

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

DATE: February 14, 2018

LOCATION: 1747 N. Market Blvd.
Hearing Room S-102
Sacramento, CA 95834
(916) 574-7180

BOARD MEMBERS: Trande Phillips, RN, President
Donna Gerber, Vice President
Elizabeth A. Woods, MSN, FNP, RN
Pilar De La Cruz-Reyes, MSN, RN
Michael D. Jackson, RN, MSN
Imelda Ceja-Butkiewicz
Barbara Yaroslavsky
Cynthia Klein, RN

STAFF PRESENT: Joseph Morris, RN, MSN, Ph.D., Executive Officer
Spencer Walker, DCA Legal Counsel
Stacie Berumen, Assistant Executive Officer
Christina Sprigg, Chief, Licensing and Administrative Services
Joseph Pacheco, Chief, Complaint Intake and Investigations
Shannon Silberling, Chief, Discipline, Probation and Intervention
Elizabeth Elias, Staff Services Manager I, Probation
Ronnie Whitaker, Staff Services Manager I, Administration
Janette Wackerly, Supervising NEC
Christyl Cobb, Decisions and Appeals Analyst
Jessica Hardwick, Decisions and Appeals Analyst
Eloisa Zinzun, Administration Services Analyst
Amy Pacheco, Probation Monitor
Anna Myrmyr, Probation Monitor
Nicoll Walton, Office Technician

Wednesday, February 14, 2018

1.0 8:00 am Open Session: Staff Presentation to Public

- 1.1 Overview of the Board's licensure process and process related to applicants reporting convictions.
- 1.2 Questions and Answers.

Schools Present: Mission College, San Joaquin Delta College, American River College, Samuel Merritt-Oakland, University California Davis

2.0 Call to Order, Roll Call, and Establishment of a Quorum

Trande Phillips, President, called the meeting to order at 9:21 a.m. and established a quorum.

PRESENT: Trande Phillips, RN, President
Donna Gerber, Vice President

Elizabeth A. Woods, MSN, FNP, RN
Pilar De La Cruz-Reyes, MSN, RN
Michael D. Jackson, MSN, RN
Barbara Yaroslavsky

NOT PRESENT: Cynthia Klein, RN
Imelda Ceja Butkiewicz

Executive Officer: Dr. Joseph Morris, PhD, MSN, RN

3.0 Public Comment for Items Not on the Agenda

No Public Comment

4.0 Disciplinary Matters. Hearings on Petitions for:

Timothy Aspenwall, Administrative Law Judge
Seth Curtis, Deputy Attorney General
Mabel Lew, Deputy Attorney General

Early Termination of Probation:

- Roberto Chuidian
- Debra Langley

Reinstatement

- Kelly Fairres
- Celeste Flores
- Deborah Leader
- Joseph Queniahhan
- Kurt Smalley

Meeting adjourned for Lunch at 1:10 pm

Trande Phillips, President, reopened the meeting to open session and established a quorum at 2:04 pm

Meeting adjourned to closed session at 3:00 pm.

5.0 Closed Session

Disciplinary Matters

The Board convened in closed session pursuant to Government Code Section 11126(c)(3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Pending Litigation

The Board convened in closed session pursuant to Government Code section 11126(e)(1) to confer with and receive advice from legal counsel regarding *Nora McNeill v. Office of Administrative Hearings, Board of Registered Nursing and Deputy Attorney General Brian Turner*, Sacramento Superior Court, Case No. 34-2016-80002470-CU-WM-GDS.

Trande Phillips, President, called the closed session meeting to order at 3:05 pm. The closed session adjourned at 5:42 pm.

6.0 Reconvene in Open Session – Recess until February 15, 2018, at 9:00 a.m.

Trande Phillips, President, reopened the meeting at 5:43 pm.

No public comment.

Meeting adjourned at 5:44 pm.

Thursday, February 15, 2018 9:00 am

1.0 Call to Order/ Roll Call and Establishment of a Quorum

Trande Phillips, President called the meeting to order at 9:12 am, had the members introduce themselves and established a quorum.

Members: Trande Phillips, RN, President
Donna Gerber, Vice President
Elizabeth A. Woods, MSN, FNP, RN
Pilar De La Cruz-Reyes, MSN, RN
Michael D. Jackson, MSN, RN
Barbara Yaroslavsky

NOT PRESENT: Cynthia Klein, RN
Imelda Ceja-Butkiewicz

Executive Officer: Dr. Joseph Morris, PhD, MSN, RN

Staff Present: Joseph Morris, RN, MSN, Ph.D., Executive Officer
Spencer Walker, DCA Legal Counsel
Stacie Berumen, Assistant Executive Officer
Christina Sprigg, Chief, Licensing and Administrative Services
Joseph Pacheco, Chief, Complaint Intake and Investigations
Shannon Silberling, Chief, Discipline, Probation and Intervention
Elizabeth Elias, Staff Services Manager I, Probation
Ronnie Whitaker, Staff Services Manager I, Administration
Christina Lane, Supervising Program Technician II, Renewals
Mario Zetter, Staff Services Manager I, Licensing
Santiago Bupara, Supervising Program Technician II, Licensing
Sonya Wilson, Staff Services Manager I, Enforcement
Janette Wackerly, Supervising NEC
Badrieh Caraway, Supervising NEC
Carol Velas, NEC
Susan Engle, NEC
Kay Weinkam, RA
Jessica Hardwick, Decisions and Appeals Analyst
Eloisa Zinzun, Administration Services Analyst

2.0 Public Comment for Items Not on the Agenda

No Public Comment

3.0 Review and Vote on Whether to Approve Minutes:

3.1 September 6-7, 2017 Board Meeting Minutes

Motion: Michael Jackson motion to accept.

Second: Barbara Yaroslavsky motion to accept.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|---------|--------|----|--------|------|
| | Y | Y | Y | Abstain | Absent | Y | Absent | Y |

3.2 October 3, 2017 Board Meeting Minutes

Motion: Michael Jackson motion to accept.

Second: Barbara Yaroslavsky motion to accept.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

3.3 November 7-9, 2017 Board Meeting Minutes

Motion: Trande Phillips motion to accept.

Second: Pilar DeLaCruz-Reyes motion to accept.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

3.4 January 10, 2018 Board Meeting Minutes

Motion: Michael Jackson motion to accept.

Second: Barbara Yaroslavsky motion to accept.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|---------|--------|------|
| | Y | Y | Y | Y | Absent | Abstain | Absent | Y |

3.5 January 23, 2018 Board Meeting Minutes

Motion: Michael Jackson motion to accept.

Second: Elizabeth Woods motion to accept.

4.0

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

Report on Board Members' Activities

- Betty Woods reported visit to Puerto Rico disaster areas with National Nurses United and RN to RN.

5.0 Board and Department Activities

5.1 Executive Officer Report

- Organizational Update
- Budget Update
- Technology Update
- Staffing Update

➤ Organizational Update

Internal Business Process

The Board continues to review its internal business processes. The Licensing and Enforcement Unit processes are current and being revised as needed. The Nursing Education Consultants are also finalizing many of their workflow process, policies, and procedures manuals. This includes, but not limited to, the Continual School Visit Approvals, Educations Liaison role, and Orientation of New Hires.

➤ BRN Project Green Initiative

This is just a reminder that the Board launched its Project Green initiative in August 2017. Project Green is the California Board of Registered Nursing (BRN) efforts to streamline costs and update one of its many processes by eliminating the paper renewal notification and plastic pocket RN cards. For more information regarding the Project Green initiative please visit the BRN website and click on the “[Hello Green, Goodbye Paper logo.](#)” The licensing Manager will provide more detail information regarding this initiative in the licensing report.

➤ Annual School Survey

The BRN Annual School Survey is currently closed and the data is being processed by the University of California San Francisco (UCSF). UCSF administers the survey on behalf of the BRN. The report is expected to be completed by late February and available to the public before the April Board meeting.

➤ Consumer Satisfaction Survey

The Board would like to thank all participants that completed the 2017 Customer Satisfaction Survey. The survey was emailed to licensees, applicants, nursing programs Deans/Directors, and various stakeholders. The BRN worked with SOLID to develop the survey which was administered in the late fall of 2016 and 2017. In 2016, it was reported that 21,759 stakeholders responded to the survey over a 2-month period. The information received provided valuable feedback about the strengths and weaknesses of the BRN. However, in 2017 there were 28,720 stakeholders that responded to the survey. In virtually every area (i.e. Enforcement unit, Licensing unit, staff professionalism, responsiveness, services, etc.) the BRN experienced significant improvement from the previous year. The Board will continue to distribute the survey annually and utilize the data to improve many of its business processes.

➤ Outreach Efforts

The BRN Enforcement staff is currently working with DCA Marketing to produce outreach material regarding the Intervention and Probation Program. The outreach efforts will include a variety of methods (i.e. videos, online content, social media, staff presentations, and webinars). For more information regarding the BRN Intervention and Probation program please visit the BRN website.

- Beginning January 01, 2018, the Board of Registered Nursing will welcome a graduate student who is completing their Masters of Science in Nursing Degree. The student will work closely with the Executive Officer and an appointed Nursing Education Consultant to assist with completing the course requirements. The student will present their final project outcome to the Board in the fall of 2018. The Board will continue to explore welcoming graduate students in the near future.
- The Board is currently working with the Department of Corrections to support their efforts to increase the partnerships with academia and exposure of the LVN to RN apprenticeship program. Currently, there are several academic institutions in the Northern region that have agreed to support the apprenticeship program. The Department of Corrections Chief Nursing Officer is scheduled to meet with the COADN group in April to provide more information regarding the apprenticeship.
- Clinical Displacement Experiences
The Clinical Displacement Survey that was administered to CA. Nursing program Deans/Directors (October 2017) is being revised and will be redistributed. The purpose of the survey is to gain more in-depth understanding of clinical placement issues concerning nursing schools located throughout CA. Unfortunately, the staff identified several flaws with the previous version of the survey including the data analysis. Once the new survey is distributed and received, the Board will analyze the data and present the findings to the NEWAC committee with recommendations. This is a complex matter therefore we need all institutions to work collectively and respond to the survey accordingly.

5.2 Public Record Requests

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of August 28, 2017 to February 2, 2018 the BRN received and processed 50 public record requests.

