



Agenda Item 9.0

Report of the Enforcement/Investigation/Intervention Committee (EIIIC)

BRN Board Meeting | May 23-24, 2024

Enforcement/Investigation/Intervention Committee May 23-24, 2024

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Agenda Item 9.1

Information Only: Enforcement and Investigation Division Update

BRN Board Meeting | May 23-24, 2024

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.1
DATE: May 23-24, 2024

ACTION REQUESTED: **Information Only:** Enforcement, Intervention & Investigations Update

REQUESTED BY: Patricia Wynne, Esq., Chairperson

General Information

At the August 2022 Board meeting the Board voted to join the National Council of State Boards of Nursing (NCSBN) pilot study to test substance use disorder (SUD) monitoring program guidelines. This is a five-year study of alternative to discipline programs for nurses and we will provide data biannually for the next five years to see if the nurses can return safely to practice.

The Office of Organizational Improvement (OIO) continues working with the Enforcement Division and Investigations Division, assessing, and mapping workflows, timeframes, and procedures to streamline and improve internal processes. The OIO team is working with Subject Matter Experts (SMEs) from each unit and staffing level. We will continue to report on the progress of this project in future meetings.

The Board of Registered Nursing (BRN) continues to recruit qualified registered nurses with professional and educational backgrounds as Expert Practice Consultants (EPC) to review investigative case materials, prepare written opinions, and evaluate whether an RN deviated from the standards of nursing practice.

The BRN is in critical need of EPCs in the following areas:

- Long Term Care/Skilled Nursing Facility/Geriatric
- Acute Rehabilitation
- School Nurse
- Medical/Surgical (NPF)
- Pediatric ICU (NPF)
- CCU/Telemetry (NPF)
- Dialysis (NPF)

For more information about the Expert Practice Consultant program, please visit the BRN website: <http://rn.ca.gov/enforcement/expwit.shtml>.

Or email us at Expert.BRN@dca.ca.gov

Complaint Intake

The Complaint Intake Unit (CIU) received updated Complaint Prioritization and Referral Guidelines (CPRG), previously known as Complaint Prioritization Enforcement Initiative (CPEI). The CPRG was effective March 1, 2024. Analysts are utilizing the new guidelines to refer cases to Division of Investigation (DOI) and Board of Registered Nursing (BRN) Investigations.

We continue triaging cases on an as needed basis, in collaboration with both DOI and BRN Investigations.

Investigations

The Investigations Division continues to review processes and procedures to ensure cases are processed timely. On March 27, 2024, the DCA Portfolio Management Team and OIO began the BreEZe Time Tracking process map. The BreEZe Time Tracking functionality will improve efficiency and eliminate the need for EARS.

On May 1, 2024, BRN and the Office of the Attorney General (OAG) conducted the first of a five-part Deputy Attorney General (DAG) training series. Participants included staff of DOI and BRN. The remaining trainings will be held in the summer and fall of 2024.

The BRN Investigations Division is actively recruiting for a limited term Special Investigator (SI) in the Northern California region and a full time SI in the Central California region. Currently, the SIs have an average of 22 active cases.

Discipline

As of April 27, 2024, only 11 percent of our pending cases have been at the OAG over a year.

The Office of Administrative Hearings (OAH) is beginning to hold in person hearings, however, if all parties agree, the hearing may be held remotely via online platforms. OAH will calendar cases no further than 7 months out. We are monitoring this change to see if there will be any impact to our AG case aging.

Probation

The Probation Unit is currently working on enhancements to the BRN website as well as creating an informational video with an overview of probation and what can be expected, should probation be the final disposition of a case.

Probation monitors each have an average of 44 active cases.

Intervention

The Executive Officer, Loretta Melby, delegated authority of the Intervention Program Manager to Staff Services Manager II Jaspreet Pabla, pursuant to BPC 2770.1(c), effective Monday January 22, 2024.

Management has been attending all Intervention Evaluation Committee (IEC) meetings and providing education to IEC members and participants. Additionally, identifying possible gaps in the regulation for the Intervention Program.

We conducted training for all IEC members on December 5-6, 2023. We provided an updated IEC guide and will continue to make updates as needed.

We are also working closely with our vendor, Maximus, to discuss and develop best practices, identify areas of improvement, and ensure adherence to all laws and regulations.

At the previous Board meeting, the Board voted to allow board staff to begin work on a regulation package.

The contract for our program vendor expires December 31, 2024. The Board is currently working with the additional 8 Boards to create a Request for Proposals (RFP).

The Board continues to recruit IEC members with knowledge and experience in substance use disorder (SUD) treatment, recovery, and mental health.

