



INTERVENTION/DISCIPLINE COMMITTEE MEETING

AGENDA

Embassy Suites Anaheim – South
11767 Harbor Blvd.
Garden Grove, CA 92840
(714) 539-3300

January 11, 2017

**THIS MEETING WILL IMMEDIATELY FOLLOW THE CONCLUSION OF THE
EDUCATION/LICENSING COMMITTEE MEETING**

Wednesday, January 11, 2017

9.0 Call to Order and Establishment of a Quorum

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

- August 11, 2016
- October 6, 2016

9.1 Complaint Intake and Investigations Update and Statistics

9.2 Discipline and Probation Program Update and Statistics

9.3 Intervention Program Update and Statistics

9.3.1 Intervention Evaluation Committee Members/ New Appointments &
Resignations

9.4 Public Comment for Items Not on the Agenda

9.5 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.

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 or send a written request to the Board of Registered Nursing Office at 1747 North Market #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. Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote.



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: May 12, 2016

SITE: Embassy Suites San Francisco Airport – South San Francisco
 250 Gateway Blvd.
 South San Francisco, CA 94080

MEMBERS PRESENT: Cynthia Klein, RN, Chair
 Imelda Ceja-Butkiewicz
 Raymond Malle

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
 Beth Scott, Deputy Chief, Discipline, Probation & Diversion
 Shannon Silberling, Deputy Chief, Complaints and Investigations
 Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:05 p.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of March 10, 2016

Motion: Imelda Ceja-Butkiewicz to approve the minutes			
Second: Cynthia Klein			
CK: Y	RM: Y	ICB: Y	

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

We currently have one Office Technician (OT) position and one Associate Governmental Program Analyst (AGPA) vacant. We hope to have these filled by end of May.

Program

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZE team and involved in the Reports User Group, as well as the Enforcement User Group.

The Controlled Substance Utilization Review & Evaluation System (CURES 2.0) has been up and running since July 1, 2015. Effective July 1, 2016, all California licensed furnishing/prescribing

practitioners and pharmacists must be registered to access CURES/PDMP. They can find information on the Boards website to assist them in this process.

As of April 25, 2016

Complaints Received (FY 15/16)	6,305
Complaints Pending	1,954
Arrest/Conviction (CORI & Self Report)	1,055
Complaints over 1 year	68

INVESTIGATIONS:

Staff

We are currently fully staffed in both Northern and Southern California.

Program

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of April 25, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 41 DOI cases over one year old, that are still open.

Investigative staff continues to attend Task Force meetings and develop working relationships with allied agencies.

Statistics

BRN Investigations	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016
Total cases assigned	379	374	363	375	383	385
Total cases unassigned (pending)	106	155	142	177	146	147
Average days to case completion	267	265	271	320	301	295
Average cost per case	\$2,728	\$2,968	\$2,722	\$2,769	\$2,766	\$3,648
Cases closed	58	58	67	37	80	49
Division of Investigations	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016
Total cases assigned	359	328	268	274	277	291
Total cases unassigned (pending)	29	30	35	29	16	13
Average days to case completion	220	318	306	261	292	303
Average cost per case	\$4,155	\$6,696	\$7,246	\$4,350	\$5,734	\$5,544
Cases closed	40	33	33	29	21	20

Investigators are focused on clearing all aging cases.

9.2 Discipline and Probation Update

Staffing

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the position.

Program – Discipline

The Discipline Unit continues to work with the Attorney General’s (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

Statistics - Discipline

Below reflects FY 14/15 (July 1, 2014 – June 30, 2015) discipline statistics:

Decisions Adopted	1,578
Pleadings served	1,067
Petitions to Revoke Probation served	104
Surrenders signed by E. O.	291

Below reflects FY 15/16 (July 1, 2015 – April 29, 2016) discipline statistics:

Decisions Adopted	1,323
Pleadings served	1,061
Petitions to Revoke Probation served	65
Surrenders signed by E. O.	215

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics. The discipline unit has one discipline analyst dedicated to working on BreZE reports.

