

**ENFORCEMENT INTERVENTION COMMITTEE  
PUBLIC TELECONFERENCE MEETING**

**May 27 - 29, 2020**

**AGENDA**

---

---

**THIS MEETING IS ANTICIPATED TO FOLLOW THE CONCLUSION OF  
THE LEGISLATIVE COMMITTEE MEETING**

---

---

**Important Notice to the Public:** The Board of Registered Nursing's Enforcement Intervention Committee will hold a public meeting via a teleconference platform. *The Enforcement Intervention Committee Meeting is scheduled to be held on May 28, 2020;* however, at the discretion of the Board items on the agendas for the May 27-29, 2020, Board and Committee meetings may be heard on either May 27<sup>th</sup>, 28<sup>th</sup>, or 29<sup>th</sup>.

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

**INSTRUCTIONS FOR PARTICIPATION:**

For all those who wish to participate or observe the meeting on Wednesday, May 27, 2020, please log on to this website: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e264444aefe8f39067d2b035e5e87e912>

For all those who wish to participate or observe the meeting on Thursday, May 28, 2020, please log on to this website: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ef3e35f3414688b95004b09f672b139b1>

For all those who wish to participate or observe the meeting on Friday, May 29, 2020, please log on to this website: <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=e4e5f21c1efad277fbdc43aa13d1c699e>

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Board, circumstances require a shorter period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

---

---

**Thursday, May 28, 2020**

**9.0 Call to Order/Roll Call/Establishment of a Quorum/Approval of Minutes**

**9.0.1 Review and Vote on Whether to Approve Previous Meeting Minutes:**

➤ March 12, 2020

## 9.1 **Information Only:** Complaint Intake and Intervention/Cite & Fine/Legal Support Update

### 9.1.1 Discussion and Possible Action Regarding Appointment/Reappointment of Intervention Evaluation Committee Members;

- Stephanie Trumm, Nurse Member, IEC 5/Fresno
- Karen Ippolito, Nurse Member, IEC 6/Palm Desert
- Darryl Levine, Public Member, IEC 3/Los Angeles
- Janis Jones, Nurse Member, IEC 6/Palm Desert
- Rhonda Ceccato, Public Member, IEC 6/Palm Desert
- Brooke Kilpatric, Nurse Member, IEC 6/Newark
- Mary McCloy, Nurse Member, IEC 7/Newark
- Scott Bertrand, Nurse Member, IEC 9/Ontario
- Marge Meyerhofer, Nurse Member, IEC 9/Ontario
- Mihran Ask, MD Member, IEC 9/Ontario
- Diane Christoffels, Nurse Member, IEC 10/San Diego
- Alan Abrams, MD Member, IEC 10/San Diego
- John Helmuth, Nurse Member, IEC 11/Fairfield
- David Rohrdanz, MD Member, IEC 11/Fairfield
- Michael Parr, MD Member, IEC 12/Folsom
- Patricia Mraz, Nurse Member, IEC 14/Culver City
- Wendy Prothro, Nurse Member, IEC 14/Culver City
- Nicole Gilbert, Public Member, IEC 14/Culver City

## 9.2 **Information Only:** Investigations Update

## 9.3 **Information Only:** Discipline and Probation Program Update

## 9.4 **Information Only:** Enforcement and Investigation Statistics

## 9.5 **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. (Gov. Code, § 11125 & 11125.7, subd. (a).)

## 9.6 **Adjournment**

### **NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items. Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1747 North Market Blvd., Suite 150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (800)

326-2297.) Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.



**ENFORCEMENT INTERVENTION COMMITTEE MINUTES**

DRAFT

**DATE:** March 12, 2020

**SITE:** PierSouth Hotel  
 Boca Rio Ballroom  
 800 Seacoast Drive  
 Imperial Beach, CA 91932  
 (619) 621-5900

**MEMBERS PRESENT:** Imelda Ceja-Butkiewicz – Chair  
 Elizabeth Woods  
 Ken Malbrough

**STAFF PRESENT:** Shannon Silberling, Deputy Chief, Discipline, Probation & Diversion  
 Joseph Pacheco, Deputy Chief, Complaints and Investigations  
 Stacie Berumen, Enforcement Chief

The Chair called the meeting to order at approximately 11:06 a.m.

**9.0 Review and Approve Minutes:**

Approve/Not Approve: Minutes of January 9, 2020

<b>Motion:</b> Imelda Ceja-Butkiewicz to approve the January 2020 minutes with an amendment.			
<b>Second:</b> Elizabeth Woods			
<b>ICB: Yes</b>	<b>EW: Yes</b>	<b>KM: Abstain</b>	

**9.1 Complaint Intake and Intervention/Cite & Fine/Legal Support Update**

GENERAL UPDATE

Unit Managers Jessica Perry and Sonya Wilson are leading BRN’s preparations for the implementation of AB 2138. Passed in September 2018, AB 2138 changes how BRN evaluates applicants for licensure with prior criminal convictions and prior professional license discipline. These changes will go into effect on July 1, 2020.

