor including Tolled cases is 186. There are 52 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

9.3 Intervention Program Update and Statistics

Staffing

The Intervention program is fully staffed.

Program Update

The Intervention program contractor, MAXIMUS are scheduled to present at two upcoming outreach presentations. The first presentation is scheduled for May 11, 2016, at California State University Sacramento (CSUS) which will be catered to 78 students who will be graduating at the end of May with their Bachelor of Science in Nursing. The second presentation is scheduled for June 9th, 2016, at the Saint Francis Hospital in San Francisco. Further information will be provided at a later date.

Intervention Evaluation Committees (IEC)

There is currently one Physician member vacancy in Burbank (IEC 8).

There are currently two RN member vacancies at this time, one in San Jose (IEC 7)* and one in Burbank (IEC 8).

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for February 1, 2016, through March 31, 2016, is after this update. As of March 31, 2016, there have been 2,055 successful completions.

DRAFT

9.3.1 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 Intervention Evaluation Committees. Each Committee for the Intervention Program is composed of three registered nurses, a physician and a public member with expertise in substance use disorders and/or mental health.

APPOINTMENTS

Below are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|----------------|---------------|---------------|-----------|
| Erin Boerum | RN Member | Orange County | 4 |
| John Helmuth | RN Member | Fairfield | 11 |
| Mary McCloy | RN Member | San Jose | 7 |
| Maryn Young | RN Member | Sacramento | 1 |
| Vamsi Garlpati | Public Member | Orange County | 4 |

REAPPOINTMENTS

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|---------------------|---------------|--------------|-----------|
| Scott Bertrand | RN Member | Ontario | 9 |
| Janis Bush | RN Member | Palm Springs | 6 |
| Dianne Christoffels | RN Member | San Diego | 10 |
| Sara Cardiner | RN Member | Bay Area | 2 |
| Mary Kropf | RN Member | Oakland | 13 |
| Bobbie Leva | RN Member | Burbank | 8 |
| Michael Mayo | RN Member | Fresno | 5 |
| Patricia Mraz | RN Member | Santa Ana | 14 |
| LaFrancine Tate | Public Member | Bay Area | 2 |

| | | | |
|---|--------------|---------------|--|
| Motion: Ray Mallel to approve the Intervention Evaluation Committee member appointments and reappointments | | | |
| Second: Imelda Ceja-Butkiewicz | | | |
| CK: Y | RM: Y | ICB: Y | |

RESIGNATION (For informational purposes, no vote needed)

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|----------------|--------------|------------|-----------|
| Duane Anderson | RN Member | Burbank | 8 |

9.4 Vote on whether to recommend approval of modified Regulatory Proposal to Modify the Recommended Guidelines for Disciplinary Orders and Conditions of

Probation in California Code of Regulations, Article 1, Section 1444.5, Disciplinary Guidelines

The Board of Registered Nursing (BRN) approved a regulatory package to amend the Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Guidelines) at its June 4, 2015 board meeting. The Recommended Guidelines for Disciplinary Orders were last amended in 2003. BRN staff reviewed the Guidelines prior to the overhaul of the board members in 2010 and a regulatory proposal was initiated in March 2011 to incorporate the Uniform Standards as required by SB 1441; however, the board was sunset in December 2011 and the regulatory proposal was not acted upon by the board in time.

The language approved by the board at its June 2015 board meeting was reviewed by DCA Legal Counsel who suggested modifying the language. Attached you will find the suggested language as modified by DCA Legal Counsel for your consideration and approval.

The board voted at the April 2016 meeting to include the necessary trigger to identify a substance abusing licensee. The language for Section 1444.5 was updated to reflect that choice along with the updated Disciplinary Guidelines which are presented to the committee for review and vote.

§1444.5. Disciplinary Guidelines.

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the board shall comply with the “Uniform Standards for Substance-Abusing Licensees – Terms and Conditions,” and consider the disciplinary guidelines entitled: “Recommended Guidelines for Disciplinary Orders and Conditions of Probation” (10/0203/2016), which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; Uniform Standards apply to a substance-abusing licensee.

(1) Subject to subdivision (b), ~~D~~ deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the presence of aggravating factors; the age of the case; or evidentiary ~~problems~~ issues.

