



**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

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

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 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](http://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

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	<b>1,222</b>	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	358	
Active and Tolled Probationers	<b>1,580</b>	

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.

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

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

*\*May change after Intake*

<b>PRESENTING PROBLEM AT INTAKE</b>			
	<b>Current Month</b>	<b>Year To Date</b>	<b>Program To Date</b>
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		

<b>CLOSURES</b>			
	<b>Current Month</b>	<b>Year To Date</b>	<b>Program to Date</b>
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
<b>TOTAL CLOSURES</b>	<b>47</b>	<b>87</b>	<b>4,698</b>

<b>INTAKE DEMOGRAPHICS</b>			
	<b>Current Month</b>	<b>Year To Date</b>	<b>Program to Date</b>
<b>Gender</b>			
Female	28	51	4,061
Male	11	15	1,115
Unknown	0	0	27
<b>Age Category (at Intake)</b>			
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
<b>Ethnicity</b>			
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
<b>Worksite at Intake**</b>			
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
<b>**NOTE: RN licenses are placed on inactive status once an RN enrolls in the Program</b>			
<b>Specialty at Intake</b>			
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

**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

<b>Motion:</b> Imelda Ceja-Butkiewicz to approve the IEC members			
<b>Second:</b> Cynthia Klein			
<b>CK: Y</b>	<b>RM: Y</b>	<b>ICB: Y</b>	

**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: 