

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING  
BOARD MEETING MINUTES**

**DRAFT**

**DATE:** November 30, 2021

**START TIME:** 1:00 p.m.

**LOCATION:** **NOTE:** A physical meeting location was not provided pursuant to the provisions of Government Code section 11133.

**The Board of Registered Nursing held a public meeting via a teleconference platform.**

**Tuesday, November 30, 2021 – 1:00 pm - 5:00pm Board Meeting**

- |         |                                     |   |
|---------|-------------------------------------|---|
| 1:01 pm | <b>1.0</b>                          | Call to Order/Roll Call/Establishment of a Quorum<br>Dolores Trujillo, President called the meeting to order at 1:01 pm. All Members present. Quorum established at 1:03 pm.  |
|         | <b>Board of Registered Nursing:</b> | Dolores Trujillo, President, RN, Direct Patient Care Member<br>Dr. Mary Fagan, Vice President, Ph.D., R.N., NEA-BC, Nurse Services Administration Member<br>Elizabeth A. Woods, RN, FNP, MSN, Advanced Practice Member<br>Imelda Ceja-Butkiewicz, Public Member<br>Susan Naranjo, Public Member<br>Jovita Dominguez, BSN, RN, Nurse Educator Member |
|         | <b>BRN Staff Representatives:</b>   | Loretta Melby, MSN, RN, Executive Officer<br>Reza Pejuhesh, DCA Legal Attorney  |
| 1:04 pm | <b>2.0</b>                          | <b>General Instructions provided for the Format of a Teleconference Call</b>  |
| 1:05 pm | <b>3.0</b>                          | <b>Public Comment for Items Not on the Agenda; Items for Future Agendas</b>   |
|         | Public Comment for Agenda Item 3.0: | No public comment.  |
| 1:07 pm | <b>4.0</b>                          | <b>Discussion and Possible Action Regarding the Board's Strategic Plan for 2022 – 2025</b>  |

Loretta Melby, BRN Executive Officer provided information and updates regarding the Board's 2022 – 2025 Strategic Plan.

**Board Discussion:** **Imelda Ceja-Butkiewicz:** Asked if the Board was interested in going back to review items that had not been met in the Strategic Plan.

**Loretta Melby:** Stated that the current strategic plan (2022 – 2025) goals and outcomes, would be reported quarterly at each Board Meeting and progress on the previous strategic plan (2018 – 2021) would be reported annually, at the last Board Meeting of the calendar year.

**Dolores Trujillo:** Asked EO Melby to provide additional information as to the action that is required for the meeting.

**Loretta Melby:** If the Board has no further questions, the action would be to accept the action plan as provided.

**Mary Fagan:** Asked what additional items could be up for discussion at today's meeting.

**Loretta Melby:** Provided additional clarification and stated that an additional action that could also take place is to allow the Administrative Committee to have final approval of the changes to the strategic plan.

**Mary Fagan:** Stated that she would like to see an improvement on the enforcement processing times. Stated that is a goal that the Board should be more aggressive on. The 540-day goal is not aggressive enough. Stated that the Board should be held to a higher standard regarding the Enforcement process.

**Loretta Melby:** Stated that most boards are not able to meet the 540-day goal. The 540-day goal is a general timeline throughout DCA. The BRN has initiated conversations with the Organizational Improvement Office to streamline the enforcement process and are looking into additional improvement processes within the Enlightened Licensing Project.

**Mary Fagan:** Asked if language specific to the enforcement timelines should be added to the strategic plan at today's meeting.

**Loretta Melby:** Stated that the Board is still in the developmental phases in the charter for enforcement. Additional information may be necessary for improved enforcement process timeframes, as it not

only involves the BRN, timelines include DCA Division of Investigation and the Attorney General's office.

*Crosstalk between members regarding possible language additions.*

**Reza Pejuhesh:** Explained that the 540-day timeframe came from a DCA developed Consumer Protection Enforcement Initiative (CPEI). Stated that legally there is nothing in the law that states there must be a faster or slower pace with processing cases. Explained that it takes time to put together a case regarding violations by nurses and that some cases warrant more time.

**Mary Fagan:** Suggested language that the BRN meet or exceed the 540-day timeframe, possibly look at the median, take into consideration the outliers and she proposed something more specific in the language; to aim for a 20% improvement, or something that makes sense with processing cases

**Loretta Melby:** Asked for a recommendation for a rewrite regarding the success measure for item 2.1 in the Strategic Plan.