(2) If the conduct found to be a violation involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of Section 315 of the Code. If the licensee does not rebut the presumption, then the Uniform Standards for substance-abusing licensees shall apply.

(b) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any acts of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a

sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

~~(b) Notwithstanding subsection (a), the Board shall use the uniform standards for substance abusing licensees as provided in Section 1445.51, without deviation, for each individual determined to be a substance abusing licensee.~~

Authority cited: Section 2715, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(c), Government Code.

HISTORY:

1. New section filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).
2. Amendment of "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (incorporated by reference) and amendment of section filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
3. Amendment of section and Note filed 4-24-2003; operative 5-24-2003 (Register 2003, No. 17).
4. Amendment of section and Note filed 7-23-2014; operative 7-23-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 30).

~~§1444.51. Uniform Standards Related to Substance Abuse.~~

~~(a) The board shall also apply, as required, the Department of Consumer Affairs' Substance Abuse Coordination Committee's Uniform Standards Regarding Substance Abusing Healing Arts Licensees (April 2011) [hereafter "Uniform Standards"], which are hereby incorporated by reference. The "Uniform Standards" describe the mandatory conditions that apply to a substance abusing licensee, except that the board may impose more restrictive conditions if necessary to protect the public.~~

~~(b) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with sections 11500 et seq.), the board finds that the evidence proves that an individual is a substance abusing licensee for the purposes of section 315 of the code, then all relevant terms and conditions contained in the Disciplinary Guidelines and the "Uniform Standards" shall apply as written and be used in the order placing the licensee on probation.~~

~~(a) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the government Code (commencing with Sections 11500 et seq.), the Board finds that the evidence establishes that an individual is a substance abusing licensee, then the terms and conditions in the Standard Language to be Included in Every Probationary Order for Substance Abusing Licensees contained within the document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation", revised in March 2016, which are hereby~~

~~incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.~~

~~(b) If a licensee signs and agrees to a stipulated settlement he or she must complete a clinical diagnostic evaluation. If the licensee is deemed to be a Substance Abusing licensee he or she will be subject to the Standard Language to be Included in Every Probationary Order for Substance Abusing Licensees contained within document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation," revised in March 2016, which are hereby incorporated by reference.~~

~~(c) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation that are specific to a particular case or that are derived from the Board's guidelines referenced in Section 1444.5 in any order that the Board determines would provide greater public protection.~~

~~Note: Authority cited: Section 2715, Business and Professions Code and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.~~

| | | | |
|--|--------------|---------------|--|
| Motion: Cynthia Klein to recommend that this language be approved by the Board at the June meeting. | | | |
| Second: Imelda Ceja-Butkiewicz | | | |
| CK: Y | RM: Y | ICB: Y | |

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 12:38 p.m.

Approved: _____

ATTACHMENTS FOR ITEMS:

9.3.3

9.3.4

9.3.5

9.3.6

9.3.7

DRAFT



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: August 11, 2016

SITE: Four Points by Sheraton
 Los Angeles International Airport
 9750 Airport Blvd.
 Los Angeles, CA 90045

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

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
 Beth Scott, Deputy Chief, Discipline, Probation & Diversion
 Shannon Silberling, Deputy Chief, Complaints and Investigations
 Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:49 p.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of May 12, 2016

| | | | |
|--|------------|-------------|--|
| Motion: Minutes deferred to October committee meeting | | | |
| Second: | | | |
| CK: | RM: | ICB: | |

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

We have one Office Technician position vacant and we have one Limited Term, Associate Governmental Analyst position vacant.

Program

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZe team and involved in the Reports User Group, as well as the Enforcement User Group.

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners must be registered to access CURES/PDMP. They can find information on the Board's website to assist them in this process.

We continue to work with the State Auditor's Office to provide reports and information, as requested.

FY Statistics

| Fiscal Year | Convictions | Consumer | Total Complaints |
|-------------|-------------|----------|------------------|
| 2011/12 | 5,127 | 2,770 | 7,897 |
| 2012/13 | 5,459 | 2,927 | 8,386 |
| 2013/14 | 4,640 | 3,287 | 7,927 |
| 2014/15 | 3,344 | 3,491 | 6,835 |
| 2015/16 | 4,360 | 3,368 | 7,728 |

As of August 3, 2016, we have received 700 complaints for the current fiscal year. We currently have 478 pending applicants and 609 pending complaints. Of the 609 complaints, 447 are arrest/convictions.