Although the law will significantly change the internal Enforcement procedures for applicants, most applicants for licensure will not be affected by these changes in law. For any future applicant for licensure with a prior criminal conviction, as of July 1, changes the process includes but is not limited to the following:

- The application for licensure will no longer ask the applicant if they have a prior criminal conviction. The BRN will rely on fingerprint results from the CA DOJ and FBI.

- BRN shall not consider criminal convictions which occurred more than seven years from the date of application. The seven-year limitation does not apply to “Serious Felonies” as defined in the law.
- BRN shall not consider any criminal conviction that has been dismissed or expunged pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the fingerprint report furnished by the Department of Justice.
- The BRN shall not require the applicant to disclose any information or documentation regarding the applicant’s criminal history.
  - o The board may request mitigating information from an applicant regarding the applicant’s criminal history provided the applicant is informed that disclosure is voluntary and that the applicant’s decision not to disclose any information shall not be a factor in a board’s decision to grant or deny an application for licensure.

Beginning July 1, applicants will no longer be required to send the Board any documentation regarding their past convictions. For all convictions falling within the AB 2138 timeframes, the BRN Enforcement division will conduct investigations to obtain Law Enforcement and Court records prior to making applications decisions. BRN anticipates this new process to take several weeks. However, the BRN will accept voluntarily submitted certified arrest and court records.

#### COMPLAINT INTAKE UNIT STAFFING

There is one (1) AGPA, one (1) SSA, and one (1) OT position vacant. Recruitment to replace these positions is ongoing with plans to have the positions filled by April.

#### **INTERVENTION, CITATION, AND LEGAL SUPPORT UPDATE:**

##### GENERAL UPDATE

Beginning March 2, the Attorney General’s Office has taken over the service of all pleadings, including Accusations and Petitions to Revoke Probation. This greatly affects the Legal Support desk. New procedures for staff have been developed and distributed. As of the date of this report, the Enforcement Management team is working to assess the long-term impact this change will have, and to determine the full extent of changes to our internal business process. We are also collaborating with our AG Liaisons to fine-tune interagency procedures, ensure timely service of legal pleadings, and posting public notice pleadings to the web.

Intervention referrals from Complaint Intake remain at historically average levels. The participant census has remained steady for the past two years.

##### INTERVENTION, CITATION AND LEGAL SUPPORT STAFFING

The unit is fully staffed at this time.

##### INTERVENTION EVALUATION COMMITTEES (IEC)

There are currently four physician member vacancies

1. Physician, IEC 2 (Bay Area)
2. Physician, IEC 3 (Los Angeles)
3. Physician, IEC 5 (Fresno)
4. Physician, IEC 7 (San Jose)

There is one public member vacancy

5. Public, IEC 6 (Palm Springs)

There is one nurse member vacancy

6. Nurse, IEC 5 (Fresno)

### OUTREACH

The BRN Intervention Program would like to thank Virginia Matthews, Maximus Recovery Program Manager, for her February presentation “Substance Use Disorders in the Health Professions” at the Sacramento Sierra Nurse Leaders meeting on February 26<sup>th</sup>. Lorraine Clarke, Intervention Unit Manager, and I also attended the meeting at UC Davis Medical Center in Sacramento. The audience included approximately 60 Sacramento region nurse leaders. The information was well received with an informative Q&A afterward.

On February 7<sup>th</sup>, Shannon Johnson and I gave a BRN Enforcement presentation at Sierra Nevada Hospital in Grass Valley to an audience of RN’s.

At the February Recovery Program Manager meeting, Maximus previewed a new informational video on Substance Use Disorder in the Health Professions and the services provided through their recovery programs, including the BRN Intervention Program. Maximus plans to release the final version in March, and the Intervention Unit will link the video on the BRN website.

**Public Comment:** Judy Corless, RN, Former Board Member

## **9.2 Investigations Update**

The Investigation Unit Supervisors continue to work very closely to coordinate policy and procedure updates, so cases continue to move smoothly to meet the unit goals of completion within 240 days.

### STAFFING UPDATE

The vacant Special Investigator position in our Northern CA Unit was filled by Laura Callison. Laura was a Probation Monitor with BRN and started as Special Investigator on March 2, 2020.

The BRN Investigation Unit has the following vacancy:

1 Supervising Special Investigator II position to oversee all BRN Investigations. The recruitment process was initiated in July 2019 and first interviews were held in August 2019. Second level executive interviews were held in October 2019. It was decided that a second statewide recruitment would be initiated. Recruitment efforts continue. It is unknown when this position will be filled.

### BRN DOI CASE PRIORITIZATION PILOT PROJECT

BRN and DCA’s Division of Investigation (DOI) 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.

Since February, approximately 35 cases that meet the new case referral guidelines have been referred to BRN Investigations.

The Pilot Program includes case tracking accountability measures so that BRN and DCA can closely monitor this critical caseload.

## SUMMARY INVESTIGATION STATISTICS

As of February 20, 2020, the BRN Investigations staff have been assigned approximately 68% of all formal investigation case referrals while DOI are referred 32%. Specific information can be found in agenda item 9.4.

As of February 2020, BRN has 12 and DOI has 128 open investigation cases over one year old.