5.3 Technology Update

- Fingerprint Requirement
BRN staff continues to notify licensees who are missing fingerprints (FBI and/or DOJ) in the online BreZE system. As previously stated in the November 2017 EO report, the fingerprint deficiency statement is now printed on the RN license “renewal” notices that are mailed 90 days in advance of the license “expiration” date. The same deficiency statement is also indicated in the individual’s online BreZE profile. Licensees are given 60 days to comply with the fingerprint requirements by submitting fingerprints to DOJ and providing proof of fingerprint submission to the Board. Licensees that remain deficient are mailed a second reminder letter 30 days after the initial letter to remind them to follow-up with the requirements. Therefore, nurses are given a total of 60 days from receipt of the initial letter to respond before possible disciplinary actions are taken. The Licensing Manager will provide a more detailed report regarding this process.
- Cloud Technology
The Board continues to implement the CloudDrive and the acceptance of electronic transcripts and program self-studies from California Schools. The CloudDrive was successfully launched in December 2016 and is currently in use and has proven to be quite effective. Because of its great success, the Board has implemented a pilot process with the acceptance of electronic transcripts from Out-of-State Endorsers through approved third-party vendors that process electronic transcripts. In addition, the Board is currently piloting the Cloud technology with transmitting Enforcement cases via the Attorney General Office. The Licensing and Enforcement Managers will provide a more detailed report regarding this process.

5.4 **Budget Update**

➤ **Budget Change Proposal (BCP)**

In Spring 2017, the Board submitted a Budget Change Proposal (BCP) requesting additional staff identified in the Board’s Enforcement Division. The positions are necessary to better serve and protect the public by improving response time in discipline cases, reducing delays in processing time and improving the Board’s capacity to monitor disciplined nurses. The Board will be preparing a BCP for FY 19/20 beginning March 2018 requesting additional resources based on the staffing need.

➤ **2018/2019 BRN Budget and Reserve**

The Governor’s budget for FY 2018/2019 is \$47.4 million with 170.8 net personnel years (PYs). The Board’s fund condition shows a reserve for current year 2017/2018 of 2.0 months (see page 5).

➤ **Current Year AG Budget**

Based on the FY 2017/2018 expenditure projections (55% of the budget was spent through December 2017), the Board is requesting an additional augmentation of \$1.1 million. This will allow the Board to fund the projected Enforcement costs through the remainder of the fiscal year.

➤ **Current Year Budget**

The Board’s current budget is being closely monitored to ensure the business of the Board is being maintained and only necessary expenditures are being made. Staff are being asked to remain fiscally conscious of spending and cost saving measures (see page 5).

➤ **Fund Condition**

See page 5 for current figures (as of 02/05/2018) of the Board’s Analysis of Fund Condition.

5.5 **Staffing Update**

There are currently 24 positions which are actively being recruited for hire. For more information regarding the available job postings and how to apply please visit the BRN website.

| Name | Classification | Program | Tenure |
|-------------------------|--|-------------------------|--------|
| Janet McColley | Program Technician II | Public Information Unit | Perm |
| Jasleen Grewal | Office Technician (T) | Complaint Intake | Perm |
| Jaginder Sheemar | Program Technician II | Licensing | Perm |
| Joshua Pina | Program Technician II | Licensing | Perm |
| Syreeta Hurt | Program Technician II | Licensing | Perm |
| Stacy Menefee | Program Technician II | Licensing | Perm |
| Marie Agheli | Office Technician-Typing | Discipline | Perm |
| PROMOTIONS | | | |
| Name | Classification | Program | |
| Jessica Hardwick | Associate Gov’t Program Analyst | Administration | |
| Sonya Wilson | Staff Services Manager I | Complaint Intake | |
| Catherine Thomas-Taylor | Staff Services Analyst | Discipline | |
| Badrieh Caraway | Supervising Nursing Education Consultant | S. CA – NECs | |

| SEPARATIONS | | | |
|--------------------|------------------------------|------------------|------|
| Name | Classification | Program | |
| Loma Basquez | Office Assistant | Renewals | Perm |
| Felix Fong | Program Technician II | Call Center | Perm |
| Joshua Pina | Program Technician | Licensing | Perm |
| Monica Shields | Office Technician (T) | Complaint Intake | Perm |
| Laura Shainian | Nursing Education Consultant | S. CA - NEC | Perm |

| VACANCIES | | |
|---|---------------------------------------|--------------------------|
| Classification | Program | FT/Perm vacancies |
| Associate Governmental Program Analyst | Discipline | 1 |
| Associate Governmental Program Analyst | Intervention | 1 |
| Nursing Education Consultant (New BCP) | N. CA NECs | 1 |
| Nursing Education Consultant | N. CA NECs | 1 |
| Nursing Education Consultant | S. CA - NECs | 2 |
| Office Assistant - Typing | Renewals | 1 |
| Office Technician - Typing | Call Center | 1 |
| Office Technician - Typing | Complaint Intake | 1 |
| Office Technician - Typing | Renewals | 1 |
| Program Technician | Licensing - Support | 3 |
| Program Technician II | Licensing - Evaluations | 1 |
| Program Technician II | Call Center | 2 |
| Program Technician II (New BCP) | Call Center | 1 |
| Research Program Specialist II | Administration | 1 |
| Staff Services Analyst | Licensing - International Evaluations | 3 |
| Staff Services Analyst | Discipline | 1 |
| Supervising Program Technician II (New BCP) | Call Center | 1 |

| RETIREMENTS | | |
|--------------------|-----------------------|---------------------|
| Name | Classification | Unit |
| Karen Agbayani | Program Technician | Licensing - Support |

Karen Agbayani served the State of California for over 27 years. She began her state service career in May 1990 and came to the BRN in February 2012 working as a Program Technician in the Licensing Support Unit where she worked until her retirement in December 2017. The Board of Registered Nursing congratulates Karen on her retirement, thanks her for her dedication to the Board, commends her outstanding record of service and extend our best wishes on her future endeavors.

0761 - Board of Registered Nursing

PREPARED 2/5/2018

Analysis of Fund Condition

(Dollars in Thousands)

2018-19 Governor's Budget
 FY 2019-20 Fee Increase

| | ACTUAL 2016-17 | CY 2017-18 | Governor's Budget BY 2018-19 | BY+1 2019-20 | BY+2 2020-21 |
|--|-------------------|---------------|---------------------------------------|-----------------|-----------------|
| BEGINNING BALANCE | \$ 9,774 | \$ 9,966 | \$ 10,589 | \$ 7,943 | \$ 24,001 |
| Prior Year Adjustment | \$ 536 | \$ - | \$ - | \$ - | \$ - |
| Adjusted Beginning Balance | \$ 10,310 | \$ 9,966 | \$ 10,589 | \$ 7,943 | \$ 24,001 |
| REVENUES AND TRANSFERS | | | | | |
| Revenues: | | | | | |
| 4121200 Delinquent fees | \$ 627 | \$ 603 | \$ 622 | \$ 622 | \$ 622 |
| 4121200 Delinquent fees (proposed revenue increase) | \$ - | \$ - | \$ - | \$ 338 | \$ 338 |
| 4127400 Renewal fees | \$ 32,283 | \$ 36,058 | \$ 36,216 | \$ 36,216 | \$ 36,216 |
| 4127400 Renewal fees (proposed revenue increase) | \$ - | \$ - | \$ - | \$ 6,456 | \$ 6,456 |
| 4129200 Other regulatory fees | \$ 2,126 | \$ 1,378 | \$ 1,352 | \$ 1,352 | \$ 1,352 |
| 4129200 Other regulatory fees (proposed revenue increase) | \$ - | \$ - | \$ - | \$ 3,700 | \$ 3,700 |
| 4129400 Other regulatory licenses and permits | \$ 7,256 | \$ 6,362 | \$ 6,466 | \$ 6,466 | \$ 6,466 |
| 4129400 Other regulatory licenses and permits (proposed revenue increase) | \$ - | \$ - | \$ - | \$ 9,207 | \$ 9,207 |
| 4143500 Miscellaneous services to the public | \$ 84 | \$ 84 | \$ 84 | \$ 84 | \$ 84 |
| 4163000 Income from surplus money investments | \$ 82 | \$ 15 | \$ 39 | \$ 72 | \$ 117 |
| 4171400 Escheat of unclaimed checks and warrants | \$ 10 | \$ 10 | \$ 10 | \$ 10 | \$ 10 |
| 4171500 Escheat of unclaimed property | \$ 6 | \$ 6 | \$ 6 | \$ 6 | \$ 6 |
| 4172500 Miscellaneous revenues | \$ 9 | \$ 9 | \$ 9 | \$ 9 | \$ 9 |
| Totals, Revenues | \$ 42,483 | \$ 44,525 | \$ 44,804 | \$ 64,538 | \$ 64,583 |
| Transfers from Other Funds | \$ - | \$ - | \$ - | \$ - | \$ - |
| Totals, Revenues and Transfers | \$ 42,483 | \$ 44,525 | \$ 44,804 | \$ 64,538 | \$ 64,583 |
| Totals, Resources | \$ 52,793 | \$ 54,491 | \$ 55,393 | \$ 72,481 | \$ 88,584 |
| EXPENDITURES | | | | | |
| Disbursements: | | | | | |
| 1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations) | \$ 40,622 | \$ 40,860 | \$ 44,293 | \$ 45,179 | \$ 46,082 |
| 8880 Financial Information System for California (State Operations) | \$ 53 | \$ 53 | \$ 4 | \$ 4 | \$ 4 |
| 9892 Supplemental Pension Payments (State Operations) | \$ - | \$ - | \$ 308 | \$ 308 | \$ 308 |
| 9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations) | \$ 2,152 | \$ 2,989 | \$ 2,845 | \$ 2,989 | \$ 2,989 |
| Total Disbursements | \$ 42,827 | \$ 43,902 | \$ 47,450 | \$ 48,480 | \$ 49,383 |
| FUND BALANCE | | | | | |
| Reserve for economic uncertainties | \$ 9,966 | \$ 10,589 | \$ 7,943 | \$ 24,001 | \$ 39,201 |
| Months in Reserve | 2.7 | 2.6 | 2.0 | 5.8 | 9.4 |

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.

*Dollars in thousands, except in Salary Range. Numbers may not add or match to other statements due to rounding of budget details.

6.0 Report of the Administrative Committee

Trande Phillips, RN, President, Chairperson

6.1 Review and Possible Vote on Whether to Adopt the Draft 2018-2021 Strategic Plan

BACKGROUND: At the September 6, 2017, board meeting the board members and executive staff met and worked with SOLID staff to discuss and make recommendations for the 2018-2021 Draft Strategic Plan.

SOLID Training Solutions compiled all the Board’s recommendations and the draft plan is submitted to the Board for consideration and a possible vote to approve.

This item was brought to the November 2017 board meeting for consideration and vote. The board voted to defer this item to a future meeting.

This is brought to the Board for consideration of an additional day in April to go over the draft plan to refine and make changes.

Motion: Trande Phillips – move to table for further review on Whether to Adopt the Draft 2018-2021 Strategic Plan to a future Board Meeting.

Second: Barbara Yaroslavsky move to table for further review.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

6.2 Discuss and Possible Vote on Seeking Legislation to Authorize the Board to Place a Temporary Moratorium on Nursing School Approvals and Expansions to Address Registered Nursing Student “Clinical Displacement”

BACKGROUND:

At the November 2017 board meeting, the board members voted to consider seeking legislation regarding Clinical Displacement.

