



INTERVENTION/DISCIPLINE COMMITTEE MEETING

AGENDA

Department of Consumer Affairs
Board of Registered Nursing
Hearing Room
1747 N. Market Blvd.
Sacramento, CA 95834

March 8, 2017

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

Wednesday, March 8, 2017

9.0 Call to Order and Establishment of a Quorum

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

- October 6, 2016
- January 11, 2017

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

9.4 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: October 6, 2016

SITE: DoubleTree by Hilton
2233 Ventura Street
Fresno, CA 93721
(559) 268-1000

MEMBERS PRESENT: Michael Jackson, MSN, RN – Acting Chair
Pilar De La Cruz-Reyes, MSN, RN
Elizabeth Woods, MSN, FNP, RN

MEMBERS NOT 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 11:52 a.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of May 12, 2016 and August 11, 2016

Motion: Minutes deferred to October 2016 committee meeting

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:
As of 9/30/16:

Office Technicians (OT's)

- 1 OT Vacancy
 - We have scheduled interviews on 9/6/16 and hope to have someone hired and in place by end of September
- 1 OT out on leave until April 2017.
 - We are currently trying to fill with a Limited Term (LT) position

Staff Service Analysts (SSA)

- We are currently fully staffed

Associate Governmental Program Analyst (AGPA)

- 1 AGPA out on leave – returning October 10, 2016

Program

As of September 30, 2016:

- BRN has received 2,192 complaints for the current fiscal year.
- There are 1,148 pending complaints

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners were required to be registered in CURES 2.0. We are currently working on processes to ensure compliance with this requirement.

All furnishing RN's can find information and helpful links, regarding CURES 2.0, on the Board's website at www.rn.ca.gov under "What's New."

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

Under the complaint intake unit is our expert witness analyst desk. We currently have 195 active experts across California. We continue to recruit RN's for expert witness for all areas of expertise but are currently in high demand for RN's with a background in;

- Laser/Botox
- Anesthetist
- Midwives
- Nurse Practitioner's

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

INVESTIGATIONS:

Staff

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

Program

The Division of Investigation (DOI) has currently updated the Department's Consumer Protection Enforcement Initiative (CPEI) case acceptance guidelines, as of August 25, 2016.

As of September 30, 2016, there were approximately 29 BRN investigative cases over one year old and there are approximately 69 DOI cases over one year old, that are still open.

9.2 Discipline and Probation Update

Staffing

The Probation Program Unit is fully staffed as of October 3, 2016. The discipline unit is currently conducting interviews to fill the 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 – September 30, 2016) Discipline statistics:

| | |
|--------------------------------------|-----|
| Decisions Adopted | 309 |
| Pleadings served | 246 |
| Petitions to Revoke Probation served | 34 |
| Surrenders signed by E. O. | 66 |

The BRN continues to work with the DCA BreEZe 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 BreEZe team.

Program – Probation

The Probation Program Unit is fully staffed as of October 3rd. We are in the beginning stages of a pilot using DCA’s Cloud. The Unit will be presenting at the Nurse Support Group Facilitator Conference which will be held on October 25, 2016.

Statistics - Probation

Statistics – July 1, 2016 to September 29, 2016

| Probation Data | Numbers | % of Active |
|----------------|---------|-------------|
|----------------|---------|-------------|

| | | |
|--|--------------|-------|
| Male | 364 | 30% |
| Female | 866 | 70% |
| Chemical Dependency | 808 | 65.7% |
| Required Drug-Screening | 629 | 51.1% |
| Practice | 301 | 24.5% |
| Mental Health | 9 | 0.7% |
| Conviction - excluding chemical dependency/alcohol use | 112 | 9.1% |
| Advanced Certificates | 113 | 9% |
| Southern California | 707 | 57% |
| Northern California | 516 | 42% |
| Pending AG - Tolled | 7 | 1% |
| Pending AG | 103 | 8% |
| License Revoked Fiscal YTD | 2 | |
| License Surrendered Fiscal YTD | 12 | |
| Terminated Fiscal YTD | 3 | |
| Successfully Completed Fiscal YTD | 17 | |
| Active In-State Probationers | 1,230 | |
| Completed/Revoked/Terminated/Surrendered YTD | 34 | |
| Tolled Probationers | 347 | |
| Active and Tolled Probationers | 1,577 | |

