



Agenda Item 9.0

Report of Enforcement/Intervention

BRN Board Meeting | November 15-16, 2023

Report of Enforcement/Intervention November 15-16, 2023

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Agenda Item 9.1

Information Only: Enforcement and Investigation Update

BRN Board Meeting | November 15-16, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: November 15-16, 2023

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

REQUESTED BY: Patricia Wynne, Esq., Chairperson

ACCOMPLISHMENTS:

General Enforcement and Investigations

At the August 2022 Board meeting the Board voted to join the National Council of State Boards of Nursing (NCSBN) [pilot study](#) to test substance use disorder (SUD) monitoring program guidelines. This is a five-year study of alternative to discipline programs for nurses and we will provide data biannually for the next 5 years to see if the nurses can return safely to practice.

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

The Board of Registered Nursing (BRN) continues to recruit qualified registered nurses with professional and educational backgrounds as Expert Practice Consultants (EPC) to review investigative case materials, prepare written opinions, and evaluate whether an RN deviated from the standards of nursing practice.

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

- Long Term Care/Skilled Nursing Facility/Geriatric
- Acute Rehabilitation
- School Nurse
- Medical/Surgical (NPF)
- Pediatric ICU (NPF)
- CCU/Telemetry (NPF)
- Dialysis (NPF)

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

Complaint Intake

To assist the Complaint Intake Unit (CIU) in aligning processes for desk investigations and triaging for both Department of Investigations (DOI) and BRN Investigations, CIU analysts have attended several desk investigation trainings. These trainings have focused on obtaining applicable documents and evidence as part of the pre field investigation. CIU analysts are also now entering all case investigative referrals into Enforcement Activity Reporting System (EARS) and the Case Administrative and Tracking System (CATS).

Investigations

The Investigations Division conducts investigations involving Registered Nurses where allegations of gross negligence and incompetence may have occurred that resulted in patient harm as per the case referral guidelines. Investigations staff are located throughout California and work with other state and local agencies, sharing case information and strategies to improve processes and procedures.

The Investigations Division experienced several vacancies due to retirement and staff leaving for higher paying positions within city and county government. Currently, there is one full-time Special Investigator I vacancy in the Southern region.

Over the past three years, the BRN received an increased number of complaints in some areas, including but not limited to, Los Angeles, San Diego and Orange in the Southern region; Alameda, Santa Clara and Sacramento in Northern region; and San Bernardino and Riverside in the Central region. Due to the large geographic size of some of the areas, longer travel distance are experienced and population growth traffic have been more congested which result to longer investigation times. As a result, the BRN sought one additional limited-term SI for each region to investigate and process cases in a timely manner to carry out the Board's mission of public protection.

DOI and BRN continue to participate in 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 and triage processes. Currently, the updated pilot continues through January 2024.

Discipline

As of October 23, 2023, only 10% of our pending cases have been at the Attorney General's Office (AGO) for over a year. BRN learned that the Office of Administrative Hearings (OAH) is beginning to hold in person hearings, but if all parties agree the hearing may be held remotely via Teams or other online platforms.

Effective October 2, 2023, the Discipline Manager position has been filled.

Probation

The Probation Unit continues to review all processes and procedures to ensure cases are processed as efficiently as possible, and implement any improvements identified. Tolerated out of state probationers are contacted biannually to ensure compliance with their conditions of probation.

Active in state probationers are reviewed quarterly to ensure compliance with their conditions of probation.

Probation monitors have an average of 43 active cases.

Intervention

The Intervention Program continues to recruit Intervention Evaluation Committee (IEC) members with knowledge and experience in substance use disorder (SUD) treatment, recovery and mental health. Currently, there are several vacancies across the state.

If the Board approves the recommendations for appointment in Agenda Item Summary 9.2, all IECs will have full membership.