Program – Probation

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the position.

Statistics - Probation

Statistics – July 1, 2015 to April 28, 2016

Probation Data	Numbers	% of Active
Male	337	29%
Female	823	71%
Chemical Dependency	769	66.3%
Required Drug-Screening	605	52.2%
Practice	275	23.7%

Mental Health	6	0.5%
Conviction - excluding chemical dependency/alcohol use	110	9.5%
Advanced Certificates	115	10%
Southern California	670	58%
Northern California	487	42%
Pending AG - Tolled	3	0%
Pending AG	87	8%
License Revoked Fiscal YTD	36	
License Surrendered Fiscal YTD	66	
Terminated Fiscal YTD	31	
Successfully Completed Fiscal YTD	112	
Active In-State Probationers	1,160	
Completed/Revoked/Terminated/Surrendered YTD	245	
Tolled Probationers	333	
Active and Tolled Probationers	1,493	

The average case load of active probationers per probation monitor is approximately 145. However, the average number of cases per monitor including Tolled cases is 186. There are 52 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

9.3 Intervention Program Update and Statistics

Staffing

The Intervention program is fully staffed.

Program Update

The Intervention program contractor, MAXIMUS are scheduled to present at two upcoming outreach presentations. The first presentation is scheduled for May 11, 2016, at California State University Sacramento (CSUS) which will be catered to 78 students who will be graduating at the end of May with their Bachelor of Science in Nursing. The second presentation is scheduled for June 9th, 2016, at the Saint Francis Hospital in San Francisco. Further information will be provided at a later date.

Intervention Evaluation Committees (IEC)

There is currently one Physician member vacancy in Burbank (IEC 8).

There are currently two RN member vacancies at this time, one in San Jose (IEC 7)* and one in Burbank (IEC 8).

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for February 1, 2016, through March 31, 2016, is after this update. As of March 31, 2016, there have been 2,055 successful completions.

DRAFT

9.3.1 Diversion Evaluation Committee Members

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 are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Erin Boerum	RN Member	Orange County	4
John Helmuth	RN Member	Fairfield	11
Mary McCloy	RN Member	San Jose	7
Maryn Young	RN Member	Sacramento	1
Vamsi Garlpati	Public Member	Orange County	4

REAPPOINTMENTS

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Scott Bertrand	RN Member	Ontario	9
Janis Bush	RN Member	Palm Springs	6
Dianne Christoffels	RN Member	San Diego	10
Sara Cardiner	RN Member	Bay Area	2
Mary Kropf	RN Member	Oakland	13
Bobbie Leva	RN Member	Burbank	8
Michael Mayo	RN Member	Fresno	5
Patricia Mraz	RN Member	Santa Ana	14
LaFrancine Tate	Public Member	Bay Area	2

Motion: Ray Mallel to approve the Intervention Evaluation Committee member appointments and reappointments			
Second: Imelda Ceja-Butkiewicz			
CK: Y	RM: Y	ICB: Y	

RESIGNATION (For informational purposes, no vote needed)

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Duane Anderson	RN Member	Burbank	8

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

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.

§1444.5. Disciplinary Guidelines.

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the board shall comply with the “Uniform Standards for Substance-Abusing Licensees – Terms and Conditions,” and consider the disciplinary guidelines entitled: “Recommended Guidelines for Disciplinary Orders and Conditions of Probation” (10/0203/2016), which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; Uniform Standards apply to a substance-abusing licensee.

(1) Subject to subdivision (b), ~~D~~deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the presence of aggravating factors; the age of the case; or evidentiary problems issues.

(2) If the conduct found to be a violation involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of Section 315 of the Code. If the licensee does not rebut the presumption, then the Uniform Standards for substance-abusing licensees shall apply.

(b) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any acts of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a

sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

~~(b) Notwithstanding subsection (a), the Board shall use the uniform standards for substance abusing licensees as provided in Section 1445.51, without deviation, for each individual determined to be a substance abusing licensee.~~

Authority cited: Section 2715, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(c), Government Code.