INVESTIGATIONS:

Staff

We just filled our Limited Term Office Technician position, which makes us fully staffed in both Northern and Southern California.

Program

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of August 3, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 64 DOI cases over one year old, that are still open.

FY Statistics

| FY 2015/16 | | |
|---------------------------------|----------------|----------------|
| | BRN | DOI |
| Closed Cases | 632 | 367 |
| Closed Case Total Hours | 17523.88 | 8455.5 |
| Hourly Rate | \$88.09 | \$169.00 |
| Closed Case Total Cost | \$1,543,678.59 | \$1,428,979.50 |
| Average cost per case | \$2,443 | \$3,894 |
| Average days to case completion | 276 | 300 |

| | | |
|-------------------------|----------------|----------------|
| Supplemental hours | 693.16 | 2318.5 |
| Supplemental Total Cost | \$61,060 | \$391,826.50 |
| FY Total Hours | 23090.36 | 14838.25 |
| FY Total Cost | \$2,034,029.81 | \$2,507,664.25 |
| Cases Opened | 723 | 334 |

| FY 2014/15 | | |
|---------------------------------|----------------|----------------|
| | BRN | DOI |
| Closed Cases | 487 | 524 |
| Closed Case Total Hours | 14768.96 | 13462.25 |
| Hourly Rate | \$88.09 | \$235.00 |
| Closed Case Total Cost | \$1,300,997.69 | \$3,163,628.75 |
| Average cost per case | \$2,671 | \$6,037 |
| Average days to case completion | 277 | 291 |
| Supplemental hours | 362.67 | 2432 |
| Supplemental total cost | \$31,948 | \$571,520.00 |
| FY Total Hours | 19780.52 | 20914.25 |
| FY Total Cost | \$1,742,466.01 | \$4,914,848.75 |
| Cases Opened | 709 | 464 |

| FY 2013/14 | | |
|---------------------------------|----------------|----------------|
| | BRN | DOI |
| Closed Cases | 404 | 589 |
| Closed Case Total Hours | 11402.3 | 16493.5 |
| Hourly Rate | \$85.73 | \$211.00 |
| Closed Case Total Cost | \$977,519.18 | \$3,480,128.50 |
| Average cost per case | \$2,420 | \$5,909 |
| Average days to case completion | 464 | 262 |
| Supplemental hours | 419.92 | 2380.5 |
| Supplemental total cost | \$36,000 | \$502,285.50 |
| FY Total Hours | 15185.04 | 24148.25 |
| FY Total Cost | \$1,301,813.48 | \$5,095,280.75 |
| Cases Opened | 368 | 625 |

| FY 2012/13 | | |
|-------------------------|------------|------------|
| | BRN | DOI |
| Closed Cases | 235 | 580 |
| Closed Case Total Hours | 9458.57 | 15551.5 |
| Hourly Rate | \$85.73 | \$211.00 |

| | | |
|---------------------------------|----------------|----------------|
| Closed Case Total Cost | \$810,883.21 | \$3,281,366.50 |
| Average cost per case | \$3,451 | \$5,658 |
| Average days to case completion | 650 | 271 |
| Supplemental hours | 97.58 | 2310.5 |
| Supplemental total cost | \$8,366 | \$487,515.50 |
| FY Total Hours | 13166.56 | 22797.00 |
| FY Total Cost | \$1,128,769.19 | \$4,810,167.00 |
| Cases Opened | 323 | 588 |

9.2 Discipline and Probation Update

Staffing

The Probation Program is in the process of interviewing for two vacancies, an Office Technician (support staff) and an Associate Governmental Program Analyst (probation monitor) position.

Program – Discipline

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

The average cycle time for final discipline has decreased by 2.8 months since July 2015.