As a result of that vote, DCA legal counsel has drafted a legislative proposal which is attached for the board’s consideration and possible vote to approve.

Public Comment:

Judy Corless – Former Board Member
 Scott Casanova-West Coast University
 Joanne Spetz
 Dr. Sandy Baker-Riverside City College
 Joannie Reed-Lake Austin College
 Robert Johnson-CA Post-Secondary School
 Sandra Melton-Ventura College

Pat McFarland-CEO Emeritus
 Robin Nelson- West Coast University
 Becky Miller-Santa Ana College
 Abdahl Useff-Unitech College
 Katie Skelton
 Diane Pestolesi-Saddleback Community College
 Dr. Alice Martenagara-Western Governors University/ American Nurses Association

Motion: Trande move to approve legislative proposal and direct staff to work with the administrative committee.

Second: Michael Jackson move to approve legislative proposal.

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | N |

6.3 Discuss and Possible Vote to Seek a Regulatory Change to Modify California Code of Regulations, Article 5, Section 1456 (Continuing Education Courses)

BACKGROUND:

Continuing education has been a long-standing issue that the Board has been working to address. The Board created a Continuing Education Ad-hoc committee that has been meeting since mid2017. In addition, SB 799 requires the Board by January 1, 2019, to deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities, and, by January 1, 2020, to report to the appropriate legislative committees on its progress implementing this plan.

In order to provide more clarity to the continuing education course requirements regulation, DCA legal counsel has drafted proposed regulatory language which is attached for the board’s consideration and possible vote to approve.

Public Comment:

Mia Ingram-ACLU Winkay Boch-Stanford University
Natasha Shamilar-UCDMC Maggie Corral-Planned Parenthood
Ada Schwartz-UCD

Motion: Trande Phillips, move to propose to improve the proposed language

Second: Michael Jackson

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

6.4 Discuss and Possible Vote to Change Regulatory Proposal to Modify California Code of Regulations, Article 2, Section 1419 (Renewal of License) from an Emergency to a Regular Rulemaking or Whether to Continue the Rulemaking Process

BACKGROUND:

Board staff proposed an emergency regulation change at the January 2017 board meeting to require successful completion of the fingerprint process of all registered nurses who have not previously been fingerprinted by the Board or for whom a record of the submission of fingerprints no longer exists.

The Board approved the proposed changes to the California Code of Regulation Section 1419, board staff submitted the emergency regulation package for review and approval to all the various approving offices within the Department of Consumer Affairs and Business, Consumer Services, and Housing Agency.

Since submitting the emergency regulation package through the various approving offices within DCA and BCSH, board staff have been notifying affected licensees to submit fingerprints to the Board. As a result, the numbers of licensees needing to submit fingerprints to the board has been reduced by approximately 86%.

Board staff requested to cancel the emergency rulemaking package and continue the regular rulemaking process at the November 2017 board meeting. The Board voted to defer the matter to the February 2018 meeting to gather additional data.

Motion: Trande Phillips-motion to defer and move item 6.4 under item 7.8

7.0 Report of the Education/Licensing Committee

Michael Jackson, MSN, RN, Chairperson

7.1 Vote on Whether to Ratify Minor Curriculum Revision

BACKGROUND: Carol Velas-NEC presented report. According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

Minor Curriculum revisions include the following categories:

- Curriculum changes
- Work Study programs
- Preceptor programs
- Public Health Nurse (PHN) certificate programs
- Progress reports that are not related to continuing approval
- Approved Nurse Practitioner program adding a category of specialization

- California State University Chico Baccalaureate Degree Nursing Program
- Chamberlain University, College of Nursing Baccalaureate Degree Nursing Program
- Holy Names University Baccalaureate Degree Nursing Program
- National University Baccalaureate Nursing Program
- Butte College Associate Degree Nursing Program
- California Career College Associate Degree Nursing Program
- Career Care Institute Associate Degree Nursing Program
- College of the Sequoias Associate Degree Nursing Program
- Copper Mountain College Associate Degree Nursing Program
- Cuesta College Associate Degree Nursing Program
- Glendale Career College Associate Degree Nursing Program
- Los Angeles Southwest College Associate Degree Nursing Program
- Santa Barbara City College Associate Degree Nursing Program
- Weimar Institute Associate Degree Nursing Program
- California State University Dominguez Hills Advanced Practice Nursing Program

Acknowledge Receipt of Program Progress Report:

- University of Phoenix, Modesto LVN to BSN Program
- College of the Sequoias Associate Degree Nursing Program
- East Los Angeles College Associate Degree Nursing Program
- Unitek College Associate Degree Nursing Program
- UC Davis Betty Irene Moore School of Nursing Master's Entry Nursing Program

No Public Comment

Motion: Michael Jackson made a motion to Ratify Minor Curriculum Revisions.

Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.2 Vote on Whether to Approve Education/Licensing Committee Recommendations

BACKGROUND: The Education/Licensing Committee met on January 11, 2018 and makes the following recommendations:

- 7.2.1 Continue Approval of Prelicensure Nursing Program
- American University of Health Sciences Baccalaureate Degree Nursing Program
 - California State University, Channel Islands Baccalaureate Degree Nursing Program
 - California State University, Long Beach Baccalaureate Degree Nursing Program
 - California State University, San Bernardino Baccalaureate Degree Nursing Program
 - The Valley Foundation School of Nursing Baccalaureate Degree Nursing Program
 - Allen Hancock College Associate Degree Nursing Program
 - American River College Associate Degree Nursing Program
 - College of the Sequoias Associate Degree Nursing Program
 - Ohlone College Associate Degree Nursing Program
 - Santa Ana College Associate Degree Nursing Program
 - Ventura College Associate Degree Nursing Program

No Public Comment

Motion: Michael Jackson made a motion to continue Approval of Prelicensure Nursing Program.

Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.2.2 Continue to Defer Continual Approval of Prelicensure Nursing Program

- West Hills Lemoore Associate Degree Nursing Program

No Public Comment

Motion: Michael Jackson made a motion to Continue to Defer Continual Approval of Prelicensure Nursing Program

Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.2.3 Continue Approval of Advanced Practice Nursing Program

- California State University, Long Beach Nurse Practitioner Program

No Public Comment

Motion: Michael Jackson made a motion to Continue Approval of Advanced Practice Nursing Program
Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.2.4 Approve Major Curriculum Revision

- California State University, Stanislaus Baccalaureate Degree Nursing Program
- Porterville College Associate Degree Nursing Program

No Public Comment

Motion: Michael Jackson made a motion to Approve Major Curriculum Revision
Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.2.5 Defer Granting Initial Approval for Brandman University Baccalaureate Degree Nursing Program

No Public Comment

Motion: Elizabeth Woods made a motion Defer Granting Initial Approval for Brandman University Baccalaureate Degree Nursing Program

Second: Donna Gerber

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|--------|----|----|----|--------|----|--------|------|
| | recuse | Y | Y | Y | Absent | Y | Absent | Y |

7.2.6 Continue to Defer Continual Approval of Prelicensure Nursing Program

- East Los Angeles College Associate Degree Nursing Program (Carried over from Nov. 2017 Board Agenda)

No Public Comment

Motion: Michael Jackson made a motion to Continue to Defer Continual Approval of Prelicensure Nursing Program

Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.3 Vote on Whether to Continue Approval of Career Care Institute Associate Degree Nursing Program

BACKGROUND: Marissa Latuno, MSN, RN was appointed Program Director on September 11, 2017 after the previous Program Director resigned. Ms. Latuno submitted her resignation to the College Administrator, Evelyn Orrelano, on January 30, 2017 effective February 9, 2018 (attachment 1). Shamar Walker, MSN, RN was appointed Assistant Director on November 11, 2017, however, has no prior experience as a Program Director. Since Ms. Walker's appointment, she has spent little time on campus due to caring for her ill father who recently passed away. With the resignation of Ms. Latuno, Ms. Walker was offered the position of Program Director but declined. With Ms. Walker having little experience as an Assistant Director, the program is left without a Program Director.

The College Administrator, Evelyn Orrelana, sent nine candidates for consideration and approval for the Program Director position. None of the candidates met minimum qualification as stated in CCR 1425(a)(1-5). There have not been any candidates for the Assistant Director position.

The Hiring Plan for nursing (attachment 2), submitted during the Self Study phase, was not implemented and no full-time faculty have been hired to date. Currently faculty includes:

- Five nursing faculty, all adjunct
- Of these five faculty, all are classified as Instructors and all content areas are covered
- The first nursing course, Fundamentals, is scheduled to start on March 5, 2018

During the initial school visit (June 2017) in anticipation for program approval, student resources were reviewed including a meeting with the campus counselors, Admission and Financial Aid personnel. I was told all resources were in place. In October I was informed the ADN program did not have Title IV funding because the program was not accredited by the Council of Occupational Education (COE) and therefore could not provide financial aid to students. I was led to believe this would be resolved quickly. The lack of financial aid impacted the initial cohort reducing it from 32 to 16 students.

Career Care Institute (CCI) is a privately-owned school established in 1998 and incorporated in 2001. The school president, Mr. Edmund Carrasco, is president of the corporation and sole proprietor. CCI's main campus is located at 43770 15th St West, Suite 115 Lancaster, CA 93534 and the only campus offering the ADN program at this time. CCI currently has two satellite campuses in Oxnard and Moreno Valley. CCI is a private, post-secondary institution with Council of Occupational Education (COE) accreditation through June 30, 2018. The Associate Degree in Nursing Program is accredited by the Bureau for Private Post-Secondary Education (BPPE). CCI currently offers four health related programs: Vocational Nursing, Medical Assisting, Dental Assisting, and Limited Permit X-ray Technician.

CCI Associate Degree Nursing Program was granted initial approval by the Full Board on September 7, 2017 after meeting all Board rules and regulations. The initial cohort was 16 students despite a Board approval of 32 students annually. The start date was moved from October 9, 2017 to October 23, 2017 due to short time span from program approval to first cohort start (attachment 3). The program asked for more time to complete the admission process according to the admission policy. This request went to the ELC in January and is on this Boards agenda today.

The current 16 students include **ten LVNs** (all CCI graduates) and **six generic ADN** students. The curriculum for the ADN program includes six (15) week terms with general education courses in

the first term (Anatomy, Physiology, Intermediate Algebra and Ethics) and nursing and other general education courses in subsequent terms. See curriculum plan attachment 4 and 5).

LVNs were given the option to challenge fundamentals, beginning med/surgical nursing, obstetrics and pediatrics. Challenge exams are given during the eighth week in the prior term to the scheduled course. This will continue for the beginning medical/surgical, Obstetric, and Pediatric courses. For example:

- Fundamentals is taught in the second term, so the challenge exam was given on the 8th week of the first term. Ten LVNs took the challenge exam, 5 were successful and 5 were not. The unsuccessful students will take fundamental in Term 2 starting March 5, 2018 and some of the LVNs are choosing to take the course as a refresher.
- Beginning medical/surgical is in the third term, so the challenge exam will be given in the 8th week of the second term.
- Obstetrics and Pediatrics is in the fourth term, challenge exam will occur in the 8th week of the third term.

