



## **INTERVENTION/DISCIPLINE COMMITTEE MEETING**

### **AGENDA**

DoubleTree by Hilton San Francisco Airport  
Redwood/Sequoia Rooms  
835 Airport Boulevard  
Burlingame, California 94010  
(650) 344-5500

**May 10, 2018**

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

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#### **Thursday, May 10, 2018**

#### **9.0 Call to Order and Establishment of a Quorum**

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

- October 4, 2017
- January 11, 2018

#### **9.1 Complaint Intake and Investigations Update**

#### **9.2 Discipline and Probation Program Update**

#### **9.3 Intervention Program Update**

##### **9.3.1 Intervention Evaluation Committee Member / New Appointment**

#### **9.4 Division of Investigation Presentation and Report**

#### **9.5 Vote on Whether to Recommend Approval of Regulatory Proposal to Revise the Recommended Guidelines for Disciplinary Orders and Conditions of Probation in California Code of Regulations, Article 1, Section 1444.5, Disciplinary Guidelines**

#### **9.6 Public Comment for Items Not on the Agenda**

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

#### **9.7 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](mailto:webmasterbrn@dca.ca.gov), or send a written request to the Board of Registered Nursing at 1747 N. Market Blvd., Ste. 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. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.

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

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**AGENDA ITEM:** 9.1  
**DATE:** May 10, 2018

**ACTION REQUESTED:** Information Only: Complaint Intake and Investigations Update

**REQUESTED BY:** Barbara Yaroslavsky, Chairperson

**COMPLAINT INTAKE UPDATE:**

Fiscal Year 2018 Complaint Intake Workload Volume, as of 4/16/2018

Public Complaints Received	2,833
Licensee Arrest & Conviction Reports	1,174
Applicant Criminal Conviction Cases	3,007
Total Complaints Received (FY 17/18)	7,014

Current Complaint Intake Workload, as of 4/16/2018

Complaint Intake Desk Investigations Pending (CORI and Public Complaints, not-including field investigations)	831
Desk Investigations Pending > 1 year	102
Cases Pending Expert Review	72
Applicant Desk Investigations Pending	440
Applicant Cases Pending > 1 year	11

Applicant Workload By The Numbers

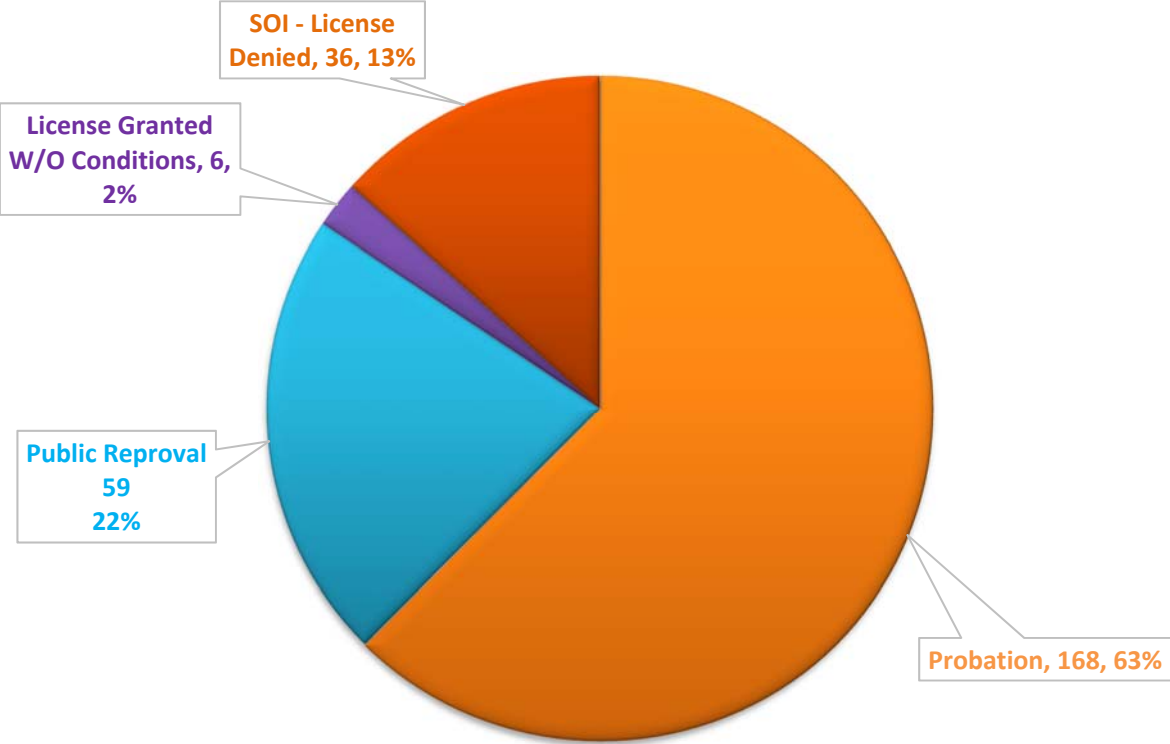
	2014-2015	2015-2016	2016-2017	<b>Totals</b>
Total Exam/Endorsement Applications Received	29,311	31,772	36,919	<b>98,002</b>
Enforcement Applicant Workload	2,318 (7.9%)	2,970 (9.3%)	3,769 (10.2%)	<b>9,057 (9.2)</b>
Initial Denials	170 (7.3%)	172 (5.7%)	97 (2.5%)	<b>439 (4.8%)</b>
Denials Who Filed Appeals	129 (76%)	133 (77%)	74 (76%)	<b>336 (76%)</b>

