



## INTERVENTION/DISCIPLINE COMMITTEE MINUTES

**DATE:** January 11, 2018

**SITE:** Department of Consumer Affairs, HQ2  
1747 N. Market Blvd., Hearing Room  
Sacramento, California 95834  
(916) 574-7600

**MEMBERS PRESENT:** Barbara Yaroslavsky – Chair  
Imelda Ceja-Butkiewicz

**MEMBERS NOT PRESENT:** Cindy Klein

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

The Chair called the meeting to order at 11:13 a.m.

### 9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of October 4, 2017

<b>Motion:</b> Deferred to March 2018 Meeting			
<b>Second:</b>			
<b>CK:</b>	<b>BY:</b>	<b>ICB:</b>	

### 9.1 Complaint Intake and Investigations Update

#### COMPLAINT INTAKE PERFORMANCE MEASURES:

##### Management and Staff Vacancies

The Complaint Intake Unit Manager Position is currently vacant. Interviews for the position were conducted the first week of January and position is expected to be filled in the next month.

Working with DCA’s Human Resources section, I successfully re-classified a support staff position in the Investigation Unit to a Staff Services Analyst, Desk Investigation position in Complaint

Intake. The recruit to fill this position is ongoing. This position, when filled, will assist in reducing our desk investigators' current average caseloads of over 200 cases each.

### Expert Practice Program

In addition to other recruitment efforts made throughout calendar year 2017, starting in September, all online renewal applications now include a question asking the RN if he or she is interested in serving as an expert practice consultant. Interested RN's are now contacted via email with specifics regarding the job and instructions on how to apply.

The addition of much needed Expert Practice Consultants has improved our Expert Resources. The result when comparing the January – March quarter to the August – October quarter, has been an average decrease of 20 days (65 days vs. 45 days) in Expert review time. I've very hopeful we can further improve our expert time as we continue to add to our ranks of experts.

### CPEI Case Referral Guidelines

After a review of cases returned from DOI, and several discussions with DOI leadership regarding case referrals, the Complaint Intake procedures have been updated. The Complaint Intake Manager now reviews all public complaints which don't exactly fit the CPEI categories as defined by DCA. Cases the manager is unable to resolve will be discussed with DOI at regularly scheduled meetings.

### Fiscal Year 2018 Workload Statistics, as of 12/12/2017

Complaints Received	1,433
Arrest & Conviction Criminal Offender Reports	2,485
Total Complaints Received (FY 16/17)	3,918

### Current Complaint Intake Workload, as of 12/12/2017

Complaint Intake Desk Investigations Pending (All open complaints, not-including field investigations)	1,217
Desk Investigations Pending > 1 year	76
Cases Pending Expert Review	41

## **INVESTIGATION UNIT PROGRAM UPDATE:**

### Staff

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

### Program

On December 19-20, the BRN Investigation Unit held a face-to-face all staff meeting at headquarters. The Supervising Special Investigators, Shannan Borton and Scarlett Treviso, coordinated a ½ day training for the BRN Special Investigators, provided by the Patient Care Services Department at UC Davis Medical Center in Sacramento. The training included

orientations on dialysis machines and dialysis procedures in the acute and chronic treatment settings; as well as RN procedures for placing central lines in the hospital setting.

The investigation unit management team has focused on investigation timeframes over the last several months. The Supervising Special Investigators are conducting regularly scheduled, focused case reviews to address case strategies and identify processing issues early in the investigations. Staff have responded positively and this team effort has resulted in a dramatic reduction in BRN Investigation Unit’s aging cases.

As of December 18, 2017, there are approximately 22 BRN Investigations cases and 60 DOI cases that have been within their respective units for more than one year.

Summary Statistics

Cumulative Investigation Referrals - Fiscal Year 2018

	No. of Cases	Percent of all Referrals
Referred to DOI	222	39%
Referred to BRN Investigation Unit	350	61%

