



Agenda Item 9.0

Report of the Enforcement/Intervention Committee

BRN Board Meeting | August 17, 2022

BRN Board Meeting
Enforcement/Intervention Committee
August 17, 2022

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Agenda Item 9.1

Information Only: Enforcement and Intervention Update

BRN Board Meeting | August 17, 2022

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: August 17, 2022

ACTION REQUESTED: **Information Only:** Enforcement, Intervention & Investigation Update

REQUESTED BY: Patricia Wynne, Esq., Chairperson

ACCOMPLISHMENTS:

General Enforcement and Investigations

The Office of Organizational Improvement (OIO) continues to work with BRN assessing and mapping out workflow, timeframes, and procedures to streamline and improve internal processes. The OIO team is working with Subject Matter Experts (SME) from each unit and staffing level. We will continue to report on the progress of this project in future meetings.

We are currently in the recruitment process for 2 of our Staff Services Manager (SSM) I positions over Discipline and Probation.

Alina Shev accepted the SSM I position overseeing Complaint Intake and will start on August 8, 2022. Alina is promoting from the Citations Unit at the California Board of Accountancy.

Investigations completed the first round of interviews for the Supervising Special Investigator I (SSI) for the Central Region. Second interviews were held mid-May and we are currently working with DCA HR.

Complaint Intake

The BRN is in critical need of Expert Practice Consultants (EPC) in the following areas:

- Long Term Care/Skilled Nursing Facility/Geriatric
- Acute Rehabilitation
- Hospice
- Home Health
- OP/Ambulatory/Clinic
- Cosmetic/Botox/Laser
- Chemical Dependency
- Oncology
- Emergency Room

For more information about the Expert Practice Consultant program, please visit the BRN website: <http://rn.ca.gov/enforcement/expwit.shtml>.

Or email us at Expert.BRN@dca.ca.gov

Investigations

Below is the chart identifying the average cases per Special Investigator over the past three years:

Table A	June 2020	June 2021	June 2022
Average Cases per Investigator	23	18	21

DOI/BRN CASE PRIORITIZATION PILOT PROJECT

DOI and BRN continue to follow the Pilot Program initiated in September 2019 that changed case referral guidelines for urgent priority Quality of Care complaints alleging significant patient harm and/or patient death.

The Pilot is currently through December 2022. The Board is in discussion with DOI on updates to this pilot. We anticipate the new revised pilot to go into effect prior to January 1, 2023.

Discipline

As of June 3, 2022, only 8% of our pending cases have been at the AG's office for more than one year. All hearings through the Office of Administrative Hearings (OAH) continue to be held via an online platform (Microsoft Teams).

Below is the chart identifying the average cases per analyst over the past three years:

Table B	June 2020	June 2021	June 2022
Average Cases per Analyst	100	65	77

Probation

The Probation Unit SME's have begun working with OIO to map out the probation processes.

Below is the chart identifying the average cases per analyst over the past three years:

Table C	June 2020	June 2021	June 2022
Average Cases per Monitor	85	81	73

Intervention

The Intervention Program continues to actively recruit for Intervention Evaluation Committee members. Currently, there are eleven (11) vacancies.

IEC Location	Member Type
2 – Bay Area	Public
3 – Los Angeles	Physician
4 – Irvine	Physician
4 – Irvine	Public
5 – Fresno	Nurse
6 – Palm Springs	Physician
7 – San Jose	Physician
9 – Ontario	Public
11 – North Coast	Physician
12 – Sacramento	Physician
12 – Sacramento	Public

To apply for an IEC position, you can find the application on our website at <https://rn.ca.gov/intervention>