The average case load of active probationers per probation monitor is approximately 136. However, the average number of cases per monitor including Tolled cases is 175. There are 60 Early Termination and 8 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

Every September, the Substance Abuse and Mental Health Services Administration (SAMHSA) sponsors National Recovery Month to increase awareness and understanding of mental illness & substance use disorder and to celebrate people who recover. In support of this campaign and to celebrate registered nurses who recover from substance use disorder and mental illness, we have posted several testimonials from Intervention Program graduates on the BRN Facebook page. The Intervention Program also intends to add nurse testimonials under the Intervention section of the BRN website.

MAXIMUS, the Intervention programs contractor has transitioned from their electronic record system to the new MAX CMS system on October 3rd. The new system will allow the IEC meetings to be conducted without physical documents as well as improve the overall ease of use and increase efficiency. Training is being provided by MAXIMUS prior to the beginning of each Intervention Evaluation Committee (IEC) meeting.

Intervention Evaluation Committees (IEC)

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

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

There is currently one Public member vacancy 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 July 1, 2016, through August 31, 2016, is after this update. As of August 31, 2016, there have been 2,107 successful completions.

9.3.1 Intervention 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> |
|--------------------|------------------|---------------|-----------|
| Rhonda Ceccato | Public Member | Orange County | 4 |
| Sarah Domb, MD | Physician Member | Burbank | 8 |
| David Rohrdanz, MD | Physician Member | San Jose | 7 |

Recommendation to Board to approve the IEC members

| | | | |
|--|---------------|--------------|--|
| Motion: Pilar De La Cruz to approve the IEC members | | | |
| Second: Elizabeth Woods | | | |
| MJ: Y | PDC: Y | EW: Y | |

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 12:15 p.m.

Approved: _____



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: January 11, 2017

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

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

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
Shannon Silberling, Deputy Chief, Discipline, Probation and Intervention
Joseph Pacheco, Deputy Chief, Complaint and Investigation

The Chair called the meeting to order at approximately 10:55 a.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of August 11, 2016

| | | | |
|---|--------------|---------------|--|
| Motion: Imelda Ceja-Butkiewicz to approve August 11, 2016 minutes. | | | |
| Second: Ray Mallel | | | |
| CK: Y | RM: Y | ICB: Y | |

Defer Action on October 6, 2016 Meeting Minutes

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

Complaint Intake is fully staffed

Program

We are currently working with DCA's BreZE 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 |

9.2 Discipline and Probation Update

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.

9.3 Intervention Program Update and Statistics

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.

DRAFT

9.3.1 Intervention 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> |
|-----------------|--------------|------------|-----------|
| Elaine Ocampo | RN Member | Burbank | 8 |
| Judy Van Varick | RN Member | Orange | 4 |

Recommendation to Board to approve the IEC members

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

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 11:26 a.m.

Approved: _____

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.1

DATE: March 8, 2017

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Cynthia Klein, RN, Chairperson

BACKGROUND:

COMPLAINT INTAKE:

Staff

Complaint Intake recently lost one Limited Term Office Assistant in the Enforcement File Room. The limited term expired and the position is not being refilled at this time.

Program

BreZEE reports have been developed to evaluate complaint intake and discipline process timeframes for a large number of case development milestones. These reports will identify average case times for each milestone, throughout the life of the case. The reports have been tested and are ready for final production. Unit Managers will begin receiving the data reports on a monthly basis, beginning the first week in March 2017. We will then be able to accurately evaluate how much time it takes to process cases in each stage of case development.

We have developed 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. To ensure our data is accurate, all Complaint Intake staff have been trained in BreZE coding requirements consistent with our business process.