HISTORY:

1. New section filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).
2. Amendment of "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (incorporated by reference) and amendment of section filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
3. Amendment of section and Note filed 4-24-2003; operative 5-24-2003 (Register 2003, No. 17).
4. Amendment of section and Note filed 7-23-2014; operative 7-23-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 30).

~~§1444.51. Uniform Standards Related to Substance Abuse.~~

~~(a) The board shall also apply, as required, the Department of Consumer Affairs' Substance Abuse Coordination Committee's Uniform Standards Regarding Substance Abusing Healing Arts Licensees (April 2011) [hereafter "Uniform Standards"], which are hereby incorporated by reference. The "Uniform Standards" describe the mandatory conditions that apply to a substance abusing licensee, except that the board may impose more restrictive conditions if necessary to protect the public.~~

~~(b) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with sections 11500 et seq.), the board finds that the evidence proves that an individual is a substance abusing licensee for the purposes of section 315 of the code, then all relevant terms and conditions contained in the Disciplinary Guidelines and the "Uniform Standards" shall apply as written and be used in the order placing the licensee on probation.~~

~~(a) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the government Code (commencing with Sections 11500 et seq.), the Board finds that the evidence establishes that an individual is a substance abusing licensee, then the terms and conditions in the Standard Language to be Included in Every Probationary Order for Substance Abusing Licensees contained within the document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation", revised in March 2016, which are hereby~~

~~incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.~~

~~(b) If a licensee signs and agrees to a stipulated settlement he or she must complete a clinical diagnostic evaluation. If the licensee is deemed to be a Substance Abusing licensee he or she will be subject to the Standard Language to be Included in Every Probationary Order for Substance Abusing Licensees contained within document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation," revised in March 2016, which are hereby incorporated by reference.~~

~~(c) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation that are specific to a particular case or that are derived from the Board's guidelines referenced in Section 1444.5 in any order that the Board determines would provide greater public protection.~~

~~Note: Authority cited: Section 2715, Business and Professions Code and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.~~

Motion: Cynthia Klein to recommend that this language be approved by the Board at the June meeting.			
Second: Imelda Ceja-Butkiewicz			
CK: Y	RM: Y	ICB: Y	

9.5 Public Comment for Items Not on the Agenda

No public comment for items not on the agenda.

The Chair adjourned the committee meeting at approximately 12:38 p.m.

Approved: _____

ATTACHMENTS FOR ITEMS:

9.3.3

9.3.4

9.3.5

9.3.6

9.3.7

DRAFT



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: August 11, 2016

SITE: Four Points by Sheraton
Los Angeles International Airport
9750 Airport Blvd.
Los Angeles, CA 90045

MEMBERS PRESENT: Cynthia Klein, RN, Chair
Imelda Ceja-Butkiewicz
Raymond Mallel

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
Beth Scott, Deputy Chief, Discipline, Probation & Diversion
Shannon Silberling, Deputy Chief, Complaints and Investigations
Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:49 p.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of May 12, 2016

Motion: Minutes deferred to October committee meeting			
Second:			
CK:	RM:	ICB:	

9.1 Complaint Intake and Investigations Update

COMPLAINT INTAKE:

Staff

We have one Office Technician position vacant and we have one Limited Term, Associate Governmental Analyst position vacant.

Program

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZe team and involved in the Reports User Group, as well as the Enforcement User Group.

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners must be registered to access CURES/PDMP. They can find information on the Board's website to assist them in this process.

We continue to work with the State Auditor's Office to provide reports and information, as requested.

FY Statistics

Fiscal Year	Convictions	Consumer	Total Complaints
2011/12	5,127	2,770	7,897
2012/13	5,459	2,927	8,386
2013/14	4,640	3,287	7,927
2014/15	3,344	3,491	6,835
2015/16	4,360	3,368	7,728

As of August 3, 2016, we have received 700 complaints for the current fiscal year. We currently have 478 pending applicants and 609 pending complaints. Of the 609 complaints, 447 are arrest/convictions.