To apply for an IEC position, you can find the application on our website at <https://rn.ca.gov/intervention>

Board of Registered Nursing

Enforcement Process Statistics

Fiscal Year 2023 / 2024

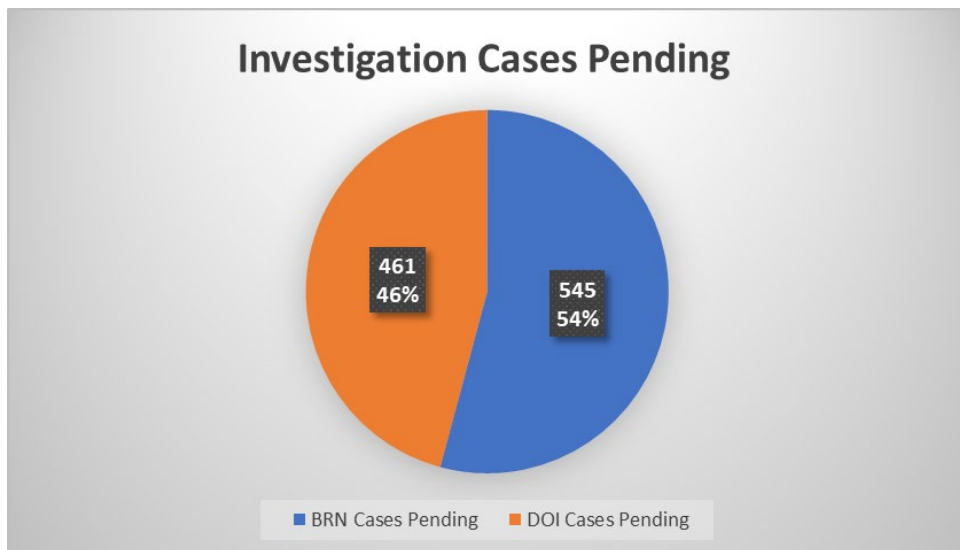
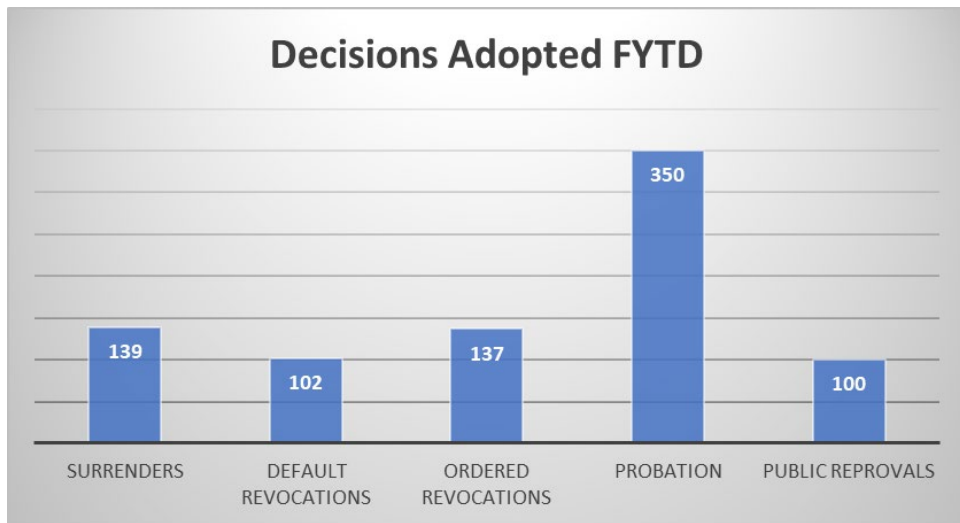
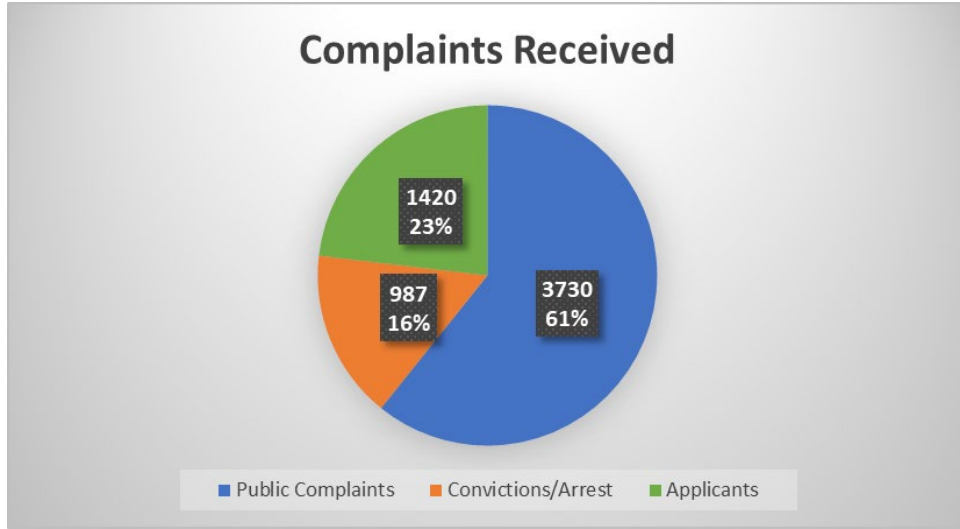
as of May 1, 2024