Term 1 will end on March 2, 2018 with Term 2 beginning on March 5, 2018. Fifteen students will begin term 2 (Fundamentals, Pharmacology, and Microbiology). Breakdown of these courses includes:

- Fundamentals - 5 LVNs, 6 generic students
- Pharmacology - 10 LVNs, 5 generics students
- Microbiology - 4 LVNs, 3 generics students

Not all students take all courses because some students had already taken these course from other colleges.

The cost of this program varies between \$700.00-800.00 per unit for non-nursing courses (31units) and \$1,200 per unit for nursing courses (43units). The total cost is between \$73,300.00-76,400.00 for the entire 79-unit program. Students finishing the first term have spent \$10,600.00 thus far.

As of February 5, 2018, a teach-out plan has not been developed. The college administrator, Ms. Orrelana, is working diligently to find a Program Director and Assistant Director that meet the regulatory requirements. CCI is also aggressively seeking a Consultant with ADN program experience to administer the program until a Program Director and Assistant Director is found.

CCI is a very respected institution in the Antelope Valley, graduating a variety of healthcare providers to the area. During the initial program visit, many of the community partners spoke highly of the college and their LVN program. They expressed excitement and relief that another prelicensure program would be available as there is only one other prelicensure program in the area that feeds into the healthcare needs of the community. LVN's only have Antelope Valley College and this ADN program to advance their licensure.

No Public Comment

Motion: Michael Jackson made a motion to Change Warning Status with Intent to Close the Program to withdraw Approval of Shepherd University Associate Degree Nursing Program with a teach out plan.

Second: Donna Gerber

| | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|--------------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|-------------|
| Votes | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.4 Vote on Whether to Grant Initial Approval of Prelicensure Nursing Program for Gurnick Academy of Medical Arts Associate Degree Nursing Program

BACKGROUND: Samantha Manlosa Sanchez RN, BSN, MSN/ED is the designated Program Director and Jennifer Adams RN, MSN is the designated Assistant Director.

The program director was hired on 11/28/16 and the Assistant Director scheduled for onboarding on 09/16/17. The program intends to hire 5 full-time faculty for lead faculty/content experts Medical- Surgical, Geriatric, Obstetric, Pediatric and Psych-Mental Health. Twenty-five (25) part-time faculty positions will be hired and as needed as students advance in the program. The program plans to enroll twenty-eight (28) students four (4) times/yr for 112 students/yr. The clinical placement availability is provided and facilities visited verified available sites to accommodate the admission pattern. No displacements of existing nursing programs clinicals is anticipated with this request for approval of Gurnick Academy of Medical Arts.

An initial program approval at Gurnick Academy of Medical Arts Associate Degree Nursing Program in Fresno, CA was conducted on May 04, 2017 by Janette Wackerly, SNEC and Susan Engle NEC. The feasibility study for the program had been accepted by the Board in November 2015. This August 2017 Gurnick Academy of Medical Art Samantha Manlosa Sanchez RN has submitted a Self-Study Report for Initial Program Approval that is in full compliance with all BRN rules and regulations. When the Gurnick Academy has approval from the board, the generic nursing student will begin the program. The program would like to admit their first cohort of LVN advanced placement in December 2017.

The first submitted Self Study Report for Initial Program Approval Review was discussed in detail with nursing leadership at Gurnick Academy of Medical Arts on May 04, 2017 by the nursing education consultants. The nursing education consultant determined the Self Study Report could not be accepted as it did not meet all the BRNs rules and regulations. The Self Study Report Initial Program Approval was based on an educational plan for an LVN to RN program and not on requirements for a generic RN Associate Degree Nursing Program. Following consideration by nursing leadership at Gurnick Academy of Medical Arts Samantha Manlosa Sanchez RN, BSN, MSN/ED determined that she would provide the nursing education leadership to produce the Self Study Report for Initial Program Approval for a generic RN Associate Degree Nursing Program and provide a curriculum tract for advanced placement LVNs within the Associate Degree Nursing program. Samantha Manolsa Sanchez had provided the necessary evidence in meeting the initial school approval requirements, laws and regulation, for compliance at Gurnick Academy of Medical Arts Associates Degree Nursing Program. Gurnick Academy of Medical Arts was originally established in 2004 in San Mateo Campus. Gurnick Academy of Medical Arts is a private post-secondary institution and holds national institutional accreditation by the Accrediting Bureau of Health Education Schools (ABHES).

Gurnick Academy is approved to operate by the California Bureau of Private Postsecondary Education. The college offers diploma, associate, and bachelor degree programs in 12 specialized allied health programs, vocational nursing, associates in vocational nursing and RN to BSN online program. Continuing approval and accreditation for the programs is maintained in good standing. Gurnick Academy VN-NCLEX pass rates have stayed consistently above the BVNPT regulation.

Gurnick Academy of Medical Arts nursing program is located at 7335 North Palm Bluffs Avenue Fresno, CA 93711. The campus consists of 15,814 square feet of space dedicated to the Registered Nurse and Vocational nursing programs. The campus houses 7 classrooms, skills lab and simulation lab, computer lab, library, faculty offices, and dedicated break rooms for staff and students.

Spacious classrooms are available and capable of accommodating up to 51 students. The Associate Degree Nursing Program has four (4) dedicated classrooms for lecture.

The nursing faculty office is 560 square feet, equipped with desk, office chair, cabinet, book shelves, telephone and ring central cloud-based communication for phone calls and meetings, printer and scanner. There is space designated for faculty to conduct an individual meeting with students. The faculty and students will be able to discuss grades, remediation, advising, conflict resolution with utmost confidentiality.

The library is 402 square feet and is equipped with twelve (12) computers, and two (2) printers to for students in education and research projects. Online Portal Internet is available to students for idea sharing, communication between faculty and students, quizzes and research exchange, email communications and grades and attendance verification and review. In addition to on-campus library Gurnick Academy provides its student's an academic resource electronic library. Gurnick Academy is affiliated with the Library Information Resources Network (LIRN) to provide "professionally curated digital library". Gurnick Academy LIRN offers librarian support and consultation to its users. Students have access to a database of scholarly journals, magazines, newspapers, trade publications, and books. The databases include CINAHL, ERIC, EBSCO, GALE Cengage, PUBMED, ProQuest and is staffed by a research librarian. The computer lab has 38 laptops, 38 desks, 38 chairs, printer, instructor working station and computer, whiteboard, and projector screen.

The Nursing Skills Lab has 5 beds with static, high fidelity manikins, hospital equipment to simulate settings for adult, obstetric & newborn, and pediatric patient care. The laboratory is equipped with supplies necessary for nursing skills practice and for skills check-off performance.

The college plans to separate the simulation lab from the skills lab. The simulation lab has 691 square feet space which will include 3 patient care areas, and space dedicated for the control room. The new simulation lab will be open and available to use on December 2017. The new simulation lab will house the high-fidelity manikins (METIman, Noelle, Hal-Newborn, Hal-Pediatric). The college purchased a new Hal-Adult, Hal-Pediatric, Simple Simon, Simple Susie, supplies and equipment for the simulation lab to be delivered on October 06, 2017. A simulation lab coordinator will be managing the clinical learning lab and simulated learning experiences. The simulation lab coordinator is scheduled to attend the Gaumard Scientific Training on September 2017 in Miami, Florida. The training will include an introduction to tetherless simulation, virtual monitors, communications, basic troubleshooting, scenario review, Noelle and Labor, automatic mode, live Simulation, HAL 3201, and Victoria 2200. In addition, the college has plans for collaborating with a doctoral prepared nurse educator to assist faculty implementing simulation. The simulation coordinator will have training on how to conduct the simulation. Simulation training for faculty is critical to the success of implementing an effective simulation learning experience.

The recruitment and hiring of science course faculty were already in place as the college offers general education courses.

Student support services at the college include student services department, admissions department, financial aid, and career services.

The generic ADN program is intended to be completed in 2 years. The curriculum includes the content required for licensure and is designed to offer an Associate Degree in Nursing upon completion. The curriculum is conducted in a 15-week semester system. The program is completed in six semesters. The semester has 9-17 units of instruction. Clinical nursing

component begins in the 3rd semester with Introduction/Beginning and continues in each successive semester until completion of the program. The total units for required licensure is 80 semester units.

The ADN nursing curriculum was developed in collaboration with Elsevier. Elsevier staff assisted Gurnick Academy in the re-structure and placement of curriculum content. The curriculum was mapped out to implement the 4 semester nursing courses. The syllabi were revised to organized the integration of Sherpath and Hesi into weekly outlines of topics

The total curriculum plan includes four levels of competencies: Level I – Introduction/Beginning, Level II - Intermediate, Level III – Advanced, and Level IV – Complex. The curriculum’s unifying theme and conceptual foundation is based upon Maslow’s Hierarchy, QSEN, Knowledge, Skills, and Attitudes (KSA) Nursing Process and Standards of Competent Performance. The curriculum integrates simulation in the clinical component of instruction.

The program has 20 clinical sites that signed the Facility Verification Forms (EDP-P-01a). and clinical affiliation agreements for the ADN Program. These clinical opportunities will allow access to the following nursing areas for clinical practice: Medical-Surgical (Acute) 9, Obstetrics 6, Pediatrics 9, Mental Health 6, Geriatrics 6. Setting sites include acute care and skilled nursing, psychiatric and ambulatory (clinics, urgent care, and physician practices). Majority of sites where visited during multiple sites visits June and July 2017 in Fresno and surrounding hospitals locations.

No Public Comment

Motion: Michael Jackson made a motion to to Grant Initial Approval of Prelicensure Nursing Program for Gurnick Academy of Medical Arts Associate Degree Nursing Program

Second: Elizabeth Woods

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|---------|
| | Y | Y | Y | Y | Absent | Y | Absent | Abstain |

7.5 Progress Report on Transition Phase for Separation of El Camino College- Torrance (ECC) and the El Camino College - Compton Education Center (CEC) Associate Degree Nursing Program (ADN)- 2nd Quarterly Report.

Badrieh Caraway, NEC presented report – information only.

BACKGROUND: Wanda Morris, RN, CNS, MN, EdD, has been Director of Nursing for the Associate Degree Nursing (ADN) Program at both campuses since January 6, 2015. The four Assistant Directors assigned to both campuses are as follows: ECC campus- Peggy Kidwell-Udin, RN, MSN, C.N.S., MEd and Kathleen Rosales, RN, MSN; CEC- campus Zenaida M. Mitu, RN, MA and Shirley Thomas, RN, MSN, FNP, RNC-OB, Ed.D.

Since the initial letter was sent, dated September 18, 2017, the Compton Community College District (CCCD) has continued to hold a transition meeting once a month to discuss the progress of the various divisions, departments and program at the Compton campus. The last meeting was held on December 12, 2017.