INVESTIGATIONS:

Staff

We just filled our Limited Term Office Technician position, which makes us fully staffed in both Northern and Southern California.

Program

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of August 3, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 64 DOI cases over one year old, that are still open.

FY Statistics

FY 2015/16		
	BRN	DOI
Closed Cases	632	367
Closed Case Total Hours	17523.88	8455.5
Hourly Rate	\$88.09	\$169.00
Closed Case Total Cost	\$1,543,678.59	\$1,428,979.50
Average cost per case	\$2,443	\$3,894
Average days to case completion	276	300

Supplemental hours	693.16	2318.5
Supplemental Total Cost	\$61,060	\$391,826.50
FY Total Hours	23090.36	14838.25
FY Total Cost	\$2,034,029.81	\$2,507,664.25
Cases Opened	723	334

FY 2014/15		
	BRN	DOI
Closed Cases	487	524
Closed Case Total Hours	14768.96	13462.25
Hourly Rate	\$88.09	\$235.00
Closed Case Total Cost	\$1,300,997.69	\$3,163,628.75
Average cost per case	\$2,671	\$6,037
Average days to case completion	277	291
Supplemental hours	362.67	2432
Supplemental total cost	\$31,948	\$571,520.00
FY Total Hours	19780.52	20914.25
FY Total Cost	\$1,742,466.01	\$4,914,848.75
Cases Opened	709	464

FY 2013/14		
	BRN	DOI
Closed Cases	404	589
Closed Case Total Hours	11402.3	16493.5
Hourly Rate	\$85.73	\$211.00
Closed Case Total Cost	\$977,519.18	\$3,480,128.50
Average cost per case	\$2,420	\$5,909
Average days to case completion	464	262
Supplemental hours	419.92	2380.5
Supplemental total cost	\$36,000	\$502,285.50
FY Total Hours	15185.04	24148.25
FY Total Cost	\$1,301,813.48	\$5,095,280.75
Cases Opened	368	625

FY 2012/13		
	BRN	DOI
Closed Cases	235	580
Closed Case Total Hours	9458.57	15551.5
Hourly Rate	\$85.73	\$211.00

Closed Case Total Cost	\$810,883.21	\$3,281,366.50
Average cost per case	\$3,451	\$5,658
Average days to case completion	650	271
Supplemental hours	97.58	2310.5
Supplemental total cost	\$8,366	\$487,515.50
FY Total Hours	13166.56	22797.00
FY Total Cost	\$1,128,769.19	\$4,810,167.00
Cases Opened	323	588

9.2 Discipline and Probation Update

Staffing

The Probation Program is in the process of interviewing for two vacancies, an Office Technician (support staff) and an Associate Governmental Program Analyst (probation monitor) position.

Program – Discipline

The Discipline Unit continues to work with the Attorney General’s (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

The average cycle time for final discipline has decreased by 2.8 months since July 2015.

Statistics - Discipline

Below reflects FY 15/16 (July 1, 2015 – June 30, 2016) discipline statistics:

Decisions Adopted	1,578
Pleadings served	1,067
Petitions to Revoke Probation served	104
Surrenders signed by E. O.	291

Below reflects FY 16/17 (July 1, 2016 – August 3, 2016) discipline statistics:

Decisions Adopted	73
Pleadings served	76
Petitions to Revoke Probation served	10
Surrenders signed by E. O.	16

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics and the automation of work processes. The discipline unit has one discipline analyst dedicated to working with the BreZE team.

Program – Probation

The Probation Program is currently working in union with DCA’s BreEZe Team to automate probation monitoring using the BreEZe system.

On June 23, 2016, Probation Program staff attended a symposium hosted by FirstLab. Topics included new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. Probation staff found the symposium informative.

