



## INTERVENTION/DISCIPLINE COMMITTEE MINUTES

**DATE:** October 17, 2019

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

**MEMBERS PRESENT:** Imelda Ceja-Butkiewicz – Chair  
Ken Malbrough

**MEMBER ABSENT:** Elizabeth Woods

**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 12:25 p.m.

### 9.1 Review and Approve Minutes:

Approve/Not Approve: Minutes of August 15, 2019

<b>Motion:</b> Ken Malbrough to approve the August 2019 minutes			
<b>Second:</b> Imelda Ceja-Butkiewicz			
<b>ICB: Yes</b>	<b>EW: Absent</b>	<b>KM: Yes</b>	

### 9.2 Complaint Intake and Investigations Update

#### 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 19<sup>th</sup>.

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.

**Public Comment:** None

### 9.3 Discipline and Probation Update

#### **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.

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

#### **CITE AND FINE**

The unit is currently fully staffed.

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

#### **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.

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

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

**Public Comment:** None

Board of Registered Nursing  
 Discipline Program  
 Statistical Summary  
 July 1, 2019 – September 16, 2019

License Type*	Case Outcome						
	Public Reapproval	Revoked, Stayed, Probation	Revoked, Stayed, Suspension, Probation	Surrender	Revocation	Voluntary Surrender	Total FY 19/20
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	<b>850</b>	
Completed/Revoked/Terminated/Surrendered YTD	74	
Tolled Probationers	400	
Active and Tolled Probationers	<b>1250</b>	

## **9.4 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](http://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.

**Public Comment:** None

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 <i>(As of 9/30/19)</i>	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 <i>(As of 9/30/19)</i>	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 <i>(As of 9/30/19)</i>	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
<b>Totals</b>	<b>178</b>	<b>147</b>	<b>122</b>	<b>33</b>	<b>5091</b>

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

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
<b>Total</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5520</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

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

<b>Intake Demographics - Counties</b>					
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
<b>Totals</b>	<b>159</b>	<b>109</b>	<b>115</b>	<b>35</b>	<b>5555</b>

### 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.

**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

<b>Motion:</b> Imelda Ceja-Butkiewicz to appoint IEC member to the Board			
<b>Second:</b> Ken Malbrough			
<b>ICB:</b> Yes	<b>EW:</b> Absent	<b>KM:</b> Yes	

**Public Comment:** None

### 9.4 Information Only: Update Regarding Enforcement Reorganization and Information Reporting Changes

**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

**9.5 Discussion and Possible Action: Recommendation to Change Name of Committee from Intervention Discipline Committee to Enforcement Committee**

**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

<b>Motion:</b> Imelda Ceja-Butkiewicz to recommend changing the name of the IDC to the Enforcement Intervention Committee to the Board			
<b>Second:</b> Ken Malbrough			
<b>ICB:</b> Yes	<b>EW:</b> Absent	<b>KM:</b> Yes	

**Public Comment:** Camille DeVoy, Nurse Support Group Facilitator

**9.6 Vote On Whether To Accept The 2020-2021 Intervention Discipline Goals And Objectives Draft**

**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.

<b>Motion:</b> Imelda Ceja-Butkiewicz to approve the Enforcement Goals and Objectives for 2020-2021 to the Board			
<b>Second:</b> Ken Malbrough			
<b>ICB:</b> Yes	<b>EW:</b> Absent	<b>KM:</b> Yes	

BRN Intervention/Discipline Committee Goals & Objectives 2020-2021		Responsibility	Behind Schedule	On Schedule	Complete	Ongoing
<b>2.1</b>	<b>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.</b>					
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
<b>2.2</b>	<b>Partner with stakeholders to improve outreach, education, training and communication to licensees regarding the enforcement process.</b>					
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
<b>2.3</b>	<b>Identify and advocate for additional staffing to meet timeline goals for processing complaints.</b>					
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	
<b>2.4</b>	<b>Involve nursing education consultants earlier during the enforcement process in order to use nursing expertise in assessing a complaint.</b>					
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	<b>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.</b>					
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	<b>Participate in the study due January 1, 2019 pursuant to SB 799 regarding how complaints are reported to the BRN.</b>					
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	<b>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.</b>					
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	<b>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.</b>					

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	<b>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.</b>					
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	<b>Review the timelines to reduce term limits for tolled probationers for surrender to resolve the tolled term expeditiously.</b>					
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			

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

None

The Chair adjourned the committee meeting at approximately 1:11 p.m.

Approved: 