



# ENFORCEMENT INTERVENTION COMMITTEE

Supplemental Materials To The Committee

BRN Enforcement Intervention Committee Meeting | January 7, 2021

<b>9.0 Approval of Minutes</b>	<b>3</b>
<b>9.0.1 Review and Vote on Whether to Approve Previous Meeting Minutes:</b>	<b>4</b>
October 15, 2020	
<b>9.1 Information Only: Enforcement Update</b>	<b>7</b>
<b>9.1.1 Update of DOI/BRN Pilot Project</b>	<b>12</b>
<b>9.2 Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee (EIC) Members</b>	
• Herbert Cruz, MD - EIC 5 (Clovis)	
• Barrett Levine, MD - EIC 2 (Fairfield)	<b>13</b>



# Agenda Item 9.0

Approval of Minutes

BRN Enforcement Intervention Committee Meeting | January 7, 2021

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
ENFORCEMENT AND INTERVENTION  
COMMITTEE MEETING MINUTES**

**DRAFT**

**DATE:** October 15, 2020

**START TIME:** 9:00 a.m.

**LOCATION:** **NOTE:** Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, a physical meeting location was not provided.

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

**NOTE:** Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, a physical meeting location was not being provided.

The Enforcement Intervention Committee of the Board of Registered Nursing held a public meeting via a teleconference platform.

**Thursday, October 15, 2020 - 9:00 am - 5:00pm Committee Meetings**

12:14 pm

**9.0**

Call to Order/Roll Call/Establishment of a Quorum  
Committee Chair Imelda Ceja-Butkiewicz, called the meeting to order at 12:14p.m. All Members present. Quorum established at 12:14 p.m.

**Enforcement  
Intervention  
Committee:**

Imelda Ceja-Butkiewicz, Chair  
Kenneth (Ken) Malbrough  
Elizabeth (Betty) Woods, RN, FNP, MSN

**BRN Staff  
Representatives:**

Shannon Johnson, Enforcement Deputy Chief  
Reza Pujejesh, DCA Legal Attorney

12:15 pm

**9.01 Review and Vote on Whether to Approve Previous Meeting Minutes**

➤ August 13, 2020

Public Comment for Agenda Item 9.0: No public comment.

MOTION: Imelda Ceja-Butkiewicz, Approve the minutes

SECOND: Elizabeth Woods

VOTE:

	KM	IC-B	EW
Vote	Y	Y	Y
<u>Key:</u> Yes: Y   No: N   Abstain: A   Absent for Vote: AB			

12:18 pm

**9.1**

**Information Only: Enforcement Update**

**9.1.1 Update of DOI/BRN Pilot Project**

Update on the DOI/BRN Pilot Project, presented by Scarlett Treviso, Supervising Special Investigator, BRN.

Public Comment for Agenda Item 9.1: No public comment.

12:20 am

**9.2**

**Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee (IEC) Members**

- Dr. Sepideh Moayed, Physician Member, IEC 7 (San Jose)
- Ruth Anderson, Public Member, IEC 2 (Bay Area)

**Shannon Johnson:** Requests the two appointments be moved to Board meeting, for review and appointment.

Public Comment for Agenda Item 9.2: No public comment.

MOTION: Imelda Ceja- Butkiewicz, move the appointments forward to next Board Meeting

SECOND: Ken Malbrough

VOTE:

Vote	KM	IC-B	EW
	Y	Y	Y

Key: Yes: Y | No: N | Abstain: A | Absent for Vote: AB

12:27 pm

**9.3**

**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 9.3:

No public comment.

12:28 pm

**9.4**

**Adjournment**

**Submitted by:**

**Accepted by:**

**Shannon Johnson**  
Deputy Chief  
Enforcement Division  
California Board of Registered Nursing

**Imelda Ceja-Butkiewicz**  
Chair  
Enforcement Intervention Committee  
California Board of Registered Nursing



# Agenda Item 9.1

Information Only: Enforcement Update

BRN Enforcement Intervention Committee Meeting | January 7, 2021

**BOARD OF REGISTERED NURSING**  
**Enforcement Intervention Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 9.1**  
**DATE: January 7, 2021**

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

**REQUESTED BY:**         Imelda Ceja-Butkiewicz, Chairperson

**ACCOMPLISHMENTS:**

**Complaint Intake**

Managers met with support staff to discuss various best practices within their daily duties. This was a collaborative effort in which they shared ideas, different work-related case processing techniques and business processes while working within the telework environment. Complaint Intake will be holding best practice meetings with the analysts in the coming months.

BRN Complaint Intake Managers met with the Medical Board to discuss best practices, lessons-learned, and similarities between the two Complaint Intake units. Several BRN staff attended Medical Boards Expert Reviewer training. This was a very comprehensive training and BRN will discuss applying best practices gained from this training to our internal Expert Practice Consultants.

BRN Complaint Intake Managers met with Complaint Intake Enforcement Managers from BVNPT to share best practices and business processes utilized by each Board, and to keep the lines of communication open between the two Boards.

Complaint Intake has implemented electronic case processing procedures with Licensing and other Enforcement Units. These procedures allow for a more efficient case process review while also reducing the need for paper documents and the need to print documents which are now accessible electronically.

**Investigations**

Investigations is pleased to announce the promotion of Sam Orefice to the position of Supervising Special Investigator for the southern region. Sam has been with the BRN for over six years working as a Special Investigator. He brings with him over 14 years of management and healthcare experience.

We continue to work closely with the Division of Investigation on streamlining our processes and developing written uniform practices between our divisions.