Probation Program Growth

	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	Current FY 2016/2017
Active In-State Probationers	692	743	862	1,033	1,189	1,198
Out of State Probationers	207	226	254	281	345	348
Total Probationers	692	969	1,116	1,314	1,534	1,546

Statistics - Probation

Statistics – July 1, 2016 to August 2, 2016

Probation Data	Numbers	% of Active
Male	351	29%
Female	847	71%
Chemical Dependency	789	65.9%
Required Drug-Screening	637	53.2%
Practice	288	24.0%
Mental Health	7	0.6%
Conviction - excluding chemical dependency/ alcohol use	114	9.5%
Advanced Certificates	114	10%
Southern California	689	58%
Northern California	505	42%
Pending AG - Tolled	4	0%
Pending AG	107	9%
License Revoked Fiscal YTD	2	

License Surrendered Fiscal YTD	12	
Terminated Fiscal YTD	3	
Successfully Completed Fiscal YTD	17	
Active In-State Probationers	1,198	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	348	
Active and Tolled Probationers	1,546	

The average case load of active probationers per probation monitor is approximately 149. However, the average number of cases per monitor including Tolled cases is 193. There are 57 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

9.3 Intervention Program Update and Statistics

Staffing

The Intervention Program currently has a vacancy for an Office Technician and we are currently working to fill this position.

Program Update

The Intervention program is currently in the process of preparing for the 2016, Intervention Liaison Committee meeting (ILC). The ILC meeting is held annually to maintain the continuity and integrity of the program in addition to providing a forum to vote on pertinent policy proposals that support the enhancement of the Intervention Program. The Intervention Discipline Committee (IDC) Chairperson, Executive Officer, Assistant Executive Officer, the Chief of Enforcement, Intervention Staff, and the IEC Member Chairs are invited to attend. This year's meeting will be held in Northern California on October 24, 2016.

In addition to the ILC meeting, the Intervention program staff are also preparing for the Nurse Support Group Facilitator's Conference. This conference is conducted to develop greater communication between the facilitators, Board staff and MAXIMUS, the Intervention programs contractor. There will be discussion regarding the facilitator's role and responsibilities as outlined in the Intervention program contract, guidelines and policies. This year's meeting will be held in Northern California on October 25, 2016.

On June 23, 2016, the Intervention unit staff attended an all-day symposium put on by FirstLab. Topics that were covered included, new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. The symposium was educational and well received.

The Board of Registered Nursing's Intervention program will be present at the California State Capitol on September 7, 2016, for the annual Recovery Happens rally. Recovery Happens is the statewide campaign for everyone to celebrate the lives of people who are recovering from alcohol and/or drug addiction. Recovery Happens provides the perfect platform to inform

Californians about the positive effects that recovery and treatment have on our communities. The rally brings over 5,000 people together for a day to celebrate recovery.

Intervention Evaluation Committees (IEC)

There are currently three Physician member vacancies at this time, one in Burbank (IEC 8) one in Ontario (IEC 9)* and one in San Diego (IEC 10)*.

There are currently two RN member vacancies at this time, one in Burbank (IEC 8) and one in Oakland (IEC 13)*.

There are currently two Public member vacancies at this time, one in Orange county (IEC 4) and one in Santa Ana (IEC 14)*

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for April 1, 2016, through June 30, 2016, is after this update. As of June 30, 2016, there have been 2,083 successful completions.

9.3.1 Diversion Evaluation Committee Members

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 are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Alan Abrams, MD	Physician Member	San Diego	10
Mihran Ask, MD	Physician Member	Ontario	9
Nicole Gilbert	Public Member	Santa Ana	14
Brooke Kilpatric	RN Member	Oakland	13

Motion: To approve deferred to September board meeting			
Second:			
CK:	RM:	ICB:	

RESIGNATION (For informational purposes, no vote needed)

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Felicity Blau	RN Member	Oakland	13
Vamsi Garlpati	Public Member	Orange County	4

9.4 Public Comment for Items Not on the Agenda

No public comment for items not on the agenda.

The Chair adjourned the committee meeting at approximately 1:06 p.m.

Approved: _____

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Cynthia Klein, RN, Chairperson

BACKGROUND:

COMPLAINT INTAKE:

Staff

Complaint Intake is fully staffed

Program

We are currently working with DCA's BreEZe staff to develop reports for the complaint intake process. These reports will identify average case times for each milestone, throughout the life of the case. We will then be able to determine where any process adjustments are needed in order to meet the Consumer Protection Enforcement Initiative (CPEI) guidelines. This will be completed by March 1, 2017.