Statistics - Discipline

Below reflects FY 15/16 (July 1, 2015 – June 30, 2016) 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 16/17 (July 1, 2016 – August 3, 2016) discipline statistics:

| | |
|--------------------------------------|----|
| Decisions Adopted | 73 |
| Pleadings served | 76 |
| Petitions to Revoke Probation served | 10 |
| Surrenders signed by E. O. | 16 |

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics and the automation of work processes. The discipline unit has one discipline analyst dedicated to working with the BreZE team.

Program – Probation

The Probation Program is currently working in union with DCA’s BreEZe Team to automate probation monitoring using the BreEZe system.

On June 23, 2016, Probation Program staff attended a symposium hosted by FirstLab. Topics included new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. Probation staff found the symposium informative.

Probation Program Growth

| | FY 2011/2012 | FY 2012/2013 | FY 2013/2014 | FY 2014/2015 | FY 2015/2016 | Current FY 2016/2017 |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|---------------------------------|
| Active In-State Probationers | 692 | 743 | 862 | 1,033 | 1,189 | 1,198 |
| Out of State Probationers | 207 | 226 | 254 | 281 | 345 | 348 |
| Total Probationers | 692 | 969 | 1,116 | 1,314 | 1,534 | 1,546 |

Statistics - Probation

Statistics – July 1, 2016 to August 2, 2016

| Probation Data | Numbers | % of Active |
|--|----------------|--------------------|
| Male | 351 | 29% |
| Female | 847 | 71% |
| Chemical Dependency | 789 | 65.9% |
| Required Drug-Screening | 637 | 53.2% |
| Practice | 288 | 24.0% |
| Mental Health | 7 | 0.6% |
| Conviction - excluding chemical dependency/ alcohol use | 114 | 9.5% |
| Advanced Certificates | 114 | 10% |
| Southern California | 689 | 58% |
| Northern California | 505 | 42% |
| Pending AG - Tolled | 4 | 0% |
| Pending AG | 107 | 9% |
| License Revoked Fiscal YTD | 2 | |

| | | |
|--|--------------|--|
| License Surrendered Fiscal YTD | 12 | |
| Terminated Fiscal YTD | 3 | |
| Successfully Completed Fiscal YTD | 17 | |
| Active In-State Probationers | 1,198 | |
| Completed/Revoked/Terminated/Surrendered YTD | 34 | |
| Tolled Probationers | 348 | |
| Active and Tolled Probationers | 1,546 | |

The average case load of active probationers per probation monitor is approximately 149. However, the average number of cases per monitor including Tolled cases is 193. There are 57 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

9.3 Intervention Program Update and Statistics

Staffing

The Intervention Program currently has a vacancy for an Office Technician and we are currently working to fill this position.

Program Update

The Intervention program is currently in the process of preparing for the 2016, Intervention Liaison Committee meeting (ILC). The ILC meeting is held annually to maintain the continuity and integrity of the program in addition to providing a forum to vote on pertinent policy proposals that support the enhancement of the Intervention Program. The Intervention Discipline Committee (IDC) Chairperson, Executive Officer, Assistant Executive Officer, the Chief of Enforcement, Intervention Staff, and the IEC Member Chairs are invited to attend. This year's meeting will be held in Northern California on October 24, 2016.

In addition to the ILC meeting, the Intervention program staff are also preparing for the Nurse Support Group Facilitator's Conference. This conference is conducted to develop greater communication between the facilitators, Board staff and MAXIMUS, the Intervention programs contractor. There will be discussion regarding the facilitator's role and responsibilities as outlined in the Intervention program contract, guidelines and policies. This year's meeting will be held in Northern California on October 25, 2016.

On June 23, 2016, the Intervention unit staff attended an all-day symposium put on by FirstLab. Topics that were covered included, new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. The symposium was educational and well received.

The Board of Registered Nursing's Intervention program will be present at the California State Capitol on September 7, 2016, 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.

Intervention Evaluation Committees (IEC)

There are currently three Physician member vacancies at this time, one in Burbank (IEC 8) one in Ontario (IEC 9)* and one in San Diego (IEC 10)*.

There are currently two RN member vacancies at this time, one in Burbank (IEC 8) and one in Oakland (IEC 13)*.

There are currently two Public member vacancies at this time, one in Orange county (IEC 4) and one in Santa Ana (IEC 14)*

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for April 1, 2016, through June 30, 2016, is after this update. As of June 30, 2016, there have been 2,083 successful completions.