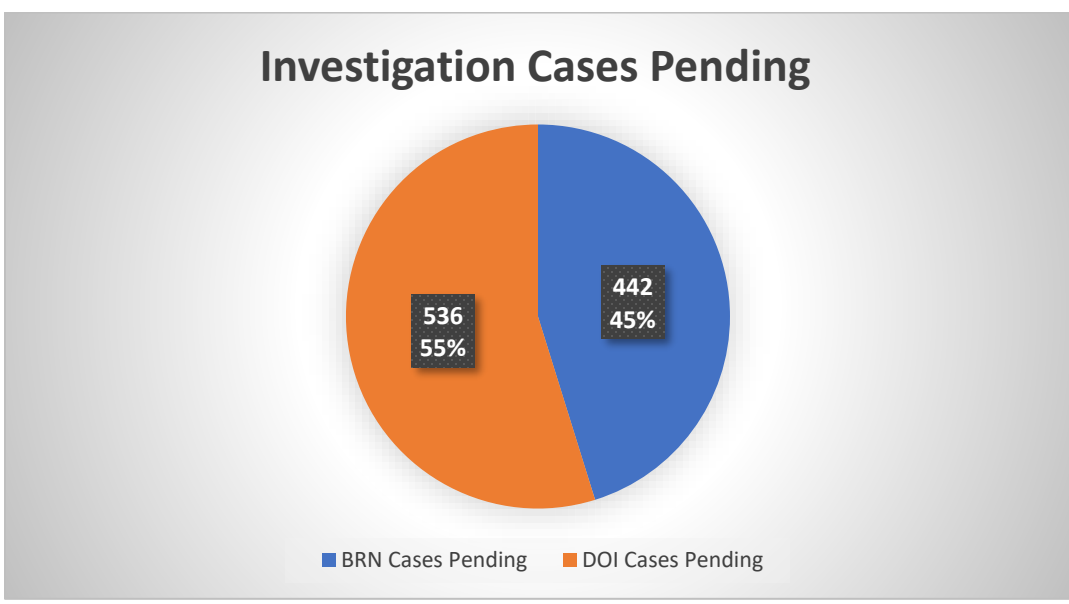
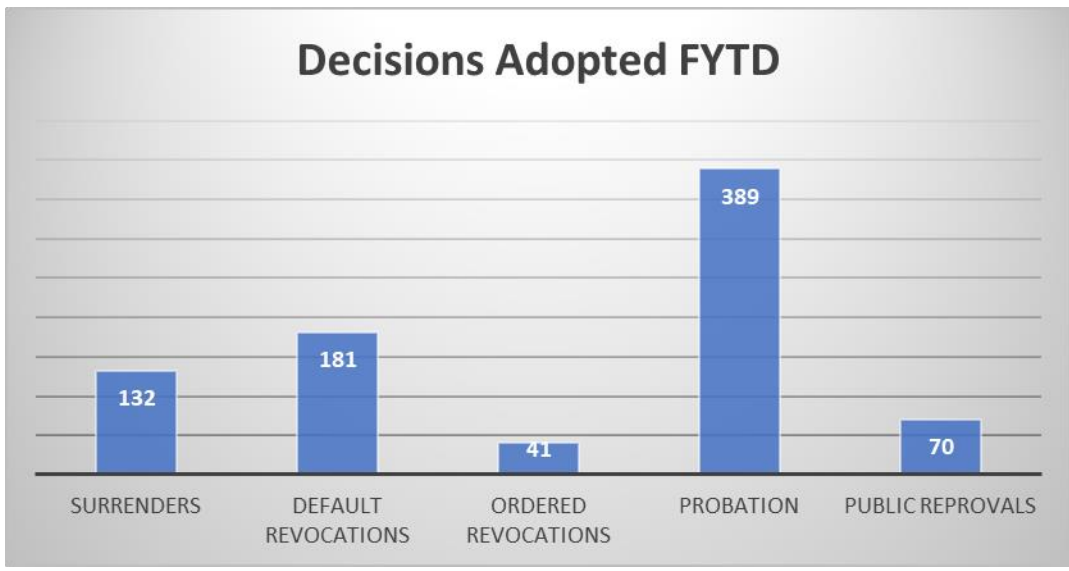
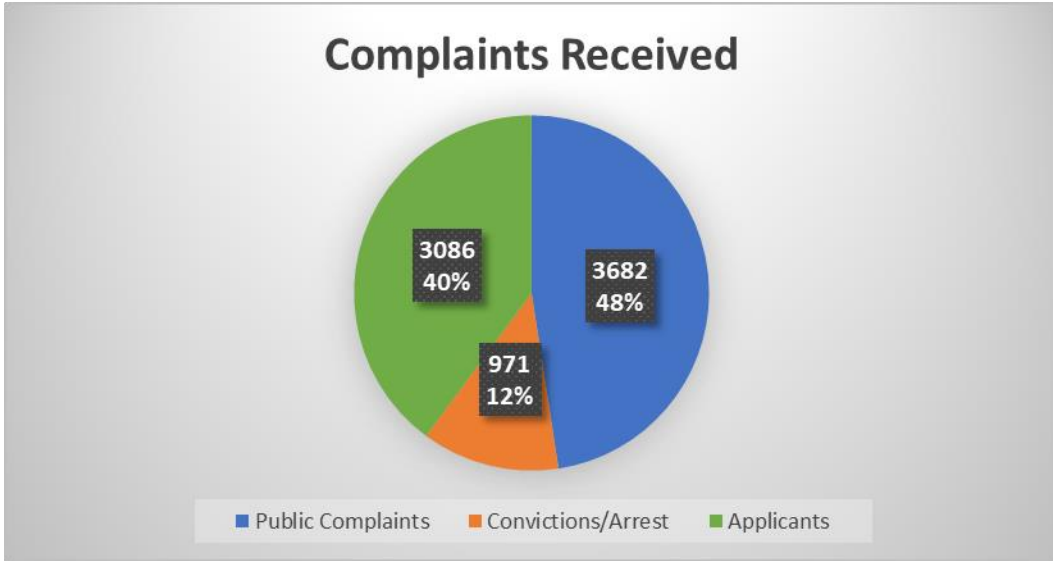
TABLE D