**Public Comment:** None

### **9.3 Discipline and Probation Update**

#### **PROBATION UNIT**

The unit has 1 AGPA vacancy. Laura has been hired as the newest investigator for N. California. We will be posting to hire her replacement.

Year to date;

- 74 RN's completed probation successfully by either early termination or completing their full term.
- 15 RN's were unsuccessful in completing their term, resulting in 6 revocations and 9 surrenders.

There are currently 76 probation cases pending at the AG's. Of the 76, only 8 cases are over 1 year and none are over 2 years.

#### **DISCIPLINE UNIT**

The Discipline unit is fully staffed.

We continue to focus our efforts on aging cases, striving to meet the CPEI guideline of 540 days. Approximately ½ of our cases are completed within this timeframe. Overall average is 610 days, which is only 70 days shy of our goal.

The AG's office has also decreased their aging cases by 60 days in the last 6 months.

Currently the Discipline Unit has only 9 cases over 2 years old and 76 that are 1-2 years old (approx. 12% of our overall pending Discipline Cases). At this time last year, we had 38 over 2 years old and 126 that were 1-2 years old.

	FY 2019/20 to Date
PC23s Requested	19
PC23s Ordered*	11
PC23s Denied*	7
PC23s Pending	7

*\* The Numbers represented in the Ordered and Denied sections may include PC23s that were requested prior to the beginning of the current Fiscal Year.*

Discipline staff have been actively working with the AG's office in preparation for the change to B&P § 480, which takes effect on July 1, 2020.

Discipline staff are working with SOLID, which is DCA's training unit, to update and streamline the unit procedure manual. The updates will streamline the processes to be more effective for onboarding new staff, as well as a user-friendly reference tool for existing staff.

**Public Comment:** None

#### **9.4 Enforcement and Intervention Statistics**

Attached you will find data representing the entire enforcement process to include intake, intervention, investigation, citation and fine, discipline and probation.

Staff is prepared to answer any questions you may have.

**Public Comment:** None

**9.5 Public Comment for Items Not on the Agenda**

None

The Chair adjourned the committee meeting at approximately 11:47 a.m.

Approved: \_\_\_\_\_

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

---

**AGENDA ITEM: 9.1**  
**DATE: May 28, 2020**

**ACTION REQUESTED:**     **Information Only:** Complaint Intake, Intervention, Citation and Legal Desk

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

**COMPLAINT INTAKE UNIT UPDATE:**

The Complaint Intake Units implemented teleworking agreements for their staff beginning in late-March. The transition to telework had some challenges, but staff has responded extremely well. Since telework was initiated, all incoming complaints are being processed, on average, within two days of receipt by the BRN.

The Complaint Intake Unit Managers, Sonya Wilson and Jessica Perry, have been working closely with the Discipline, Intervention and Licensing units from the beginning of the COVID-19 telework transition. Together, and with the help of their teams, they have developed new procedures for communicating issues and moving workload electronically between Enforcement and Licensing divisions. The new procedures are proving to be effective. Complaint Intake now transmits nearly all workload electronically to the Intervention and Discipline units.

Prior to COVID-19, the FY 2020 Enforcement complaint workload was trending higher than FY 2019. After California's COVID-19 shelter in place procedures began, the volume of complaints has decreased sharply. The following chart highlights the change in April monthly complaint volume from 2019 vs. 2020.

Complaint Type	April 2019	April 2020	% CHANGE
APPLICANT	214	194	-9.3%
CORI - DOJ ARRESTS	109	50	-54.1%
PUBLIC	339	246	-27.4%
<b>TOTAL</b>	<b>662</b>	<b>490</b>	<b>-27.7%</b>

Note: Totals do not include Probation Subsequent Complaints or Reinstatements

With five key staff vacancies in the Complaint Intake Unit, the lower complaint volume has been a major factor in the unit remaining current on incoming complaints. The Complaint Intake Unit is performing the initial processing of incoming complaints within two days. High priority cases to the Division of Investigation are being referred within four days and lower priority cases to BRN Investigation Unit are being referred within six days.

## AB 2138 UPDATE

Unit Managers Jessica Perry and Sonya Wilson are leading BRN's preparations for the Implementation of AB 2138. Passed in September 2018, AB 2138 changes how BRN evaluates applicants for licensure with prior criminal convictions and prior professional license discipline. These changes will go into effect on July 1, 2020.

Although the law will significantly change the internal Enforcement procedures for applicants, most applicants for licensure will not be affected by these changes in law. For any future applicant for licensure with a prior criminal conviction, as of July 1, changes to the process includes but is not limited to the following:

- The application for licensure will no longer ask the applicant if they have a prior criminal conviction. The BRN will rely on fingerprint results from the CA DOJ and FBI.
- BRN shall not consider criminal convictions which occurred more than seven years from the date of application. The seven-year limitation does not apply to "Serious Felonies" as defined in the law.
- BRN shall not consider any criminal conviction that has been dismissed or expunged pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the fingerprint report furnished by the Department of Justice.
- The BRN shall not require the applicant to disclose any information or documentation regarding the applicant's criminal history.
  - o The board may request mitigating information from an applicant regarding the applicant's criminal history provided the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

Beginning July 1, applicants will no longer be required to send the Board documentation regarding their past convictions. For all convictions falling within the AB 2138 timeframes, the BRN Enforcement division will conduct investigations to obtain Law Enforcement and Court records prior to making application decisions. BRN anticipates this new process to take several weeks. However, the BRN will accept certified arrest and court records voluntarily submitted by the applicant.

