



INTERVENTION/DISCIPLINE COMMITTEE MEETING

**Bakersfield Marriott at the
Convention Center, Salon A
801 Truxtun Avenue
Bakersfield, CA 93301
(661) 323-1900**

October 17, 2019

AGENDA

**THIS MEETING WILL IMMEDIATELY FOLLOW THE CONCLUSION OF
THE LEGISLATIVE COMMITTEE MEETING**

- 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:**
- August 15, 2019
- 9.1 Information Only: Complaint Intake and Investigations Update**
- 9.2 Information Only: Discipline and Probation Program Update**
- 9.3 Information Only: Intervention Program Update**
- 9.3.1 Discussion and Possible Action Regarding Appointment of Intervention Evaluation Committee Member**
- Pamela Vincent, Physician Member, IEC 7
- 9.4 Information Only: Update Regarding Enforcement Reorganization and Information Reporting Changes**
- 9.5 Discussion and Possible Action: Recommendation to Change Name of Committee from Intervention Discipline Committee to Enforcement Committee**
- 9.6 Vote On Whether To Accept The 2020-2021 Intervention Discipline Goals And Objectives Draft**
- 9.7 Public Comment for Items Not on the Agenda; Items for Future Agendas**
- Note:** The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code, Sections 11125 and 11125.7(a)).
- 9.8 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 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.



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DRAFT

DATE: August 15, 2019

SITE: Stanford University
 Francis C. Arrillaga Alumni Center
 326 Galvez Street
 Stanford, CA 94305
 (650) 723-2021

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 1:35 p.m.

9.0 Review and Approve Minutes:

Approve/Not Approve: Minutes of May 9, 2019

Motion: Imelda Ceja-Butkiewicz to approve the March 2019 minutes			
Second: Elizabeth Woods			
ICB: Yes	EW: Yes	KM: Yes	

9.1 Complaint Intake and Investigations Update

GENERAL STAFFING UPDATE

Complaint Intake has two vacant positions: one Staff Services Analyst and one Associate Governmental Program Analyst position. Recruitments to fill these positions were published on July 30 with plans to fill the vacancies by early September.

Special Investigator Rafaela Vasquez in our Southern California unit will begin a well-deserved retirement at the end of August. Rafaela began her state career in 1992 with the Department of Developmental Services. Since 2014, Rafaela has been a major contributor to the success of our Investigation Unit. We all wish Rafaela a long and happy retirement.

The Fiscal Year 2019-20 budget includes additional positions to address complaint and investigative processing timeframes. Recruitment has begun to add the following additional positions

- 3 Office Technicians (Complaint Intake, File Room)
- 1 Staff Services Manager I – Second Complaint Intake Unit

These positions will fill critical complaint processing timeframe needs. The positions also increase the size of our Complaint Intake Unit to 18 staff. The Staff Services Manager position will ensure we have the management staff resources to monitor our complaint workload and sustain our public safety mission.

COMPLAINT INTAKE UPDATE:

Three-Year Complaint Workload Analysis

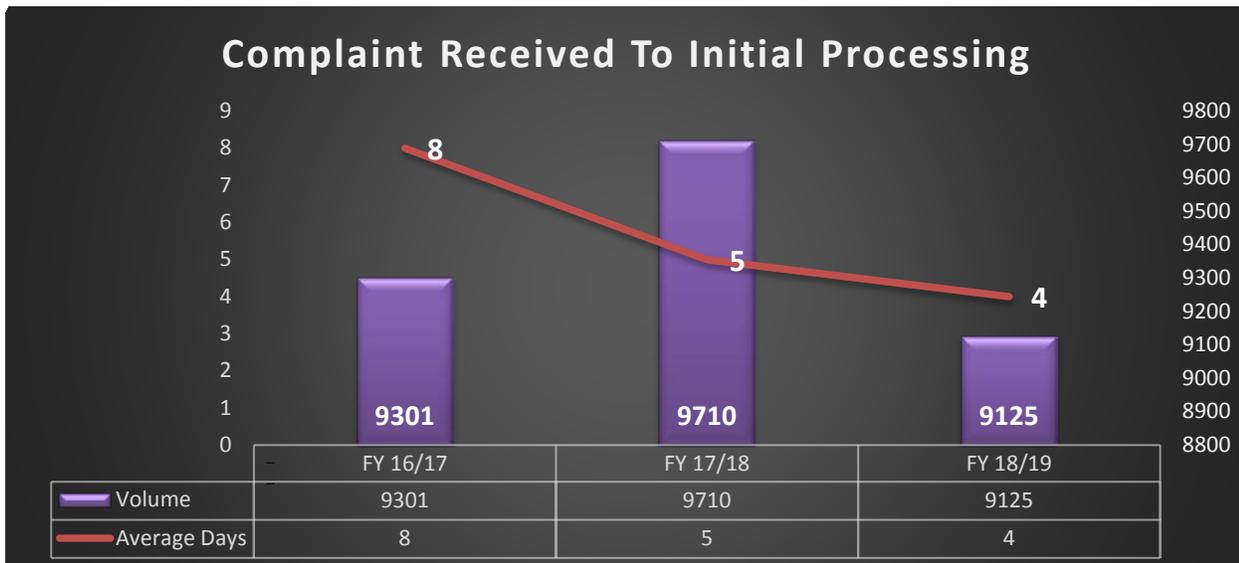
The following chart illustrates the changes in complaint volume for the past three fiscal years.

	2016-17	2017-18	2018-19
Public Complaints	3,830	4,374	4,429
Arrest/Conviction Complaints	1,429	1,456	1,349
Applicants	3,769	3,903	3,289
Total	9,028	9,733	9,067

After several years of rapidly increasing workload, the FY 2019 overall complaint volume dropped from last year’s record highs. This is attributable to a slight reduction in Licensee Subsequent Arrest/Conviction volume, and a significant reduction in the number of Applicants with reportable criminal convictions and/or prior professional license discipline.

Last year’s Complaint Intake BCP staff additions have shown results in many key processing times. The following charts offer an illustration of volume and processing time changes over three fiscal years.

