



Agenda Item 10.0

Report of the Enforcement Intervention Committee

BRN Board Meeting | November 17-18, 2021

ENFORCEMENT INTERVENTION COMMITTEE

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Agenda Item 10.1

Information Only: Enforcement Update

BRN Enforcement Intervention Committee Meeting | November 17-18, 2021

BOARD OF REGISTERED NURSING
Enforcement Intervention Committee
Agenda Item Summary

AGENDA ITEM: 10.1
DATE: November 17-18, 2021

ACTION REQUESTED: **Information Only:** Enforcement Intervention Update

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

ACCOMPLISHMENTS:

Complaint Intake

CIU staff are currently enrolled in the newly designed Skilled Enhancement Training (SET) provided by DCA SOLID. This training is a 32-hour course over an eight-week period.

BRN continues to recruit qualified registered nurses with the professional and educational background as Expert Practice Consultants (EPC) to review investigative case materials, prepare written opinions, evaluating whether an RN deviated from the standards of nursing practice, or is responsible for unprofessional conduct.

The BRN is in critical need of EPCs in the following areas:

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

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

The Attorney General’s Office (AGO), the Division of Investigation, BRN Investigations and BRN Enforcement are reviewing the 2017 “Investigating BRN Cases - Training Guide.” The Survey was

sent to all Investigative and AGO staff soliciting information as to their experience and needs for continuing training. The information received has been reviewed and DOI, AGO and BRN Investigations are incorporating the updates needed to the training manual. Our goal is to conduct these training classes, starting in the spring of 2022.

Two Special Investigators attended the NCSBN Basic Board of Nursing Investigator Training course which was held virtually on October 25-28, 2021.

Investigations began performing Random Probation Compliance Investigations in July 2021 throughout the state. We continue to work with Probation to streamline this process.

Per the Board’s request, below is the chart identifying the average cases per Special Investigator over the past three years:

Table A	October 2019	October 2020	October 2021
Average # of investigations per investigator	20	18	21

Discipline

As of November 1, 2021, only 14% of our pending cases have been at the AG’s office for more than one year. All hearings through Office of Administrative Hearings are being held via online platform (Microsoft Teams).

The Discipline Unit continues to reassess all processes and procedures.

Per the Board’s request, below is the chart identifying the average cases per analyst over the past three years:

Table B	October 2019	October 2020	October 2021
Average Cases per Analyst	97	83	69

Probation

The Probation Unit continues to review procedures and make appropriate updates and adjustments as needed.

In July 2021 Investigators started doing random Probation Compliance Investigations (PCIs).

Probation managers have been attending Nurse Support Group meetings across the state and have attended 25 meetings to date. These are all hosted on an online platform.

Per the Board's request, below is the chart identifying the average cases per monitor over the past three years:

Table C	October 2019	October 2020	October 2021
Average probationers per monitor	82	85	85

Intervention

The Intervention Program is planning to hold the Intervention Liaison Committee (ILC) meeting in January 2022. The ILC is a subcommittee of the Board of Registered Nursing's Enforcement and Intervention Committee, formerly known as Intervention-Discipline Committee. Its charge is to identify and examine existing and anticipated service needs.

The Intervention Program continues to actively recruit for Intervention Evaluation Committee members. Currently, there are eight (8) vacancies.

IEC Location	Member Type
2 – Bay Area	Public
2 – Bay Area	Registered Nurse
3 – Los Angeles	Physician
4 – Irvine	Physician
5 – Fresno	Registered Nurse
6 – Palm Springs	Physician
9 – Ontario	Public
12 – Northern California	Physician

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

Table D

QUARTERLY COMPARISON

Complaint Intake	FY 20/21	FY 21/22
	Q1	Q1
Public Complaints	942	951
Arrest/Conviction Complaints	254	255
Applicants	859	898
Total Complaints Received	2055	2104
Discipline/Citations		
AG Referrals	245	263
AG Cases Pending	617	420
Pleadings Served	139	159
Decisions Adopted	251	223

Average Time to Close	592	616
Citations Issued	37	40
Citation Amount Ordered	\$25,425.00	\$40,000.00
Citation Amount Received	\$40,732.15	\$59,525.00
Intervention		
Intervention Referrals	188	196
Successful Completions	26	24
Investigations		
Investigation Referrals – DOI	149	197
Investigation Referrals – BRN	169	272
Probation		
Total Probationers	1274	1270
In-State Probationers	827	826
Out of State (Tolled) Probationers	447	444
Chemically Dependent Probationers	419	396
Subsequent AG Referrals	32	18
Subsequent AG Cases Pending	69	54
Petitions to Revoke Probation	17	21

Table E

FISCAL YEAR COMPARISON

Enforcement	FY 19/20	FY 19/20	*Current FY
AG Cases Older than 1 year	189	111	148
Investigations			
BRN Investigation Older than 1 year	10	11	14
DOI Investigation Older than 1 year	121	58	55
Complaint Intake			
Applications Received	2942	3269	1089
Complaints Received	4050	3559	1156
Arrest/Convictions Received	1202	836	304

**As of October 28, 2021*

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

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