We are developing a database to track all internal/external training courses of all BRN staff. This will assist managers in assuring that all staff has the training needed for their current job, as well as promotional possibilities. The Complaint Intake staff are enrolled and will be taking the BreEZe Enforcement course on January 19, 2017.

Our expert witness program is being revised to include an updated training program and materials. We have developed an insert for our renewals in an effort to recruit additional experts. We currently have 195 active experts across California but are currently in high demand for RN's with the following experience;

- Laser/Botox
- Anesthetist
- Midwives
- Nurse Practitioners

Anyone interested should fill out an application on our website, www.rn.ca.gov/pdfs/enforcement/expwit.pdf.

Statistics

As of January 3, 2017:

Complaints Received (FY 16/17)	4,292
Complaints Pending (All open complaints, including pending investigations)	1,147
Arrest/Conviction (CORI & Self Report)	885

Complaints over 1 year	53
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INVESTIGATIONS:

Staff

We are fully staffed in both Northern and Southern California, as well as all support staff.

Program

We currently have no unassigned cases, which from the audit, was considered our backlog. Each investigator has, on average, approximately 25 cases.

The BRN is working with the Attorney General (AG) to develop a formal biennial training program with techniques to gather appropriate evidence. The training will include procedure guidelines specific to proper evidence-gathering techniques, and a description of what constitutes sufficient evidence for investigators to follow when investigating complaints.

As of January 3, 2017, there were approximately 44 BRN investigative cases and 56 DOI cases, over one year old.

Statistics

BRN Investigations	July 2016	August 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016
Total cases assigned	330	381	389	383	446	482
Total cases unassigned (pending)	176	134	114	115	32	32
Average days to case completion	238	248	310	309	336	228
Average cost per case	\$2,850	\$2,788	2964	\$3,203	\$3,148	\$2,626
Cases closed	44	72	57	45	46	46
Division of Investigations	July 2016	August 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016
Total cases assigned	259	262	273	280	291	290
Total cases unassigned (pending)	25	141	18	30	32	52
Average days to case completion	390	336	340	385	297	353
Average cost per case	\$8,420	\$5,444	\$6,882	\$7,029	\$6,303	\$7,837
Cases closed	30	29	30	16	29	26

NEXT STEP:

Continue to review and adjust internal processes and work with DCA to create reports to monitor statistics for improvement in case processing time frames. Follow directions given by committee and/or board.

FISCAL IMPACT, IF ANY:

None at this time.

PERSON TO CONTACT:

Shannon Silberling, Deputy Chief Enforcement
(916) 515-5265

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.2
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Discipline and Probation Program update

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Probation Unit has a vacant Office Technician position. Additionally, the unit will have a Staff Services Analyst (Probation Monitor) vacancy as of 1/16/2017. Due to these vacancies, two positions in Enforcement have been redirected to assist in probation.

The Discipline Unit is currently conducting interviews to fill an Office Technician vacancy.

Program – Discipline

The Discipline Unit continues to work with the Attorney General’s (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

The discipline unit is in the process of beginning a pilot project to utilize the DCA Cloud to transmit cases to the AG’s office. It is anticipated this process will provide cost savings and result in a reduction in the overall timeframe for imposing discipline.

Statistics - Discipline

Below reflects FY 15/16 (July 1, 2015 – June 30, 2016) discipline statistics:

Decisions Adopted	1,578
Pleadings served	1,067
Petitions to Revoke Probation served	104
Surrenders signed by E. O.	291

Below reflects FY 16/17 (July 1, 2016 – December 30, 2016) Discipline statistics:

Decisions Adopted	616
Pleadings served	482
Petitions to Revoke Probation served	64
Surrenders signed by E. O.	129

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics and the automation of work processes. The discipline unit has one discipline analyst dedicated to working with the BreZE team.