Figure 1: Initial Processing of Incoming Complaints



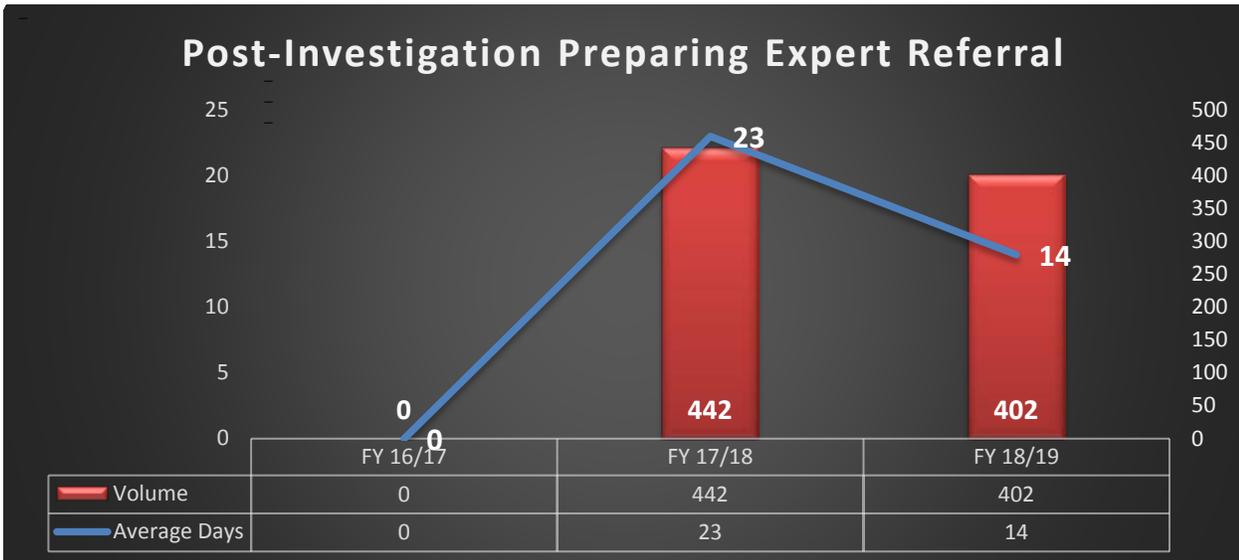
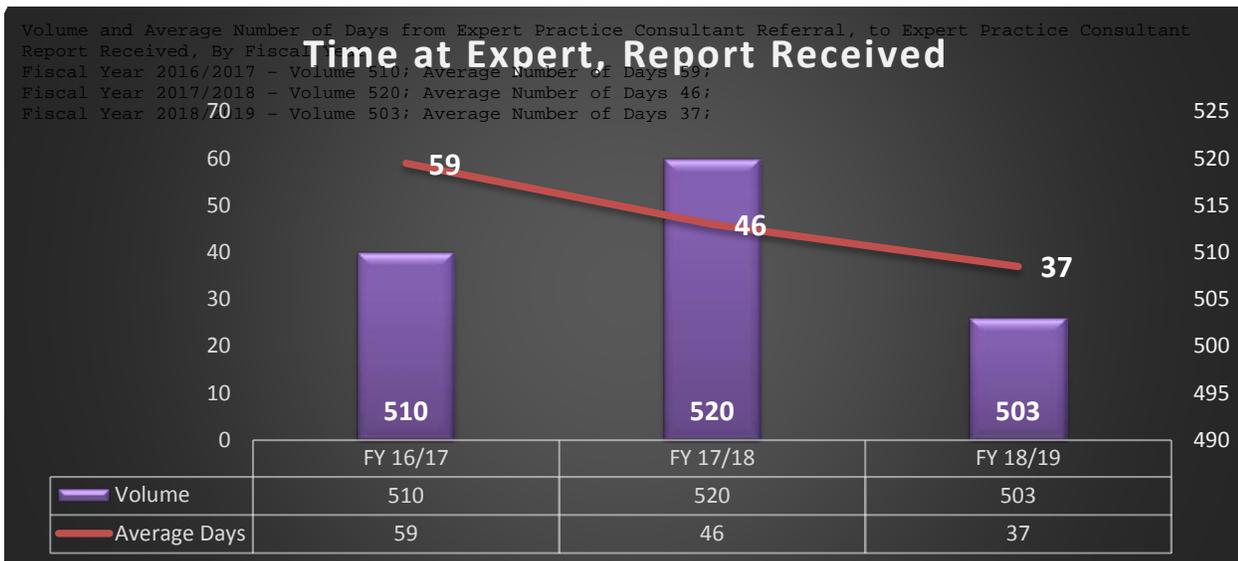


Figure 3: Expert Practice Consultant Average Processing Time



Current Complaint Intake Workload, as of 7/22/2019

Complaint Intake Desk Investigations Pending (CORI and Public Complaints, not-including field investigations)	635
Desk Investigations Pending > 1 year	49
Cases Pending Expert Review	45

Applicant Desk Investigations Pending	342
Applicant Cases Pending > 1 year	22

INVESTIGATION PROGRAM UPDATE:

In accordance with Business and Professions Code section 328, the referral of complaints to sworn or non-sworn investigations are mandated by the Division of Investigations’ (DOI) “Complaint Prioritization Guidelines”. Figure 7 at the end of this report includes the current Complaint Prioritization Guidelines issued by DOI.

Since our last committee meeting, and with Dr. Morris’ lead, BRN has been closely collaborating with DOI to better address investigation workload and timeframes. Further discussions are scheduled, and I will continue to report to the Committee the results of these discussions.

Fiscal Year 2019 Summary Statistics

Cumulative Investigation Referrals – Entire Fiscal Year 2019

	No. of Cases	Percent of all Referrals
Referred to DOI	459	37%
Referred to BRN Investigation Unit	796	63%

Cumulative Investigation Closures – Fiscal Year 2019

	No. of Completed Investigation Reports	Percent of all Investigation Closures	Average Days to Complete Investigation
Division of Investigation Closures	401	34%	337
BRN Investigation Unit Closures	771	66%	201

As of August 1, 2019, DOI currently has 88 open investigation cases over one year old. BRN Investigation unit has 12 cases over one year old.

Three-Year Investigation Workload Analysis

The total volume of complaint referrals to field investigations continues to climb, with an increasing majority of cases referred to the BRN Investigation Unit. The following chart will show BRN referrals increasing and DOI referrals decreasing year over year.

Figure 4: Three Year Investigation Referral Volume to Non-Sworn and Sworn Units



Volume of case referrals to Non-Sworn and Sworn investigation units by year.

Non-Sworn

Fiscal Year 2016/2017 - Volume 678; Fiscal Year 2017/2018 - Volume 724; Fiscal Year 2018/2019 - Volume 796

Sworn

Fiscal Year 2016/2017 - Volume 511; Fiscal Year 2017/2018 - Volume 491; Fiscal Year 2018/2019 - Volume 459

The three-year trends in investigation case volume and case completion timeframes for BRN Investigations and DOI.

Figure 5: Three-year summary of completed non-sworn investigation volume and timeframes

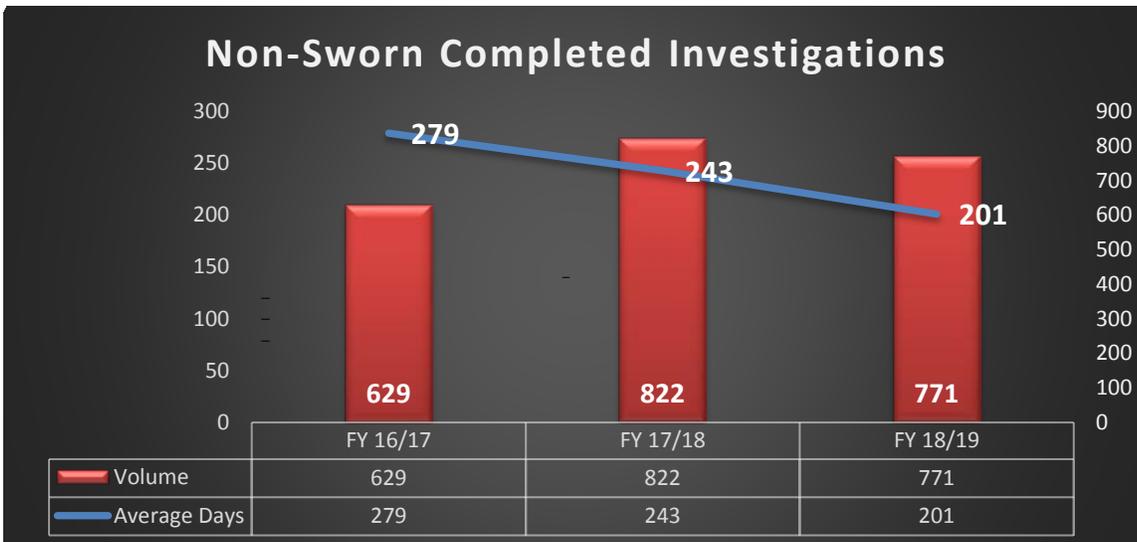


Figure 6: Three-year summary of completed sworn investigation volume and timeframes

