



Agenda Item 4.0

Information only: Enforcement Division updates

BRN Enforcement, Investigations, and Intervention Committee |
January 22, 2025

OARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 4.0
DATE: January 22, 2025

ACTION REQUESTED: Information Only: Enforcement Division 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) five-year pilot study (study) to test substance use disorder (SUD) monitoring program guidelines for alternative to discipline (ATD) programs for nurses. This study will track participant outcomes from entry into the program through program completion and up to two years immediately following their successful completion through 2027. Data will be provided to NCSBN biannually throughout the study period. Phase I data collection began in 2022 with a focus on program participation. Phase II includes recidivism data. This information will be used to compare programs who align or do not align with NCSBN’s evidenced-based guidelines. The final results will support, refine, and augment evidence-based guidelines for ATD and monitoring programs to foster uniformity and facilitate nurses’ safe return to practice.

The infographic, titled "Procedures – NCSBN Guidelines", is set against a light green background with a vertical olive green bar on the left. It lists five categories of requirements, each in a colored box on the left, with corresponding details in light-colored boxes on the right:

- Program length** (blue box): 3 years without a relapse is sufficient length
- Frequency of check-ins** (green box): Daily, including holidays & weekends
- Frequency of drug testing** (teal box): At least 2 tests/month, Random in time and type of test
- Structured support group** (brown box): At least 2 meetings/month
- Mutual Support Group** (green box): At least 1 meeting/week

ncsbn.org

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

The BRN is in critical need of EPC RNs and Advance Practice Registered Nurses (APRN) in the following areas:

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

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 CIU is continuing to use the updated Complaint Prioritization and Referral Guidelines ([CPRG](#)) to triage cases in collaboration with the DOI and BRN Investigations.

CIU continues to triage cases to obtain preliminary documents prior to a field investigation referral.

Discipline

As of December 17, 2024, only 13 percent of our cases have been pending at the OAG for over a year.

Probation

The Probation Unit is currently working on enhancements to the BRN website and is in the final approval stages of creating two different webcasts on the Probation Process and Worksite Monitor role and responsibilities.

Currently, Probation Monitors have an average of 51 cases per monitor.

Board of Registered Nursing Enforcement Process Statistics

Table A – Complaint Intake

Complaint Intake	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
Public Complaints	1,789	1,847	2,029	2,305	2514
Convictions/Arrest	466	478	565	607	618
Applicants	1,724	1,524	1,036	876	793
Total Received	3,979	3,849	3,630	3,788	3925
Complaints Pending	1,434	1,450	1,501	1,546	1938
>1 year	320	271	386	26	525
Convictions/Arrests Pending	997	1,088	937	726	846
>1 year	341	507	347	12	201
Applicants Pending	235	153	158	89	122
>1 year	16	24	6	2	21
Expert Review Pending Referral	6	64	14	28	7
>1 year	0	0	5	0	0
Expert Review Pending Receipt	19	20	21	9	9
>1 year	0	0	1	0	0

Table B – Citation and Fine

Citation and Fine	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
Citations Issued	61	66	96	160	24
Informal Conference					
Modified	0	0	0	1	0
Dismissed	2	0	2	4	0
Upheld	0	0	0	0	0
Amount Ordered	\$32,825	\$65,225	\$88,650	\$24,750	\$0.00
Amount Received	\$41,951	\$50,863	\$87,815	\$38,774	\$42,522
Amount Referred to FTB	\$7,050	\$2,500	\$1,500	\$19,600	\$0.00
Amount Received from FTB	\$3,500	\$1,884	\$2,250	\$5,800	\$0.00

Table C – Discipline

Discipline	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
AG Referrals					
Cases	461	566	578	721	630
Cases Pending					
< 1 Year	603	704	739	881	699
> 1 Year	112	35	118	122	97
> 2 Year	14	12	16	13	11
Cases Pending >1 Year W/O Pleading Filed	*	*	*	*	16
Cases Pending Hearing	*	*	*	*	162
Average Days at AG	358	338	315	313	344
Pending Board Vote	*	*	*	*	52

* BRN is unable to provide historical pending numbers.

Table D – Legal Support

Legal Support	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
Interim Suspension Orders (ISO)	0	1	0	0	2
PC 23	2	5	7	4	2
Pleadings Served					
Accusations	268	301	317	447	342
Statements of Issues	14	6	6	5	15
Orders to Compel	30	21	22	60	70
Petitions to Revoke Probation	45	37	44	37	39
Withdrawals of Pleadings	34	8	15	19	31
Decisions Adopted					
Surrenders	84	59	95	42	79
Default Revocations	77	84	129	94	112
Ordered Revocations	28	16	15	18	3
Probation	196	189	193	147	216
Public Reprovals	68	40	33	53	61

Table E - Probation

Probation	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
Active In-State Probationers	*	*	*	*	665
Tolled Probationers	402	420	441	468	496
Revoked	18	16	22	11	18
Surrendered	40	33	23	23	40
Completed	125	104	117	84	125
Subsequent Cases Pending at AG					
<1 Year	49	42	55	56	68
>1 Years	10	6	2	7	10
>2 Years	2	0	0	0	0

* BRN is unable to provide historical pending numbers.