The BRN is developing a recruitment campaign for qualified expert witnesses. Starting in February 2017, all RN license renewal notices include an Expert Witness recruitment flyer insert. We are also working with DCA to develop a more robust marketing and recruiting campaign for new Expert Witness resources. Our are in high demand for RN's with the following experience;

- Laser/Botox, Cosmetic
- Certified RN Anesthetist
- Certified Nurse Midwives
- Nurse Practitioners

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

Statistics

As of February 22, 2017:

Fiscal Year 2016/2017 Workload to date

| | |
|---|-------|
| Complaints Received | 2,292 |
| Arrest & Conviction Criminal Offender Reports | 3,392 |
| Total Complaints Received (FY 16/17) | 5,684 |

Current Pending Complaint Intake Workload

| | |
|--|-------|
| Complaint Intake Desk Investigations Pending (All open complaints, not-including field investigations) | 1,054 |
| Arrest/Conviction (CORI & Self Report) | 864 |
| Complaints over 1 year | 31 |

CPEI GUIDELINES:

To clarify questions received at the February Board Meeting, Complaint Intake staff has been trained and is following updated procedures for Complaint Investigation Referrals. The DCA Case Referral Guidelines for Investigation guide Complaint Intake staff decisions to refer investigation cases to the Division of Investigation or BRN Investigation unit.

A copy of the current Case Referral Guidelines for Investigation is attached for your review.

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

CASE REFERRAL GUIDELINES FOR INVESTIGATION

COMPLAINTS TO BE REFERRED TO DIVISION OF INVESTIGATION

| | | |
|----------------------------|---|--|
| CATEGORY 1 • URGENT | <ul style="list-style-type: none"> • Acts of serious patient/consumer harm, great bodily injury, or death • Mental or physical impairment of licensee with potential for public harm • Practicing while under the influence of drugs/alcohol • Repeated allegations of drug/alcohol abuse | <ul style="list-style-type: none"> • Narcotic/prescription drug theft; drug diversion; other unlawful possession • Sexual misconduct with a patient • Physical/mental abuse of a patient • Over-prescribing • Gross negligence/incompetence resulting in serious harm/injury • Media/politically sensitive cases |
| CATEGORY 2 • HIGH | <ul style="list-style-type: none"> • Prescribing/dispensing without authority • Unlicensed practice/unlicensed activity • Aiding and abetting unlicensed activity • Criminal violations including but not limited to prescription forgery, selling or using fraudulent documents and/or transcripts, possession of narcotics, major financial fraud, financial elder abuse, insurance fraud, etc. | <ul style="list-style-type: none"> • Exam subversion where exam is compromised • Mandatory peer review reporting (B&P 805) • Law enforcement standby/security (subject to staff availability) |

COMPLAINTS TO BE RETAINED BY BOARD/BUREAU STAFF

| | | |
|-----------------------------|--|--|
| CATEGORY 3 • ROUTINE | <ul style="list-style-type: none"> • General unprofessional conduct and/or general negligence/incompetence resulting in no injury or minor harm/injury (non-intentional act, nonlife threatening) • Subsequent arrest notifications (no immediate public threat) • Exam subversion (individual cheating where exam is not compromised) • Medical malpractice reporting (B&P 801) cases unless evaluated as category 1 or 2 | <ul style="list-style-type: none"> • Serving subpoenas for hearings and for records (non DOI investigations) • Patient abandonment • False/misleading advertising (not related to unlicensed activity or criminal activity) • Applicant misconduct |
| CATEGORY 4 • ROUTINE | <ul style="list-style-type: none"> • Unsanitary conditions • Project abandonment • Failure to release medical records • Recordkeeping violations • Continuing education violations • Declaration and record collection (e.g., licensee statements, medical records, arrest and conviction records, employment records) | <ul style="list-style-type: none"> • Complaints of offensive behavior or language (e.g., poor bedside manner, rude, abrupt, etc.) • Quality-of-service complaints • Complaints against licensee on probation that do not meet category 1 or 2 • Anonymous complaints unless Board is able to corroborate that it meets category 1 or 2 • Nonjurisdictional issues |

Revised: August 2016



INVESTIGATIONS:

Staff

The Northern California Supervising Special Investigator position is currently vacant. Budget concerns have delayed the recruitment for a replacement and the Southern California SSI is currently covering both units. One investigation unit support position is temporarily assigned to the probation unit to alleviate a critical staffing shortage.

Program

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

As reported at the February board meeting, the BRN is working with the Attorney General (AG) to develop a formal biennial training program with techniques to gather appropriate evidence. The AG Office has submitted training materials to the are now fully developed and have been submitted to the BRN has been approved, and training for all DOI and BRN Investigation Staff will be completed by the end of March 2017.