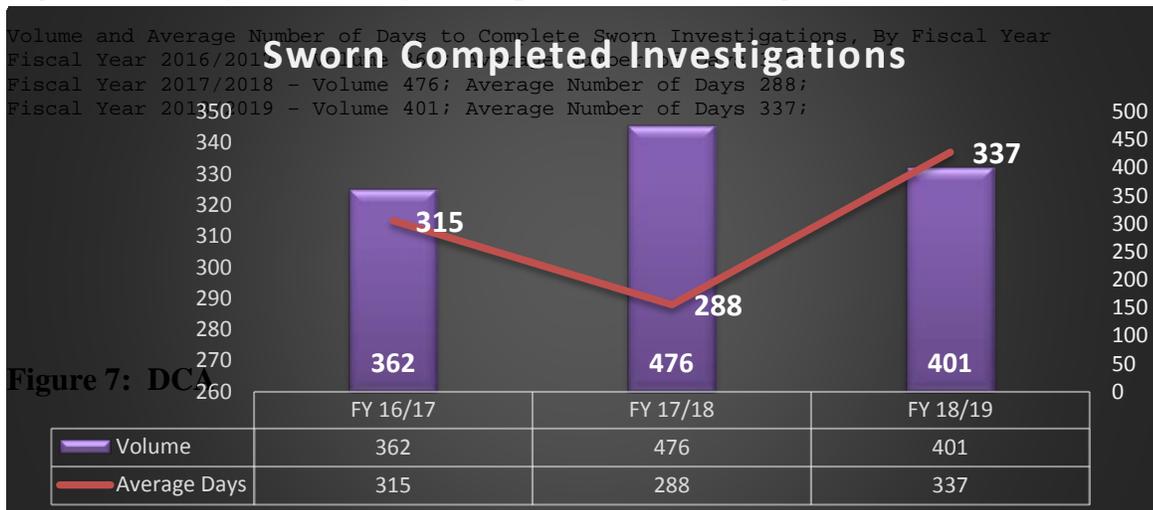


Figure 7: DCI

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
COMPLAINT PRIORITIZATION & REFERRAL GUIDELINES*
COMPLAINTS IN CATEGORIES 1 & 2 ARE REFERRED TO DIVISION OF INVESTIGATION

CATEGORY 1 • URGENT	<ul style="list-style-type: none"> • Acts of serious patient/consumer harm, great bodily injury, or death • Mental or physical impairment of licensee with potential for public harm • Practicing while under the influence of drugs/alcohol • Repeated allegations of drug/alcohol abuse 	<ul style="list-style-type: none"> • Narcotic/prescription drug theft; drug diversion; other unlawful possession • Sexual misconduct with a patient • Physical/mental abuse of a patient • Over-prescribing • Gross negligence/incompetence resulting in serious harm/injury • Media/politically sensitive cases
CATEGORY 2 • HIGH	<ul style="list-style-type: none"> • Prescribing/dispensing without authority • Unlicensed practice/unlicensed activity • Aiding and abetting unlicensed activity • Criminal violations including but not limited to prescription forgery, selling or using fraudulent documents and/or transcripts, possession of narcotics, major financial fraud, financial elder abuse, insurance fraud, etc. 	<ul style="list-style-type: none"> • Exam subversion where exam is compromised • Mandatory peer review reporting (B&P 805) • Law enforcement standby/security (subject to staff availability)

COMPLAINTS IN CATEGORIES 3 & 4 ARE INVESTIGATED BY BOARD/BUREAU STAFF

CATEGORY 3 • ROUTINE	<ul style="list-style-type: none"> • General unprofessional conduct and/or general negligence/incompetence resulting in no injury or minor harm/injury (non-intentional act, non-life threatening) • Subsequent arrest notifications (no immediate public threat) • Exam subversion (individual cheating where exam is not compromised) • Medical malpractice reporting (B&P 801) cases unless evaluated as category 1 or 2 	<ul style="list-style-type: none"> • Serving subpoenas for hearings and for records (non DOI investigations) • Patient abandonment • False/misleading advertising (not related to unlicensed activity or criminal activity) • Applicant misconduct
CATEGORY 4 • ROUTINE	<ul style="list-style-type: none"> • Unsanitary conditions • Project abandonment • Failure to release medical records • Recordkeeping violations • Continuing education violations • Declaration and record collection (e.g., licensee statements, medical records, arrest and conviction records, employment records) 	<ul style="list-style-type: none"> • Complaints of offensive behavior or language (e.g., poor bedside manner, rude, abrupt, etc.) • Quality-of-service complaints • Complaints against licensee on probation that do not meet category 1 or 2 • Anonymous complaints unless Board is able to corroborate that it meets category 1 or 2 • Non-jurisdictional issues

*Complaint prioritization is statutory for some clients and supersedes these Guidelines. See Business and Professions Code sections 2220.05 (Medical Board/Board of Podiatric Medicine) and 4875.1 (Veterinary Medical Board). (Rev 12/2017)



Public Comment: None

9.2 Discipline and Probation Update

PROBATION UNIT

The unit has one (1) vacant position, for an Office Technician (OT) and one (1) vacant position for a Staff Services Analyst (SSA). These positions should be filled by mid-August.

We have one (1) Probation Manager position and one (1) Associate Governmental Program Analyst (AGPA) position that we acquired with the recently approved BCP. We hope to have these positions filled by end of September 2019.

Once all positions are filled, there will be two (2) probation managers, fifteen (15) probation analysts and two (2) office technicians. The unit will be split into two probation units at that time.

Current caseloads are ninety-one (91) cases per monitor. This includes all active and tolled cases. Once all positions are full, we will have approximately 83 cases per monitor.

The Probation team continues to partner with SOLID to instruct the Probation Monitoring Module of DCA's SOLID Enforcement Academy. This course has been taught by our probation staff since its inception in 2009. The next class will be held on Wednesday September 11, 2019.

Probation Information	FY 2015/2016	FY 2016/2017	FY 2017/2018	FY 2018/2019
Active In-State Probationers	1,189	1,196	1,003	843
# of Chemical Dependency Probationers	785	787	580	443
Tolled Out of State Probationers	345	380	394	396
Total Probationers	1,534	1,576	1,397	1239

CITE AND FINE

The unit is currently fully staffed.

Citation Information	FY 2015/16	FY 2016/17	FY 2017/2018	FY 2018/19
Citations Issued	542	366	770	567
Amount Ordered	\$299,638	\$266,428	\$519,133	\$392,864
Amount Received	\$253,974	\$202,614	\$391,233	\$311,175

DISCIPLINE UNIT

The Discipline Unit has one (1) Office Technician vacancy. It should be filled by the end of August 2019.

Cases Pending	As of 7/22/2019
Total cases at AG	1,122
Pending Board Vote	84
Final Decision Processing	109
Pending hearing	162
Over 2 yrs. at AG	20

1-2 yrs. at AG	103
Subsequent AG Cases (Probationers)	79

Board Final Decisions	FY 2015/16	FY 2016/17	FY 2017/2018	FY 2018/19
AG Referrals	1,395	1,198	1,282	1,583
Petitions to Revoke Probation	87	120	100	90
Pleading Served	1,067	938	848	970
EO Signed Surrenders	255	254	218	304
Withdrawals of SOI	15	9	9	2
Decisions Adopted	1,641	1,282	1,141	1,333

Public Comment: None

9.3 Intervention Program Update

Staffing

The Intervention unit has one vacancy for an Associate Governmental Program Analyst (AGPA). We are currently in the process of reviewing candidates to fill the position.

Program Update

The Intervention unit is involved in ongoing meetings with DCA contract and legal staff along with the participating boards with alternative to discipline programs to work on the upcoming Recovery Programs Request for Proposal (RFP) bid process. The current contract ends December 31, 2019.

Intervention Evaluation Committee (IEC)

There are six IEC member vacancies.

- Three physician member vacancies for San Jose (IEC 7), Los Angeles (IEC 3), and Irvine (IEC 4)
- Three public members for San Jose (IEC 7), Los Angeles (IEC 3), and Irvine (IEC 4)

Nurse Support Group Facilitators

The Intervention Unit is currently looking for nurse support group facilitators in the areas of Los Angeles (Downey) and San Francisco (East and South Bay).