On May 1, the Enforcement Division presented and recorded an updated Applicant Enforcement Webinar. The target audience for the webinar is all applicants for licensure in California with a history of criminal conviction or discipline against another professional license. The presentation highlights changes in the law as a result of AB 2138. The webinar has been posted to the BRN website at <https://rn.ca.gov/applicant-enforcement.shtml>.

## COMPLAINT INTAKE UNIT STAFFING

The unit has one (1) AGPA, one (1) SSA, and two (2) OT vacancies. After a COVID related hiatus in recruitment, Complaint Intake has resumed recruitment efforts for these vacancies. One OT should be filled in June. The remaining positions should be filled by July.

## **INTERVENTION, CITATION, AND LEGAL SUPPORT UPDATE:**

### GENERAL UPDATE

Beginning March 2, the Attorney General's Office has taken over the service of all pleadings, including Accusations and Petitions to Revoke Probation. This greatly affects the Legal Support desk. New procedures for staff have been developed and distributed. As of the date of this report, the Enforcement Management team is working to assess the long-term impact this change will have, and to determine the full extent of changes to our internal business process. We are also collaborating with our AG Liaisons to fine-tune interagency procedures, ensure timely service of legal pleadings, and posting public notice pleadings to the web.

Lorraine Clarke, Unit Manager, in coordination with managers from the Complaint Intake, Probation and Discipline Units, has implemented a wide variety of new procedures to move and process workload electronically. Since BRN began teleworking, the Intervention, Citation and Legal Support Unit has updated procedures to make the following processes fully electronic:

- Intervention referral process is now completely electronic – including receiving, reviewing, and communicating the outcome of Program referrals to Enforcement. This has resulted in reduction of paper and eliminating the use of physical file folders.
- Citations are now receiving many referrals electronically which has allowed staff to review citations in telework environment.
- Board decisions and stipulated agreements are now signed and submitted electronically, which allows Legal Support staff to process adopted decisions in a telework environment. Adopted decisions are then submitted for service by in-office staff

### INTERVENTION, CITATION AND LEGAL SUPPORT STAFFING

The unit has one OT vacancy at this time.

### INTERVENTION EVALUATION COMMITTEES (IEC)

There are currently four physician member vacancies;

1. Physician, IEC 2 (Bay Area)
2. Physician, IEC 3 (Los Angeles)
3. Physician, IEC 5 (Fresno)
4. Physician, IEC 7 (San Jose)

There are two nurse member vacancies \*

5. Nurse, IEC 5 (Fresno)
6. Nurse, IEC 6 (Palm Springs)

\* - *Recommendation for Nurse IEC appointments on current agenda.*

### OUTREACH

The BRN Intervention Program would like to thank Virginia Matthews, Maximus Recovery Program Manager, for her February presentation "Substance Use Disorders in the Health Professions" at the Sacramento Sierra Nurse Leaders meeting on February 26<sup>th</sup>. Lorraine Clarke, Intervention Unit Manager, and I also attended the meeting at UC Davis Medical Center in Sacramento. The audience included approximately 60 Sacramento region nurse leaders. The information was well received with an informative Q&A afterward.

On February 7<sup>th</sup>, Shannon Johnson and I gave a BRN Enforcement presentation at Sierra Nevada Hospital in Grass Valley to an audience of RN's.

As reported earlier, a new Applicant Enforcement Webinar is available for applicants for licensure with a history of criminal conviction or discipline against another professional license. The presentation highlights changes in the law as a result of AB 2138. The webinar is available on the BRN website at <https://rn.ca.gov/applicant-enforcement.shtml>.

**PERSON TO CONTACT:**

Joseph Pacheco, Deputy Chief  
Complaint Intake, Intervention, Citations and Legal  
(916) 515-5268

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

---

**AGENDA ITEM:** 9.1.1

**DATE:** May 28, 2020

**ACTION REQUESTED:** Discussion and Possible Action Regarding Re-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/REAPPOINTMENT:**