Program – Probation

Probation is in the process of collaborating with DCA’s SOLID program to provide training of the Probation Monitoring module of the Enforcement Academy.

Statistics - Probation

Statistics – July 1, 2016 to January 4, 2017

Probation Data	Numbers	% of Active
Male	357	29%
Female	865	71%
Chemical Dependency	805	65.9%
Required Drug-Screening	577	47.3%
Practice	286	23.4%
Mental Health	9	0.7%
Conviction - excluding chemical dependency/alcohol use	122	10.0%
Advanced Certificates	119	10%
Southern California	709	58%
Northern California	508	42%
Pending AG - Tolled	5	0%
Pending AG	109	9%
License Revoked Fiscal YTD	2	
License Surrendered Fiscal YTD	12	
Terminated Fiscal YTD	3	
Successfully Completed Fiscal YTD	17	
Active In-State Probationers	1,222	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	358	
Active and Tolled Probationers	1,580	

The average case load of active probationers per probation monitor is approximately 122. However, the average number of cases per monitor including Tolled cases is 158. There are 61 Early Termination and 12 Modification of Probation cases waiting to be heard by the Board.

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 Silberling, Chief of Discipline, Probation, and Intervention
(916) 515-5265

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.3
DATE: January 11, 2017

ACTION REQUESTED: Information Only: Intervention Program Update and Statistics

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Intervention Program currently has a vacancy for an Office Technician position and hiring for this position has been placed on hold. In addition, the program also has a retired annuitant position that has not been extended. Both positions are currently not being filled due to budgetary constraints.

Program Update

On November 9, 2016, Virginia Matthews, MAXIMUS Project Manager provided an educational Intervention Program presentation for new graduate nurses who were completing new hire orientation at Santa Cruz Dominican Hospital. The presentation was well attended and the attendees indicated they appreciated the opportunity to learn about the Intervention Program and its role in public protection.

On December 7, 2016, Stephanie Trumm, MAXIMUS Clinical Case Manager conducted a round robin style Intervention outreach presentation for approximately 70 Sacramento State Nursing Students.

On December 14, 2016, Stephanie Trumm, MAXIMUS Clinical Case Manager attended the Women's Association for Addiction Treatment holiday gathering. During this gathering, Stephanie shared how the Intervention program provides assistance for nurses suffering in need.

On February 21, 2017, the Intervention program will be hosting the first of a series of approximately four Mental Health Ad Hoc Committee meetings. The purpose of this committee is to develop best practice strategies to meet the unique needs of nurses with mental illness and to develop a model rehabilitation plan for use by all the Intervention Evaluation Committees.

Below are the names of the Intervention Evaluation Committee members that have been selected to serve on the Mental Health Ad Hoc Committee.

<u>NAME</u>	<u>TITLE</u>
Dr. Alan Abrams	Physician Member
Dr. Mihran Ask	Physician Member
Dianne Christoffels	RN Member
Jolie Gordon-Browar	RN Member
Denise Guisti-Bradford	Public Member
Janis Bush Jones	RN Member
Michael Mayo	Public Member

Intervention Evaluation Committees (IEC)

There is currently one Physician member vacancy in Oakland (IEC 13).

There are currently two RN member vacancies at this time. One in Burbank (IEC 8)* and one in Orange County (IEC 4)*

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for September 1, 2016, through November 31, 2016, is after this update. As of November 31, 2016, there have been 2,146 successful completions.