Anyone who wishes to apply or would like additional information about the roles of Intervention Evaluation Committee Member or Nurse Support Group Facilitator may go to the "[Intervention](#)" page of the Board's website or contact the Intervention Unit.

Program Statistics

The Statistical Summary Report is attached. As of July 31, 2019, there have been 2,404 successful completions.

Public Comment: None

9.3.1 Discussion and Possible Action Regarding Re-appointment of Intervention Evaluation Committee Members

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.

REAPPOINTMENT:

Below are the names of the candidates being considered for 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.

Name	Title	IEC Location	Term Expiration
David Aust	RN Member	Sacramento (IEC 1)	September 30, 2023
Robert Derosiers	RN Member	Sacramento (IEC 1)	September 30, 2023
Christine Vourakis	RN Member	Fairfield (IEC 2)	September 30, 2021
Michelle Buckman	RN Member	Orange (IEC 4)	September 30, 2021
Cheryl Janus	RN Member	Riverside (IEC 6)	September 30, 2023
Gail Sims	RN Member	Fairfield (IEC 11)	September 30, 2023

Motion: Imelda Ceja-Butkiewicz to reappoint IEC members to the Board			
Second: Ken Malbrough			
ICB: Yes	EW: Yes	KM: Yes	

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

Board Referral Activity				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Complaints sent to Intervention*	1225	995	1047	17444
Program offer letters mailed	803	815	869	/
RNs calling BRN about program (respond to offer letter)	/	/	491	/
RNs calling BRN about program (no program offer letter)	/	/	5	/
Others calling BRN about program (employer referrals, coworkers, attorneys)	/	/	25	/

* An RN may have multiple complaints referred to Intervention

Participant Population				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Intakes	159	109	115	4105
Closures	178	147	122	1415
Participants enrolled at end of FY	381	343	336	/

Intake Demographics - Referrals				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Board	125	83	94	4105
Self	34	26	21	1415
Total	159	109	115	5520

Intake Demographics - Presenting Problem				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Substance Use Disorder (SUD)	111	80	77	3485
Mental Illness (MI)	6	3	8	185
Dual (SUD and MI)	41	25	28	1762
Undetermined	1	1	2	88
Total	159	109	115	5520

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

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

Case Closures				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Applicant: Clinically Inappropriate	-	-	1	32
Applicant: No Longer Eligible	3	-	-	13
Applicant: Not Accepted by DEC	1	1	-	62
Applicant: Public Risk	8	3	3	104
Applicant: Sent to Board - Pre DEC	-	-	-	2
Applicant: Withdrawn - Pre DEC	20	13	10	572
Applicant: Withdrawn - Pre DEC (Due to Costs)	5	3	2	10
Completed	113	107	88	2392
Clinically Inappropriate - Post DEC	-	3	-	6
No Longer Eligible - Post DEC	-	-	-	7
Withdrawn - Failure to Sign Contract	-	-	-	1
Withdrawn - Post DEC	3	2	3	347
Withdrawn - Post DEC (Due to Costs)	2	2	3	7
Terminated - Deceased	-	-	1	42
Terminated - Failure to Receive Benefit	2	1	-	126
Terminated - Moved	-	-	1	53
Terminated - Non Compliant	7	4	1	990
Terminated - Public Risk	14	8	9	292
Totals	178	147	122	5058

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

Intake Demographics - Gender				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Female	126	87	81	4304
Male	33	22	34	1189
Unknown	-	-	-	27
Totals	159	109	115	5520

Intake Demographics - Age				
Category	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
20-24	1	-	-	35
25-29	11	10	9	448
30-34	25	14	14	916
35-39	36	21	20	1146
40-44	22	21	20	1126
45-49	30	16	15	887
50-54	15	13	14	570
55-59	12	11	13	273
60-64	3	2	8	89
65+	3	-	2	15
DOB Error/Not Entered	1	1	-	15
Totals	159	109	115	5520

Intake Demographics - Ethnicity				
Type	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
American Indian/Alaska Native	-	2	-	41
Asian/Asian Indian	4	9	7	144
African American	6	6	7	184
Hispanic	15	18	15	267
Native Hawaiian/Pacific Islander	1	1	6	38
Caucasian	108	59	74	4458
Other	7	5	2	91
Not Reported	18	9	4	297
Totals	159	109	115	5520

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

Intake Demographics - Worksite				
Worksite	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Case Management	-	1	2	9
Clinic	-	6	5	135
Clinical - Public, non-profit	-	3	2	8
Corporation	-	-	2	12
Doctor's Office	-	-	-	46
Government Agency	-	-	-	8
Group Practice - profit	-	-	-	16
Health Maintenance Organization	-	-	-	9
HMO	-	2	-	2
Home Health Care	-	11	5	38
Hospital	11	77	89	2856
Inpatient Pharmacy	-	1	1	2
Not Working in Nursing	-	3	-	7
Nursing Home	1	1	1	12
Other	-	3	-	255
Prison/Jail	-	-	-	14
Private Practice	1	-	2	11
Registry	-	1	3	187
Retail	-	-	1	2
School of Nursing	1	-	-	9
Telephone Advice	-	-	-	2
Temporary Service	-	-	-	4
Undetermined	107	-	2	569
Unemployed	38	-	-	1307
Totals	159	109	115	5520

Intake Demographics - Specialty				
Specialty	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Chemical Dependency	-	-	-	9
Critical Care	6	15	19	964
Dental Public Health	-	-	-	1
Doctor's Office	-	1	-	28
Emergency Department	4	9	18	641
Gerontology	-	1	1	30
Home Care	2	9	4	117
Hospital	12	15	14	385
Insurance	-	-	1	6
Medical Surgical	6	18	17	1040
None	-	1	-	75
Nurse Anesthesia	2	1	1	58
Nurse Midwife	-	-	-	7

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

Nurse Practitioner	-	2	1	111
Nursing Home	-	1	1	18
Obstetrics/Gynecology	1	7	4	304
Oncology	4	4	2	171
Operating Room	-	7	5	192
Other/Other Specialty	6	13	11	533
Pediatrics	2	2	4	148
Psychiatry	5	-	5	154
Recovery Room	3	3	5	113
Undetermined	106	-	2	415
Totals	159	109	115	5520

Intake Demographics - Counties				
County	FY 2016-17	FY 2017-18	FY 2018-19	Program to Date
Alameda	6	1	2	167
Alpine	-	1	-	2
Amador	-	-	-	3
Butte	2	1	-	64
Calaveras	1	-	-	8
Colusa	-	-	-	5
Contra Costa	3	5	3	212
Del Norte	-	-	-	6
El Dorado	5	2	-	47
Fresno	5	-	8	147
Glenn	-	-	-	2
Horry	-	-	-	1
Humboldt	2	-	-	54
Imperial	1	1	1	14
Inyo	-	-	-	2
Jackson	-	-	-	1
Kern	-	3	5	118
Kings	-	-	-	16
Lake	-	1	-	15
Lassen	-	-	-	4
Los Angeles	25	25	33	1086
Madera	-	1	-	16
Marin	2	2	2	96
Mariposa	-	-	-	3
Mendocino	1	2	-	16
Merced	1	-	1	23
Modoc	-	-	-	1
Mono	-	-	-	8
Monterey	4	1	-	81
Napa	-	-	1	35

CA BRN Intervention Program Statistics
FY2016/17 - FY2018/19

Intake Demographics - Counties				
Nevada	-	-	3	29
None	2	1	-	3
Orange	5	7	10	372
Placer	6	4	1	80
Plumas	1	-	-	4
Riverside	9	9	5	282
Sacramento	7	5	2	264
San Benito	1	-	-	6
San Bernardino	4	4	8	302
San Diego	14	7	8	484
San Francisco	3	2	3	164
San Joaquin	3	1	1	93
San Luis Obispo	3	2	1	83
San Mateo	1	2	2	88
Santa Barbara	1	-	1	59
Santa Clara	5	3	4	185
Santa Cruz	4	2	2	89
Shasta	2	3	2	63
Siskiyou	2	-	-	12
Solano	5	2	2	79
Sonoma	7	3	2	132
Stanislaus	3	2	-	89
Sutter	-	1	-	13
Tehama	-	-	-	9
Trinity	-	-	-	1
Tulare	4	2	-	67
Tuolumne	-	1	1	19
Ventura	8	-	1	161
Yolo	1	-	-	26
Yuba	-	-	-	9
Totals	159	109	115	5520

9.4 Public Comment for Items Not on the Agenda

None

The Chair adjourned the committee meeting at approximately 2:00 p.m.