Below are the names of the candidates being considered for appointment or reappointment 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>
Stephanie Trumm	Nurse Member	5/Fresno	Appointment	June 30, 2021
Karen Ippolito	Nurse Member	6/Palm Desert	Appointment	June 30, 2021
Darryl Levine	Public Member	3/Los Angeles	Reappointment	June 30, 2024
Janis Jones	Nurse Member	6/Palm Desert	Reappointment	June 30, 2024
Rhonda Ceccato	Public Member	6/Palm Desert	Reappointment	June 30, 2024
Brooke Kilpatric	Nurse Member	6/Newark	Reappointment	June 30, 2024
Mary McCloy	Nurse Member	7/Newark	Reappointment	June 30, 2024
Scott Bertrand	Nurse Member	9/Ontario	Reappointment	June 30, 2024
Marge Meyerhofer	Nurse Member	9/Ontario	Reappointment	June 30, 2024
Mihran Ask	MD Member	9/Ontario	Reappointment	June 30, 2024
Diane Christoffels	Nurse Member	10/San Diego	Reappointment	June 30, 2024
Alan Abrams	MD Member	10/San Diego	Reappointment	June 30, 2024
John Helmuth	Nurse Member	11/Fairfield	Reappointment	June 30, 2024
David Rohrdanz	MD Member	11/Fairfield	Reappointment	June 30, 2024
Michael Parr	MD Member	12/Folsom	Reappointment	June 30, 2024
Patricia Mraz	Nurse Member	14/Culver City	Reappointment	June 30, 2024
Wendy Prothro	Nurse Member	14/Culver City	Reappointment	June 30, 2024
Nicole Gilbert	Public Member	14/Culver City	Reappointment	June 30, 2024

**NEXT STEPS:** Continue recruiting efforts

**PERSON TO CONTACT:** Joseph Pacheco, Chief  
Complaint Intake, Intervention, Legal Support Desk  
(916) 515-5265

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

---

**AGENDA ITEM: 9.2**  
**DATE: May 28, 2020**

**ACTION REQUESTED:**    **Information Only:** Investigations Update

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

**INVESTIGATION PROGRAM UPDATE:**

The Investigation Unit Supervisors continue to work very closely to coordinate policy and procedure updates, so cases continue to move smoothly to meet the unit goals of completion within 240 days.

COVID-19 changes for the BRN Investigation staff include use of Microsoft Teams for interviews in place of most in person interviews. Facilities have had some delays in providing records due to COVID but are working and communicating with Investigators. The support staff rotate days working in the office to ensure the cases continue to move smoothly through the process.

Current time frames for BRN Investigations average 214 days. Case closures for all units in March were a historic 95 cases completed in an average of 213 days and for April were 74 cases in an average of 218 days. BRN Investigations continues to be highly productive even during these unprecedented times.

STAFFING UPDATE

The Central CA Unit is seeking to fill a Special Investigator position due to the impending retirement at the end of June 2020 of a bay area investigator. Interviews were held May 18-19, 2020 and we hope to have a candidate start in late June or early July.

Additionally, BRN is in the process of hiring Retired Annuitant Lupe Caceres, who was with the BRN prior in a similar role. The Investigations Unit will have staff on medical leave through the end of the year beginning July 2020, and with several new investigative staff, temporary help is needed.

The BRN Investigation Unit has the following vacancy:

1 Supervising Special Investigator II position to oversee all BRN Investigations. The recruitment process was initiated in July 2019 and first interviews were held in August 2019. Second level executive interviews were held in October 2019. It was decided that a second statewide recruitment would be initiated. Second interviews were recently conducted by executive staff. We hope to fill the position soon.

BRN DOI CASE PRIORITIZATION PILOT PROJECT

BRN and DCA's Division of Investigation (DOI) 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.

Since February, approximately 63 cases that meet the new case referral guidelines have been assigned to BRN Investigations. To date, 6 have been completed.

The Pilot Program includes case tracking accountability measures so that BRN and DCA can closely monitor this critical caseload. David Chriss, Division of Investigation Chief is scheduled to provide a presentation at the August 2020 Enforcement Intervention Committee meeting.

#### SUMMARY INVESTIGATION STATISTICS

As of April 28, 2020, the BRN Investigations staff have been assigned approximately 67% of all formal investigation case referrals while DOI are referred 33%.

As of May 1, 2020, BRN has 14 and DOI has 120 open investigation cases over one year old.

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

**PERSON TO CONTACT:** Stacie Berumen  
Enforcement Chief  
(916) 574-7678

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

---

**AGENDA ITEM: 9.3**

**DATE: May 28, 2020**

**ACTION REQUESTED:**                    **Information Only: Discipline and Probation Update**

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

**PROBATION UNIT**

Currently the probation unit is teleworking successfully and only returning to the office once a week to take care of any administrative items that cannot be done at home.

The unit has 1 AGPA vacancy. We are conducting interviews the week of May 18, 2020, utilizing a web meeting platform. We hope to have this position filled soon.

FY to date;

- 197 RN's completed probation successfully by either early termination or completing their full term.
- 69 RN's were unsuccessful in completing their term, resulting in 26 revocations and 43 surrenders.

There are currently 70 probation cases pending at the AG's. Of the 70, only 12 cases are over 1 year and none are over 2 years.

Some hearings are being held telephonically or via a web platform. This is dependent on the OAH office. If these options aren't available, we are continuing the hearing until safe to hold the hearing in person.

**DISCIPLINE UNIT**

We currently have 1 temporary vacancy, due to an employee on extended leave. Currently the Discipline unit is teleworking successfully and only returning to the office once a week to take care of any administrative items that can't be done at home. The Discipline unit is fully staffed.

We continue to focus our efforts on aging cases, striving to meet the CPEI guideline of 540 days. Approximately half of our cases are completed within this timeframe. Our current Fiscal Year overall average is 610 days, which is only 70 days shy of our goal.

