

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

Date: July 26, 2022

9:00 am

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not provided.

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

July 26, 2022 - 9:00 am BRN Board Meeting

9:00 am

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

Dolores Trujillo, President called the meeting to order at: 9:00 am. All members present. Quorum was established at 9:02 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Elizabeth (Betty) Woods, RN, FNP, MSN
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Susan Naranjo
Roi David Lollar

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:04 am

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Note: The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code, Sections 11125 and 11125.7(a)).

**Public Comment for
Agenda Item 3.0:**

Scott Casanover: Asked to make comments for item 4.0. and stated he would wait until that agenda item came up.

Mary Adorno, CA Association for Health Services at Home: stated she recently heard information about NPs ordering home health services while having to work under the protocols of a specific entity and wants to know what NPs can do since there is conflicting information posted on CDPH's website.

Board President Dolores Trujillo asked to have this added a future Board Meeting agenda.

4.0 Consideration of public comments, discussion, and possible adoption of modified proposed regulatory text to amend California Code of Regulations, title 16, section 1423 (Approval Requirements) and section 1432 (Changes to an Approved Program)

Presented by: Loretta Melby, EO, and Dani Rogers, DCA Regulations Attorney

Board Discussion: No board discussion before motion made.

Motion: Dolores Trujillo: Motion to approve the responses to comments and the text proposed by staff. Delegates authority to the Executive Officer to finalize the regulatory package, including making any technical or non-substantive changes required.

Second: Patricia Wynne

**Public Comment for
Agenda Item 4.0:**

Scott Casanover, West Coast University: (read a prepared statement) Shared concerns about the 10-day notice for this hearing and that it is being held while the legislature is in recess. Asked if the board has the authority to increase enrollment at a single student level and how that is substantive change. Stated that increasing enrollment by a single student is not reasonable and demonstrates the arbitrary and capricious nature of the board's interpretation of substantive change. The commenter gave the definition from the Merriam Webster dictionary of substantive change which says it involves matters of major or practical importance to all concerned or considerable amount of numbers which a single student is not. A change of 1, 5, or 7 does not meet the dictionary definition of substantive change. He continued further stating that the board argues that any change in enrollment is substantive because the addition of 5 additional students to a

9:09 am

program could displace another school’s clinical rotations. He explained that the board does not need the authority to control enrollments at the single student level to protect clinical rotations from displacement because the board already has the authority in section 1427 that requires every clinical rotation to be approved by the board. The board claims controlling enrollments at the single digit level allows the board to ensure that the nursing program has sufficient resources to operate a sustainable program. The board’s claims are false and common sense leads to the opposite conclusion. The board has authority to regulate many aspects of a nursing program and has regulatory provisions to address violations. There is a nursing shortage in California that impacts the quality and cost of healthcare. It’s contradictory to good public health policy and the state is desperate for qualified nurses. According to the board’s numbers, 100,000 qualified applicants were turned away from nursing programs because the BRN intentionally limited access to nursing programs. He questioned why these regulation changes are proposed weeks ahead of the legislature’s sunset review process. He stated the board should allow the sunset review process to play out before rushing these regulatory changes.

Ron Norby, President, CA Association of Colleges of Nursing: stated clinical placement is a complex issue and the BRN is not up to date on the issues. The issues change regularly and the BRN needs to look at the complexity. The sunset legislation has proposals to deal with the larger issue of clinical placements and the Board should wait for the legislation in the fall. He agrees with the prior speaker and asks that this be tabled until the legislative actions in the sunset bill provides additional guidance to address this issue.

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	N	N	Y	Y	Y	N
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Loretta Melby provided information after the vote. She explained that some of the issues brought up by the commenters are true, but 5 students could be 25% increase of a school’s enrollment if they only enroll 20 students, which is a significant amount. She also said that she was surprised by West Coast University bringing this as an issue because they enroll 2,000 students a year and 5 students would be a drop in the bucket for them but for the smaller programs this is a significant issue. She does understand this is a complex

issue and enrollment approval is included in the board's sunset bill. Clinical displacement is one of the many issues the board considers when making evidence-based decisions. Additionally, the board follows the guidelines of program evaluation from the National Council of State Boards of Nursing to identify at risk programs. She gave East Los Angeles College's situation as an example of the complex issues that face a nursing program that the board is monitoring closely. The Board would not be protecting the public if an at risk program was ok'd to increase their enrollment. She discussed another example a potential request for increase of 600 students by another nursing program and the impact it will have on the surrounding community colleges. The board, through the Nursing Education Consultants, is trying to remain neutral in those discussions. The board is fully aware of the complexity of the issues. She is available to answer any questions the board may have about this issue.

Mary Fagan stated concern about the comment regarding the timing of this issue.

Dani Rogers explained that the Board has a year to complete this regulatory package, and this process began in November 2021.

Mary Fagan asked why Board staff didn't incorporate any of the requested changes and make sure they aren't rubber stamping something and this seems suspicious to her.

Loretta Melby said she understands and most of the comments had to do with the fees. There is confusion with the dollar amount charged for substantial changes versus adding another campus. She provided additional information explaining why comments are not incorporated.

Reza Pejuhesh provided information regarding the regulatory process to address public comments.

9:50 am

5.0

Closed Session

5.1 Disciplinary Matters: The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

11:25 am

6.0

Adjournment

Dolores Trujillo, President, adjourned the meeting at 11:27 am.

Submitted by:



Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Accepted by:



Dolores Trujillo, RN
President
California Board of Registered Nursing