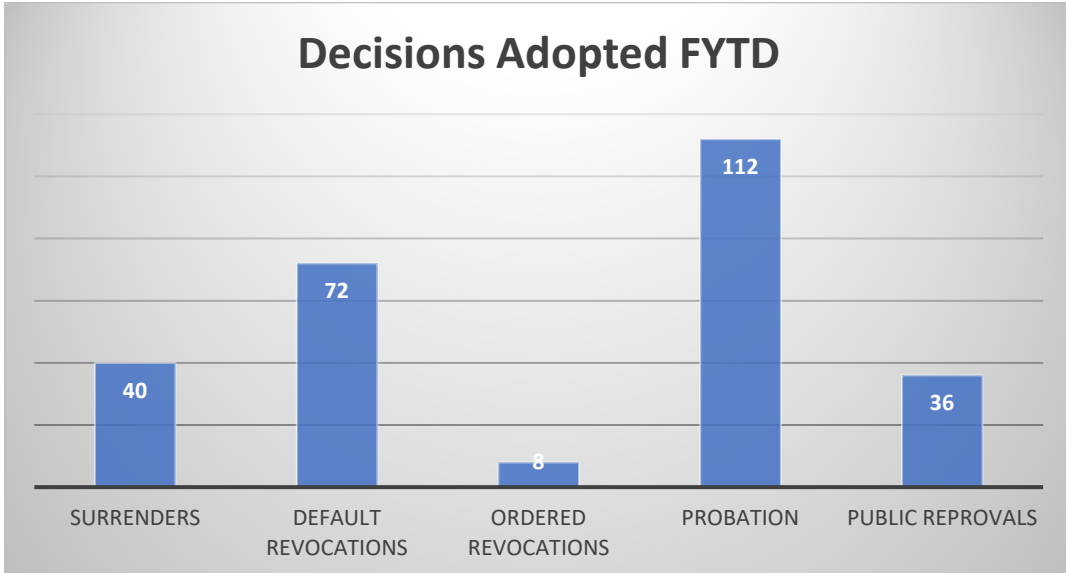
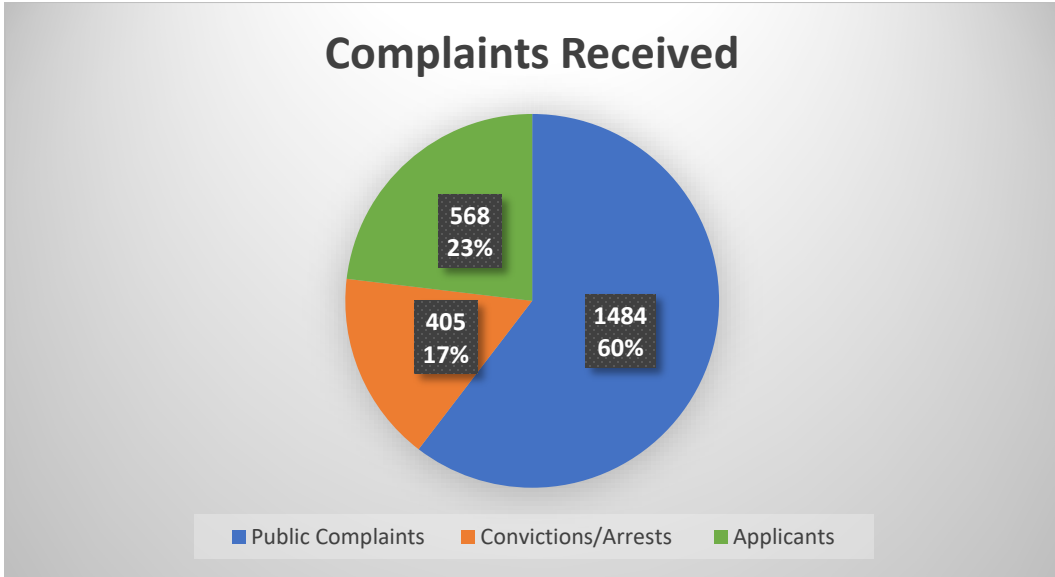
To apply for an IEC position, you can find the application on our website at <https://rn.ca.gov/intervention>

	Board of Registered Nursing	
	Enforcement Process Statistics	
	Fiscal Year 2023/2024	
	10/25/2023	
Complaint Intake	Public Complaints	1484
	Convictions/Arrests	405
	Applicants	568
	Total Received	2457
	Complaints Pending	1570
	>1 year	355
	Convictions/Arrests Pending	793
	>1 year	229
	Applicants Pending	89
	>1 year	4
	Expert Review Pending Referral	23
	>1 year	3
	Expert Review Pending Receipt	27
	>1 year	0
Intervention	Total Participants	241
	Intakes	12
	Self-Referral	4
	Board Referral	8
	Closures	4
	Successful	16
	Not Successful	5
	RNs Referred	832
Citations	Citations Issued	51
	Informal Conference	
	Modified	0
	Dismissed	0
	Upheld	0
	Amount Ordered	\$24,750.00
	Amount Received	\$44,060.00
	Amount Referred to FTB	\$6,250.00
Amount Received from FTB	\$0.00	