Approved: _____

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

AGENDA ITEM: 9.1
DATE: October 17, 2019

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

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

GENERAL UPDATE

BRN DOI CASE PRIORITIZATION PILOT PROJECT

Beginning in September, the BRN and DCA, in collaboration with DCA's Division of Investigation (DOI), initiated a one-year pilot project to adjust existing case referral guidelines for BRN complaint investigations. The Pilot Program changes case referral guidelines for Quality of Care complaints alleging significant patient harm and/or patient death. Previously, these urgent priority complaints were referred only to DOI. Now, nearly all direct patient care complaints, including allegations of patient harm and patient death, will be referred to BRN Investigation Unit.

It is anticipated this adjustment in case referrals will improve consumer protection by reducing investigative time frames and provide the BRN more oversight and input regarding the resolution of all Quality of Care cases. Review of the last two years of case referral data predicts DOI will receive approximately 100 fewer cases over the course of the pilot project.

The Pilot Program includes case tracking accountability measures so that BRN and DCA can closely monitor this critical caseload. My future reports to the committee will include information on this pilot project.

As the BRN Liaison to DOI, I continue my regular liaison meetings with DOI management.

COMPLAINT INTAKE UPDATE:

OUTREACH

Complaint Intake Unit Manager, Sonya Wilson, has continued her participation in DCA's Enforcement Academy. Sonya is an instructor for the Complaint Intake course at the Enforcement Academy and conducted this course on September 19th.

STAFFING

The recruitment to fill a new Staff Services Manager in the expanded Complaint Intake Unit is ongoing. Interviews are scheduled for mid-October, with an anticipated start date in November. The hiring of this manager will complete the BCP expansion of the Complaint Intake section.

Complaint Intake has 2 OT and 1 SSA positions vacant. The recruitment is ongoing with plans to conduct interviews in late October and hire in November.

WORKLOAD

FISCAL YEAR 2020 WORKLOAD STATISTICS, AS OF 09/17/2019

Public Complaints Received	915
Licensee Arrest & Conviction Reports	282
Applicant Conviction & Discipline Reports	653
Total Complaints Received (FY 19/20)	1,850
<i>FY 2019 - October 2018 Report Total Complaints</i>	<i>1,587</i>
<i>FY 2020 vs. FY 2019 Workload Comparison</i>	<i>+ 263</i>

CURRENT COMPLAINT INTAKE WORKLOAD, AS OF 09/17/2019

Complaint Intake Desk Investigations Pending (All open complaints, except Applicant and Field Investigations)	710
Desk Investigations Pending > 1 year	65
Applicant Open Cases	308
Applicant Cases Pending > 1 year	3
Cases Pending Expert Review	57

INVESTIGATION PROGRAM UPDATE:

GENERAL UPDATE

The Investigation Unit Managers have been working very closely to coordinate the transition from two to three teams of investigators. This transition is complete, and our three-team structure is now fully implemented. Additionally, the Investigation Unit Managers met to plan and finalize procedures to efficiently implement the DOI Pilot Program.

STAFFING – BRN INVESTIGATION UNIT

The BRN Investigation Unit has two Special Investigator positions vacant: one in our Southern CA Unit due to a promotion, one in our Northern CA Unit. We have active recruitments to fill the positions. Both positions should be filled by November.

SUMMARY INVESTIGATION STATISTICS

Cumulative Investigation Referrals – Fiscal Year 2020

	No. of Cases	Percent of all Referrals
Referred to DOI	87	34%
Referred to BRN Investigation Unit	168	66%
<i>Pilot Project Cases included above</i>	3	-

Cumulative Investigation Closures – Fiscal Year 2020

	No. of Completed Investigation Reports	Average Days to Complete Investigation	Average Hours Per Case	Average Cost Per Case
Division of Investigation Closures	133	364	41.1	\$8,023
BRN Investigation Unit Closures	191	228	32.5	\$2,861

As of October 7, 2019, BRN has 8 and DOI has 112 open investigation cases over one year old.

NEXT STEP:

Continue monitoring workload and investigative timeframes.

PERSON TO CONTACT:

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

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

**AGENDA ITEM: 9.2
DATE: October 17, 2019**

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

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

PROBATION UNIT

The unit has one (1) vacant position for Office technician. We hope to have this position filled by the end of the month.

We have one (1) Probation Manager position and one (1) Associate Governmental Program Analyst (AGPA) position that we acquired with the recently approved BCP. The Probation Manager Position closed October 4, 2019. We hope to have these positions filled by end of October 2019.

Once all positions are filled, there will be two (2) Probation Managers, fifteen (15) Probation Analysts and two (2) Office Technicians. The unit will be split into two probation units at that time.

Current caseloads are 89 cases per monitor. This includes all active and tolled cases. Once all positions are full, we will have approximately 83 cases per monitor.

The Probation team continues to partner with SOLID to instruct the Probation Monitoring Module of DCA's SOLID Enforcement Academy. This course has been taught by our probation staff since its inception in 2009. The most recent class was held on Wednesday, September 11, 2019 and was instructed by John Knowles Probation Program Manager and Lisa Hall Probation Monitor.

Probation Information	FY 2016/2017	FY 2017/2018	FY 2018/2019	Current
Active In-State Probationers	1,196	1,003	843	850
# of Chemical Dependency Probationers	787	580	443	445
Tolled Out of State Probationers	380	394	396	400
Total Probationers	1,576	1,397	1,239	1,250

CITE AND FINE

The unit is currently fully staffed.

Citation Information	FY 2016/17	FY 2017/2018	FY 2018/19	FY to date
Citations Issued	366	770	567	88
Amount Ordered	\$266,428	\$519,133	\$392,864	\$392,814
Amount Received	\$202,614	\$391,233	\$311,175	\$313,325

DISCIPLINE UNIT

The Discipline Unit has two (2) Office Technician vacancies. The vacancies are currently pending as we hope to have them filled as soon as possible. The Limited Term vacancy for the one (1) Staff Services Analyst has been filled as of October 7, 2019.