The Nursing program update includes implementation of strategies to enhance the NCLEX-RN pass rate on the NCLEX-RN exam. These strategies include the following:

1. Developed a policy to include incorporating standardized testing across the curriculum.
2. Use of ATI capstone review in the 4th semester of the nursing program.
3. Use of the ATI RN Comprehensive Predictor assessment to identify areas of weakness and assist those who experience deficiencies with tutoring and mentoring.
4. Offer all graduates the opportunity to attend a face to face NCLEX -RN review 3-5 weeks after graduating.
5. Student Success facilitators have been added to each semester of the nursing program to assist students with tutoring and mentoring. Students who scored
6. <76% on any exam are required to attend a Student Success Seminar/ Workshop on a weekly basis throughout the duration of the course.
7. ATI faculty facilitator will be hired beginning spring 2018 to assist with students identified by ATI as to being at risk.

During the first quarter of the 2017 academic year, the Compton College NCLEX pass rate was 83.33%. There were eighteen (18) graduates to test; fifteen (15) passed; and three (3) failed, and they were tested again in Spring 2017 and were graduated.

The students' cohort for the fall 2017 semester at the Compton campus consists of 30 students. During the twelve (12th) weeks of their sixteen (16th) week semester, the ATI RN Comprehensive Predictor assessment exam was administered; twenty- nine (29) of thirty (30) students successfully passed the exam. Toward the end of the fall 2017 semester, a meeting was held with the graduates to emphasize the importance of taking the NCLEX exam within three (3) months of graduating from the program.

No Public Comment

7.6 Continuing Education Ad Hoc Meeting Update Report

Susan Engle, NEC presented report – information only.

BACKGROUND: Continuing Education Ad Hoc Meeting was held September 26, 2017. Board members Michael Jackson and Donna Gerber and liaisons Dr. Morris, Stacie Berumen and Dr. Engle, attended the meeting. Michael Jackson and Donna Gerber and BRN liaisons reviewed SB 799 Chaptered 520 approved by the Governor on October 05, 2017. Business & Profession Code 2811.5 (1) includes that the Board will deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities. BRN staff is to provide a draft plan at the next Continuing Education Ad Hoc Meeting.

No Public Comment

7.7 Information Only: NCLEX Pass Rate Update

Katie Daugherty, NEC, presented report – information only.

BACKGROUND: The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

NCLEX RESULTS–FIRST TIME CANDIDATES January 1, 2017- December 31, 2017**/**

| JURISDICTION | TOTAL TAKING TEST | PERCENT PASSED % |
|-------------------------------|-------------------|------------------|
| California**/** | 11,794 | 90.20 |
| United States and Territories | 157,733 | 87.11 |

CALIFORNIA NCLEX RESULTS–FIRST TIME CANDIDATES By Quarters and Year January 1, 2017-December 31, 2017**/**

| 1/01/17- 3/31/17 | | 4/01/17- 6/30/17 | | 7/01/17- 9/30/17 | | 10/01/17- 12/31/17 | | 1/1/17- 12/31/17 | |
|---------------------|--------|---------------------|--------|---------------------|--------|-----------------------|--------|---------------------|--------|
| # cand. | % pass | # cand. | % pass | # cand. | % pass | # cand. | % pass | # cand. | % pass |
| 3,254 | 90.72 | 2,209 | 87.51 | 4,615 | 92.09 | 1,716 | 87.59 | 11,794 | 90.20 |

*Includes (1), (0), (2) and (2)“re-entry” candidates

**2016 NCLEX-RN Test Plan and Passing Standard: The detailed versions (Candidate and Educator) of the 2016 NCLEX-RN Test Plan are now available on the NCSBN website at www.ncsbn.org. The 2016 NCLEX-RN Test Plan is effective April 1, 2016 through March 31, 2019. The NCLEX-RN Passing Standard will remain at the current level of 0.00 logit that was instituted April 1, 2013. This passing standard will remain effective through 3.31. 2019. A logit is a unit of measurement to report relative differences between candidate ability estimates and exam item difficulties.

Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. When a program’s annual first-time candidate pass rate is below 75% for the academic year (July 1- June 30), the NEC sends the program written notice of non-compliance (per CCR 1431). The program submits a detailed written assessment of the factors contributing to the annual substandard pass rate along with a corrective action plan to improve the annual rate. The NEC summarizes the program’s NCLEX assessment and improvement action plans in the ELC/Board meeting materials per the 3/16 revision of the Licensing Examination Passing Standard EDP-I-29 document. If a second consecutive year of annual substandard performance occurs, a continuing approval visit will be scheduled within six months, and the NEC’s continuing approval visit findings reported to ELC with program representatives in attendance per EDP-I-29 as included in the Program Directors’ Handbook Section 8.

No Public Comment

6.4 Discuss and Possible Vote to Change Regulatory Proposal to Modify California Code of Regulations, Article 2, Section 1419 (Renewal of License) from an Emergency to a Regular Rulemaking or Whether to Continue the Rulemaking Process (Trande Phillips- motion to move down to 7.8) – Stacie Berumen, Assistant Executive Officer presented this report.

No Public Comment

Motion: Trande Phillips made a motion to move the emergency rulemaking package to amend California Code of Regulations, Article 2, Section 1419 be withdrawn due emergency no longer exists.

Second: Michael Jackson

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

7.8 Licensing Program Update - Christina Sprigg, Chief, Licensing and Administrative Services - presented this report.

PROGRAM UPDATE LICENSING:

The Licensing Program evaluators are currently processing the initial review of exam and endorsement applications received in September. The Licensing Chief and Assistant Executive Officer continue to present an overview regarding the application and eligibility process to California students at every Board petitioner hearing day.

The Board continues to utilize the CloudDrive to receive electronic transcripts from California programs. We are currently finalizing the processing of our Fall/Winter graduates. In the attempt to improve the endorsement process, the Board began a pilot program with a several I nurse staffing agencies in October 2017 for accepting electronic transcripts from third party vendors for out-of-state applicants. An integrated process was created to solely accept electronic transcripts from out of state schools and approved third party vendors via a secured method. The pilot is proceeding smoothly however staff identified a technical glitch in the process that is currently being addressed. Barring any additional setbacks, we expect to roll out this service to our endorsement applicants in late March. Once the process is fully vetted, endorsement applicants will be able to submit all application requirements completely online, aside from mailing in a fingerprint card if they are located out of state. Upon implementation of this service, we expect to see a reduction in the application processing times as well as a reduction in the number of phone calls to the Board regarding the endorsement matter.

The Green Project:

As many of you are aware, the Board launched “The Green Project” in September 2017. Since its inception, the staff continue to implement enhancements which include the following:

- Electronic Transcripts from Out of State schools
 - As of October 2017 - The licensing management has been piloting this item and we expect full implementation in late March.
- Implementation of online only initial applications by exam and endorsements
 - As of January 2018 - This project is still slated for implementation in the coming months and is pending implementation of changes to BreEZe online applications, occurring in late March.
- Deficiency notification statements to applicants via their personal online BreEZe accounts
 - As of September 2017, this feature was fully implemented for all application types. BRN licensing staff were trained on adding deficiency information to the BreEZe application and applicants are able to view this information by logging into their BreEZe accounts.
- Improved license lookup/verification in BreEZe
 - In October 2017, DCA launched the improved license look up and verification system in BreEZe, offering a cleaner interface and more information at-a-glance on a licensee

Future Green Project enhancements for back office (BRN staff) BreEZe will include:

- Implementation of work Queues for all application types
 - Slated for implementation mid-year 2018
 - Work queues will allow supervisory staff to assign work directly to staff and monitor incoming workloads to ensure the Board is within statutory processing times.
 - Elimination of creating paper file folders for incoming applications
 - Slated for implementation later this year
 - With the implementation of online only exam and endorsement applications and internal BRN BreEZe work queues the need for actual file folders will no longer be necessary to monitor incoming applications.

The initial launch of the Green Project included the elimination of the 6-page paper renewal notification for the RN and each certification. The new renewal notification is 1-page and includes notification for the RN and any certifications held by the licensee. The new renewal notification directs the licensee to renew online and no longer provides a return renewal coupon or return envelope. This change took effect with the mailing of the September 2017 renewals notices.

Public Information Unit – Call Center:

The Licensee Services Chief has met with DCA Office of Information Services Telecommunications staff to discuss options for enhancing the Boards telephone system. Some of the areas discussed included available system features such as the call back feature. This feature would allow a caller to select the option to be called back instead of waiting on hold. It would hold the callers place in the call que and would call back once an agent is available to take the call. This feature is being explored, but may not be able to be implement until we have sufficient agents to accommodate the volume of calls received by the Board. This feature works best when the percentage of calls answered is about 85%.

Another item we discussed includes the implementation of an online webchat which would allow an individual to communicate with the call center staff (in real-time) through the Boards website. Webchat is available for use by the Board, but does require designated staff assigned to only communicate via webchat. It is not recommended that a call center agent who is taking calls also respond to webchat conversations. Additionally, individuals assigned to webchat will need to be able to host multiple conversations at the same time. We are still exploring this option to determine if it would be a viable option for the Board.

The Boards call center supports a population of over 435,000 licensees and over 35,000 applicants. Currently the call center has 11 approved employee positions in which 3 of the positions are currently vacant. One of those positions is assigned to work the public information counter leaving 10 positions to answer calls. With the size of the boards licensee and applicant population this equates to call center agents supporting approximately 50,000 licensees/applicants per agent. The average monthly calls received is 56,600 calls. Currently, Board staff are only able to answer approximately 10.6% of the calls annually which breaks down to an average of 6,000 calls monthly. Below is an overview of call center statistics for 2017.

| Call Center Statistics 2017 | |
|-----------------------------|---------|
| Total Call Offered | 679,453 |
| Call Answered | 72,276 |
| Call Terminated | 276,389 |
| Calls Abandoned | 330,772 |

| Call Center Per Agent Statistics | |
|----------------------------------|-----------------|
| Average Calls Answered Per Hour | 6 – 8 |
| Average Calls Answered Per Day | 48 – 64 |
| Average Calls Answered Per Week | 240 – 320 |
| Average Calls Answered Per Month | 960 – 1,280 |
| Average Calls Answered Annually | 11,520 – 15,360 |

In order to capture more accurate data on the incoming call volume and wait time, the Board recently removed the restrictions on que call limits. The que call limits would only allow a specific number of calls to enter the waiting que per agent logged into the system. Once the que was full the callers would receive a message indicating that the call volume is high and to please call back. Unfortunately, the phone system would disconnect the caller and not allow the call into the wait que. Removing the que limit, now allows all callers to enter into the wait que increasing caller wait time to as high as 2 ½ hours.