In the last month we, in working with the AGO, we have been able to decrease the time from pleading filed to Stipulated Agreement, by over 60 days. The AG's office has also decreased their overall aging cases by 60 days in the last 6 months.

Currently the Discipline Unit has only 8 cases over 2 years old and 94 that are 1-2 years old (approx. 15% of our overall pending Discipline Cases). At this time last year, we had 38 over 2 years old and 126 that were 1-2 years old.

	FY 2019/20 to Date
PC23s Requested	27
PC23s Ordered*	8
PC23s Denied*	7
PC23s Pending	9

*\* The Numbers represented in the Ordered and Denied sections may include PC23s that were requested prior to the beginning of the current Fiscal Year.*

Discipline staff have been actively working with the AG's office in preparation for the change to B&P § 480, which takes effect on July 1, 2020.

Some hearings are being held telephonically or via a web platform. This is dependent on the OAH office. If these options aren't available, we are continuing the hearing until safe to hold the hearing in person.

Discipline staff have completed updating the Discipline Procedure Manual and Unit overview presentations.

**NEXT STEP:** Follow directions given by committee and/or board.

**FISCAL IMPACT, IF ANY:** AG's budget line item will be monitored for Discipline and Probation.

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

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

---

**AGENDA ITEM:** 9.4

**DATE:** May 28, 2020

**ACTION REQUESTED:**    **Information Only:** Enforcement and Intervention Statistics

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

**BACKGROUND:**

Attached you will find data representing the entire enforcement process to include intake, intervention, investigation, citation and fine, discipline and probation.

Staff is prepared to answer any questions you may have.

**PERSON TO CONTACT:**

Stacie Berumen  
Enforcement Chief  
(916) 574-7678

Joseph Pacheco, Deputy Chief  
Complaint Intake, Intervention, Citations and Legal  
(916) 515-5268

Shannon Johnson, Deputy Chief  
Discipline and Probation  
(916) 515-5265

Board of Registered Nursing  
Enforcement Process Statistics  
Fiscal Year 19/20  
July 1, 2019 – April 28, 2020

Complaints Received	3,336
Convictions/Arrest	1,082
Applicants	2,572
<b>Total Complaints Received</b>	<b>6,990</b>
Desk Investigations Pending	873
Over 1 year	101
Applications Pending	310
Over 1 year	16
Expert Review Pending	46
Intervention Referrals – Fiscal Year to date	796
Intervention Referrals – Last full month referrals (Mar)	59
Intervention Referrals – Since Program Effective Date (1/1/1985)	18,186
Non-Sworn Cases Initiated	680
Rejected	19
Sworn Cases Initiated	340
Rejected	9
<b>Cases Initiated Percentage Breakout</b>	
Non-Sworn	66%
Sworn	33%
Non-Sworn Cases Pending	455
Sworn Cases Pending	449
AG Referrals - Individuals	924
AG Referrals - Cases	1,047
Cases Pending	662
Pending 1-2 Years	90
Pending More Than 2 Years	8
Cases Pending More Than 1 Year Without Pleading Filed	9
Cases Awaiting Hearing	178
Number of Days to Process Discipline Cases (DCA Goal 540 Days)	626
> 540 Days	52%
< 540 Days	48%
Average Days at AG	356

Board of Registered Nursing  
Enforcement Process Statistics  
Fiscal Year 19/20  
July 1, 2019 – April 28, 2020

*Fiscal Year to Date	
Pleadings Served	814
Petitions to Revoke Probation	66
Stipulated Surrenders Signed by EO	238
Withdrawals of Statement of Issues	6
Decisions Adopted	1,112
Average Days from Default to Board Vote	25
*Last Calendar Month (Mar)	
Pleadings Served	74
Petitions to Revoke Probation	12
Stipulated Surrenders Signed by EO	22
Withdrawals of Statement of Issues	1
Decisions Adopted	94
Average Days from Default to Board Vote	12

<b><i>Probation as of 4/28/2020</i></b>	<b>Numbers</b>	<b>% of Active</b>
<b><i>Male</i></b>	256	31%
<b><i>Female</i></b>	578	69%
<b><i>Chemical Dependency</i></b>	430	51.6%
<b><i>Practice</i></b>	383	45.9%
<b><i>Mental Health</i></b>	280	33.5%
<b><i>Conviction - excluding chemical dependency/alcohol use</i></b>	13	1.6%
<b><i>Advanced Certificates</i></b>	96	11.5%
<b><i>Southern California</i></b>	49	6%
<b><i>Northern California</i></b>	458	55%
<b><i>Tolled Probationers</i></b>	367	44%
<b><i>Pending AG</i></b>	3	0%
<b><i>License Revoked Fiscal YTD</i></b>	70	8%
<b><i>License Surrendered Fiscal YTD</i></b>	26	
<b><i>Deceased Fiscal YTD</i></b>	43	
<b><i>Terminated Fiscal YTD</i></b>	1	
	89	

Board of Registered Nursing  
 Enforcement Process Statistics  
 Fiscal Year 19/20  
 July 1, 2019 – April 28, 2020