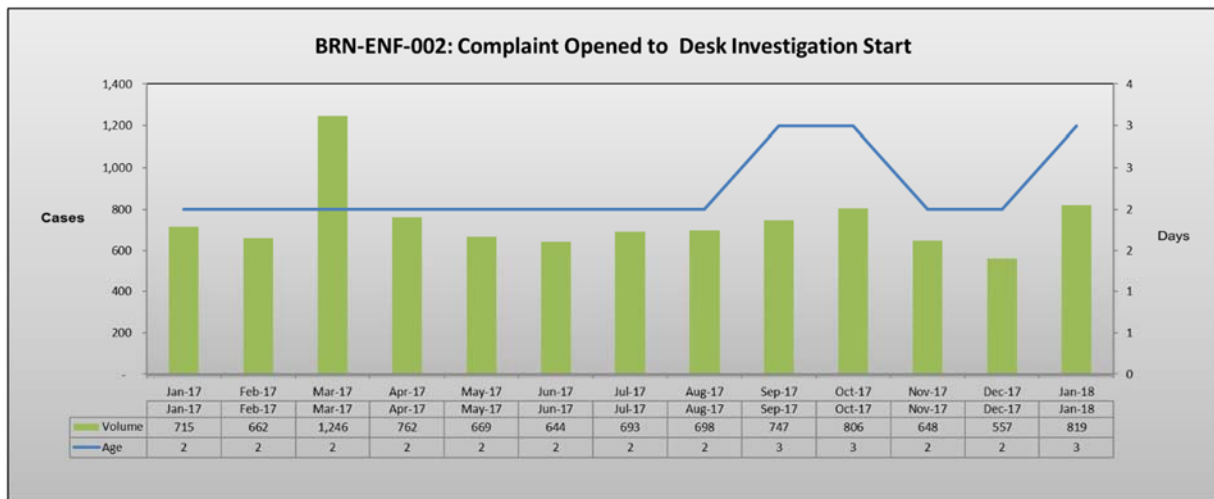
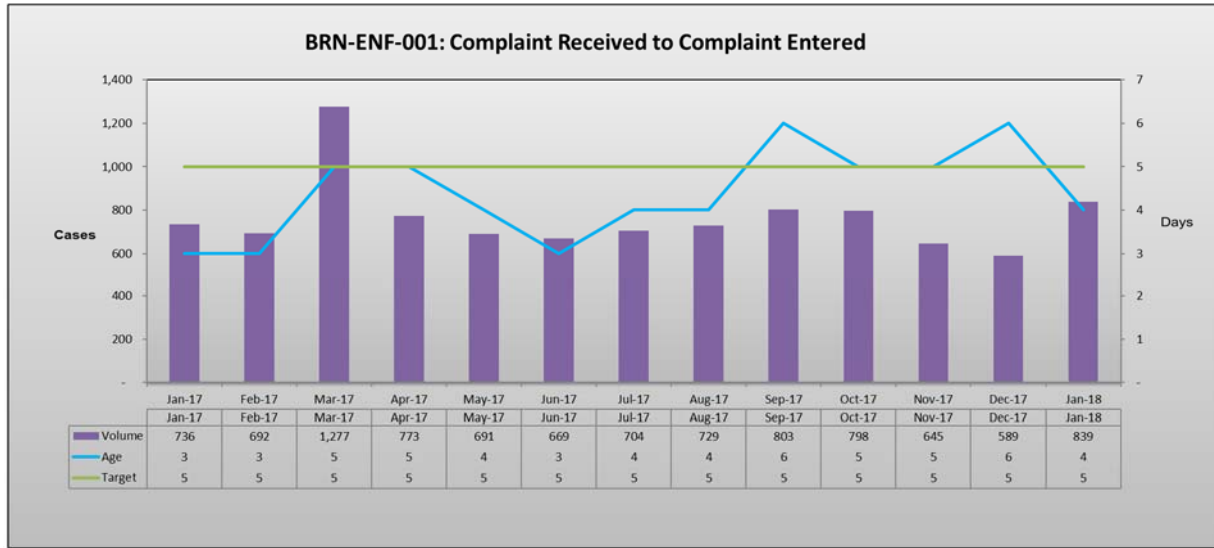
Cumulative Investigation Closures – Fiscal year 2018

	No. of Completed Investigation Reports	Average Days to Complete Investigation	Average Cost Per Case
Division of Investigation Closures	182	272	\$4,764
BRN Investigation Unit Closures	350	232	\$2,213

Additional Complaint Intake and Investigation performance measure statistical reports are attached in “9.1 Addendum Statistics” report to the committee.