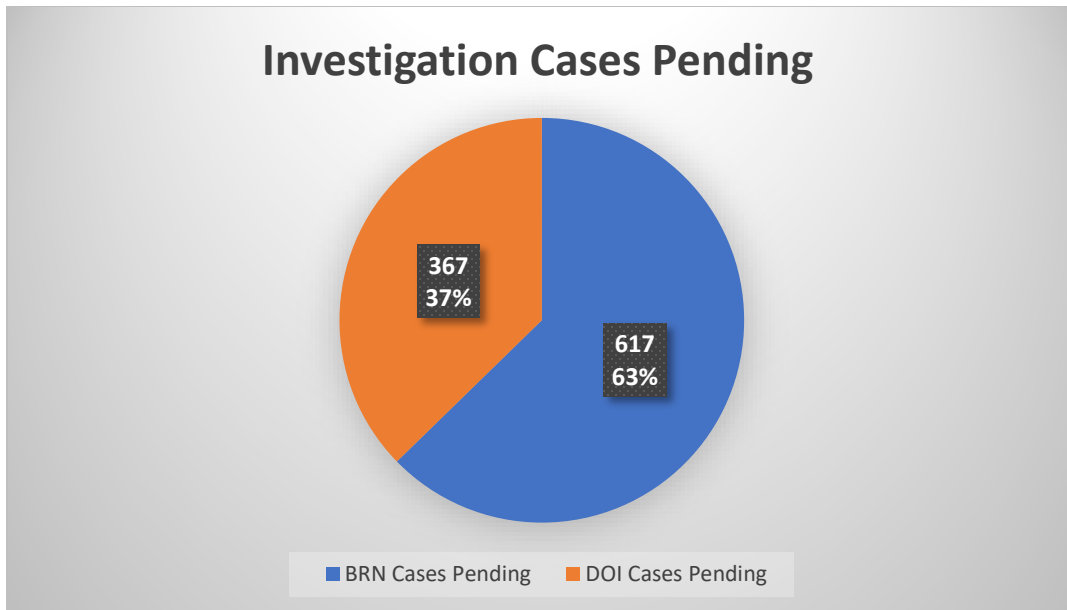
Discipline	AG Referrals		
		Cases	458
	Cases Pending		
		< 1 Year	712
		> 1 Year	82
		> 2 Year	10
		Cases Pending >1 Year W/O Pleading Filed	40
		Cases Pending Hearing	130
		Average Days at AG	304
		Pending Board Vote	67
Legal Support	Interim Suspension Orders (ISO)		0
	PC 23		3
	Pleadings Served		
		Accusations	260
		Statements of Issue	2
		Orders to Compel	31
		Petitions to Revoke Probation	19
		Withdrawals of Pleadings	9
		Decisions Adopted	
		Surrenders	40
		Default Revocations	72
		Ordered Revocations	8
		Probation	112
		Public Reprovals	36
Investigations	BRN Cases Referred		293
		Rejected	27
		Supplemental Requested	3
		Triage	1
	BRN Cases Pending		617
		>1 year	17
	BRN Cases Completed		316
	DOI Cases Referred		164
		Rejected	10
		Supplemental Requested	7
	DOI Cases Pending		367
		>1 year	45
	DOI Cases Completed		159
	DOI Pilot Cases Initiated		468
	DOI Pilot Cases Pending		26
DOI Pilot Case Closed		442	

Probation	Active In-State Probationers	605
	Tolled Probationers	450
	Revoked	5
	Surrendered	14
	Completed	3
	Subsequent Cases Pending at AG	
	<1 Year	171
	>1 Years	3
	>2 Years	0
Total Case Processing Time	Average Days to Complete	287
	> 540 Days	55%
	< 540 Days	45%
	DCA goal of 540 days for all healing arts boards	

Graphs Based on Table A



Investigation Cases Pending



BRN Performance Measure YTD 22/23

TABLE B

Performance Measure 4 - AG Transmittals						
	Case Volume	Intake	Investigation	Pre-AG Time	Post AG Time	Cycle Time
Total/Average	287	7	341	7	304	660
<i>July</i>	61	7	329	3	275	615
<i>August</i>	68	6	319	6	322	653
<i>September</i>	96	9	358	10	303	680
<i>October*</i>	62	6	353	8	314	680

**October stats as of 10/25/2023*

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) 515-5265
Nichole Bowles, Investigations Division Chief
(916) 597-7345



Agenda Item 9.2

Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee Members

BRN Board Meeting | November 15-16, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.2
DATE: November 15-16, 2023

ACTION REQUESTED: Discussion and possible action regarding appointment of Intervention Evaluation Committee Members

REQUESTED BY: Patricia Wynne, Esq., Chairperson

BACKGROUND:

In accordance with Business and Professions Code section [2770.2](#), the 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.

APPOINTMENTS:

If approved, all IECs will have full membership.

Name	Member Type	IEC	Appointment Type	Term Expiration
Glenda Lando, RN	Nurse	1	New appointment	6/30/2025
David Granovetter, MD	Physician	1	New appointment	6/30/2025
Natalie Reinfeld, PsyD	Public	4	New appointment	6/30/2025
Richard Avila	Nurse	4	New appointment	6/30/2024
Jason Barrett, MD	Physician	5	New appointment	6/30/2025
Salma Khan, MD	Physician	11	New appointment	6/30/2024
Michelle Corcoran, RN	Nurse	11	New appointment	9/30/2027
Johathan Terry, DO	Physician	12	New appointment	6/30/2024

NEXT STEPS: Continue recruiting efforts

PERSON TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 515-5265