9.3.1 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 Intervention Evaluation Committees. Each Committee for the Intervention Program is composed of three registered nurses, a physician and a public member with expertise in substance use disorders and/or mental health.

APPOINTMENTS

Below are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|------------------|------------------|------------|-----------|
| Alan Abrams, MD | Physician Member | San Diego | 10 |
| Mihran Ask, MD | Physician Member | Ontario | 9 |
| Nicole Gilbert | Public Member | Santa Ana | 14 |
| Brooke Kilpatric | RN Member | Oakland | 13 |

| | | | |
|---|------------|-------------|--|
| Motion: To approve deferred to September board meeting | | | |
| Second: | | | |
| CK: | RM: | ICB: | |

RESIGNATION (For informational purposes, no vote needed)

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|----------------|---------------|---------------|-----------|
| Felicity Blau | RN Member | Oakland | 13 |
| Vamsi Garlpati | Public Member | Orange County | 4 |

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 1:06 p.m.

Approved: _____

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Cynthia Klein, RN, Chairperson

BACKGROUND:

COMPLAINT INTAKE:

Staff

Complaint Intake is fully staffed

Program

We are currently working with DCA's BreEZe staff to develop reports for the complaint intake process. These reports will identify average case times for each milestone, throughout the life of the case. We will then be able to determine where any process adjustments are needed in order to meet the Consumer Protection Enforcement Initiative (CPEI) guidelines. This will be completed by March 1, 2017.

We are developing a database to track all internal/external training courses of all BRN staff. This will assist managers in assuring that all staff has the training needed for their current job, as well as promotional possibilities. The Complaint Intake staff are enrolled and will be taking the BreEZe Enforcement course on January 19, 2017.

Our expert witness program is being revised to include an updated training program and materials. We have developed an insert for our renewals in an effort to recruit additional experts. We currently have 195 active experts across California but are currently in high demand for RN's with the following experience;

- Laser/Botox
- Anesthetist
- Midwives
- Nurse Practitioners

Anyone interested should fill out an application on our website, www.rn.ca.gov/pdfs/enforcement/expwit.pdf.

Statistics

As of January 3, 2017:

| | |
|---|-------|
| Complaints Received (FY 16/17) | 4,292 |
| Complaints Pending (All open complaints, including pending investigations) | 1,147 |
| Arrest/Conviction (CORI & Self Report) | 885 |

| | |
|------------------------|----|
| Complaints over 1 year | 53 |
|------------------------|----|

INVESTIGATIONS:

Staff

We are fully staffed in both Northern and Southern California, as well as all support staff.

Program

We currently have no unassigned cases, which from the audit, was considered our backlog. Each investigator has, on average, approximately 25 cases.

The BRN is working with the Attorney General (AG) to develop a formal biennial training program with techniques to gather appropriate evidence. The training will include procedure guidelines specific to proper evidence-gathering techniques, and a description of what constitutes sufficient evidence for investigators to follow when investigating complaints.

As of January 3, 2017, there were approximately 44 BRN investigative cases and 56 DOI cases, over one year old.

Statistics

| BRN Investigations | July 2016 | August 2016 | Sept 2016 | Oct 2016 | Nov 2016 | Dec 2016 |
|----------------------------------|-----------|-------------|-----------|----------|----------|----------|
| Total cases assigned | 330 | 381 | 389 | 383 | 446 | 482 |
| Total cases unassigned (pending) | 176 | 134 | 114 | 115 | 32 | 32 |
| Average days to case completion | 238 | 248 | 310 | 309 | 336 | 228 |
| Average cost per case | \$2,850 | \$2,788 | 2964 | \$3,203 | \$3,148 | \$2,626 |
| Cases closed | 44 | 72 | 57 | 45 | 46 | 46 |
| Division of Investigations | July 2016 | August 2016 | Sept 2016 | Oct 2016 | Nov 2016 | Dec 2016 |
| Total cases assigned | 259 | 262 | 273 | 280 | 291 | 290 |
| Total cases unassigned (pending) | 25 | 141 | 18 | 30 | 32 | 52 |
| Average days to case completion | 390 | 336 | 340 | 385 | 297 | 353 |
| Average cost per case | \$8,420 | \$5,444 | \$6,882 | \$7,029 | \$6,303 | \$7,837 |
| Cases closed | 30 | 29 | 30 | 16 | 29 | 26 |

NEXT STEP:

Continue to review and adjust internal processes and work with DCA to create reports to monitor statistics for improvement in case processing time frames. Follow directions given by committee and/or board.