As of February 21, 2017, there were approximately 67 BRN investigative cases and 41 DOI cases that have been within their respective units for more than one year.

Statistics

| BRN Investigations | August 2016 | Sept 2016 | Oct 2016 | Nov 2016 | Dec 2016 | Jan 2017 |
|----------------------------------|-------------|-----------|----------|----------|----------|----------|
| Total cases assigned | 381 | 389 | 383 | 446 | 482 | 484 |
| Total cases unassigned (pending) | 134 | 114 | 115 | 32 | 32 | 0 |
| Cases closed | 72 | 57 | 45 | 46 | 46 | 50 |
| Average days to case completion | 248 | 310 | 309 | 336 | 228 | 272 |
| Average cost per case | \$2,788 | 2964 | \$3,203 | \$3,148 | \$2,626 | \$2,366 |
| Division of Investigations | August 2016 | Sept 2016 | Oct 2016 | Nov 2016 | Dec 2016 | Jan 2017 |
| Total cases assigned | 262 | 273 | 280 | 291 | 290 | 311 |
| Total cases unassigned (pending) | 141 | 18 | 30 | 32 | 52 | 38 |
| Cases closed | 29 | 30 | 16 | 29 | 26 | 49 |
| Average days to case completion | 336 | 340 | 385 | 297 | 353 | 330 |
| Average cost per case | \$5,444 | \$6,882 | \$7,029 | \$6,303 | \$7,837 | \$6,527 |

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:

Joseph Pacheco, Chief
Complaint Intake & Investigations
(916) 515-5268

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

**AGENDA ITEM: 9.2
DATE: February 21, 2017**

ACTION REQUESTED: Information Only: Discipline and Probation Program update

REQUESTED BY: Cynthia Klein, RN, Chairperson

Probation Unit

Staffing

There is one vacant Staff Services Analyst (Probation Monitor) position. We recently received approval to post and fill this position and hope to have it filled in the near future.

There is a vacant Office Technician position. This position has not been filled due to budget constraints. The Board is waiting until fiscal year 17/18.

We continue to utilize one Staff Services Analyst from Discipline and one Office Technician from Investigations to assist in the probation unit.

Program

We have two staff that are currently working with DCA's SOLID training unit to teach the Probation Monitoring module of the Enforcement Academy.

We are presently working on streamlining probation processes to include online availability of forms, electronic signatures, utilizing DCA Cloud to transmit documents and transitioning to a paperless monitoring system.

Fiscal Year as of February 21, 2017

| | |
|---|-------|
| Active In-State Probationers | 1,255 |
| Completed/Revoked/Terminated/Surrendered YTD | 34 |
| Tolled Probationers | 364 |
| Active and Tolled Probationers | 1,619 |

The average case load of active probationers per probation monitor is approximately 139. However, the average number of cases per monitor including Tolled cases is 179. There are 75 Early Termination and 13 Modification of Probation cases waiting to be heard by the Board.

Discipline Unit

Staffing

The Discipline Unit currently has an Office Technician vacancy to fill but is unable to fill the position, until FY17/18, due to budget constraints.

Program

We are working with the Attorney General's Office (AGO) to identify and prioritize the oldest cases, in an effort to ensure case completion in a timely manner.

We are planning a pilot project, utilizing DCA's Cloud to transmit cases to the AGO. This process would provide cost savings in regards to postage and paper copies as well as reduce the case aging time. We expect this to start in July 2017.

Statistics

Fiscal Year as of February 21, 2017

| | |
|---|-----------------------|
| Decisions Adopted | 845 |
| Pleadings served | 635 |
| Petitions to Revoke Probation served | 85 |
| Surrenders signed by E. O. | 150 |
| # of Cases at AG | 1,695 (1,303 RN's) |
| # of cases at AG over 1 year | 423 |
| # of cases over 1 year without a pleading | 110 |
| # of cases awaiting hearing | 159 |

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
Discipline, Probation, and Intervention
(916) 515-5265