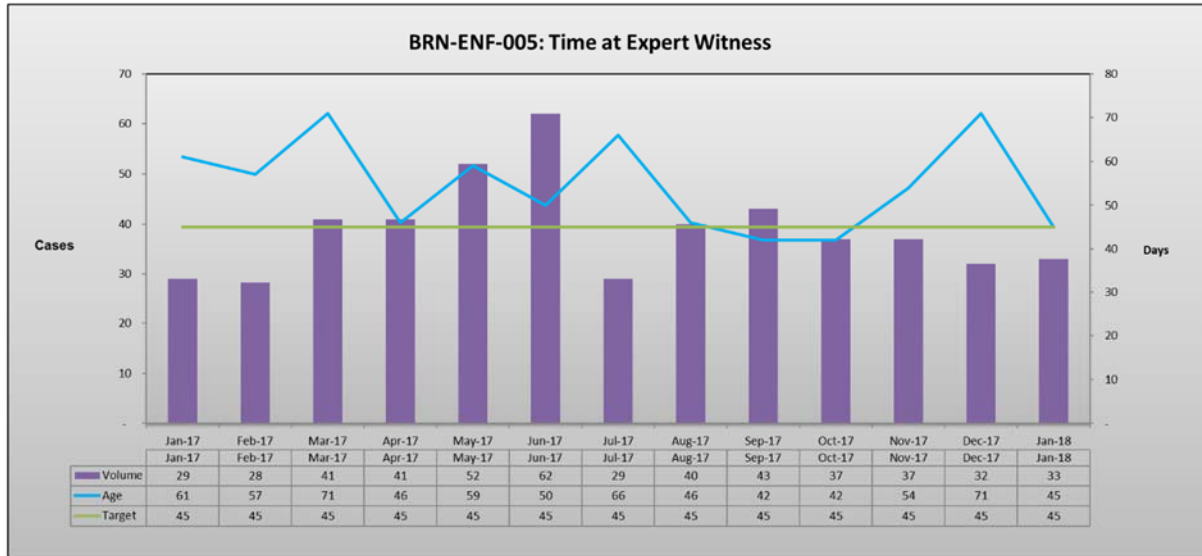
**Public Comment:** None

## COMPLAINT INTAKE CASE PROCESSING MILESTONE MEASURES









## 9.2 Discipline and Probation Update

### PROBATION UNIT

There are no vacancies in the probation unit as all positions are now filled. The probation unit is working on redirecting a position from the discipline unit to add another probation monitor with the intent to decrease the cases per probation monitor. The unit is currently comprised of 3 SSA's and 8 AGPA's, making the case load per monitor approximately 138 cases which includes tolled probationers. If approved to add the additional position the unit could potentially decrease the cases per monitor to 126 cases per monitor.

The average case load determined by DCA many years ago was 75 cases per monitor.

Uniform Standards, once approved, will require a more multifaceted monitoring for anyone that is deemed to meet the criteria for being chemically dependent. An analyst that is monitoring these cases, should have a reduced caseload due to the complexity of these cases.

We have reassessed our business processes and implemented changes to not only reduce our caseloads but streamline the probation process. Some of these new business processes include the following;

- \* Forms are now available online for probationers to easily access.
- \* Petitioners can now stipulate to early termination of probation allowing the Board to electronically vote. This new process allows for a compliant probationer to be released from probation expeditiously and removes the backlog of cases waiting to be heard by the board.
- \* We have begun sending out orientation packets for new probationers via e-mail. This allows the probationer to receive all materials needed within a couple days of becoming

effective and giving them time to review the materials prior to their initial meeting with their probation monitor, as well as giving additional time to get employment approved.

We are teaming with SOLID to instruct the Probation Monitoring Module of DCA's SOLID Enforcement Academy. The next class will be held Wednesday, January 24, 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	1,135
<b># of Chemical Dependency Probationers</b>	707	785	787	689
<b>Tolled Out of State Probationers</b>	290	345	380	386
<b>Pending Cases at AGO for further discipline of licensure</b>	128	91	130	115
<b>Total Probationers</b>	1,385	1,534	1,576	1,521

### **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 have issued anticipate this to be completed by the end of this calendar year. As of 12/22/2017 we have issued **137** fingerprint citations. Of those, we have received full payment on **20** and held **63** appeal conferences.

We currently have only 1 citation case at the Attorney General's Office for a Formal Appeal Hearing.

<b>Citation Information</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>Current</b>
<b>Citations Issued</b>	542	366	442
<b>Amount Ordered</b>	\$ 299,638	\$ 266,428	\$315,235
<b>Amount Received</b>	\$ 253,974	\$ 202,614	\$195,710

### **DISCIPLINE UNIT**

We currently have one vacancy for an Office Technician position. We expect to fill the vacancies on or before February 1, 2018.

We have one AGPA that has moved over to the Intervention Program, due to the recent retirement.

This will give us a total of 4.5 AGPA's and 5 SSA's and 3 OT's, for discipline and the legal desk.



We have been transmitting FastTrack (Out of State Discipline and Convictions) and Petition cases as of July 20, 2017, to the Attorney General’s Office, via the Cloud. We anticipate a roll out to another office in March 2018.