Complaint Intake	Public Complaints	3730
	Convictions/Arrest	987
	Applicants	1420
	Total Received	6137
	Complaints Pending	1676
	>1 year	470
	Convictions/Arrests Pending	749
	>1 year	189
	Applicants Pending	95
	>1 year	4
	Expert Review Pending Referral	24
	>1 year	0
	Expert Review Pending Receipt	20
	>1 year	0
Intervention	Total Participants	235
	Intakes	56
	Self-Referral	11
	Board Referral	45
	Closures	58
	Successful	39
	Not Successful	19
	RNs Referred*	2270
	Accepted	54
Citation and Fine	Citations Issued	229
	Informal Conference	
	Modified	1
	Dismissed	4

	Upheld	0
	Amount Ordered	\$24,750.00
	Amount Received	\$47,254.00
	Amount Referred to FTB	\$57,475.00
	Amount Received from FTB	\$8,775.00
Discipline	AG Referrals	
	Cases	1074
	Cases Pending	
	< 1 Year	900
	> 1 Year	169
	> 2 Year	23
	Cases Pending >1 Year W/O Pleading Filed	51
	Cases Pending Hearing	159
	Average Days at AG	308
	Pending Board Vote	88
Legal Support	Interim Suspension Orders (ISO)	0
	PC 23	5
	Pleadings Served	
	Accusations	741
	Statements of Issue	25
	Orders to Compel	98
	Petitions to revoke Probation	65
	Withdrawals of Pleadings	32
	Decisions Adopted	
	Surrenders	139
	Default Revocations	102
	Ordered Revocations	137
	Probation	350
	Public Reprovals	100
Investigations	BRN Cases Referred	694
	Rejected	51
	Supplemental Requested	16
	Triage	21
	BRN Cases Pending	545
	>1 year	68
	BRN Cases Completed	788
	DOI Cases Referred	430
	Rejected	25

	Supplemental Requested	20
	DOI Cases Pending	461
	>1 year	135
	DOI Cases Completed	342
	DOI Pilot Cases Initiated	473
	DOI Pilot Cases Pending	15
	DOI Pilot Case Closed	458
Probation	Active In-State Probationers	628
	Tolled Probationers	461
	Revoked	14
	Surrendered	32
	Completed	113
	Subsequent Cases Pending at AG	
	<1 Year	52
	>1 Years	8
	>2 Years	0
Total Case Processing Time	Average Days to Complete	661
	> 540 Days	55%
	< 540 Days	45%
	DCA goal of 540 days for all healing arts boards	

Graphs Based on Table A



BRN Performance Measure YTD 22/23

TABLE B

Performance Measure 4 - AG Transmittals						
	Case Volume	Intake	Investigation	Pre-AG Time	Post AG Time	Cycle Time
Total/Average	888	5	348	12	308	673
<i>July</i>	62	7	327	3	278	615
<i>August</i>	68	6	319	6	322	653
<i>September</i>	98	9	359	10	304	682
<i>October</i>	75	6	357	9	329	701
<i>November</i>	114	1	308	9	298	615
<i>December</i>	108	6	362	12	312	692
<i>January</i>	97	4	315	21	297	637
<i>February</i>	96	5	378	10	309	702
<i>March</i>	61	5	446	16	261	728
<i>April</i>	109	6	335	17	349	708

If you would like more information on our enforcement statistics, please go to https://www.dca.ca.gov/data/enforcement_performance.shtml

NEXT STEPS: Continue to Monitor

PERSONS TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 515-5265
Nichole Bowles, Investigations Division Deputy Chief
(916) 597-7345



Agenda Item 9.2

Discussion and Possible Action: Appointment of Intervention Evaluation Committee (IEC) members

BRN Board Meeting | May 23-24, 2024

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.2
DATE: May 23-24, 2024

ACTION REQUESTED: Discussion and possible action regarding appointment of Intervention Evaluation Committee Members

REQUESTED BY: Patricia Wynne, Esq., Chairperson

BACKGROUND:

In accordance with Business and Professions Code section [2770.2](#), the 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.