The call center supervisor and manager are monitoring the daily statistical information and are working with staff to increase the number of calls answered per hour, however given the volume of calls received, the average time spent on the phone per agent ranges between 5 – 10 minutes. In addition, staff are required to document notes in the BreZE system for each call thus causing wrap-up time between calls from 10 – 90 seconds. We will continue to evaluate our statistical information to determine the number of positions needed to respond to all calls received through our call center.

We are working with the DCA Budget office to review our current budget to determine if we have the spending authority and funding to create limited term positions for the call center. We are also in the process of completing a reconfiguration of the existing call center cubicle workspace. The reconfiguration will add additional workstations to house supplemental staff we are seeking to hire. It is estimated that the reconfiguration will be completed April 2018. Additionally, we are also working with the department to explore other options to hire and secure space outside of our current location for growth of the entire board.

Staffing Updates:

| Currently the Licensing, Administration, Call Center and Renewals units has thirteen (12) | | |
|---|---|--|
| Vacancy | Status | Expected Completion/Start Date |
| Licensing – Advance Practice & U.S. Evaluations: | | |
| 1 Program Technician II - US Evaluations | Interviews currently in progress. | Positions expected to be filled by end of February. |
| 1 Program Technician II – PHN Desk | Advertised pending final file date. | Position expected to be filled by end of March. |
| Licensing – International Evaluations & Technical Support: | | |
| 2 Program Technician I– Technical Support | Interviews scheduled for 1 position; 2 nd position pending interviews. | 1 Position expected to be filled by end of February |
| 1 Supervising Program Technician I – Technical Support | Position has been re-advertised | Position expected to be filled by March |
| 3 Staff Services Analysts | 2 positions pending HR eligibility check 1 position pending application reviews and interviews | 2 Positions expected to be filled by end of February |

| Call Center/Renewals Units | | |
|---------------------------------------|-----------------------------------|---|
| 2 Program Technician II – Call Center | Positions have been re-advertised | Positions expected to be filled by end of March |
| 1 Program Technician II – Call Center | Pending review by HR | Position expected to be filled by end of April |
| 1 Office Assistant – Mailroom | Pending review by HR | Position expected to be filled by end of April |

| NEW HIRES | | |
|---|-----------------------|----------------------------|
| Name | Classification | Program |
| Licensing – Advance Practice & U.S. Evaluations: | | |
| Stacy Menefee | Program Technician II | Licensing – US Evaluations |
| | | |
| Call Center/Renewals Units | | |
| Janet McColley | Program Technician II | Call Center |
| | | |

STATISTICS:

The Board continues to use Quality Business Interactive Report Tool (QBIRT) and can create and run various reports upon request. DCA currently offers a basic introductory class to the QBIRT reporting tool, as well as a more in-depth training that instructs staff on how to develop and run more complex, customized reports. The Board can utilize custom reports to find areas of improvement in our processes, as well as better predict workflow fluctuations. Below is the total number of applications the Board has received by fiscal year:

| Licensing Applications Received | | | | | |
|---------------------------------|-------------------------|-----------------------|-----------------------|-----------------------|--------------------------|
| Application Type | Fiscal Year 2013 – 2014 | Fiscal Year 2014-2015 | Fiscal Year 2015-2016 | Fiscal Year 2016-2017 | Fiscal Year 2017-Current |
| Exams | 14,284 | 15,777 | 16,059 | 16,879 | 7,571 |
| Endorsement | 9,679 | 13,534 | 15,713 | 20,040 | 9,708 |
| Repeat/Reapply | 5,716 | 7,734 | 6,879 | 7,043 | 2,763 |
| Advanced Practice | 6,921 | 8,084 | 6,701 | 9,774 | 4,854 |
| Total | 36,600 | 45,129 | 45,352 | 53,736 | 24,896 |

8.0 Report of the Legislative Committee

Donna Gerber, Chairperson

Kay Weinkam, NEC
Legislative Analyst

8.1 Discussed Bills of Interest to the Board of Registered Nursing (Board) and Recommended that the Board Adopt or Modify Positions on the Bills Introduced During the 2017-2018 Legislative Session

Legislative bills impacting registered nursing education or practice

| BILL # | AUTHOR/ BILL SPONSOR | SUBJECT | COMM POSITION (date) | BOARD POSITION (date) | BILL STATUS as of December 28, 2017 |
|-------------------------------|--|--|----------------------------|-----------------------------|--|
| AB 40 | Santiago/ California ACEP | CURES database: health information technology system | Watch (8/9/17) | Watch (9/7/17) | Chapter 607, Statutes of 2017 |
| AB 44 | Reyes | Workers' compensation: medical treatment: terrorist attacks: workplace violence | Watch (8/9/17) | Watch (9/7/17) | Chapter 736, Statutes of 2017 |
| HR 6 | Burke | Relative to women's reproductive health | | | Adopted January 30, 2017 |
| AB 334 | Cooper/ California Clinical Forensic Medical Training Center | Sexual assault | Watch (8/9/17) | Watch (9/7/17) | Senate Pub Safety |
| AB 391 | Chiu/ California Pan Ethnic Health Network & others | Medi-Cal: asthma preventive services | Oppose (8/9/17) | Oppose (9/7/17) | Vetoed |
| AB 402 | Thurmond/ CNA; NNU | Occupational safety and health standards: plume | Support (3/8/17) | Support (4/5/17) | Vetoed |
| AB 422 | Arambula/ California State University | California State University: Doctor of Nursing Practice Degree Program | Watch (3/8/17) | Watch (4/5/17) | Chapter 702, Statutes of 2017 |
| AB 508 | Santiago | Health care practitioners: student loans | Support (3/8/17) | Support (4/5/17) | Chapter 195, Statutes of 2017 |
| <u>AB 710</u> | Wood/ Epilepsy Foundation of Greater Los Angeles | Cannabidiol | | | Senate BP&ED |
| AB 882 | Arambula/ California School Nurses Organization | Pupil health care services: School Nursing and Pupil Health Care Services Task Force | Watch (5/10/17) | Watch (4/5/17) | Assembly APPR |

| | | | | | |
|--------------------------------|--|--|----------------------|---------------------|-------------------------------------|
| AB 1048 | Arambula/ CMA | Health care: pain management and Schedule II drug prescriptions | Watch (8/9/17) | Watch (9/7/17) | Chapter 615, Statutes of 2017 |
| AB 1102 | Rodriguez/ California State Council of SEIU; California Nurses Association | Health facilities: whistleblower protections | Support (5/10/17) | Support (6/8/17) | Chapter 275, Statutes of 2017 |
| AB 1110 | Burke/ California Board of Optometry | Pupil health: eye and vision examinations | Watch (3/8/17) | Watch (4/5/17) | Assembly APPR |
| AB 1560 | Friedman/ California Association for Nurse Practitioners | Nurse practitioners: certified nurse-midwives: physician assistants: physician and surgeon supervision | Watch (8/9/17) | Watch (9/7/17) | Senate Inactive File |
| AB 1612 | Burke/ California Nurse- Midwives Association | Nursing: certified nurse-midwives: supervision | Support (5/10/17) | Watch (4/5/17) | Assembly APPR |
| AB 1650 | Maienschein/ California Ambulance Association | Emergency medical services: community paramedicine | Oppose 5/10/17) | | Assembly APPR |
| <u>AB 1752</u> | Low/ Board of Pharmacy | Controlled substances: CURES database | | | Assembly B&P |
| <u>AB 1795</u> | Gipson/ Los Angeles County et al | Emergency medical services: community care facilities | | | Assembly Health |

| BILL # | AUTHOR/ BILL SPONSOR | SUBJECT | COMM POSITION (date) | BOARD POSITION (date) | BILL STATUS as of December 28, 2017 |
|--------|--|---|----------------------------|-----------------------------|--|
| SB 227 | Monning/ the ALS Association Golden West Chapter | Vocational nurse: feeding tube services: neurodegenerative conditions | Watch (3/8/17) | Watch (4/5/17) | Senate BP&ED |

| | | | | | |
|----------------------|--|--|--|---------------------|-------------------------------------|
| <u>SB 320</u> | Leyva/ ACCESS Women's Health Justice et al | Public health: public postsecondary education: on- campus student health centers: abortion by medication techniques | | | Assembly Desk |
| SB 349 | Lara/ UNAC/UHCP; SEIU California | Chronic dialysis clinics: staffing requirements | Watch (8/9/17) | Watch (9/7/17) | Assembly Inactive File |
| SB 419 | Portantino | Medical practice: pain management | Watch (5/10/17) | Watch (4/5/17) | Senate BP&ED |
| SB 457 | Bates | Out-of-Hospital childbirths: physicians and surgeons: licensed midwives: certified nurse-midwives | Oppose unless amended (5/10/17) | | Senate BP&ED |
| SB 554 | Stone | Nurse practitioners: physician assistants: buprenorphine | Support (8/9/17) | Support (9/7/17) | Chapter 242, Statutes of 2017 |
| SB 562 | Lara/ CNA- National Nurses United | The Healthy California Act | Support (8/9/17) | Support (9/7/17) | Assembly Desk |
| SB 746 | Portantino/ California Chiropractic Association | Pupil health: physical examinations | Watch (3/8/17) | Watch (4/5/17) | Senate ED |

Legislative Bills that Impact the Board

| BILL # | AUTHOR/ BILL SPONSOR | SUBJECT | COMM POSITION (date) | BOARD POSITION (date) | BILL STATUS as of December 28, 2017 |
|---------------|---------------------------------|---|-------------------------------------|--------------------------------------|--|
| AB 12 | Cooley | State government: administrative regulations: review | | Watch (2/8/17) | Assembly APPR |
| AB 77 | Fong | Regulations: effective dates and legislative review | | Watch (2/8/17) | Assembly APPR |
| AB 208 | Eggman/ ACLU et al | Deferred entry of judgment: pretrial diversion | Oppose (3/8/17) | Watch (9/7/17) | Chapter 778, Statutes of 2017 |
| AB 241 | Dababneh | Personal information: privacy: state and local agency breach | Watch (5/10/17) | | Assembly APPR |
| AB 703 | Flora | Professions and vocations: licenses: fee waivers | Support (5/10/17) | | Assembly B&P |

| | | | | | |
|----------------|---|--|-------------------|------------------|---|
| AB 710 | Wood | Department of Consumer Affairs: boards: meetings. Amended 1/18/18: Cannabidiol | Support (5/10/17) | Support (6/8/17) | Refer to this bill in the Nursing table |
| AB 827 | Rubio/ Coalition for Humane Immigrant Rights | Department of Consumer Affairs: task force: foreign-trained individuals | | Watch (4/5/17) | Senate APPR |
| AB 1005 | Calderon | Professions and vocations: fines: relief | | Watch (4/5/17) | No longer applies to the BRN |
| AB 1190 | Obernolte | Department of Consumer Affairs: BreEZe system: annual report | Watch (3/8/17) | Watch (4/5/17) | Vetoed (10/17/17) |