NEXT STEP:	Follow directions given by Committee and/or Board.
FISCAL IMPACT, IF ANY:	None at this time.
PERSON TO CONTACT:	Shannon Silberling, Deputy Chief Enforcement (916) 515-5265

Board of Registered Nursing
Intervention Program
Statistical Summary
SEPTEMBER 2016 - NOVEMBER 2016

INTAKES			
	Current Month	Year To Date	Program To Date
Referral Type*			
Board-Referred	26	48	3,840
Self-Referred	13	18	1,363
TOTAL INTAKES COMPLETED	39	66	5,203

**May change after Intake*

PRESENTING PROBLEM AT INTAKE			
	Current Month	Year To Date	Program To Date
Substance Abuse (only)	27	47	3,264
Mental Illness (only)	1	1	169
Dual Diagnosis	11	17	1,685
Undetermined	0	1	85
Most Common Drug of Choice	Alcohol		

CLOSURES			
	Current Month	Year To Date	Program to Date
Successful Completion	38	62	2,146
Failure to Derive Benefit	1	2	125
Failure to Comply	0	3	981
Moved to Another State	0	0	52
Not Accepted by IEC	0	0	60
Voluntary Withdrawal Post-IEC	0	1	340
Voluntary Withdrawal Pre-IEC	3	7	536
Participant Withdrawn-Failure to sign contract	0	0	1
Closed Public Risk	4	10	361
No Longer Eligible	1	2	19
Clinically Inappropriate	0	0	34
Client Expired	0	0	41
Sent to Board Pre-IEC	0	0	2
TOTAL CLOSURES	47	87	4,698

INTAKE DEMOGRAPHICS			
	Current Month	Year To Date	Program to Date
Gender			
Female	28	51	4,061
Male	11	15	1,115
Unknown	0	0	27
Age Category (at Intake)			
20-24	0	0	34
25-29	4	5	423
30-34	8	14	877
35-39	9	16	1,085

INTAKE DEMOGRAPHICS			
40-44	2	6	1,069
45-49	9	13	839
50-54	1	4	532
55-59	3	4	241
60-64	2	3	79
65+	1	1	11
DOB Error/Not Entered	0	0	13
Ethnicity			
American Indian/Alaska Native	0	0	39
Asian/Asian Indian	0	0	124
African American	1	2	167
Hispanic	4	8	227
Native Hawaiian/Pacific Islander	0	0	30
Caucasian	27	49	4,266
Other	2	2	79
Not Reported	5	5	271
Worksite at Intake**			
Case Management	0	0	5
Clinic	0	0	118
Clinical - Public, non-profit	0	0	2
Corporation	0	0	9
Doctor's Office	0	0	46
Government Agency	0	0	7
Group Practice - profit	0	0	16
Health Maintenance Organization	0	0	6
HMO	0	0	1
Home Health Care	0	0	19
Hospital	1	4	2,601
Not Working in Nursing	0	0	4
Nursing Home	0	0	10
Other	0	1	248
Prison/Jail	0	0	13
Private Practice	0	0	9
Registry	0	1	179
Retail	0	0	1
School of Nursing	0	0	9
Telephone Advice	0	0	1
Temporary Service	0	0	3
Undetermined	22	22	589
Unemployed	16	38	1,307
**NOTE: RN licenses are placed on inactive status once an RN enrolls in the Program			
Specialty at Intake			
Chemical Dependency	0	0	8
Critical Care	4	7	915
Dental Public Health	0	0	1
Doctor's Office	0	0	27
Emergency Department	5	7	595
Gerontology	0	0	28
Home Care	0	2	100
Hospital	6	12	349

INTAKE DEMOGRAPHICS			
Insurance	0	0	5
Medical Surgical	8	9	991
None	0	0	74
Nurse Anesthesia	1	3	55
Nurse Midwife	0	0	7
Nurse Practitioner	0	0	108
Nursing Home	0	0	16
Obstetrics/Gynecology	1	2	292
Oncology	2	3	159
Operating Room	0	0	179
Other/Other Specialty	6	10	489
Pediatrics	0	1	139
Psychiatry	2	5	148
Recovery Room	2	3	103
Undetermined	2	2	415

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

AGENDA ITEM: 9.3.1
DATE: January 11, 2017

ACTION REQUESTED: Intervention Evaluation Committee Members/New Appointments

REQUESTED BY: Cynthia Klein, RN, Chairperson

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 are the names of the candidates who are being recommended for appointment and reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Elaine Ocampo	RN Member	Burbank	8
Judy Van Varick	RN Member	Orange	4

NEXT STEP: Continue recruiting efforts.

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