Cases Pending	As of 9/16/2019
Total cases at AG	819
Pending Board Vote	82
Final Decision Processing	113
Pending hearing	140
Over 2 yrs. at AG	18
1-2 yrs. at AG	120
Subsequent AG Cases (Probationers)	70

Board Final Decisions	FY 2016/17	FY 2017/2018	FY 2018/19	FY to date
AG Referrals	1,198	1,282	1,583	351
Petitions to Revoke Probation	120	100	90	15
Pleading Served	938	848	970	235
EO Signed Surrenders	254	218	304	65
Withdrawals of SOI	9	9	2	2
Decisions Adopted	1,282	1,141	1,333	302

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
 Discipline Program
 Statistical Summary
 July 1, 2019 – September 16, 2019

License Type*	Case Outcome						Total FY 19/20
	Public Reapproval	Revoked, Stayed, Probation	Revoked, Stayed, Suspension, Probation	Surrender	Revocation	Voluntary Surrender	
Registered Nurse	42	51	3	52	82	13	243
Public Health Nurse	4	8		6	5	2	25
Psych/Mental Health							0
Nurse Practitioner	3	3		3	1		10
NP-Furnishing #	3	3		3	1		10
Nurse-Midwife		1					1
NM-Furnishing #		1					1
Nurse Anesthetist				1			1
Clinical Nurse Specialist							0

*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 Stats as 10-5-2019

Probation Data	Numbers	% of Active
Male	256	30%
Female	594	70%
Chemical Dependency	445	52.4%
Required Drug-Screening	365	42.9%
Practice	279	32.8%
Mental Health	7	0.8%
Conviction - excluding chemical dependency/alcohol use	111	13.1%
Advanced Certificates	64	8%
Southern California	455	54%
Northern California	384	45%
Tolled Probationers	7	1%
Pending AG	75	9%
License Revoked Fiscal YTD	5	
License Surrendered Fiscal YTD	7	
Deceased Fiscal YTD	1	
Terminated Fiscal YTD	26	
Successfully Completed Fiscal YTD	35	
Active In-State Probationers	850	
Completed/Revoked/Terminated/Surrendered YTD	74	
Tolled Probationers	400	
Active and Tolled Probationers	1250	

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

AGENDA ITEM: 9.3
DATE: October 17, 2019

ACTION REQUESTED: Intervention Program Update

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

INTERVENTION PROGRAM UPDATE:

Staffing

The Intervention unit has one vacancy for an Associate Governmental Program Analyst (AGPA). We are currently in the process of reviewing candidates to fill the position soon.

Program Update

The Request for Proposal for the Recovery Program contract was posted on October 4, 2019 and is available for interested parties on the Department of General Services' California Online Marketplace website (www.caleprocure.ca.gov). This has been an extensive collaborative process between several participating boards with alternative-to-discipline programs and Department of Consumer Affairs contract and legal staff. The current contract with Maximus ends December 31, 2019. We are looking forward to the bidding process.

Intervention Evaluation Committee (IEC)

Currently, there are five (5) IEC member vacancies. The Intervention unit continues to search for IEC members in the following areas:

- Four physician member vacancies for Fresno (IEC 5), San Jose (IEC 7), Los Angeles (IEC 3), and Irvine (IEC 4)
- One public member for San Jose (IEC 7)

Nurse Support Group Facilitators

The Intervention Unit continues to search for nurse support group facilitators in the areas of Los Angeles (Downey) and San Francisco (South Bay).

Any person who is interested in applying and would like additional information about the roles of Intervention Evaluation Committee Member or Nurse Support Group Facilitator are encouraged to go to the "[Intervention](#)" page of the Board's website or contact the Intervention Program staff at 916-574-7692.

Program Statistics

The Statistical Summary Report is attached. As of September 30, 2019, there have been 2,415 successful completions.

NEXT STEP: Continue recruiting efforts

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

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 <small>(As of 9/30/19)</small>	Program to Date
Complaints sent to Intervention*	1225	995	1047	215	17444
Program offer letters mailed	803	815	869	220	
RNs calling BRN about program (respond to offer letter)			491	106	
RNs calling BRN about program (no program offer letter)			5	-	
Others calling BRN about program (employer referrals, coworkers, attorneys)			25	1	

* As of 9/16/2019. An RN may have multiple complaints referred to Intervention

Participant Population					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <small>(As of 9/30/19)</small>	Program to Date
Intakes	159	109	115	35	4105
Closures	178	147	122	33	1415
Participants enrolled at end of FY	381	343	336	338	

Case Closures					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <small>(As of 9/30/19)</small>	Program to Date
Applicant: Clinically Inappropriate	-	-	1	-	32
Applicant: No Longer Eligible	3	-	-	-	13
Applicant: Not Accepted by DEC	1	1	-	-	62
Applicant: Public Risk	8	3	3	-	104
Applicant: Sent to Board - Pre DEC	-	-	-	-	2
Applicant: Withdrawn - Pre DEC	20	13	10	1	573
Applicant: Withdrawn - Pre DEC (Due to Costs)	5	3	2	-	10
Completed	113	107	88	25	2417
Clinically Inappropriate - Post DEC	-	3	-	-	6
No Longer Eligible - Post DEC	-	-	-	-	7
Withdrawn - Failure to Sign Contract	-	-	-	-	1
Withdrawn - Post DEC	3	2	3	3	350
Withdrawn - Post DEC (Due to Costs)	2	2	3	-	7
Terminated - Deceased	-	-	1	-	42
Terminated - Failure to Receive Benefit	2	1	-	-	126
Terminated - Moved	-	-	1	-	53
Terminated - Non Compliant	7	4	1	-	990
Terminated - Public Risk	14	8	9	4	296
Totals	178	147	122	33	5091

Intake Demographics - Referrals					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <small>(As of 9/30/19)</small>	Program to Date
Board	125	83	94	25	4105
Self	34	26	21	10	1415
Total	159	109	115	35	5520

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 <i>(As of 9/30/19)</i>	Program to Date
Substance Use Disorder (SUD)	111	80	77	22	3485
Mental Illness (MI)	6	3	8	2	185
Dual (SUD and MI)	41	25	28	9	1762
Undetermined	1	1	2	2	88
Total	159	109	115	35	5520

Intake Demographics - Drug of Choice				
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>
Alcohol (Beer, Wine, Hard Liquor)	56	47	44	16
Opioids (Oxycodone, Morphine, Fentanyl, Heroin, etc.)	65	39	43	10
Depressants (Xanax, Valium, Ambien, etc.)	5	6	4	-
Stimulant (Adderall, Cocaine, Methamphetamine, etc.)	4	2	8	2
Cannabinoids	8	3	1	2
Other (Hallucinogens, Inhalants, etc.)	2	1	-	-
None/Denies DOC	19	11	15	5
Totals	159	109	115	35

Intake Demographics - Gender					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>	Program to Date
Female	126	87	81	28	4332
Male	33	22	34	7	1196
Unknown	-	-	-	-	27
Totals	159	109	115	35	5555

Intake Demographics - Age					
Category	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>	Program to Date
20-24	1	-	-	-	35
25-29	11	10	9	5	453
30-34	25	14	14	4	920
35-39	36	21	20	3	1149
40-44	22	21	20	4	1130
45-49	30	16	15	4	891
50-54	15	13	14	7	577
55-59	12	11	13	5	278
60-64	3	2	8	2	91
65+	3	-	2	-	15
DOB Error/Not Entered	1	1	-	1	16
Totals	159	109	115	35	5555

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

Intake Demographics - Ethnicity					
Type	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>	Program to Date
American Indian/Alaska Native	-	2	-	-	41
Asian/Asian Indian	4	9	7	2	146
African American	6	6	7	1	185
Hispanic	15	18	15	3	270
Native Hawaiian/Pacific Islander	1	1	6	-	38
Caucasian	108	59	74	27	4485
Other	7	5	2	1	92
Not Reported	18	9	4	1	298
Totals	159	109	115	35	5555

Intake Demographics - Worksite					
Worksite	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>	Program to Date
Case Management	-	1	2	-	9
Clinic	-	6	5	5	140
Clinical - Public, non-profit	-	3	2	-	8
Corporation	-	-	2	-	12
Doctor's Office	-	-	-	-	46
Government Agency	-	-	-	-	8
Group Practice - profit	-	-	-	-	16
Health Maintenance Organization	-	-	-	-	9
HMO	-	2	-	-	2
Home Health Care	-	11	5	-	38
Hospital	11	77	89	26	2882
Inpatient Pharmacy	-	1	1	-	2
Not Working in Nursing	-	3	-	-	7
Nursing Home	1	1	1	1	13
Other	-	3	-	2	257
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
Totals	159	109	115	35	5555