FISCAL IMPACT, IF ANY:

None at this time.

PERSON TO CONTACT:

Shannon Silberling, Deputy Chief Enforcement
(916) 515-5265

**BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary**

AGENDA ITEM: 9.2
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Discipline and Probation Program update

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Probation Unit has a vacant Office Technician position. Additionally, the unit will have a Staff Services Analyst (Probation Monitor) vacancy as of 1/16/2017. Due to these vacancies, two positions in Enforcement have been redirected to assist in probation.

The Discipline Unit is currently conducting interviews to fill an Office Technician vacancy.

Program – Discipline

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

The discipline unit is in the process of beginning a pilot project to utilize the DCA Cloud to transmit cases to the AG’s office. It is anticipated this process will provide cost savings and result in a reduction in the overall timeframe for imposing discipline.

Statistics - Discipline

Below reflects FY 15/16 (July 1, 2015 – June 30, 2016) 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 16/17 (July 1, 2016 – December 30, 2016) Discipline statistics:

| | |
|--------------------------------------|-----|
| Decisions Adopted | 616 |
| Pleadings served | 482 |
| Petitions to Revoke Probation served | 64 |
| Surrenders signed by E. O. | 129 |

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics and the automation of work processes. The discipline unit has one discipline analyst dedicated to working with the BreZE team.

Program – Probation

Probation is in the process of collaborating with DCA's SOLID program to provide training of the Probation Monitoring module of the Enforcement Academy.

Statistics - Probation

Statistics – July 1, 2016 to January 4, 2017

| Probation Data | Numbers | % of Active |
|--|--------------|-------------|
| Male | 357 | 29% |
| Female | 865 | 71% |
| Chemical Dependency | 805 | 65.9% |
| Required Drug-Screening | 577 | 47.3% |
| Practice | 286 | 23.4% |
| Mental Health | 9 | 0.7% |
| Conviction - excluding chemical dependency/alcohol use | 122 | 10.0% |
| Advanced Certificates | 119 | 10% |
| Southern California | 709 | 58% |
| Northern California | 508 | 42% |
| Pending AG - Tolled | 5 | 0% |
| Pending AG | 109 | 9% |
| License Revoked Fiscal YTD | 2 | |
| License Surrendered Fiscal YTD | 12 | |
| Terminated Fiscal YTD | 3 | |
| Successfully Completed Fiscal YTD | 17 | |
| Active In-State Probationers | 1,222 | |
| Completed/Revoked/Terminated/Surrendered YTD | 34 | |
| Tolled Probationers | 358 | |
| Active and Tolled Probationers | 1,580 | |

The average case load of active probationers per probation monitor is approximately 122. However, the average number of cases per monitor including Tolled cases is 158. There are 61 Early Termination and 12 Modification of Probation cases waiting to be heard by the Board.

NEXT STEP:

Follow directions given by committee and/or board.

FISCAL IMPACT, IF ANY:

AG's budget line item will be monitored for Discipline and Probation.

PERSON TO CONTACT:

Shannon Silberling, Chief of Discipline, Probation, and Intervention
(916) 515-5265

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.3
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Intervention Program Update and Statistics

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Intervention Program currently has a vacancy for an Office Technician position and hiring for this position has been placed on hold. In addition, the program also has a retired annuitant position that has not been extended. Both positions are currently not being filled due to budgetary constraints.

Program Update

On November 9, 2016, Virginia Matthews, MAXIMUS Project Manager provided an educational Intervention Program presentation for new graduate nurses who were completing new hire orientation at Santa Cruz Dominican Hospital. The presentation was well attended and the attendees indicated they appreciated the opportunity to learn about the Intervention Program and its role in public protection.

On December 7, 2016, Stephanie Trumm, MAXIMUS Clinical Case Manager conducted a round robin style Intervention outreach presentation for approximately 70 Sacramento State Nursing Students.