Board of Registered Nursing
 Discipline Program
 Statistical Summary
 July 1, 2016 – February 21, 2017

| License Type* | Case Outcome | | | | | | Total FY 16/17 |
|------------------------------|----------------|----------------------------------|---|-----------|------------|------------------------|----------------|
| | Public Repeval | Revoked, Stayed, Probation | Revoked, Stayed, Suspension, Probation | Surrender | Revocation | Voluntary Surrender | |
| Registered Nurse | 132 | 245 | 5 | 150 | 165 | 33 | 730 |
| Public Health Nurse | 15 | 26 | - | 14 | 11 | 3 | 69 |
| Psych/Mental Health | - | - | - | - | - | - | 0 |
| Nurse Practitioner | 10 | 15 | - | 12 | 2 | 3 | 42 |
| NP-Furnishing # | 10 | 14 | - | 8 | 2 | 3 | 37 |
| Nurse-Midwife | 1 | 1 | - | - | - | - | 2 |
| NM-Furnishing # | 1 | - | - | - | - | - | 1 |
| Nurse Anesthetist | - | 4 | - | - | - | - | 4 |
| Clinical Nurse Specialist | - | - | - | - | - | - | 0 |

*Specialty certifications are a subset of the Registered Nurse license. When enforcement action is taken on an RN license, all advanced certifications a nurse holds is also included in the action. More than one enforcement action may be taken (thus counted here) against an RN during the time period.

Probation Program Statistics
July 1, 2016 to February 21, 2017

| Probation Data | Numbers | % of Active |
|---|-------------|-------------|
| Male | 363 | 29% |
| Female | 892 | 71% |
| Chemical Dependency | 821 | 65.4% |
| Required Drug-Screening | 560 | 44.5% |
| Practice | 299 | 23.8% |
| Mental Health | 9 | 0.7% |
| Conviction - excluding chemical dependency/alcohol use | 126 | 10.0% |
| Advanced Certificates | 124 | 10% |
| Southern California | 729 | 58% |
| Northern California | 521 | 42% |
| Pending AG - Tolled | 5 | 0% |
| Pending AG | 119 | 9% |
| License Revoked Fiscal YTD | 2 | |
| License Surrendered Fiscal YTD | 12 | |
| Terminated Fiscal YTD | 3 | |
| Successfully Completed Fiscal YTD | 17 | |
| Active In-State Probationers | 1255 | |
| Completed/Revoked/Terminated/Surrendered YTD | 34 | |
| Tolled Probationers | 364 | |
| Active and Tolled Probationers | 1619 | |

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.3

DATE: March 8, 2017

ACTION REQUESTED: Information Only: Intervention Program Update and Statistics

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Intervention Program currently has a vacant Office Technician (OT) position that we are currently in the process of working to re-class to a full time permanent Staff Service Analyst (SSA) position. This would consolidate our vacant OT position and current limited term SSA position.

Program Update

On April 10th and 11th, 2017, Virginia Matthews, MAXIMUS Project Manager and Intervention program staff will be conducting a 6-hour educational presentation to the Hospital Association of Southern California (HASC). This presentations audience will be comprised of hospital leadership constituents in Southern California.

On February 21, 2017, the Intervention program hosted the first of a series of approximately four Mental Health Ad Hoc Committee meetings. The committee members worked effectively to review all current practices and are scheduled to discuss potential changes at the next scheduled meeting on April 18, 2017. 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.

Intervention Evaluation Committees (IEC)

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

Statistics – Intervention

The Statistical Summary Report for December 1, 2016, through January 31, 2017, is after this update. As of January 31, 2017, there have been 2,155 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
January 2017

| INTAKES | | | |
|---|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program To Date |
| Referral Type* | | | |
| Board-Referred | 5 | 70 | 3,863 |
| Self-Referred | 2 | 17 | 1,361 |
| TOTAL INTAKES COMPLETED | 7 | 87 | 5,224 |
| NUMBER OF PARTICIPANTS: 379 (as of January 31, 2017) | | | |