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 <i>(As of 9/30/19)</i>	Program to Date
Chemical Dependency	-	-	-	-	9
Critical Care	6	15	19	2	966
Dental Public Health	-	-	-	-	1
Doctor's Office	-	1	-	1	29
Emergency Department	4	9	18	4	645
Gerontology	-	1	1	-	30
Home Care	2	9	4	-	117
Hospital	12	15	14	1	386
Insurance	-	-	1	-	6
Medical Surgical	6	18	17	8	1048
None	-	1	-	-	75
Nurse Anesthesia	2	1	1	-	58
Nurse Midwife	-	-	-	-	7
Nurse Practitioner	-	2	1	2	113
Nursing Home	-	1	1	1	19
Obstetrics/Gynecology	1	7	4	7	311
Oncology	4	4	2	1	172
Operating Room	-	7	5	2	194
Other/Other Specialty	6	13	11	4	537
Pediatrics	2	2	4	1	149
Psychiatry	5	-	5	1	155
Recovery Room	3	3	5	-	113
Undetermined	106	-	2	-	415
Totals	159	109	115	35	5555

Intake Demographics - Counties					
County	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 <i>(As of 9/30/19)</i>	Program to Date
Alameda	6	1	2	2	169
Alpine	-	1	-	-	2
Amador	-	-	-	-	3
Butte	2	1	-	1	65
Calaveras	1	-	-	-	8
Colusa	-	-	-	-	5
Contra Costa	3	5	3	1	213
Del Norte	-	-	-	-	6
El Dorado	5	2	-	-	47
Fresno	5	-	8	3	150
Glenn	-	-	-	-	2
Horry	-	-	-	-	1
Humboldt	2	-	-	1	55
Imperial	1	1	1	-	14
Inyo	-	-	-	-	2
Jackson	-	-	-	-	1
Kern	-	3	5	2	120
Kings	-	-	-	-	16
Lake	-	1	-	1	16
Lassen	-	-	-	1	5
Los Angeles	25	25	33	8	1094
Madera	-	1	-	-	16
Marin	2	2	2	-	96
Mariposa	-	-	-	-	3
Mendocino	1	2	-	-	16

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

Intake Demographics - Counties					
Merced	1	-	1	-	23
Modoc	-	-	-	-	1
Mono	-	-	-	-	8
Monterey	4	1	-	1	82
Napa	-	-	1	1	36
Nevada	-	-	3	-	29
None	2	1	-	-	3
Orange	5	7	10	1	373
Placer	6	4	1	2	82
Plumas	1	-	-	-	4
Riverside	9	9	5	1	283
Sacramento	7	5	2	-	264
San Benito	1	-	-	-	6
San Bernardino	4	4	8	1	303
San Diego	14	7	8	1	485
San Francisco	3	2	3	1	165
San Joaquin	3	1	1	1	94
San Luis Obispo	3	2	1	-	83
San Mateo	1	2	2	1	89
Santa Barbara	1	-	1	-	59
Santa Clara	5	3	4	-	185
Santa Cruz	4	2	2	1	90
Shasta	2	3	2	-	63
Siskiyou	2	-	-	-	12
Solano	5	2	2	-	79
Sonoma	7	3	2	-	132
Stanislaus	3	2	-	-	89
Sutter	-	1	-	-	13
Tehama	-	-	-	-	9
Trinity	-	-	-	-	1
Tulare	4	2	-	-	67
Tuolumne	-	1	1	1	20
Ventura	8	-	1	2	163
Yolo	1	-	-	-	26
Yuba	-	-	-	-	9
Totals	159	109	115	35	5555

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

AGENDA ITEM: 9.3.1

DATE: October 17, 2019

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

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.

NEW APPOINTMENT:

Below are the names of the candidates being considered for appointment. 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	Term Expiration
Pamela Vincent	Physician Member	San Jose (IEC 7)	November 30, 2023

NEXT STEP: Continue recruiting efforts

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

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

AGENDA ITEM: 9.4
DATE: October 17, 2019

ACTION REQUESTED: Information Only: Update Regarding Enforcement Reorganization and Information Reporting Changes

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

BACKGROUND:

The Board of Registered Nursing was successful in obtaining additional enforcement staff resources over the past several years. As a result, the number of units have outgrown the previous management structure. With the approval of the most recent budget change proposal for eight additional staff the Enforcement Division submitted a reorganization justification request to DCA which was approved on or about September 11, 2019.

The new structure includes the Enforcement Division Chief, Deputy Chief of Complaint Intake and Intervention, Deputy Chief of Investigations, and Deputy Chief of Discipline and Probation. Management staff was notified that the structure and reporting will change on October 17, 2019. We are in the process of recruiting for the new Supervising Special Investigator II who will be the Deputy Chief of Investigations. This position was approved by DCA HR on July 15, 2019, advertised on July 16, 2019, with a final filing date of July 26, 2019, applications were released on August 2, 2019, initial interviews were held on August 20 and 21, 2019, and second level interviews were requested of the AEO and EO on August 21, 2019. It is hoped that the SSI II will be filled in the near future.

Two new manager positions were approved beginning July 1, 2019, for Complaint Intake and Probation. The Complaint Intake manager position was advertised on September 19, 2019, with a final filing date of September 29, 2019. The Probation manager position was advertised on September 24, 2019, with a final filing date of October 4, 2019. It is hoped that these manager positions will be filled shortly.

This proposal is brought to the Intervention Discipline Committee as a result of the restructure of the Enforcement Division. Staff recommendations are as follows:

- One agenda item for all Enforcement Division Statistics broken out by each area of expertise (i.e. Complaint Intake, Intervention, Investigations, Citation & Fine, Discipline, and Probation)
- Updates will be from each of the three Deputy Chiefs – Complaint Intake and Intervention, Investigations, Discipline and Probation
- Issues involving all of Enforcement will be presented by the Enforcement Chief

NEXT STEP: Follow direction from Committee and Board

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

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

AGENDA ITEM: 9.5
DATE: October 17, 2019

ACTION REQUESTED: Discussion and Possible Action: Recommendation to Change Name of Committee from Intervention Discipline Committee to Enforcement Committee

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

BACKGROUND:

Enforcement has undergone tremendous change over the past 12 years. There has been an increase in staffing from 18 in 2007 to 94 in 2019. This is a 422% increase in staffing levels. In 2007, enforcement consisted of discipline, probation and the diversion program (now intervention). Since then new units have been added to include two Complaint Intake Units, two Probation Units, three BRN Investigation Units, a Cite and Fine team and Legal Support team.

While the current committee name was appropriate in 2007, Enforcement has worked extremely hard and made remarkable strides to improve business processes and decrease case processing time frames. As a result, enforcement leadership make the following recommendation to better reflect the work overseen by this committee:

- Rename the Intervention Discipline Committee as the Enforcement Committee to fully recognize all areas of enforcement

NEXT STEP: Follow direction from Committee and Board

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

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

AGENDA ITEM: 9.6
DATE: October 17, 2019

ACTION REQUESTED: Vote On Whether To Accept The 2020-2021 Intervention Discipline Goals And Objectives Draft

REQUESTED BY: Imelda Ceja-Butkiewicz, Chairperson

BACKGROUND:

Attached you will find the proposed Enforcement Goals and Objectives for 2020-2021 based on the Board of Registered Nursing's Strategic Plan 2018-2021.

The chart provides a status for each of the objectives to meet the goals. Staff is open to any recommendations or suggestions regarding the content and or format.

