



ENFORCEMENT INTERVENTION COMMITTEE

SUPPLEMENTAL MATERIALS TO COMMITTEE MEETING AGENDA

BRN Enforcement Intervention Committee Meeting | October 15, 2020

ENFORCEMENT INTERVENTION COMMITTEE

TABLE OF CONTENTS

9.0 Approval of Minutes	3
9.0.1 Review and Vote on Whether to Approve Previous Meeting Minutes: August 13, 2020	4
9.1 Information Only: Enforcement Update	10
9.1.1 Update of DOI/BRN Pilot Project	15
9.2 Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee (EIC) Members	
• Dr. Sepideh Moayed Physician Member, EIC 7 (San Jose)	
• Ruth Anderson, Public Member, EIC 2 (Bay Area)	17



Agenda Item 9.0

Approval of Minutes

BRN Enforcement Intervention Committee Meeting | October 15, 2020

**BOARD OF REGISTERED NURSING
ENFORCEMENT INTERVENTION COMMITTEE
MEETING MINUTES**

DRAFT

DATE: August 13, 2020

START TIME: 1:36 p.m.

MEMBERS PRESENT: Imelda Ceja-Butkiewicz
Elizabeth Woods, RN, FNP, MSN
Kenneth Malbrough, Public Member

STAFF MEMBERS PRESENT: Reza Pejuhesh, DCA Legal Attorney
Loretta Melby, RN, MSN-Executive Officer
Shannon Johnson, Deputy Chief, Discipline, Probation and Diversion

9.0 Call to Order/Roll Call/Establishment of a Quorum/Approval of Minutes
Imelda Ceja-Butkiewicz called the meeting to order. Time: 1:37 p.m.
Quorum Established.

9.0.1 Review and Vote on Whether to Approve Previous Meeting's Minutes:
➤ May 28, 2020

MOTION: The minutes of the May 28, 2020 are tabled until October 15, 2020 BRN Enforcement Intervention Committee Meeting.

PUBLIC COMMENT: No Public Comment

9.1 Information Only: Enforcement Intervention Update

BACKGROUND: **ACCOMPLISHMENTS:**

Complaint Intake

We have been working closely with the Public Information Unit (PIU) to ensure the standard for customer service is maintained while in the telework environment. The managers have assessed phone lines for information, including routes of access, call volume and voicemail capability. We have also worked with PIU staff to receive training on utilizing the Symposium reporting system as it relates to calls received to accurately monitor calls being referred from the PIU.

To maximize the ability for answering incoming calls from the public, the managers have drafted a proposal for a pilot program to begin August 17, 2020 and run to October 31, 2020. This pilot expansion includes all

enforcement support staff. All BRN support staff would monitor the voicemail left from the general public on a daily basis. Data will be collected, to assess workload impact and public needs. If this Pilot proves to be effective, the Enforcement Unit will make this expansion permanent.

Investigations

The Investigations Unit has been working closely with the Complaint Intake unit to streamline and improve processes to further the “Go Green” efforts.

Special Investigators are scanning all completed investigations in the field and transferring them electronically to BRN Headquarters for processing. This reduces the time in which a case moves through the process, as well as the cost for printing and shipping.

Both Supervising Special Investigators and the Deputy Chief for Investigation regularly participate with Complaint Intake staff in case Triage meetings to assist with complaint evaluation. This is a vital team building environment which has fostered the ability for staff to be able to regularly and easily exchange ideas and pose questions regarding workload topics.

BRN and the Division of Investigation (DOI) continue to improve the process surrounding case referrals and the Complaint Resolution Pilot Project. DOI has agreed to independently retrieve complaint documents from BreEZe; this will reduce the workload for staff office technicians who can be redirected to help where needed. Additionally, BRN and DOI are evaluating BreEZe to expand its use between the two departments.

BreEZe Subject matter expert Kristie Powell will be conducting training for DOI staff virtually in the next 30-45 days related to assigned complaints, the download of documents and navigation through the various areas. This will further the “go green” efforts of electronic transmission of documents between agencies.

Discipline

The Discipline Unit is looking at the lowest case processing timeframes in years and getting closer to the Department’s goal of 540 days for formal discipline processing.

In response to COVID-19, and the expansion of teleworking opportunities, the Discipline Unit effectively transitioned to a paperless case review system; expanding their use of Breeze for all case items.

We are currently working with the Attorney General's Office (AGO) on a pilot for the electronic transfer of case files. This pilot is currently with the Los Angeles AGO and will expand to the remaining offices if successful.

Probation

The Probation Unit has successfully testified in hearings using alternative methods such as Microsoft Teams and Conference Calls.