**Mary Fagan:** Asked if the BRN had the median number.

**Loretta Melby:** Stated that the Enforcement Division completes 55% of cases processed within 540 days.

**Shannon Johnson:** Stated that over the year the Enforcement Division has improved their case time completion and that in the past Enforcement was over 1,000 days for processing cases, so there has been major improvement. Provided that the average case is with DOI for a year and with the AGs office for over a year, which already is well over 700 days without BRNs time accounted for. She explained how some cases are identified as "fast track" cases which have decreased the timeframe and why the BRN is able to clear 55% within the 540-day time frame. She stated it is a goal to have 60-65% of cases processed within the target timeframe. Additionally, she added that other Boards have the threshold of 540 days and find it difficult to attain as well.

*Loretta Melby and Shannon Johnson provided additional information, explaining what happens during the timeline in enforcement investigation cases.*

**Mary Fagan:** Offered suggested revisions for item 2.1 to have the success measure be to meet or exceed the goal of 540 days.

**Dolores Trujillo:** Offered suggested revisions to 1.8.3 in regard to the pros and cons of the nursing licensure compact, that the Board look at enforcement, continuing education issues and training.

**Loretta Melby:** Stated that such a change or revision may not be necessary for the action steps of the strategic plan but rather provide for it in a pros and cons section.

*Conversation between EO Melby and Board Members regarding the difficulty starting the Continuing Education Unit and the difficulty recruiting and retaining Nursing Education Consultants (NECs).*

**Imelda Ceja-Butkiewicz:** Asked a question about exploring the use of simulation in clinicals, wanting to have the Board include it in the Strategic Plan so that the option is not forgotten.

Loretta Melby and Reja Pejuhesh clarified that the new law allowing for additional simulation during a declared state of emergency is not going away, but the clinical requirements (direct patient care) for nursing education are in regulation and therefore increasing simulation would not be appropriate to place on the strategic plan as an action item; however in other areas of the strategic plan there is language regarding exploring alternatives to clinical hour requirements and/or clarifying regulation or streamlining regulation is and that those would continue to be explored.

**Imelda Ceja-Butkiewicz:** Clarified that she was making sure exploration of simulation was in the strategic plan and was pleased to hear that something was.

**MOTION:** **Dolores Trujillo:** Motion to accept the action plan including the amendments to be drafted to the Success Measure for Item 2.1 to clarify what has not been met. In addition, incorporate the change proposed by Vice President Fagan that the target time frames be met or exceeded and allow staff to make any non-substantive changes to the strategic plan. Finally, the final draft will be approved by the Administrative Committee and not the full Board.

**SECOND:** **Mary Fagan**

Public Comment for  
Agenda Item 4.0: No public comment.

VOTE:

Vote	DT	SN	JD	MF	EW	IC-B
	Y	Y	Y	Y	Y	Y
<b>Key: Yes: Y   No: N   Abstain: A   Absent for Vote: AB</b>						

**MOTION PASSED**

1:57 PM

**5.0**

**Discussion and Possible Action Regarding the Board’s Sunset Report 2022**

Loretta Melby provided information and updates regarding the Board’s 2022 Sunset Report.

Board Discussion: **Elizabeth Woods:** Asked if there was anything significant in this report that is different than the previous report.

**Loretta Melby:** Stated that this report is abbreviated version of the previous one with updates and licensing and enforcement statistics.

**Mary Fagan:** Had a question about the joint continuing approval visit.

**Loretta Melby:** Stated that this was a question from the legislature asking if the BRN could do joint visit with accreditors and explained the work that had been done with the workgroup of dean and directors.

MOTION: **Dolores Trujillo:** Accept the report as written. BRN Staff can make non-substantive changes, and the administrative committee can approve if necessary.

SECOND: **Elizabeth Woods**

Public Comment for Agenda Item 5.0: No public comment.

VOTE:

Vote	DT	SN	JD	MF	EW	IC-B
	Y	Y	Y	Y	Y	Y
<b>Key: Yes: Y   No: N   Abstain: A   Absent for Vote: AB</b>						

**MOTION PASSED**

2:12 Pm

**6.0**

**Discussion and Possible Action Regarding Scope of RN Practice in Relation to Administration of Medical Cannabis in Public Schools, and Initiation of Declaratory Decision Proceedings Pursuant to Government Code Section 11465.10 et seq.**

Reza Pejuhesh, DCA Legal Attorney, provided information, guidance and explained next steps for the declaratory decision.

Board Discussion: **Reza Pejuhesh:** Stated that a declaratory decision establishes a rule of general application. The BRN will give notice to any interested parties and these interested parties are allowed to comment on the decision, whether the scope of practice allows for administering of Medical Cannabis in public schools.

**Mary Fagan:** Asked if the Board did a declaratory decision without precedential effect would there be more requests that the Board would need to respond to.

**Reza Pejuhesh:** Answered that it could and added that the purpose of this action is that this is likely to become a reoccurring issue and not a onetime one.