| BILL # | AUTHOR/ BILL SPONSOR | SUBJECT | COMM POSITION (date) | BOARD POSITION (date) | BILL STATUS as of December 28, 2017 |
|---------------|--|---|-------------------------------------|--------------------------------------|--|
| SB 27 | Morrell | Professions and vocations: licenses: military service | | Watch (2/8/17) | Senate APPR |
| SB 54 | De León/ Immigrant Legal Resource Center | Law enforcement: sharing data | | | Chapter 495, Statutes of 2017 |
| SB 181 | Berryhill | Administrative Procedure Act: repeal of regulations | | | Senate GO |
| SB 247 | Moorlach | Professions and vocations: license requirement: business: surety bond requirement | Watch (3/8/17) | | No longer applicable as amended |
| SB 259 | Wilk | Reports | | | Senate GO |
| SB 359 | Galgiani | Professions and vocations: military medical personnel | | Watch (4/5/17) | Senate Rules |
| SB 496 | Canella | Indemnity: design professionals | Watch (3/8/17) | Watch (4/5/17) | No longer applicable as amended |
| SB 547 | Hill | Professions and vocations: weights and measures | Support (8/9/17) | Support (9/7/17) | Chapter 429, Statutes of 2017 |
| SB 555 | Morrell | Regulations: 5-year review and report | | Watch (4/5/17) | Senate GO |
| SB 572 | Stone | Healing arts licensees: violations: grace period | | Watch (4/5/17) | Senate BP&ED |
| SB 641 | Lara/ CMA | Controlled Substance Utilization Review and Evaluation System: privacy | Watch (5/10/17) | Watch (4/5/17) | Assembly Pub S |
| SB 715 | Newman | Department of Consumer Affairs: regulatory boards: removal of board members | | Watch (6/8/17) | Assembly Inactive File |
| SB 762 | Hernandez | Healing arts licensee: license activation fee: waiver | Watch (5/10/17) | Watch (6/8/17) | Assembly B&P |
| SB 796 | Hill | Uniform Standards: Naturopathic Doctors Act: Respiratory Care Practice Act | Watch (8/9/17) | Watch (9/7/17) | Chapter 600, Statutes of 2017 |

| | | | | | |
|----------------------|----------------|--|--|---|----------------------------------|
| SB 799 | Hill | Nursing | Support bill as Introduced (5/10/17) | Support bill as Introduced (6/8/17) | Chapter 520, Statutes of 2017 |
| <u>SB 921</u> | Morrell | State agencies: Internet Web sites: disclosure of financial information | | | Senate Rules |

Public Comment

Saskia Kim - CA Nurses Association

Motion: Donna Gerber motion to take a watch position on bills.

Second: Michael Jackson

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|--------------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|-------------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

8.2 Summary of Legislation Chaptered in 2017

BACKGROUND: A summary of the bills chaptered in the first year of the 2017-2018 legislative session has been compiled for review.

9.0 Report of the Intervention/Discipline Committee

Barbara Yaroslavsky, Chairperson

9.1 Information Only: Complaint Intake and Investigations Update

Joe Pacheco, Chief, Complaint Intake and Investigations

COMPLAINT INTAKE PROGRAM:

Management and Staff Vacancies

I would like to introduce to the board Sonya Wilson, the new BRN Complaint Intake Unit Manager. Sonya brings a wealth of management and DCA enforcement experience to her new position. Prior to coming to DCA, Sonya had increasingly responsible management positions in social services as a Site Manager, Regional Manager, and Case Management Director for the California Tribal TANF Partnership; an agency responsible for the delivery of social service benefits to a consortium of 23 Native American Tribes throughout California. Since coming to DCA, Sonya has further built her skills in a variety of enforcement positions at Contractor's State License Board, BVNPT, BPPE, and most recently as an AGPA at BRN in both the Complaint Intake and Discipline units.

Interviews have been conducted for a vacant Staff Services Analyst, Desk Investigation position in Complaint Intake. The recruit to fill this position will be completed this month.

One Office Technician position in the Complaint Intake Unit is vacant and we have an open recruit to fill this position.

Expert Practice Program

In addition to other recruitment efforts made throughout calendar year 2017, starting in September, all online renewal applications now include a question asking the RN if he or she is interested in serving as an expert practice consultant. Interested RN's are now contacted via email with specifics regarding the job and instructions on how to apply.

Since September, we have brought 21 additional Experts under contract. We currently have 168 Experts under contract in varying areas of expertise.

The addition of much needed Expert Practice Consultants has improved our Expert Resources. The result when comparing the January – March quarter to the August – October quarter, has been an average decrease of 20 days (65 days vs. 45 days) in Expert review time. I've very hopeful we can further improve our expert time as we continue to add to our ranks of experts.

CPEI Case Referral Guidelines

After a review of cases returned from DOI, and several discussions with DOI leadership regarding case referrals, the Complaint Intake procedures have been updated. The Complaint Intake Manager now reviews all public complaints which don't exactly fit the CPEI categories as defined by DCA. Cases the manager is unable to resolve will be discussed with DOI at regularly scheduled meetings.

Fiscal Year 2018 Workload Statistics, 7/1/2017 to 1/16/2018

| | |
|---|--------------|
| Complaints Received | 1,653 |
| Arrest & Conviction Criminal Offender Reports | 2,797 |
| Total Complaints Received (FY 16/17) | 4,450 |

Current Complaint Intake Workload, as of 01/16/2018

| | |
|--|-------|
| Complaint Intake Desk Investigations Pending (All open complaints, not-including field investigations) | 1,221 |
| Desk Investigations Pending > 1 year | 86 |
| Cases Pending Expert Review | 57 |

INVESTIGATION UNIT PROGRAM UPDATE:

Staff

The BRN Investigation Unit is fully staffed, and there are no vacancies.

Program

On December 19-20, the BRN Investigation Unit held a face-to-face all staff meeting at headquarters. The Supervising Special Investigators, Shannan Borton and Scarlett Treviso, coordinated a ½ day training for all Investigators, provided by the Patient Care Services Department at UC Davis Medical Center in Sacramento. The training included orientations on dialysis machines and dialysis procedures in both the acute and chronic treatment settings; as well as RN procedures for placing central lines in the hospital setting.

The investigation management team has focused on investigation timeframes over the last several months. The Supervising Special Investigators are conducting regularly scheduled, focused case reviews to address case strategies and identify processing issues early in the investigations. Staff have responded very positively and this team effort has resulted in a dramatic reduction in BRN Investigation Unit's aging cases.

On January 24, EO Dr. Morris, AEO Stacie Berumen and myself met with the Division of Investigation Executive Management Team where we discussed aging cases DOI investigation

timeframes. DOI has accepted an invitation to present information at the March 2018 Intervention and Discipline Committee meeting.

As of January 31, 2018, there are 17 BRN Investigations cases and 67 DOI cases that have been within their respective units for more than one year.

Summary Statistics

Cumulative Investigation Closures – 7/1/2017 to 1/30/2018

| | No. of Completed Investigation Reports | Average Days to Complete Investigation | Average Cost Per Case |
|------------------------------------|--|--|-----------------------|
| Division of Investigation Closures | 273 | 274 | \$6,948 |
| BRN Investigation Unit Closures | 457 | 242 | \$2,338 |

Current Investigation Workload as of 1/30/2018

| | No. of Open Investigations | Average Age of Open Cases | Cases over one year |
|-----------------------------------|----------------------------|---------------------------|---------------------|
| Open Cases DOI | 404 | 212 | 67 |
| Open Cases BRN Investigation Unit | 453 | 161 | 17 |

Cumulative Investigation Referrals – 7/1/2017 to 1/16/2018

| | No. of Cases | Percent of all Referrals |
|------------------------------------|--------------|--------------------------|
| Referred to DOI | 251 | 38% |
| Referred to BRN Investigation Unit | 401 | 62% |

Additional Complaint Intake and Investigation performance measure statistical reports are attached in “9.1 Addendum Statistics” report to the board.

Enforcement Audit

Board staff have been in contact with State Auditor’s staff to reconcile responses to the BRN Enforcement Audit – 2016-046. It is anticipated that additional information will be obtained prior to the board meeting and reported upon at the meeting.

SB 799 – California Research Bureau

Pursuant to SB 799, which was approved by the Governor and went into effect on January 1, 2018, BRN staff have been in contact with the California Research Bureau (CRB) to develop a Memorandum of Understanding to fulfill the requirements in SB 799 directing the CRB to prepare and deliver a report to the Legislature by January 1, 2019, that evaluates to what extent employers voluntarily report disciplined nurses to the board and that offers options for consistent and reasonable reporting mechanisms. The MOU has been approved by legal staff of both agencies and BRN staff are working with CRB to schedule a meeting to initiate the study.

No public Comment

9.2 Discipline and Probation Program Update- Information only

Shannon Silberling, Chief, Discipline, Probation and Intervention

PROBATION UNIT

There are no vacancies in the probation unit as all positions are now filled. The probation unit is working on redirecting a position from the discipline unit to add another probation monitor with the intent to decrease the cases per probation monitor. The unit is currently comprised of 3 SSA's and 8 AGPA's, making the case load per monitor approximately 137 cases which includes tolled probationers. If approved to add the additional position the unit could potentially decrease the cases per monitor to 126 cases per monitor.

The average case load determined by DCA many years ago was 75 cases per monitor.

Uniform Standards, once approved, will require a more multifaceted monitoring for anyone that is deemed to meet the criteria for being chemically dependent. An analyst that is monitoring these cases, should have a reduced caseload due to the complexity of these cases.

We have reassessed our business processes and implemented changes to not only reduce our caseloads but streamline the probation process. Some of these new business processes include the following;

- * Forms are now available online for probationers to easily access.
- * Petitioners can now stipulate to early termination of probation allowing the Board to electronically vote. This new process allows for a compliant probationer to be released from probation expeditiously and removes the backlog of cases waiting to be heard by the board.
- * We have begun sending out orientation packets for new probationers via e-mail. This allows the probationer to receive all materials needed within a couple days of becoming effective and giving them time to review the materials prior to their initial meeting with their probation monitor, as well as giving additional time to get employment approved.

We are teaming with SOLID to instruct the Probation Monitoring Module of DCA's SOLID Enforcement Academy. The most recent class was held Wednesday, January 24, 2018 and was reviewed with positive feedback from those who attended.

| Probation Information | FY 2014/2015 | FY 2015/2016 | FY 2016/2017 | Current |
|---|-------------------------|-------------------------|-------------------------|----------------|
| Active In-State Probationers | 1,095 | 1,189 | 1,196 | 1,120 |
| # of Chemical Dependency Probationers | 707 | 785 | 787 | 677 |
| Tolled Out of State Probationers | 290 | 345 | 380 | 387 |
| Pending Cases at AGO for further discipline of licensure | 128 | 91 | 130 | 116 |
| Total Probationers | 1,385 | 1,534 | 1,576 | 1,507 |

CITE AND FINE

We are currently fully staffed with 1 AGPA, 1 SSA and 1 OT.