As of August 1, 2020, a new contract with FSSolution will go into effect, reducing the cost for probationary nurses required to drug test, if utilizing the new "in network" facilities.

Probation orientations have successfully been conducted via teleconference to allow for compliance with CDC guidelines.

Intervention

Maximus has been awarded the new contract for the administration of DCA's alternative to discipline recovery programs, including the BRN Intervention Program. Maximus was the prior contractor for the BRN Intervention Program, and the transition has been seamless. The new contract includes the addition of an outreach specialist who has been recruited to provide up to 45 presentations per year. In an effort to ease participant costs for drug testing while maintaining the integrity of random drug testing, lab costs have been reduced. Maximus has successfully deployed worksite monitor and clinical assessor portals in its case management system, which allow reports to be submitted electronically. Both systems are working well.

With the COVID-19 pandemic, Intervention Evaluation Committee meetings have successfully been implemented through Zoom meetings. Participants, Committee members, and Program staff have all stated the virtual meetings have worked well to maintain face-to-face contact.

UPDATES:

AB 2138 was effective as of July 1, 2020. The BRN's frequently asked questions have been updated on the website to reflect the new changes in AB2138. Please go to <https://www.rn.ca.gov/applicants/lic-faqs.shtml#discipline>

COVID-19 pandemic has created a challenge with outreach presentations due to travel and meeting restrictions. However, staff are currently looking into opportunities to conduct presentations virtually.

STATISTICS:

FISCAL YEAR COMPARISON

	FY 16/17	FY 17/18	FY 18/19	FY 19/20
Public Complaints	3,830	4,374	4,429	4,049
Arrest/Conviction Complaints	1,429	1,456	1,349	1,200
Applicants	3,769	3,903	3,289	2,942
Total Complaints Received	9,028	9,733	9,067	8,191
Intervention Referrals	1225	995	1047	906
Intervention Successful Completions	113	107	88	96
Investigation Referrals - DOI	621	519	480	434
Investigation Referrals - BRN	675	775	843	837
AG Referrals	1,198	1,282	1,583	1,076
Pleading Served	938	848	970	934
Decisions Adopted	1,282	1,141	1,333	1,287
Citations Issued	366	770	567	296

Citation Amount Ordered	\$266,428	\$519,133	\$392,864	\$207,075
Citation Amount Received	\$202,614	\$391,233	\$311,175	\$202,429
Total Probationers	1,576	1,397	1,239	1,280
In-State Probationers	1,196	1,003	843	847
Out of State (Tolled) Probationers	380	394	396	433
Chemically Dependent Probationers	787	580	443	436
Petitions to Revoke Probation	120	100	90	81

NEXT STEPS: CONTINUE TO MONITOR

DISCUSSION: Imelda Ceja-Butkiewicz BRN Enforcement Intervention Chair, inquired about the recent goals, cost and the of the expansion of In-Network Facilities, an affiliate partnered with the BRN Enforcement Unit.

Shannon Johnson, Enforcement Intervention Committee liaison explained how the outcome has positively impacted the participants.

PUBLIC COMMENT: No Public Comment

9.1.1 Information Only: DOI/BRN Pilot Update

BACKGROUND: BRN DOI CASE PRIORITIZATION PILOT PROJECT

BRN and 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.

As of July 27, 2020, there have been 82 cases submitted for BRN investigation that meet the new case referral guidelines. To date, 45 have been completed and 37 are pending.

The Pilot Program includes case tracking accountability measures so BRN and DCA can closely monitor this critical caseload. David Chriss, Division of Investigation Chief is scheduled to provide a presentation at the September 2020 Board Meeting.

NEXT STEPS: Continue monitoring workload and investigative timeframes.

DISCUSSION: Imelda Ceja-Butkiewicz BRN Enforcement Intervention Chair, inquired about the Pilot Program's current timeframe for processing through the Department of Justice. Scarlett Trevisio, Supervising Special Investigator, informed the members that information regarding timeframes of the Pilot Program will be provided at the next meeting.

9.2 Public Comment For Items Not On The Agenda

PUBLIC COMMENT: No Public Comment

9.3 ADJOURNMENT
Time: 1:55 p.m.

Submitted By:

Shannon Johnson
Enforcement Intervention
Committee Liaison

Accepted By:

Imelda Ceja-Butkiewicz
Enforcement Intervention Committee Chair



Agenda Item 9.1

Information Only: Enforcement Update

BRN Enforcement Intervention Committee Meeting | October 15, 2020

BOARD OF REGISTERED NURSING
Enforcement Intervention Committee
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: October 15, 2020

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

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

ACCOMPLISHMENTS:

Complaint Intake

The Complaint Intake Unit is working closely with the Licensing Division to ensure applicant case electronic business processes are streamlined. Our goal is to ensure that applicant cases requiring enforcement review are processed without any delays.