(%) = Percentage of number immediately above.

Applicant Denial Appeals - Outcomes

Applicants have the right to appeal the Board’s initial denial determination. Appeals are referred to the Attorney General. A Statement of Issues (SOI) is served to the applicant, and the applicant may exercise their right to a hearing. Appeals may also be resolved through stipulated settlement. All final applicant discipline is reviewed and approved by the Board.

**FY 2015 to 2017 Applicant Appeal Disciplinary Outcomes**



Staff Vacancies

An offer has been made to fill the one vacant Office Technician position in Complaint Intake. We are awaiting the candidate’s fingerprint clearance. This position should be filled this month.

## **INVESTIGATION PROGRAM UPDATE:**

### Staff

The BRN Investigation Unit is fully staffed; there are no vacancies.

### Program

EO Dr. Morris, AEO Stacie Berumen and myself met with DCA's Division of Investigation (DOI) senior management on April 26, where we discussed IDC requested caseload statistics as well as investigative timeframes. BRN expressed our concerns regarding investigative timeframes and the number of cases currently over one year old. DOI openly discussed their plans to address aging cases and decrease the amount of time it takes to conduct BRN's most Urgent and High Priority field investigations.

### Committee Requested Statistics

At the March 2018 meeting, the Committee requested numbers from the Division of Investigation regarding the number of practice related complaints that resulted in criminal referrals.

The Division of Investigation conducted a full review of their workload from July 2016 to March 2018. Both DOI and BRN agree that current CPEI guidelines are being correctly followed. DOI's review of the practice related referrals revealed the following statistics:

DOI referrals for practice related allegations of Wrongful Death, Incompetence and Negligence	200
Practice related cases returned to BRN without investigation (did not meet CPEI Guidelines)	55
Practice Related Cases Accepted by DOI	145
Cases above closed with completed DOI Reports	65
Number of Criminal Referrals	1

### Summary Investigation Workload Statistics

#### Cumulative Investigation Referrals - Fiscal Year 2018

	No. of Cases	Percent of all Referrals
Referred to DOI	397	40%
Referred to BRN Investigation Unit	596	60%

#### Active Investigation Caseload – May 1, 2018

	No. of Cases	Percent of Active Cases
DOI Workload	442	51%
BRN Investigation Unit	434	49%

## Cumulative Investigation Closures – Fiscal Year 2018

	Completed Investigation Reports	Average Days Investigation Time	Average Cost Per Case
Division of Investigation Closures	377	286	\$6,792
BRN Investigation Unit Closures	687	228	\$2,321

As of May 1, there are 77 DOI investigations and 10 BRN investigation over one year old. Cases over one year old represent 17% and 2% of total workload, respectively.

### **OUTREACH ACTIVITIES:**

On April 24<sup>th</sup>, Complaint Intake Manager, Sonya Wilson hosted a Complaint Intake Roundtable Discussion meeting with representatives from other healing arts boards. DCA SOLID's Office of Change Management helped organize and facilitate the meeting. Management representatives from the Medical, Dental, Psychology, Pharmacy, and Vocational Nursing & Psychiatric Technicians Boards were all present at the meeting. The meeting was successful in re-establishing communication with other health care licensing complaint processing units.