<b>Successfully Completed Fiscal YTD</b>	107
Active In-State Probationers	<b>835</b>
<b>Completed/Revoked/Terminated/Surrendered YTD</b>	266
<b>Tolled Probationers</b>	426
<b>Active and Tolled Probationers</b>	<b>1,261</b>
Subsequent Cases Pending at AG	64
Pending 1-2 Years	2
Pending More Than 2 Years	0

<b>Disciplinary Actions Summary</b>	<b>Public Reapproval</b>	<b>Probation</b>	<b>Suspension, Probation</b>	<b>Revocation</b>	<b>Surrender</b>	<b>Voluntary Surrender</b>	<b>Total Fiscal Year 19/20</b>
Registered Nurse	141	225	22	277	185	32	882
Public Health Nurse	16	28		18	20	5	87
Psych/Mental Health							0
Nurse Practitioner	6	16		6	11	1	40
NP-Furnishing	6	15		6	7	1	35
Nurse-Midwife		3		1	1	1	6
NM-Furnishing		2		1	1	1	5
Nurse Anesthetist	1			1	5	1	8
Clinical Nurse Specialist	1			1	2		4

\*Specialty certifications are a subset of the Registered Nurse license. When enforcement action is taken on an RN license, all advanced certifications a nurse holds is also included in the action. More than one enforcement action may be taken (thus counted here) against an RN during the time period.

CA BRN Intervention Program Statistics  
FY2016/17 - FY2019/20

Board Referral Activity					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Complaints sent to Intervention*	1225	995	1047	798	18186
Program offer letters mailed	803	815	869	685	
RNs calling BRN about program (respond to offer letter)			491	440	
RNs calling BRN about program (no program offer letter)			5	12	
Others calling BRN about program (employer referrals, coworkers, attorneys)			25	25	

\* An RN may have multiple complaints referred to Intervention

Participant Population					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Intakes	159	109	115	95	5615
Closures	178	147	122	101	5159
Participants enrolled at end of FY	381	343	336	330	

Case Closures					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Applicant: Clinically Inappropriate	-	-	1	-	32
Applicant: No Longer Eligible	3	-	-	-	13
Applicant: Not Accepted by DEC	1	1	-	1	63
Applicant: Public Risk	8	3	3	1	105
Applicant: Sent to Board - Pre DEC	-	-	-	-	2
Applicant: Withdrawn - Pre DEC	20	13	10	8	580
Applicant: Withdrawn - Pre DEC (Due to Costs)	5	3	2	2	12
Completed	113	107	88	73	2465
Clinically Inappropriate - Post DEC	-	3	-	-	6
No Longer Eligible - Post DEC	-	-	-	-	7
Withdrawn - Failure to Sign Contract	-	-	-	-	1
Withdrawn - Post DEC	3	2	3	6	353
Withdrawn - Post DEC (Due to Costs)	2	2	3	1	8
Terminated - Deceased	-	-	1	-	42
Terminated - Failure to Receive Benefit	2	1	-	-	126
Terminated - Moved	-	-	1	-	53
Terminated - Non Compliant	7	4	1	1	991
Terminated - Public Risk	14	8	9	8	300
<b>Totals</b>	<b>178</b>	<b>147</b>	<b>122</b>	<b>101</b>	<b>5159</b>

Intake Demographics - Referrals					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Board	125	83	94	78	4192
Self	34	26	21	17	1423
<b>Total</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

CA BRN Intervention Program Statistics  
FY2016/17 - FY2019/20

Intake Demographics - Presenting Problem					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Substance Use Disorder (SUD)	111	80	77	58	3543
Mental Illness (MI)	6	3	8	4	189
Dual (SUD and MI)	41	25	28	30	1792
Undetermined	1	1	2	3	91
<b>Total</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

Intake Demographics - Drug of Choice				
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 3/31/20)
Alcohol (Beer, Wine, Hard Liquor)	56	47	44	42
Opioids (Oxycodone, Morphine, Fentanyl, Heroin, etc.)	65	39	43	25
Depressants (Xanax, Valium, Ambien, etc.)	5	6	4	-
Stimulant (Adderall, Cocaine, Methamphetamine, etc.)	4	2	8	8
Cannabinoids	8	3	1	3
Other (Hallucinogens, Inhalants, etc.)	2	1	-	2
None/Denies DOC	19	11	15	9
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>89</b>

Intake Demographics - Gender					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Female	126	87	81	68	4372
Male	33	22	34	27	1216
Unknown	-	-	-	-	27
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

Intake Demographics - Age					
Category	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
20-24	1	-	-	-	35
25-29	11	10	9	8	456
30-34	25	14	14	18	934
35-39	36	21	20	12	1158
40-44	22	21	20	14	1140
45-49	30	16	15	17	904
50-54	15	13	14	13	583
55-59	12	11	13	8	281
60-64	3	2	8	4	93
65+	3	-	2	-	15
DOB Error/Not Entered	1	1	-	1	16
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

CA BRN Intervention Program Statistics  
FY2016/17 - FY2019/20

<b>Intake Demographics - Ethnicity</b>					
<b>Type</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20 (As of 4/30/20)</b>	<b>Program to Date</b>
American Indian/Alaska Native	-	2	-	-	41
Asian/Asian Indian	4	9	7	4	148
African American	6	6	7	3	187
Hispanic	15	18	15	13	280
Native Hawaiian/Pacific Islander	1	1	6	1	39
Caucasian	108	59	74	64	4522
Other	7	5	2	4	95
Not Reported	18	9	4	6	303
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