We are currently running case aging reports on a weekly basis to ensure that all cases are being processed accordingly. As of 12/18/2017 we had referred 548 cases to the AG.

<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	42
<b>EO Signed Surrenders</b>	255	254	29
<b>Withdrawals of SOI</b>	15	9	4
<b>Decisions Adopted</b>	1,641	1,282	573

**Public Comment:** None

Board of Registered Nursing  
Discipline Program  
Statistical Summary  
July 1, 2017 – December 18, 2017

<b>Case Outcome</b>							
<b>License Type*</b>	<b>Public Reapproval</b>	<b>Revoked, Stayed, Probation</b>	<b>Revoked, Stayed, Suspension, Probation</b>	<b>Surrender</b>	<b>Revocation</b>	<b>Voluntary Surrender</b>	<b>Total FY 17/18</b>
Registered Nurse	71	136	2	84	121	29	443
Public Health Nurse	4	14		3	2	7	30
Psych/Mental Health				1			1
Nurse Practitioner	5	5	1	3	1	3	18
NP-Furnishing #	4	5	1	3	1	3	17
Nurse-Midwife	1						1
NM-Furnishing #	1						1
Nurse Anesthetist	1	2		1	2		6
Clinical Nurse Specialist				1	1		2

\*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.

### **9.3 Intervention Program Update and Statistics**

#### **Staffing**

We currently have one Intervention Program Analyst Vacancy. Effective December 5, 2017, Anita Rodriguez, Intervention Program Analyst retired from state service. The Board of Registered Nursing would like to thank Anita for her service to the program. Anita was an Analyst for 7 years, and will be missed.

#### **Program Update**

On December 1, 2017, Executive Officer Dr. Joseph Morris, Enforcement Chief Shannon Silberling, Probation Manager Elizabeth Elias and Intervention Program Manager Don Henry Walker provided an educational overview of the Intervention Program and probationary process to the Hospital Association of Southern California's (HASC) Nursing Advisory Council. Topics that were presented included the conditions of probation, the difference between the Intervention Program and probation, effectively communicating with RN's suspected of Substance Use Disorder (SUD) and the importance of reporting suspected SUD. The group found the meeting to be helpful and productive. In addition, HASC is excited and looking forward to partnering with the Board of Registered Nursing on nursing related issues.

In conjunction with the Department of Consumer Affairs Office of Public affairs, we are currently in the process of developing an educational outreach video that will be added to the Boards website. This video will include former Intervention program participants sharing the benefits of the program and how it has positively affected their life. We are excited that this video will serve to educate and connect with individuals who are dealing with substance use disorder and mental illness. More information will be forthcoming in the IDC program update.

#### **Intervention Evaluation Committees (IEC)**

There are currently two physician member vacancies. One in Oakland (IEC 13) and one in San Jose (IEC 7), one public member vacancy in Orange County (IEC 4), and three RN member vacancies, two in Oakland (IEC 13) and one in Burbank (IEC 8).

#### **Statistics – Intervention**

The Statistical Summary Report is attached. As of November 30, 2017, there have been 2,248 successful completions.

**Public Comment:** None

### 9.3.1 Intervention Evaluation Committee Members/New Appointments

#### 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. Clarke'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>
Elizabeth Clarke	RN Member	Oakland	13

<b>Motion:</b> By Barbara Yaroslavsky to Approve recommendation of Elizabeth Clarke to the Board for Approval			
<b>Second:</b> Imelda Ceja-Butkiewicz			
<b>CK:</b> Absent	<b>BY:</b> Yes	<b>ICB:</b> Yes	

**Public Comment:** None

### 9.4 Vote on whether to recommend approval of modified 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

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.

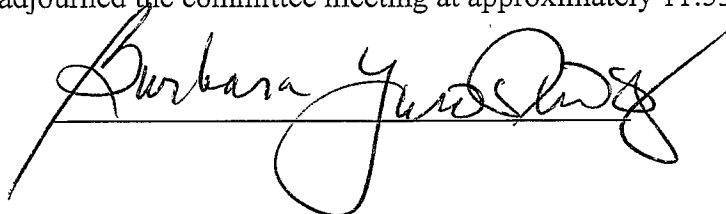
<b>Motion:</b> Deferred to March 2018 Meeting			
<b>Second:</b>			
<b>CK:</b>	<b>BY:</b>	<b>ICB:</b>	

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

None

The Chair adjourned the committee meeting at approximately 11:53 a.m.

Approved:

A handwritten signature in cursive script, appearing to read "Barbara J. [unclear]", is written over a horizontal line. The signature is fluid and somewhat stylized.