In addition to networking, the managers discussed business processes and best practices. Future Complaint Intake Roundtable meetings will be held on a quarterly basis.

On May 2<sup>nd</sup>, Licensing and Administrative Services Chief, Christina Sprigg and I were invited to speak to this year's Sierra College RN Program graduating class. Our presentation focused on our application for licensing process and the BRN Enforcement Program.

### **PERSON TO CONTACT:**

Joseph Pacheco, Deputy Chief  
Enforcement Division  
Complaint Intake & Investigations  
(916) 515-5268

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

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**AGENDA ITEM:** 9.2

**DATE:** May 10, 2018

**ACTION REQUESTED:** Information Only: Discipline and Probation Program update

**REQUESTED BY:** Barbara Yaroslavsky, Chairperson

**PROBATION UNIT**

Laura McLean was promoted to an Associate Governmental Program Analyst (Probation Monitor) from a Staff Services Analyst (Probation Monitor) within the probation unit effective May 2, 2018. Her vacancy is in the process of being recruited.

The current case load per monitor is approximately 133 cases, which includes tolled probationers. The average case load determined by DCA was 75 cases per monitor.

Once Uniform Standards complete the approval process, analyst monitoring these cases should have a lower case load, due to the complexity and multifaceted monitoring required.

We continue to reassess our business processes and implement changes to not only reduce our caseloads but streamline the probation process.

- \* Petitioners for early termination of probation - To date, we have completed 107 via the stipulation process and there are 20 cases pending.
- \* There are 40 petitions for early terminations and 7 modifications pending a hearing before the Board.

We have teamed with SOLID to instruct the Probation Monitoring Module of DCA's SOLID Enforcement Academy. The most recent class was held Wednesday, April 4, 2018.

<b>Probation Information</b>	<b>FY 2014/2015</b>	<b>FY 2015/2016</b>	<b>FY 2016/2017</b>	<b>Current</b>
<b>Active In-State Probationers</b>	1,095	1,189	1,196	1,071
<b># of Chemical Dependency Probationers</b>	707	785	787	628
<b>Tolled Out of State Probationers</b>	290	345	380	391
<b>Pending Cases at AGO for further discipline of licensure</b>	128	91	130	113
<b>Total Probationers</b>	1,385	1,534	1,576	1462

## CITE AND FINE

We are currently fully staffed with 1 AGPA, 1 SSA and 1 OT.

We began issuing citations for the licensees that have been non-compliant with fingerprints. We anticipate this to be completed by the end of this calendar year. As of **04/19/2018**, we have issued **146** fingerprint citations. Of those, we have received full payment on **26** and held **106** appeal conferences and **2** Administrative Hearing Appeals.

<b>Citation Information</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>Current</b>
<b>Citations Issued</b>	542	366	632
<b>Amount Ordered</b>	\$ 299,638	\$ 266,428	\$429,283.28
<b>Amount Received</b>	\$ 253,974	\$ 202,614	\$304,008.28

## DISCIPLINE UNIT

We have one (1) analyst vacancy and this should be posted soon.

We have been transmitting FastTrack (Out of State Discipline and Convictions) as of July 20, 2017, to the Attorney General's Office, via the Cloud. We have been approved to roll this out to all AG offices across the state.

<b>Default Information</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>Current</b>
<b>Avg. Days from Default Decision Preparation to Board Vote</b>	32	34	51

<b>Cases Pending with AG</b>	<b>As of 4/2/18</b>
<b>Total cases at AG</b>	944 (1106 RN's)
<b>Pending Board Vote</b>	131
<b>Final Decision Processing</b>	92
<b>Pending hearing</b>	122
<b>Over 2 yrs. at AG</b>	121
<b>1-2 yrs. at AG</b>	453

<b>Board Final Decisions</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>Current</b>
<b>Petitions to Revoke Probation</b>	87	120	78
<b>Pleading Served</b>	1067	938	623
<b>EO Signed Surrenders</b>	255	254	160
<b>Withdrawals of SOI</b>	15	9	6
<b>Decisions Adopted</b>	1,641	1,282	861



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

Board of Registered Nursing  
 Discipline Program  
 Statistical Summary  
 July 1, 2017 – April 16, 2018

License Type*	Case Outcome						Total FY 17/18
	Public Repeval	Revoked, Stayed, Probation	Revoked, Stayed, Suspension, Probation	Surrender	Revocation	Voluntary Surrender	
Registered Nurse	113	202	3	141	182	42	683
Public Health Nurse	8	26		5	4	8	51
Psych/Mental Health				1			1
Nurse Practitioner	10	7	1	8	6	3	35
NP-Furnishing #	9	6	1	7	3	3	29
Nurse-Midwife	2						2
NM-Furnishing #	1						1
Nurse Anesthetist	3	3		1	2	1	10
Clinical Nurse Specialist	1	2		1	1		5

\*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.