NEXT STEP: Follow direction from Committee and Board

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

BRN Intervention/Discipline Committee Goals & Objectives 2020-2021		Responsibility	Behind Schedule	On Schedule	Complete	Ongoing
2.1	Develop and implement presentations delivered in person or by web/video by staff and/or Board members to better communicate with stakeholders regarding licensing and disciplinary matters.					
2.1.1	Create PowerPoint presentations	Enforcement Deputy Chiefs			X	
2.1.2	Deliver presentations and make adjustments per feedback received	Enforcement Chiefs			X	X
2.1.3	Partner with DCA to create video tutorial for Applicant and Licensee	Enforcement Chiefs & DCA		X		
2.1.4	Place Applicant video on web	DCA			X	
2.1.5	Place Licensee video on web	DCA		X		
2.1.6	Create intervention video for BRN website	Intervention Staff & DCA			X	
2.1.7	Create new intervention pamphlets and update website	Intervention Staff & DCA			X	X
2.1.8	Present Enforcement Division information to interested stakeholders	Enforcement Chiefs			X	X
2.2	Partner with stakeholders to improve outreach, education, training and communication to licensees regarding the enforcement process.					
2.2.1	Send enforcement executive staff to enforcement and/or substance abuse conferences (if in approved travel state)	Enforcement Chiefs		X		X
2.2.2	Look into joining associations & organizations that pertain to goals & objectives(i.e. NOAP, CLEAR, etc.)	Enforcement Chiefs & Executive Staff	X			
2.2.3	Send enforcement staff to specialized training to improve job performance	Enforcement Staff		X		
2.2.4	Provide enforcement updates for BRN website	Enforcement Staff		X		X
2.2.5	Create enforcement magazine content	Enforcement Chiefs		X		X
2.3	Identify and advocate for additional staffing to meet timeline goals for processing complaints.					
2.3.1	Determine enforcement workload/staffing needs	Enforcement Chiefs			X	X
2.3.2	Submit BCP for enforcement staff	Executive Staff			X	
2.3.3	Respond to Department of Finance questions regarding enforcement BCP request	Executive Staff			X	
2.3.4	Enforcement BCP sent to Legislature & defend position	Executive Staff			X	
2.3.5	Finalize enforcement BCP	Executive Staff			X	
2.4	Involve nursing education consultants earlier during the enforcement process in order to use nursing expertise in assessing a complaint.					
2.4.1	Analyze the enforcement process to determine where the NEC's could be most effective	Enforcement Chiefs			X	
2.4.2	Develop policies and procedures for staff to refer complaints to NEC for assessment	Enforcement Chiefs		X		
2.4.3	Implement the plan (Pending approval of new NEC BCP position)	Enforcement Chiefs		X		

BRN Intervention/Discipline Committee Goals & Objectives 2020-2021		Responsibility	Behind Schedule	On Schedule	Complete	Ongoing
2.4.4	Re-evaluate plan to see if it's working & modify if necessary	Enforcement Chiefs		X		
2.5	Update the BRN discipline procedures to be understandable, communicate the seriousness and specific guidelines with which substance abuse is disciplined, and emphasize the need for RNs to have, read and understand the Nursing Practice Act especially regarding the duty to be a patient advocate and to follow the Act regarding scope of practice in all patient care settings.					
2.5.1	Update disciplinary guideline language	DP Chief & Probation Manager			X	X
2.5.2	Present disciplinary guidelines to IDC and Board for review and approval	Enforcement Chief			X	X
2.5.3	Submit disciplinary guidelines through regulatory process	Enforcement Chiefs, Regulation Analyst, DCA Legal	X			
2.5.4	Receive final approval from OAL	OAL				
2.5.5	Provide Board updates regarding disciplinary guidelines progress at Board meeting	Enforcement Chiefs		X		
2.5.6	Update outreach materials pertaining to enforcement	Enforcement Chiefs & Staff		X		
2.5.7	Work with stakeholders regarding updating the outreach material pertaining to the NPA (CNA booklet)	EO				
2.5.8	Disseminate the outreach material via BRN web	BRN & DCA IT		X		
2.6	Participate in the study due January 1, 2019 pursuant to SB 799 regarding how complaints are reported to the BRN.					
2.6.1	Reach out to CA Research Bureau regarding data collecting process	Enforcement Chiefs			X	
2.6.2	Establish an informal way of communicating updates regarding report writing progress	CI Chief			X	
2.6.3	Provide data to CA Research Bureau as necessary	Enforcement SME			X	
2.6.4	CA Research Bureau debriefs with BRN regarding the preliminary report	CA Research Bureau			X	
2.6.5	Provide report to the legislature	CA Research Bureau			X	
2.7	Increase awareness of intervention program and behavioral health in order to assist those who have substance abuse and impairment issues to get them back to the workforce sooner and protect the public.					
2.7.1	Create new pamphlets and update website	DCA & BRN staff			X	X
2.7.2	Create list of potential outreach events to present intervention program information	Enforcement Chiefs			X	X
2.7.3	Contact nursing organizations to locate potential outreach events to have a vendor table to present information	Intervention Manager			X	X
2.8	Verify terms and conditions of probation orders have been completed and obtain confirmation that rehabilitation has been accomplished to expedite the early termination process for appropriate petitioners.					

BRN Intervention/Discipline Committee Goals & Objectives 2020-2021		Responsibility	Behind Schedule	On Schedule	Complete	Ongoing
2.8.1	Review probationary processes, specifically compliance and compliant probationers	DP Deputy Chief & Probation Manager			X	X
2.8.2	Develop a process to present to the AG and DCA Legal	DP Chief & Probation Manager			X	
2.8.3	Present to the Board for approval	DP Chief & Probation Manager			X	
2.8.4	Implement the new process	DP Chief, Probation Manager, Decisions & Appeals			X	
2.9	Implement processes to shorten the cycle times from investigation to resolution of cases with special focus on prioritized critical cases to minimize patient harm and enhance consumer protection. This may include working with DOI and the AG's offices to shorten their time lines.					
2.9.1	Implement monthly meetings with AG to address case issues	Enforcement Managers			X	X
2.9.2	Provide training to all investigation staff re: BRN investigative procedures	AG, DOI, BRN Enforcement Chiefs			X	X
2.9.3	Work with DOI and AG office to update internal processes	AG, DOI, BRN Enforcement Chiefs			X	X
2.9.4	Update processes based on enforcement process mapping with SOLID	Enforcement Chiefs			X	
2.9.5	Expand Fast Track process to include all AG offices	DP Chief			X	
2.9.6	Enforcement cases transmitted electronically to the AG via the cloud	DP Chief & Discipline Manager			X	
2.9.7	Change law to allow petitioners to appear before ALJ	Enforcement Chief			X	
2.9.8	Increase investigation staffing	Enforcement Chiefs			X	X
2.9.9	Increase meetings with DOI from monthly to weekly to address CPEI guideline reviews & review aging case processes	CI/Inv Chief			X	X
2.9.10	Develop a pilot project with DOI regarding CPEI objectives	EO, AEO, & DOI			X	
2.9.11	Implement pilot project with DOI regarding CPEI objectives	Enforcement Chiefs, BRN Investigation Sups, & CI Manager		X		X
2.9.12	Update process for preliminary settlement terms on all cases that go to AG	DP Chief & Probation Manager			X	X

BRN Intervention/Discipline Committee Goals & Objectives 2020-2021		Responsibility	Behind Schedule	On Schedule	Complete	Ongoing
2.10	Review the timelines to reduce term limits for tolled probationers for surrender to resolve the tolled term expeditiously.					
2.10.1	Include language in disciplinary guidelines to assist with tolled probationers	DP Chief			X	
2.10.2	Submit disciplinary guidelines through regulatory process	Enforcement Chiefs, Regulation Analyst, DCA Legal	X			
2.10.3	Receive final approval from OAL	OAL	X			
2.10.4	Implement updated disciplinary guidelines	Enforcement Chiefs	X			