APPOINTMENTS:

If approved, all IECs will have full membership.

Name	Member Type	IEC	Appointment Type	Term Expiration
Scott Guenter	Nurse	7	Reappointment	6/30/2028
Dr. David Liu	Physician	9	Reappointment	6/30/2028
Dr. Julius Musenze	Physician	10	Reappointment	6/30/2028

NEXT STEPS: Continue recruitment efforts

PERSON TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 515-5265



Agenda Item 9.3

**Information Only:
Presentation of the Intervention Program (IP)
(contracted program vendor; general requirements;
legislation, regulations, and Uniform Standards
governing the IP; recovery agreements; IEC member
appointment, terms, responsibilities, and training;
difference between IP and probation; etc.)**

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BOARD OF REGISTERED NURSING
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AGENDA ITEM: 9.3
DATE: May 23-24, 2024

ACTION REQUESTED: Presentation of the Intervention Program (IP) (contracted program vendor; general requirements; legislation, regulations, and Uniform Standards governing the IP; recovery agreements; IEC member appointment, terms, responsibilities, and training; difference between IP and probation; etc.)

REQUESTED BY: Patricia Wynne, Esq., Chairperson

BACKGROUND: In accordance with Business and Professions Code (BPC) section [2770](#), it is the intent of the Legislature that the Board Registered Nursing seek ways and means to identify and rehabilitate registered nurses whose competency may be impaired due to abuse of alcohol and other drugs, or due to mental illness so that registered nurses so afflicted may be rehabilitated and returned to the practice of nursing in a manner that will not endanger the public health and safety. It also the intent of the Legislature that the Board of Registered Nursing shall implement this legislation by establishing an intervention program as a voluntary alternative to traditional disciplinary actions.

To meet the mandates of the legislature the Board maintains a voluntary Intervention Program (IP) that is an alternative to discipline for registered nurses who may be impaired with substance use disorder and/or mental health issues. The Program is governed by BPC sections [2770-2770.14](#), Uniform Standards found in [BPC 315](#), and Code of Civil Regulations, Title 16, Division 14, Article 4.1 Intervention Program Guidelines, Sections [1446-1449](#). The

Board's website contains general information about the [Intervention Program](#).

NEXT STEPS: Continue researching possible statutory and/or regulatory changes.

PERSON TO CONTACT: Shannon Johnson, Enforcement Division Chief
(916) 515-5265

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.3.1
DATE: May 23-24, 2024

- ACTION REQUESTED:** Discussion and possible action regarding working as a registered nurse in a position requiring patient care, with or without narcotic access, prior to successful completion of Intervention Program (IP)
- REQUESTED BY:** Patricia Wynne, Esq., Chairperson
- BACKGROUND:** Uniform Standards, Business and Professions Code (BPC) [315](#) authorizes the committee and the Board to implement work restrictions and pathways to returning nurses safely to full and unrestricted licenses.
- In BPC [2770.8\(f\)](#) each committee has the responsibility to make recommendations to the Program Manager regarding the terms and conditions of the intervention agreement for each registered nurse participating in the Program, including treatment, supervision and monitoring requirements.
- NEXT STEPS:** Continue researching possible statutory and/or regulatory changes.
- PERSON TO CONTACT:** Shannon Johnson, Enforcement Division Chief
(916) 515-5265

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 9.3.2
DATE: May 23-24, 2024

- ACTION REQUESTED:** Discussion and possible action regarding needing full clinical diagnostic evaluation(s) and reassessment(s) with a focus on the participants' ability to safely return to work in a capacity as a registered nurse during the Intervention Program (IP).
- REQUESTED BY:** Patricia Wynne, Esq., Chairperson
- BACKGROUND:** Uniform Standards, Business and Professions Code (BPC) [315](#) includes requirements, if a healing arts board orders a licensee who is in a diversion program, due to a substance abuse problem to undergo a clinical diagnosis evaluation,
- In CCR [1447.1](#), the program director and a nurse or physician consultant shall interview each applicant. They shall recommend such medical and/or psychiatric examinations as may be necessary to determine the applicant's eligibility for the program. The Intervention Evaluation Committee (IEC) has the responsibility to make recommendations to the Intervention Program Manager regarding the terms and conditions of the intervention agreement for each registered nurse participating in the Program, including treatment, supervision, and monitoring requirements.
- NEXT STEPS:** Continue researching possible statutory and/or regulatory changes.
- PERSON TO CONTACT:** Shannon Johnson, Enforcement Division Chief
(916) 515-5265