	Board of Registered Nursing	
	Enforcement Process Statistics	
	FY 2021/2022	
	as of 7/28/2022	
<i>Complaint Intake</i>	Public Complaints	3682
	Convictions/Arrest	971
	Applicants	3086
	Total Received	7739
	Complaints Pending	1324
	>1 year	379
	Convictions/Arrests Pending	1020
	>1 year	427
	Applicants Pending	151
	>1 year	12
	Expert Review Pending Referral	22
	>1 year	2
	Expert Review Pending Receipt	43
>1 year	0	
<i>Intervention</i>	Total Participants	284
	Intakes	107
	Self-Referral	7
	Board Referral	100
	Closures	126
	Successful	85
	Not Successful	41
	RNs Referred	1013
	Accepted	72
<i>Citation and Fine</i>	Citations Issued	149
	Informal Conference	0
	Modified	3
	Dismissed	2
	Upheld	0
	Amount Ordered	\$118,900.00
	Amount Received	\$182,405.00
	Amount Referred to FTB	\$11,000.00

	Amount Received from FTB	\$7,610.00
Discipline		
	AG Referrals	
	Cases	1240
	Cases Pending	
	< 1 Year	529
	> 1 Year	46
	> 2 Year	2
	Cases Pending >1 Year W/O Pleading Filed	13
	Cases Pending Hearing	133
	Average Days at AG	321
	Pending Board Vote	24
Legal Support		
	Interim Suspension Orders (ISO)	4
	PC 23	12
	Pleadings Served	
	Accusations	699
	Statements of Issue	14
	Orders to Compel	64
	Petitions to revoke Probation	69
	Withdrawals of Pleadings	20
	Decisions Adopted	
	Surrenders	132
	Default Revocations	181
	Ordered Revocations	41
	Probation	389
	Public Reprovals	70
Investigations		
	BRN Cases Referred	980
	Rejected	135
	Supplemental Requested	24
	Triage	10
	BRN Cases Pending	442
	>1 year	22
	BRN Cases Completed	918
	DOI Cases Referred	586
	Rejected	113
	Supplemental Requested	68
	DOI Cases Pending	536
	>1 year	105
	DOI Cases Completed	503
	DOI Pilot Cases Initiated	352

	DOI Pilot Cases Pending	76
	DOI Pilot Case Closed	276
Probation		
	Active In-State Probationers	627
	Tolled Probationers	426
	Revoked	27
	Surrendered	64
	Completed	208
	Subsequent Cases Pending at AG	
	<1 Year	53
	>1 Years	4
	>2 Years	2
Total Case Processing Time		
	Average Days to Complete	644
	> 540 Days	44%
	< 540 Days	56%
	DCA goal of 540 days for all healing arts boards	

Graphs Based on Table D



BRN Performance Measure YTD 21/22

TABLE E

Performance Measure 4 - AG Transmittals						
	Case Volume	Intake	Investigation	Pre-AG Time	Post AG Time	Cycle Time
Total/Average	759	9	334	10	325	677
<i>July</i>	59	8	304	9	340	662
<i>August</i>	50	6	275	16	325	622
<i>September</i>	82	7	314	9	304	635
<i>October</i>	56	14	373	5	333	725
<i>November</i>	65	7	283	3	340	632
<i>December</i>	54	8	331	6	343	687
<i>January</i>	46	9	370	2	299	680
<i>February</i>	62	11	270	11	383	675
<i>March</i>	63	10	341	4	362	717
<i>April</i>	72	9	398	9	279	695
<i>May</i>	65	7	381	7	271	667
<i>June</i>	85	9	351	30	332	722