**May change after Intake*

| PRESENTING PROBLEM AT INTAKE | | | |
|--|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program To Date |
| Substance Abuse (only) | 5 | 62 | 3,279 |
| Mental Illness (only) | 1 | 3 | 171 |
| Dual Diagnosis | 1 | 21 | 1,689 |
| Undetermined | 0 | 1 | 85 |
| Most Common Substance Used Prior to Intake | Alcohol | | |

| CLOSURES | | | |
|--|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program to Date |
| Successful Completion | 7 | 71 | 2,155 |
| Failure to Derive Benefit | 0 | 2 | 125 |
| Failure to Comply | 1 | 4 | 982 |
| Moved to Another State | 0 | 0 | 52 |
| Not Accepted by IEC | 1 | 1 | 61 |
| Voluntary Withdrawal Post-IEC | 0 | 2 | 341 |
| Voluntary Withdrawal Pre-IEC | 1 | 13 | 542 |
| Participant Withdrawn-Failure to sign contract | 0 | 0 | 1 |
| Closed Public Risk | 1 | 11 | 362 |
| No Longer Eligible | 0 | 3 | 20 |
| Clinically Inappropriate | 0 | 0 | 34 |
| Client Expired | 0 | 0 | 41 |
| Sent to Board Pre-IEC | 0 | 0 | 2 |
| TOTAL CLOSURES | 11 | 107 | 4,718 |

| INTAKE DEMOGRAPHICS | | | |
|---------------------------------|---------------|--------------|-----------------|
| | Current Month | Year To Date | Program to Date |
| Gender | | | |
| Female | 6 | 67 | 4,077 |
| Male | 1 | 20 | 1,120 |
| Unknown | 0 | 0 | 27 |
| Age Category (at Intake) | | | |
| 20-24 | 0 | 0 | 34 |
| 25-29 | 1 | 7 | 425 |
| 30-34 | 2 | 17 | 880 |
| 35-39 | 1 | 22 | 1,091 |

| | | | |
|--|---|----|-------|
| 40-44 | 2 | 10 | 1,073 |
| 45-49 | 0 | 16 | 842 |
| 50-54 | 0 | 6 | 534 |
| 55-59 | 1 | 5 | 242 |
| 60-64 | 0 | 3 | 79 |
| 65+ | 0 | 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 | 0 | 2 | 167 |
| Hispanic | 0 | 9 | 228 |
| Native Hawaiian/Pacific Islander | 1 | 1 | 31 |
| Caucasian | 6 | 63 | 4,280 |
| Other | 0 | 4 | 81 |
| Not Reported | 0 | 8 | 274 |
| Worksite at Intake** | | | |
| Case Management | 0 | 0 | 5 |
| Clinic | 0 | 0 | 118 |
| Clinical - Public, non-profit | 0 | 0 | 2 |
| Corporation | 0 | 0 | 9 |
| DNovor'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 | 0 | 6 | 2,603 |
| 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 |
| Registery | 0 | 1 | 179 |
| Retail | 0 | 0 | 1 |
| School of Nursing | 0 | 0 | 9 |
| Telephone Advice | 0 | 0 | 1 |
| Temporary Service | 0 | 0 | 3 |
| Undetermined | 7 | 41 | 608 |
| Unemployed | 0 | 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 | 0 | 7 | 915 |
| Dental Public Health | 0 | 0 | 1 |
| DNovor's Office | 0 | 0 | 27 |
| Emergency Department | 0 | 7 | 595 |
| Gerontology | 0 | 0 | 28 |
| Home Care | 0 | 2 | 100 |
| Hospital | 0 | 12 | 349 |
| Insurance | 0 | 0 | 5 |
| Medical Surgical | 0 | 9 | 991 |

| | | | |
|-----------------------|---|----|-----|
| None | 0 | 0 | 74 |
| Nurse Anesthesia | 0 | 3 | 55 |
| Nurse Midwife | 0 | 0 | 7 |
| Nurse Practitioner | 0 | 0 | 108 |
| Nursing Home | 0 | 0 | 16 |
| Obstetrics/Gynecology | 0 | 2 | 292 |
| Oncology | 0 | 4 | 160 |
| Operating Room | 0 | 0 | 179 |
| Other/Other Specialty | 0 | 11 | 490 |
| Pediatrics | 0 | 1 | 139 |
| Psychiatry | 0 | 5 | 148 |
| Recovery Room | 0 | 3 | 103 |
| Undetermined | 7 | 21 | 434 |