On December 14, 2016, Stephanie Trumm, MAXIMUS Clinical Case Manager attended the Women's Association for Addiction Treatment holiday gathering. During this gathering, Stephanie shared how the Intervention program provides assistance for nurses suffering in need.

On February 21, 2017, the Intervention program will be hosting the first of a series of approximately four Mental Health Ad Hoc Committee meetings. The purpose of this committee is to develop best practice strategies to meet the unique needs of nurses with mental illness and to develop a model rehabilitation plan for use by all the Intervention Evaluation Committees.

Below are the names of the Intervention Evaluation Committee members that have been selected to serve on the Mental Health Ad Hoc Committee.

| <u>NAME</u> | <u>TITLE</u> |
|------------------------|---------------------|
| Dr. Alan Abrams | Physician Member |
| Dr. Mihran Ask | Physician Member |
| Dianne Christoffels | RN Member |
| Jolie Gordon-Browar | RN Member |
| Denise Guisti-Bradford | Public Member |
| Janis Bush Jones | RN Member |
| Michael Mayo | Public Member |

Intervention Evaluation Committees (IEC)

There is currently one Physician member vacancy in Oakland (IEC 13).

There are currently two RN member vacancies at this time. One in Burbank (IEC 8)* and one in Orange County (IEC 4)*

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for September 1, 2016, through November 31, 2016, is after this update. As of November 31, 2016, there have been 2,146 successful completions.

| | |
|-------------------------------|---|
| NEXT STEP: | Follow directions given by Committee and/or Board. |
| FISCAL IMPACT, IF ANY: | None at this time. |
| PERSON TO CONTACT: | Shannon Silberling, Deputy Chief Enforcement (916) 515-5265 |

Board of Registered Nursing
Intervention Program
Statistical Summary
SEPTEMBER 2016 - NOVEMBER 2016

| INTAKES | | | |
|--------------------------------|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program To Date |
| Referral Type* | | | |
| Board-Referred | 26 | 48 | 3,840 |
| Self-Referred | 13 | 18 | 1,363 |
| TOTAL INTAKES COMPLETED | 39 | 66 | 5,203 |

**May change after Intake*

| PRESENTING PROBLEM AT INTAKE | | | |
|------------------------------|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program To Date |
| Substance Abuse (only) | 27 | 47 | 3,264 |
| Mental Illness (only) | 1 | 1 | 169 |
| Dual Diagnosis | 11 | 17 | 1,685 |
| Undetermined | 0 | 1 | 85 |
| Most Common Drug of Choice | Alcohol | | |

| CLOSURES | | | |
|--|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program to Date |
| Successful Completion | 38 | 62 | 2,146 |
| Failure to Derive Benefit | 1 | 2 | 125 |
| Failure to Comply | 0 | 3 | 981 |
| Moved to Another State | 0 | 0 | 52 |
| Not Accepted by IEC | 0 | 0 | 60 |
| Voluntary Withdrawal Post-IEC | 0 | 1 | 340 |
| Voluntary Withdrawal Pre-IEC | 3 | 7 | 536 |
| Participant Withdrawn-Failure to sign contract | 0 | 0 | 1 |
| Closed Public Risk | 4 | 10 | 361 |
| No Longer Eligible | 1 | 2 | 19 |
| Clinically Inappropriate | 0 | 0 | 34 |
| Client Expired | 0 | 0 | 41 |
| Sent to Board Pre-IEC | 0 | 0 | 2 |
| TOTAL CLOSURES | 47 | 87 | 4,698 |

| INTAKE DEMOGRAPHICS | | | |
|---------------------------------|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program to Date |
| Gender | | | |
| Female | 28 | 51 | 4,061 |
| Male | 11 | 15 | 1,115 |
| Unknown | 0 | 0 | 27 |
| Age Category (at Intake) | | | |
| 20-24 | 0 | 0 | 34 |
| 25-29 | 4 | 5 | 423 |
| 30-34 | 8 | 14 | 877 |
| 35-39 | 9 | 16 | 1,085 |