**Loretta Melby:** Shared that an additional request had already come through that morning.

**Elizabeth Woods:** Suggested that the Board look at these more broadly as parents are forced to come into the schools to administer and stated that the Board needed to move this along.

**Reza Pejuhesh:** Reiterated that this action is only addressing nursing scope of practice and the ability for a Registered Nurse to administer this medication. Stated that one of the required aspects is that we give notice to interested parties in order to give them the opportunity to comment.

**Mary Fagan:** Asked why the BRN couldn't issue a Declaratory Decision today.

**Reza Pejuhesh:** Explained that interested parties need to be notified and a public comment period is required for the decision.

**Dolores Trujillo:** Asked how many days the public would have to be notified.

**Reza Pejuhesh:** Stated that the Board must give notice at least 45 days prior if doing a hearing or a decision.

MOTION: **Mary Fagan:** Motion to move forward with a declaratory decision proceeding, give notice to interested parties (45 days), with no intent

to hold a public hearing and give the decision that's reached the precedential effect.

**SECOND: Elizabeth Woods**

*Loretta Melby stated that with the timeframe laid out this could be ready by the February 2022 Board Meeting.*

Public Comment for **Dr. Sheri Coburn, Executive Director of the California School Nurses Association:** Hoped that the Board would look into the Agenda Item 6.0: Education Code that describes the employment of medical personnel that can assist individuals with exceptional needs that need specialized healthcare services.

**Lydia Bourne, Legislative Advocate, California School Nurses Association:** Suggested that the Board look at the Education Code for policies and requirements when it comes to administering medical cannabis.

**Jana Adams:** Stated that school districts are responsible for providing care during the school and can't place the burden on parents to care for the student during the school day. She stated that school nurses should be allowed to administer students with ordered medication. Stated that Medical Cannabis does not have to be administered by an RN. It should be allowed to be administered by an someone who is trained in the process.

**VOTE:**

Vote	DT	SN	JD	MF	EW	IC-B
	Y	Y	Y	Y	Y	Y
<b>Key: Yes: Y   No: N   Abstain: A   Absent for Vote: AB</b>						

**MOTION PASSED**

3:02 pm

**7.0**

**Discussion and Possible Action Regarding Fees to Be Collected Pursuant to Business and Professions Code (BPC) Section 2837.104, Subdivision (b)(2), for Possible Implementation in California Code of Regulations, Title 16, Proposed Section 1482.4; and Lack of Authority Regarding Fees Under BPC Section 2837.103**

Loretta Melby, Executive Officer and Heather Hoganson, DCA Regulatory Attorney presented on the need for a fee for NPs seeking new authority under 2837.103.

Board Discussion: **Elizabeth Woods:** Questioned how the fee be used.

**Loretta Melby:** The fee is a part of the Board fund. Our entire Board is not funded by the State. It is entirely funded through the Board's fund.

**Mary Fagan:** Questioned if there would be 3 levels of fees for Nurse Practitioners?

**Loretta Melby:** For the 104 NP, they would have to pay the fee for initial certification. We do not have authority to charge the 103 NP. We would have to seek Legislation in order to charge for the 103 NP initial certification. The renewal would just be the renewal fee of the NP.

*Discussion between Loretta Melby and Vice President Mary Fagan regarding the differences between a NP, a 103 NP and a 104 NP.*

**Mary Fagan:** Questioned how fees are determined.

**Loretta Melby:** Stated they are done through a desk audit or a fee study.

**Dolores Trujillo:** Asked if we are looking to establish a fee for the 104 NP.

**Loretta Melby:** Stated that the Board had statutory authority to charge for the 104 NP. The Board needs to get legislation to support to have authority to charge for the 2837.103 NP.

MOTION: **Dolores Trujillo:** Motion to direct the Executive Officer to seek legislation to establish a fee for the 2837.103 NP.

SECOND: **Imelda Ceja-Butkiewicz**

Public Comment for  
Agenda Item  
7.0: **Cynthia Jovanov:** Recommended that the fees are only a one time fee and not recurrent, and asked that BRN Staff comments stay neutral.

VOTE:

Vote	DT	SN	JD	MF	EW	IC-B
	Y	Y	Y	Y	Y	Y
<b>Key: Yes: Y   No: N   Abstain: A   Absent for Vote: AB</b>						

**MOTION PASSED**



3:31 pm

**8.0**

**Adjournment**

Board President, Dolores Trujillo, adjourned the meeting at 3:31 pm.

**Submitted by:**

**Accepted by:**

**Loretta Melby, MSN, RN**

Executive Officer

California Board of Registered Nursing

**Dolores Trujillo, RN**

President

California Board of Registered Nursing