We began issuing citations for the licensees that have been non-compliant with fingerprints. We have issued and anticipate this to be completed by the end of this calendar year. As of 01/30/2018 we have issued **137** fingerprint citations. Of those, we have received full payment on **26**, and held **89** appeal conferences. We will be receiving approximately 250 additional non-complaint cases over the next month.

We had only **2** citation cases at the Attorney General’s Office for a Formal Appeal Hearing. One was settled and the other withdrawn.

| Citation Information | FY 2015/16 | FY 2016/17 | Current |
|-----------------------------|-----------------------|-----------------------|----------------|
| Citations Issued | 542 | 366 | 481 |
| Amount Ordered | \$ 299,638 | \$ 266,428 | \$325,308 |
| Amount Received | \$ 253,974 | \$ 202,614 | \$222,033 |

DISCIPLINE UNIT

We currently have one AGPA vacancy and hope to fill the position by March 2018. Our vacant Discipline OT has been filled and the new staff started on February 5, 2018.

We have one AGPA that has moved over to the Intervention Program, due to the recent retirement.

This will give us a total of 4.5 AGPA’s and 5 SSA’s and 4 OT’s, for discipline and the legal desk.

We have been transmitting FastTrack (Out of State Discipline and Convictions) and Petition cases as of July 20, 2017, to the Attorney General’s Office, via the Cloud. We anticipate a roll out to another office in March 2018.

As of January 1, 2018, BRN is no longer processing Default Decisions and having DCA legal review for approval. The Attorney General’s Office has taken this task back over, after 7 years. This will increase case aging and case cost, not to mention potentially increasing case time for all other cases being handled at the AGO.

| Board Final Decisions | FY 2015/16 | FY 2016/17 | Current |
|--------------------------------------|-----------------------|-----------------------|----------------|
| Petitions to Revoke Probation | 87 | 120 | 51 |
| EO Signed Surrenders | 255 | 254 | 100 |
| In-House Surrenders | | | 29 |
| Withdrawals of SOI | 15 | 9 | 5 |
| Decisions Adopted | 1,641 | 1,282 | 642 |

As of 01/16/2018 we had referred 741 cases to the AG.

Probation Program Statistics July 1, 2017 - January 29, 2018

| Probation Data | Numbers | % of Active |
|--|-------------|-------------|
| Male | 343 | 31% |
| Female | 777 | 69% |
| Chemical Dependency | 677 | 60.4% |
| Required Drug-Screening | 552 | 49.3% |
| Practice | 286 | 25.5% |
| Mental Health | 12 | 1.1% |
| Conviction - excluding chemical dependency/alcohol use | 145 | 12.9% |
| Advanced Certificates | 108 | 10% |
| Southern California | 647 | 58% |
| Northern California | 466 | 42% |
| Tolled Probationers | 7 | 1% |
| Pending AG | 116 | 10% |
| License Revoked Fiscal YTD | 23 | |
| License Surrendered Fiscal YTD | 40 | |
| Terminated Fiscal YTD | 66 | |
| Successfully Completed Fiscal YTD | 121 | |
| Active In-State Probationers | 1120 | |
| Completed/Revoked/Terminated/Surrendered YTD | 250 | |
| Tolled Probationers | 387 | |
| Active and Tolled Probationers | 1507 | |

No public Comment

9.3 Intervention Program Update - Information Only

Shannon Silberling, Chief Discipline, Probation and Intervention

INTERVENTION PROGRAM UPDATE

Staffing

I am pleased to announce that we have filled our program Analyst Vacancy and are fully staffed.

Program Update

On December 1, 2017, Executive Officer Dr. Joseph Morris, Enforcement Chief of Discipline, Probation and Intervention Shannon Silberling, Probation Manager Elizabeth Elias and Intervention Program Manager Don Henry Walker provided an educational overview of the Intervention Program and probationary process to the Hospital Association of Southern California's (HASC) Nursing Advisory Council. Topics that were presented included the conditions of probation, the difference between the Intervention Program and probation, effectively communicating with RN's suspected of Substance Use Disorder (SUD) and the importance of reporting suspected SUD. The group found the meeting to be helpful and productive. In addition, HASC is excited and looking forward to partnering with the Board of Registered Nursing on nursing related issues.

In conjunction with the Department of Consumer Affairs (DCA) Office of Public Affairs (OPA), on February 20th we will be filming an educational outreach video that will be added to the Boards website. This video will include former Intervention program participants sharing the benefits of the program and how it has positively affected their life. We are excited that this video will serve to educate and connect with individuals who are dealing with substance use disorder and mental illness. A new brochure and poster has also been developed as part of the educational outreach campaign with DCA's OPA staff.

Intervention Evaluation Committees (IEC)

There are currently two physician member vacancies. One in Oakland (IEC 13) and one in San Jose (IEC 7). There are three public member vacancies, one in Orange County (IEC 4), one in Fairfield (IEC 11) and one in Fairfield (IEC 13). There are three RN member vacancies, two in Oakland (IEC 13) and one in Burbank (IEC 8).

Statistics – Intervention

The Statistical Summary Report is attached. As of January 31, 2018, there have been 2,265 successful completions.

No public Comment

9.3.1 Intervention Evaluation Committee Member/ New Appointment

BACKGROUND:

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 is the name of the candidate who is being recommended for appointment to the Intervention Evaluation Committee (IEC). Ms. Clarke's application and résumé is attached. If approved, her term will expire June 30, 2022.

| <u>NAME</u> | <u>TITLE</u> | <u>IEC</u> | <u>NO</u> |
|--------------------|---------------------|-------------------|------------------|
| Elizabeth Clarke | RN Member | Oakland | 13 |

No public Comment

Motion: Barbara Yaroslavsky-Approve appointment recommendation
Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

9.4 Vote on whether to recommend approval of modified Regulatory Proposal to Modify the Recommended Guidelines for Disciplinary Orders and Conditions of Probation in California Code of Regulations, Article 1, Section 1444.5, Disciplinary Guidelines

BACKGROUND: The Board of Registered Nursing (BRN) approved a regulatory package to amend the Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Guidelines) at its June 4, 2015 board meeting. The Recommended Guidelines for Disciplinary Orders were last amended in 2003. BRN staff reviewed the Guidelines prior to the overhaul of the board members in 2010 and a regulatory proposal was initiated in March 2011 to incorporate the Uniform Standards as required by SB 1441; however, the board was sunset in December 2011 and the regulatory proposal was not acted upon by the board in time.

The language approved by the board at its June 2015 board meeting was reviewed by DCA Legal Counsel who suggested modifying the language. Attached you will find the suggested language as modified by DCA Legal Counsel for your consideration and approval.

The board voted at the April 2016 meeting to include the necessary trigger to identify a substance abusing licensee. The language for Section 1444.5 was updated to reflect that choice along with the updated Disciplinary Guidelines which are presented to the committee for review and vote.

Public Comment

Saskia Kim

Motion: Michael Jackson made a motion to defer.
Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

10.0 Report of the Nursing Practice Committee

Elizabeth Woods, RN, Chairperson

10.1 Discuss and Possible Action: New Appointments to Advance Practice Registered Nurse (APRN) Committee.

Janette Wackerly, Supervising NEC

In accordance with B & P Code, the Board of registered Nursing is responsible for appointing persons to serve on the Advance Practice Committee.

| | |
|---------------------------|----|
| Khoa (Joey) Dang | NP |
| Mitchel Erikson | NP |
| Tracie Gadler | NP |
| Samantha Gambles Farr | NP |
| Charlotte A. Gullap-Moore | NP |
| Beth Haney | NP |
| Bonita L. Huiskes | NP |
| Cynthia Jovanov | NP |
| Holly Kirkland-Kyhn | NP |
| Maria Mangini | NP |
| Aimee Paulson | NP |
| Jane Perlas | NP |
| Rachel Phillips | NP |
| Maria Luisa Ramira | NP |
| Rhonda Ramirez | NP |
| Ruth Rosenblum | NP |
| Cynthia Sanchez | NP |
| Nancy C. Trego | NP |
| Bridget M. Wilson | NP |
| Mary Wycoff, PhD. | NP |

No public Comment

Motion: Donna Gerber– made a motion approve candidates.

Second: Barbara Yaroslavsky

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|-------|----|----|----|----|--------|----|--------|------|
| | N | Y | Y | Y | Absent | Y | Absent | N |

10.2 Discuss and Possible Action for Consideration of the Appointment to the Nurse-Midwifery Committee

Janette Wackerly, Supervising NEC

BACKGROUND:

In accordance with B & P Code Section 2746.2, the Board of Registered Nursing is responsible for appointing persons to serve a two (2) year term on the Nurse-Midwifery Committee.

The Nurse-Midwifery Committee is composed of direct practice nurse- midwives one each from northern and southern California, a nurse midwife engaged in nurse-midwifery education, one public member who has been a consumer of nurse midwifery practice and an obstetrical physician with knowledge of nurse midwifery-practice.

Requirements to participate as a member of the Nurse Midwifery Committee are that you complete Board member orientation provided by the Department of Consumer Affairs. Bagley Keene Open Meetings Act will be part of the Board orientation as well as Office of Administrative Law regarding regulations.

POSSIBLE APPOINTMENTS

Below are the names of the candidates who can be considered for appointment to the Nurse-Midwifery Committee. Board will vote on candidates for appointment to a two (2) year term.

| <u>NAME</u> | <u>TITLE</u> | <u>Location</u> |
|----------------------------------|---------------|-------------------------|
| <u>Re-appointment Candidates</u> | | |
| Karen Roslie | Public Member | Encinitas- Southern |
| Lin Lee | RN, CNM | Los Altos- Northern |
| Naomi E. Stotland | MD | San Francisco- Northern |
| BJ Snell | RN, CNM | Cota De Caza- Southern |
| <u>New Appointments</u> | | |
| Hilary Reyes | RN, CNM | Van Nuys- Southern |
| Melissa Grear Mann | RN, CNM, MPH | San Diego-Southern |

No public Comment

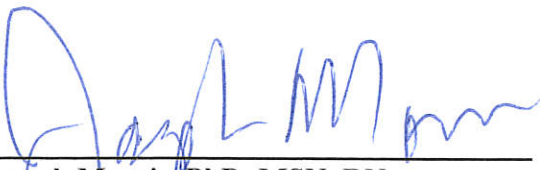
Motion: Elizabeth Woods- made a motion to approve new candidates.
Second: Trande Phillips

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|--------------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|-------------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

Motion: Elizabeth Woods- made a motion to renew previous candidates.
Second: Barbara Yaroslavsky

| Votes | MJ | EW | BY | DG | IC-B | TP | CK | PD-R |
|--------------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|-------------|
| | Y | Y | Y | Y | Absent | Y | Absent | Y |

11.0 Adjournment
 The meeting adjourned at 2:13 pm.



 Joseph Morris, PhD, MSN, RN
 Executive Officer



 Trande Phillips, RN
 President