We have implemented an email portal (BRN.AB2138@DCA.CA.GOV) specifically designated for inquiries related to Assembly Bill 2138 (AB 2138). This portal is designed to be a central point of contact for students who have questions pertaining to criminal convictions as it relates to AB 2138. Students will receive direct and timely responses to their questions pertaining to AB 2138.

Complaint Intake Managers from BRN met with Complaint Intake Managers and the Deputy Chief of Enforcement from the Board of Vocational Nursing and Psychiatric Technicians, (BVNPT) to discuss, collaborate and exchange information on various business processes. This was a very positive interaction, and we have agreed to continue meeting on a quarterly basis to further strengthen the relationships between the Boards.

Investigations

Investigations coordinated two BreEZe training sessions with our internal Subject Matter Expert (SME) and the Division of Investigation (DOI). DOI staff will now be able to navigate the BreEze record and applicable areas needed when investigating a Registered Nurse. The training was well received, and it was decided it would be continued on a quarterly basis for new staff.

Investigations management staff continue to work with external stakeholders to streamline processes for case investigations to improve case completion timelines. We've been working with all attorney's involved in the cases to eliminate the need to issue subpoena's for records.

Discipline

All of the AG offices statewide are now up and running to receive new case transmittals through the file exchange server. This system is named DOJ FileExchange (FX) and it allows client

agencies to quickly send new case referrals and other large files directly to the AGO without using either hard-copy mail or email. Some of the benefits of the new system are:

- This is more secure than email
- Each file transfer can handle up to 50GB, so thousands of pages can be transferred in less than a minute
- This allows for the transfer of many file types including pdf files, images, video, and audio files
- The sender will receive an automatic email indicating the file has been received
- The sender does not have to mail us hard copies of the case referral
- This should reduce or eliminate mailing expenses for BRN
- This should help speed up the initial case processing time

Probation

The Probation Unit has completed a redistribution of caseloads among the analysts and support staff. The goal is to ensure that more complex cases are kept with the senior analysts.

The probation unit has begun meeting with the Nursing Education Consultants (NEC's) to streamline the employment approval process and the course assignment process for all probationary nurses. This will also allow us to track these processes through BreZE for reporting purposes.

Intervention

Maximus conducted our first ever training for Nurse Support Group Facilitators (NSGF's). The Probation Managers and Intervention Manager assisted in this training, which was the first in the series of two. This training focused on referral process and Program requirements for participants and NSGF's. The next training is scheduled for November and will focus on group process.

Intervention is actively recruiting Intervention Evaluation Committee (IEC) members. Staff has collaborated with the Department's Publications, Design, and Editing team to create social media, online flyers. Program staff has also sent out mailers to 172 psychiatrists with expertise in the field of addiction medicine.

STATISTICS:

FY Q1 COMPARISON

Complaint Intake	FY 19/20	FY 20/21
	Q1	Q1
Public Complaints	1146	915
Arrest/Conviction Complaints	356	243
Applicants	823	831
Total Complaints Received	2325	1989
Discipline/Citations		
AG Referrals	204	245
AG Cases Pending	1034	617
Pleadings Served	282	139
Decisions Adopted	360	251
Citations Issued	88	37
Citation Amount Ordered	\$60,100.00	\$25,425.00
Citation Amount Received	\$88,767.00	\$40,732.15
Intervention		
Intervention Referrals	291	188
Intervention Successful Completions	25	26
Investigations		
Investigation Referrals - DOI	115	149
Investigation Referrals - BRN	219	169
Probation		
Total Probationers	1250	1274
In-State Probationers	850	827
Out of State (Tolled) Probationers	400	447
Chemically Dependent Probationers	445	419
Subsequent AG Referrals	28	32
Subsequent AG Cases Pending	87	69
Petitions to Revoke Probation	20	17

NEXT STEPS:

Continue to Monitor

PERSONS TO CONTACT:

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



Agenda Item 9.1.1

Update of DOI/BRN Pilot Project

BRN Enforcement Intervention Committee Meeting | October 15, 2020



Agenda Item 9.2

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

BRN Enforcement Intervention Committee Meeting | October 15, 2020

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

AGENDA ITEM: 9.2
DATE: October 15, 2020

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.

Name	Title	IEC Location	Appointment Type	Term Expiration
Dr. Sepideh Moayed	Physician Member	7/San Jose	New Appointment	June 30, 2022
Ruth Anderson	Public Member	2/Fairfield	New Appointment	June 30, 2024

NEXT STEPS: Continue recruiting efforts

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