## Probation Program Statistics July 1, 2017 - April 27, 2018

Probation Data	Numbers	% of Active
Male	331	31%
Female	740	69%
Chemical Dependency	628	58.6%
Required Drug-Screening	518	48.4%
Practice	287	26.8%
Mental Health	12	1.1%
Conviction - excluding chemical dependency/alcohol use	144	13.4%
Advanced Certificates	98	9%
Southern California	612	57%
Northern California	451	42%
Tolled Probationers	8	1%
Pending AG	113	11%
License Revoked Fiscal YTD	29	
License Surrendered Fiscal YTD	65	
Terminated Fiscal YTD	94	
Successfully Completed Fiscal YTD	171	
<b>Active In-State Probationers</b>	<b>1071</b>	
Completed/Revoked/Terminated /Surrendered YTD	359	
Tolled Probationers	391	
<b>Active and Tolled Probationers</b>	<b>1462</b>	

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

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**AGENDA ITEM: 9.3**

**DATE: May 10, 2018**

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

**REQUESTED BY:** Barbara Yaroslavsky, Chairperson

**INTERVENTION PROGRAM UPDATE**

**Staffing**

The intervention unit is fully staffed.

**Program Update**

On April 10<sup>th</sup> in conjunction with the Department of Consumer Affairs (DCA) Office of Public Affairs (OPA), we filmed the last portion of our Intervention Program video. The rough draft has been finished and we anticipate the final version to be completed in June. Once we receive the completed version, we will be formally presenting it to the Board.

The Intervention program is currently in the process of preparing for the 2018, 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 September 6, 2018.

In addition to the ILC meeting, the Intervention program staff are also preparing for the Nurse Support Group Facilitator's Forum. This Forum 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 September 5, 2018.

**Intervention Evaluation Committees (IEC)**

There are currently four physician member vacancies. One in Oakland (IEC 13), San Jose (IEC 7), Los Angeles (IEC 3) and one in Fresno (IEC 5). There are four public member vacancies. One in San Jose (IEC 7), Orange County (IEC 4), Fairfield (IEC 11) and one in Fairfield (IEC 13). There is one RN member vacancy in Fairfield (IEC 2).

**Statistics – Intervention**

The Statistical Summary Report is attached. As of April 26, 2018, there have been 2,292 successful completions.

**NEXT STEP:**

Follow directions given by Committee and/or Board.

**FISCAL IMPACT, IF ANY:**

None at this time.

**PERSON TO CONTACT:**

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

Board of Registered Nursing  
**Intervention Program**  
**Statistical Summary**  
**March 2018**

COMPLAINTS REFERRED			
	Current Months	Year To Date	Program To Date
Complaints Referred	80	821	16,959

INTAKES			
	Current Month	Year To Date	Program To Date
<b>Referral Type*</b>			
Board-Referred	8	61	3,985
Self-Referred	3	19	1,391
<b>TOTAL INTAKES COMPLETED</b>	<b>11</b>	<b>80</b>	<b>5,376</b>

**NUMBER OF PARTICIPANTS: 340 (as of March 31, 2018)**

*\*May change after Intake*

PRESENTING PROBLEM AT INTAKE			
	Current Month	Year To Date	Program To Date
Substance Abuse (only)	9	55	3,383
Mental Illness (only)	1	3	177
Dual Diagnosis	1	21	1,730
Undetermined	0	1	86

DRUG OF CHOICE AT INTAKE		
Alcohol	6	33
Opioids	3	29
Depressants	0	4
Stimulants	1	2
Cannabinoids	0	2
Other (Hallucinogens, Inhalants, etc.)	0	2
None	1	8

CLOSURES			
	Current Month	Year To Date	Program to Date
<b>Program Applicant Closures</b>			
Applicant: Clinically Inappropriate	0	0	31
Applicant: No Longer Eligible	0	0	13
Applicant: Not Accepted by DEC	0	1	62
Applicant: Public Risk	2	3	101
Applicant: Sent to Board - Pre DEC	0	0	2
Applicant: Withdrawn - Pre DEC	0	9	558
Applicant: Withdrawn - Due to Program Cost	0	2	7
<b>Program Participant Closures</b>			
Completed	9	91	2,288
Clinically Inappropriate - Post DEC	0	3	6
No Longer Eligible - Post DEC	0	0	7