TABLE F

All DCA Healing Arts & Health Entities				
SFY 2021: 12-Month PM4 - Summary by Board				
	Case Volume	Target	Actual	Variance
Grand Total	2,464	540 Days	839 Day(s)	▲ 299 Day(s)
Acupuncture Board	14	540 Days	866 Day(s)	▲ 326 Day(s)
Board of Behavioral Sciences	117	540 Days	426 Day(s)	▼ -114 Day(s)
Board of Chiropractic Examiners	20	540 Days	914 Day(s)	▲ 374 Day(s)
Board of Psychology	53	540 Days	754 Day(s)	▲ 214 Day(s)
<u>Board of Registered Nursing</u>	<u>891</u>	<u>540 Days</u>	<u>690 Day(s)</u>	<u>▲ 150 Day(s)</u>
Board of Vocational Nursing and Psychiatric Technician	222	540 Days	862 Day(s)	▲ 322 Day(s)
California Board of Occupational Therapy	17	540 Days	726 Day(s)	▲ 186 Day(s)
California State Board of Pharmacy	224	540 Days	878 Day(s)	▲ 338 Day(s)
Dental Board of CA	59	540 Days	1266 Day(s)	▲ 726 Day(s)
Dental Hygiene Board	8	540 Days	840 Day(s)	▲ 300 Day(s)
Medical Board of CA	620	540 Days	1028 Day(s)	▲ 488 Day(s)
Osteopathic Medical Board of CA	16	540 Days	933 Day(s)	▲ 393 Day(s)
Physical Therapy Board	31	540 Days	840 Day(s)	▲ 300 Day(s)
Physician Assistant Board	26	540 Days	1237 Day(s)	▲ 697 Day(s)
Podiatric Medical Board of CA	15	540 Days	1183 Day(s)	▲ 643 Day(s)
Respiratory Care Board	42	540 Days	435 Day(s)	▼ -105 Day(s)
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	8	540 Days	972 Day(s)	▲ 432 Day(s)
State Board of Optometry	9	540 Days	935 Day(s)	▲ 395 Day(s)
Veterinary Medical Board	72	540 Days	1214 Day(s)	▲ 674 Day(s)

If you would like more information on our enforcement statistics, please go to https://www.dca.ca.gov/data/enforcement_performance.shtml

NEXT STEPS: Continue to Monitor

PERSONS TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 515-5268
Scarlett Treviso, Investigations Deputy Chief
(916) 508-9285



Agenda Item 9.2

Discussion and Possible Action Regarding Appointment and Reappointment of Intervention Evaluation Committee (IEC) Members

BRN Board Meeting | August 17, 2022

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.2
DATE: August 17, 2022

ACTION REQUESTED: Discussion and Possible Action Regarding Appointment and Reappointment of Intervention Evaluation Committee Members

REQUESTED BY: Patricia Wynne, Esq., Chairperson

BACKGROUND:

In accordance with Business and Professions Code § [2770.2](#), Board of Registered Nursing is responsible for appointing persons to serve on an Intervention Evaluation Committee (IEC). Each IEC is composed of three registered nurses, one physician and one public member who possess knowledge and expertise in substance use disorder or mental health.

APPOINTMENT:

Below are the candidates being considered for appointment and reappointment to the respective IEC.

Name	Member Type	IEC	Location	Appointment Type	Term Expiration
Gul Ebrahim	Physician	3	Los Angeles	New Appointment	6/30/2026
Kenya Smith	Nurse	3	Los Angeles	Reappointment	6/30/2026
Heather Hallmark	Nurse	5	Fresno	New Appointment	6/30/2026
Colleen Burks	Nurse	6	Palm Springs	New Appointment	6/30/2026
Betty Jackson-Steward	Nurse	9	Ontario	New Appointment	6/30/2026
Carol Stanford	Public	11	Fairfield	Reappointment	6/30/2026
David Smith	Physician	12	Sacramento	New Appointment	6/30/2026

NEXT STEPS: Continue recruiting efforts

PERSON TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 574-8988



Agenda Item 9.3

**Discussion and Possible Action Regarding Participation in the
National Council of State Boards of Nursing (NCSBN)
Substance Use Disorder Monitoring Programs**

BRN Board Meeting | August 17, 2022

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.3
DATE: August 17, 2022

ACTION REQUESTED: Discussion and Possible Action Regarding Participation in the National Council State Boards of Nursing (NCSBN) Substance Use Disorder Monitoring Programs

REQUESTED BY: Loretta Melby, Executive Officer

BACKGROUND: The NCSBN Research Department is currently recruiting boards of nursing (BONs) to participate in a pilot study to test substance use disorder (SUD) monitoring program guidelines. This pilot grew out of guidelines developed in 2020 after the completion of an extensive five-year study of alternative to discipline programs for nurses.

The intent of this pilot is to follow a cohort of nurses for five years from BONs who adopted their guidelines to see if the nurses can return safely to practice. An article on the pilot can be found at:

https://www.ncsbn.org/InFocus_Vol1_2022.pdf.

NEXT STEPS: Place on Agenda

FISCAL IMPACT IF ANY: Unknown

PERSON TO CONTACT: Loretta Melby RN, MSN
Executive Officer