## **Discipline**

Discipline continues to focus on our aging cases, currently only 17% of our pending cases have been at the AG's office for more than 1 year. As of December 2020. All hearings through Office of Administrative Hearings are all being held via online platform.

As of December 2020, one analyst has been temporarily reassigned to CDPH as a Contact Tracer and is expected to return no earlier than June 2021. All of the case work has been distributed amongst the other analyst.

## **Probation**

Probation has implemented a more effective way to process employment approvals. The requests are now sent to the Nursing Education Consultant (NEC) electronically with all materials needed. BreEZe codes have been implemented to track requests made to the NEC. This will allow us to run reports on our employment request and monitor each request more closely.

The Probation Unit is now utilizing the AG file exchange system to submit cases to the Attorney General's office for subsequent discipline. The use of the AG file exchange system has allowed the unit to implement an internal process that is completely electronic and more efficient.

## **Intervention**

The Intervention Unit continues to actively recruit for Intervention Evaluation Committee members. Currently, there are six (6) total vacancies with two candidates being recommended for appointment at the next Board meeting.

As of June 2020, one analyst has been temporarily reassigned to CDPH as a Contact Tracer and is expected to return June 2021. All of the case work has been distributed amongst the other analyst.

**STATISTICS:**

**FY Q2 COMPARISON**

<b>Complaint Intake</b>	<b>FY 19/20</b>	<b>FY 20/21</b>
	<b>Q2</b>	<b>Q2</b>
<b>Public Complaints</b>	1047	726
<b>Arrest/Conviction Complaints</b>	347	185
<b>Applicants</b>	767	836
<b>Total Complaints Received</b>	2161	1747
<b>Discipline/Citations</b>		
<b>AG Referrals</b>	248	176
<b>AG Cases Pending</b>	984	560
<b>Pleadings Served</b>	221	137
<b>Decisions Adopted</b>	354	259
<b>Citations Issued</b>	76	23
<b>Citation Amount Ordered</b>	\$46,250.00	\$8,150.00
<b>Citation Amount Received</b>	\$52,860.59	\$23,350.00
<b>Intervention</b>		
<b>Intervention Referrals</b>	232	139
<b>Successful Completions</b>	24	20
<b>Investigations</b>		
<b>Investigation Referrals - DOI</b>	93	116
<b>Investigation Referrals - BRN</b>	210	180
<b>Probation</b>		
<b>Total Probationers</b>	1258	1284
<b>In-State Probationers</b>	845	837
<b>Out of State (Tolled) Probationers</b>	413	447
<b>Chemically Dependent Probationers</b>	442	429
<b>Subsequent AG Referrals</b>	12	12
<b>Subsequent AG Cases Pending</b>	87	51
<b>Petitions to Revoke Probation</b>	24	26

**NEXT STEPS:**

Continue to Monitor

**PERSONS TO CONTACT:**

Shannon Johnson, Enforcement Deputy Chief  
(916) 515-5268  
Scarlett Treviso, Investigations Deputy Chief  
(916) 508-9285

**BOARD OF REGISTERED NURSING  
Enforcement Intervention Committee  
Agenda Item Summary**

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**AGENDA ITEM:** 9.1.1  
**DATE:** January 7, 2021

**ACTION REQUESTED:**     **Information Only:** DOI/BRN Pilot Update

**REQUESTED BY:**             Imelda Ceja-Butkiewicz, Chairperson

**DOI BRN CASE PRIORITIZATION PILOT PROJECT**

DOI and BRN continue to follow the one-year Pilot Program initiated in September 2019 that changed case referral guidelines for urgent priority Quality of Care complaints alleging significant patient harm and/or patient death.

The Pilot was reviewed, updated and submitted for continuation through December 2021

As of December 28, 2020, there have been 113 cases submitted for BRN investigation that meet the new case referral guidelines. To date, 63 have been completed and 50 are pending.

**NEXT STEP:**                             Continue monitoring workload and investigative timeframes.

**PERSON TO CONTACT:**                 Scarlett Treviso  
  Investigations Deputy Chief  
  (916) 508-9285



## Agenda Item 9.2

**Discussion and Possible Action Regarding Appointment  
of Intervention Evaluation Committee (IEC) Members**

BRN Enforcement Intervention Committee Meeting | January 7, 2021

**BOARD OF REGISTERED NURSING  
Intervention/Discipline Committee Meeting  
Agenda Item Summary**

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**AGENDA ITEM:** 9.2  
**DATE:** January 7, 2021

**ACTION REQUESTED:** Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee Members

**REQUESTED BY:** Imelda Ceja-Butkiewicz, Chairperson

**BACKGROUND:**

In accordance with Business and Professions Code § [2770.2](#), Board of Registered Nursing is responsible for appointing persons to serve on an Intervention Evaluation Committee (IEC). Each IEC is composed of three registered nurses, one physician and one public member who possess knowledge and expertise in substance use disorder or mental health.

**APPOINTMENT:**

Below are the names of the candidates being considered for appointment to their respective IEC. Their applications and curriculum vitae are attached for the Board's consideration. If approved, their terms will expire as noted below.

<b>Name</b>	<b>Title</b>	<b>IEC Location</b>	<b>Appointment Type</b>	<b>Term Expiration</b>
Herbert Cruz, MD	Physician Member	5, Clovis	New	June 30, 2024
Barrett Levine, MD	Physician Member	2, Fairfield	New	June 30, 2024

**NEXT STEPS:** Continue recruiting efforts

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