<b>Intake Demographics - Worksite</b>					
<b>Worksite</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20 (As of 4/30/20)</b>	<b>Program to Date</b>
Case Management	-	1	2	2	11
Clinic	-	6	5	13	148
Clinical - Public, non-profit	-	3	2	-	8
Corporation	-	-	2	1	13
Doctor's Office	-	-	-	-	46
Government Agency	-	-	-	-	8
Group Practice - profit	-	-	-	2	18
Health Maintenance Organization	-	-	-	1	10
HMO	-	2	-	-	2
Home Health Care	-	11	5	1	39
Hospital	11	77	89	68	2924
Inpatient Pharmacy	-	1	1	-	2
Not Working in Nursing	-	3	-	1	8
Nursing Home	1	1	1	1	13
Other	-	3	-	4	259
Prison/Jail	-	-	-	-	14
Private Practice	1	-	2	-	11
Registry	-	1	3	-	187
Retail	-	-	1	-	2
School of Nursing	1	-	-	1	10
Telephone Advice	-	-	-	-	2
Temporary Service	-	-	-	-	4
Undetermined	107	-	2	-	569
Unemployed	38	-	-	-	1307
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

CA BRN Intervention Program Statistics  
FY2016/17 - FY2019/20

Intake Demographics - Specialty					
Specialty	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Chemical Dependency	-	-	-	-	9
Critical Care	6	15	19	10	974
Dental Public Health	-	-	-	-	1
Doctor's Office	-	1	-	1	29
Emergency Department	4	9	18	13	654
Gerontology	-	1	1	-	30
Home Care	2	9	4	2	119
Hospital	12	15	14	6	391
Insurance	-	-	1	2	8
Medical Surgical	6	18	17	15	1055
None	-	1	-	1	76
Nurse Anesthesia	2	1	1	2	60
Nurse Midwife	-	-	-	-	7
Nurse Practitioner	-	2	1	3	114
Nursing Home	-	1	1	1	19
Obstetrics/Gynecology	1	7	4	11	315
Oncology	4	4	2	4	175
Operating Room	-	7	5	4	196
Other/Other Specialty	6	13	11	14	547
Pediatrics	2	2	4	3	151
Psychiatry	5	-	5	1	155
Recovery Room	3	3	5	2	115
Undetermined	106	-	2	-	415
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>

Intake Demographics - Counties					
County	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (As of 4/30/20)	Program to Date
Alameda	6	1	2	5	172
Alpine	-	1	-	-	2
Amador	-	-	-	-	3
Butte	2	1	-	1	65
Calaveras	1	-	-	-	8
Colusa	-	-	-	-	5
Contra Costa	3	5	3	2	214
Del Norte	-	-	-	-	6
El Dorado	5	2	-	-	47
Fresno	5	-	8	6	153
Glenn	-	-	-	-	2
Horry	-	-	-	-	1
Humboldt	2	-	-	1	55
Imperial	1	1	1	-	14
Inyo	-	-	-	-	2
Jackson	-	-	-	-	1
Kern	-	3	5	4	122
Kings	-	-	-	1	17
Lake	-	1	-	1	16
Lassen	-	-	-	1	5
Los Angeles	25	25	33	20	1106
Madera	-	1	-	-	16
Marin	2	2	2	-	96
Mariposa	-	-	-	1	4

CA BRN Intervention Program Statistics  
FY2016/17 - FY2019/20

Intake Demographics - Counties					
Mendocino	1	2	-	-	16
Merced	1	-	1	-	23
Modoc	-	-	-	-	1
Mono	-	-	-	-	8
Monterey	4	1	-	2	83
Napa	-	-	1	2	37
Nevada	-	-	3	1	30
None	2	1	-	-	3
Orange	5	7	10	1	373
Placer	6	4	1	4	84
Plumas	1	-	-	-	4
Riverside	9	9	5	5	287
Sacramento	7	5	2	1	265
San Benito	1	-	-	-	6
San Bernardino	4	4	8	3	305
San Diego	14	7	8	7	491
San Francisco	3	2	3	4	168
San Joaquin	3	1	1	3	96
San Luis Obispo	3	2	1	-	83
San Mateo	1	2	2	3	91
Santa Barbara	1	-	1	-	59
Santa Clara	5	3	4	1	186
Santa Cruz	4	2	2	2	91
Shasta	2	3	2	-	63
Siskiyou	2	-	-	-	12
Solano	5	2	2	2	81
Sonoma	7	3	2	1	133
Stanislaus	3	2	-	3	92
Sutter	-	1	-	1	14
Tehama	-	-	-	-	9
Trinity	-	-	-	-	1
Tulare	4	2	-	-	67
Tuolumne	-	1	1	1	20
Ventura	8	-	1	4	165
Yolo	1	-	-	-	26
Yuba	-	-	-	1	10
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>95</b>	<b>5615</b>