| INTAKE DEMOGRAPHICS | | | |
|--|----|----|-------|
| 40-44 | 2 | 6 | 1,069 |
| 45-49 | 9 | 13 | 839 |
| 50-54 | 1 | 4 | 532 |
| 55-59 | 3 | 4 | 241 |
| 60-64 | 2 | 3 | 79 |
| 65+ | 1 | 1 | 11 |
| DOB Error/Not Entered | 0 | 0 | 13 |
| Ethnicity | | | |
| American Indian/Alaska Native | 0 | 0 | 39 |
| Asian/Asian Indian | 0 | 0 | 124 |
| African American | 1 | 2 | 167 |
| Hispanic | 4 | 8 | 227 |
| Native Hawaiian/Pacific Islander | 0 | 0 | 30 |
| Caucasian | 27 | 49 | 4,266 |
| Other | 2 | 2 | 79 |
| Not Reported | 5 | 5 | 271 |
| Worksite at Intake** | | | |
| Case Management | 0 | 0 | 5 |
| Clinic | 0 | 0 | 118 |
| Clinical - Public, non-profit | 0 | 0 | 2 |
| Corporation | 0 | 0 | 9 |
| Doctor's Office | 0 | 0 | 46 |
| Government Agency | 0 | 0 | 7 |
| Group Practice - profit | 0 | 0 | 16 |
| Health Maintenance Organization | 0 | 0 | 6 |
| HMO | 0 | 0 | 1 |
| Home Health Care | 0 | 0 | 19 |
| Hospital | 1 | 4 | 2,601 |
| Not Working in Nursing | 0 | 0 | 4 |
| Nursing Home | 0 | 0 | 10 |
| Other | 0 | 1 | 248 |
| Prison/Jail | 0 | 0 | 13 |
| Private Practice | 0 | 0 | 9 |
| Registry | 0 | 1 | 179 |
| Retail | 0 | 0 | 1 |
| School of Nursing | 0 | 0 | 9 |
| Telephone Advice | 0 | 0 | 1 |
| Temporary Service | 0 | 0 | 3 |
| Undetermined | 22 | 22 | 589 |
| Unemployed | 16 | 38 | 1,307 |
| **NOTE: RN licenses are placed on inactive status once an RN enrolls in the Program | | | |
| Specialty at Intake | | | |
| Chemical Dependency | 0 | 0 | 8 |
| Critical Care | 4 | 7 | 915 |
| Dental Public Health | 0 | 0 | 1 |
| Doctor's Office | 0 | 0 | 27 |
| Emergency Department | 5 | 7 | 595 |
| Gerontology | 0 | 0 | 28 |
| Home Care | 0 | 2 | 100 |
| Hospital | 6 | 12 | 349 |

| INTAKE DEMOGRAPHICS | | | |
|-----------------------|---|----|-----|
| Insurance | 0 | 0 | 5 |
| Medical Surgical | 8 | 9 | 991 |
| None | 0 | 0 | 74 |
| Nurse Anesthesia | 1 | 3 | 55 |
| Nurse Midwife | 0 | 0 | 7 |
| Nurse Practitioner | 0 | 0 | 108 |
| Nursing Home | 0 | 0 | 16 |
| Obstetrics/Gynecology | 1 | 2 | 292 |
| Oncology | 2 | 3 | 159 |
| Operating Room | 0 | 0 | 179 |
| Other/Other Specialty | 6 | 10 | 489 |
| Pediatrics | 0 | 1 | 139 |
| Psychiatry | 2 | 5 | 148 |
| Recovery Room | 2 | 3 | 103 |
| Undetermined | 2 | 2 | 415 |

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee Meeting
Agenda Item Summary

AGENDA ITEM: 9.3.1
DATE: January 11, 2017

ACTION REQUESTED: Intervention Evaluation Committee Members/New Appointments

REQUESTED BY: Cynthia Klein, RN, Chairperson

BACKGROUND:

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

APPOINTMENTS

Below are the names of the candidates who are being recommended for appointment and reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|-----------------|--------------|------------|-----------|
| Elaine Ocampo | RN Member | Burbank | 8 |
| Judy Van Varick | RN Member | Orange | 4 |

NEXT STEP: Continue recruiting efforts.

PERSON TO CONTACT: Shannon Silberling, Deputy Chief
Enforcement
(916) 515-5265