Withdrawn - Failure to Sign Contract	0	0	1
Withdrawn - Post DEC	0	0	342
Withdrawn - Due to Program Cost Post Dec	0	1	3
Terminated - Deceased	0	0	41
Terminated - Failure to Receive Benefit	0	1	126
Terminated - Moved	0	0	52
Terminated - Non Compliant	0	3	988
Terminated - Public Risk	0	7	282
<b>TOTAL CLOSURES</b>	<b>11</b>	<b>121</b>	<b>4,910</b>

<b>INTAKE DEMOGRAPHICS</b>			
	<b>Current Month</b>	<b>Year To Date</b>	<b>Program to Date</b>
<b>Gender</b>			
Female	7	68	4,204
Male	4	12	1,145
Unknown	0	0	27
<b>Age Category (at Intake)</b>			
20-24	0	0	35
25-29	0	8	437
30-34	0	10	898
35-39	2	15	1,120
40-44	2	16	1,101
45-49	0	12	868
50-54	3	9	552
55-59	3	9	258
60-64	1	1	80
65+	0	0	13
DOB Error/Not Entered	0	0	14
<b>Ethnicity</b>			
American Indian/Alaska Native	0	1	40
Asian/Asian Indian	0	8	136
African American	0	3	174
Hispanic	3	14	248
Native Hawaiian/Pacific Islander	0	1	32
Caucasian	5	42	4,367
Other	1	4	88
Not Reported	2	7	291
<b>Worksite at Intake**</b>			
Case Management	0	1	7
Clinic	1	5	129
Clinical - Public, non-profit	2	2	5
Corporation	0	0	10
Doctor's Office	0	0	46
Government Agency	0	0	8
Group Practice - profit	0	0	16
Health Maintenance Organization	0	1	9
HMO	0	1	2
Home Health Care	1	6	28
Hospital	6	58	2,748
Not Working in Nursing	1	3	7

Nursing Home	0	0	10
Other	0	3	255
Prison/Jail	0	0	14
Private Practice	0	0	9
Registry	0	0	183
Retail	0	0	1
School of Nursing	0	0	9
Telephone Advice	0	0	2
Temporary Service	0	0	4
Undetermined	0	0	567
Unemployed	0	0	1,307
<b>**NOTE: RN licenses are placed on inactive status once an RN enrolls in the Program</b>			
<b>Specialty at Intake</b>			
Chemical Dependency	0	0	9
Critical Care	0	9	939
Dental Public Health	0	0	1
Doctor's Office	1	1	28
Emergency Department	2	6	620
Gerontology	0	0	28
Home Care	1	6	110
Hospital	1	13	369
Insurance	0	0	5
Medical Surgical	3	12	1,017
None	0	1	75
Nurse Anesthesia	0	0	56
Nurse Midwife	0	0	7
Nurse Practitioner	0	2	110
Nursing Home	0	0	16
Obstetrics/Gynecology	0	7	300
Oncology	0	4	169
Operating Room	1	4	184
Other/Other Specialty	1	11	520
Pediatrics	1	2	144
Psychiatry	0	0	149
Recovery Room	0	2	107
Undetermined	0	0	413



**BOARD OF REGISTERED NURSING**

**Intervention/Discipline Committee Meeting  
Agenda Item Summary**

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**AGENDA ITEM:** 9.3.1

**DATE:** May 10, 2018

**ACTION REQUESTED:** Intervention Evaluation Committee Member/ New Appointment & Reappointments

**REQUESTED BY:** Barbara Yaroslavsky, 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 is the name of the candidate who is being recommended for appointment to the Intervention Evaluation Committee (IEC). Ms. Newton's application and résumé is attached. If approved, her term will expire June 30, 2022.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Lisa Newton	RN Member	Burbank	2

**REAPPOINTMENTS**

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Diane Alvy	RN Member	Culver City	3
Thomas Dosumu-Johnson	MD Member	Riverside	6
Diane Hambrick	MD Member	Fairfield	2
Grace Murphy	RN Member	Culver City	3
Mary Richards	RN Member	San Jose	7

**NEXT STEP:** Continue recruiting efforts.

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