Table F – Total Case Processing Time

Total Case Processing Time	07/01/20 thru 12/31/20	07/01/21 thru 12/31/21	07/01/22 thru 12/31/22	07/01/23 thru 12/31/23	07/01/24 thru 12/31/24
Average Days to Complete	663	663	668	674	663
> 540 Days*	59%	59%	60%	56%	59%
< 540 Days*	41%	41%	40%	44%	41%

* DCA's goal is for Disciplinary cases to be processed within 540 days of receipt for all healing arts boards.

Table G – Performance Measure 4

	Case Volume	Intake	Investigation	Pre-AG Time	Post AG Time	Cycle Time
2024	478	5	294	8	358	666
2023	529	6	349	8	313	676
2022	461	8	336	14	315	672
2021	371	8	312	8	338	666
2020	478	5	294	8	358	666

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

ENFORCEMENT PROCESS STATISTICS

REFERENCE GUIDE

Table A

Complaint Intake

- **Public Complaints**
 - The total number of complaints received from the public, other state agency, or anything other than a conviction or applicant.
- **Convictions/Arrests**
 - The total number of complaints received due to an arrest and/or subsequent conviction. These are reported by Criminal Offender Record Information (CORI) from the California Department of Justice (DOJ).
- **Applicants**
 - The total number of applications received from Board of Registered Nursing (BRN or Board) licensing, in where the applicant disclosed a previous criminal history or discipline by another state board.
- **Complaints Received**
 - The total number of public complaints received. This includes other state agencies and Boards.
- **Complaints Pending**
 - The number of complaints that are pending in the Complaint Intake Unit (CIU).
- **Convictions/Arrests Pending**
 - The number of Convictions/Arrests that are pending in CIU.
- **Applicants Pending**
 - The number of Applicants that are pending in CIU.
- **Public complaints**
 - The number of public complaints that are pending in CIU.
- **Expert review pending referral**
 - The number of cases that are pending to be referred out to an expert practice consultant
- **Expert review pending receipt**
 - The number of cases that are pending being returned by the expert practice consultant to the Board.

Table B
Citation & Fine

- Citations Issued
 - The total number of citations issued.
- Informal Conference
 - The number of informal conferences conducted after an appeal is made by the Respondent. The results of the informal conference would be either modify, dismiss or uphold the citation.
- Amount Ordered
 - The total fine amount that has been ordered from all citations issued during the Fiscal Year (FY).
- Amount received
 - The total fine amount received by the Board during the FY.
- Amount referred to Franchise Tax Board (FTB)
 - The total amount of fines referred to FTB, in an attempt to retrieve the fines through California Income tax.
- Amount received from FTB
 - The total amount of fines received from FTB from California Income tax.

Table C
Discipline

- Attorney General (AG) referrals
 - The total number of cases referred to the AG.
- Cases pending
 - The total number of cases that are pending a final disposition in the disciplinary process.
- Cases pending hearing
 - The total number of cases that are awaiting a hearing before an ALJ.
- Average days at AGO
 - This is the average number of days that cases are at the AGO for prosecution.
- Pending Board vote
 - The total number of cases that are awaiting a vote by the Board.

Table D
Legal Support

- Interim Suspension Order (ISO) - Granted

- Licenses suspended by an Administrative Law Judge due to the seriousness of the allegations in advance of the filing of an accusation and pending a final determination of the licensee's fitness to practice and provide nursing care.
- Penal Code 23 (PC23) - Granted
 - Licenses suspended from practice as a registered nurse or restricted in how he or she may practice registered nursing ordered by a judge during a criminal proceeding.
- Pleadings served
 - The total number of pleadings that have been served. This includes Accusations, Statements of Issue, Orders to Compel and Petitions to Revoke Probation.
- Withdrawals of pleadings
 - The total number of pleadings that the Board has withdrawn, and no action was taken.
- Decisions adopted
 - The total number of final Decisions that were adopted by the Board. This includes Surrenders, Default Revocations, Ordered Revocations, Probation and

Table E

Probation

- Active in state probationers
 - The total number of current/active in state probationers.
- Tolled probationers
 - The total number of probationers that reside outside of California. These probation cases are placed on hold until the RN returns to California.
- Revoked
 - The total number of probationers that have been revoked.
- Surrendered
 - The total number of probationers that have surrendered their license.
- Completed
 - The total number of probationers that have successfully completed probation.
- Subsequent cases pending at AGO
 - The total number of probationers that have had subsequent discipline and transmitted back to the AG for further disciplinary action.
 - Over 1 year
 - The number of probationary cases that have been pending at the AGO for over 1 years.
 - Over 2 years
 - The number of probationary cases that have been pending at the AGO for over 2 years.

Table F

Total Case Processing Time

- Average days to complete
 - The average days currently taking to complete a case from complaint receipt to final Decision
 - Over 540 days
 - The percentage of cases that BRN **is not** meeting the DCA goal of 540 days for case completion.
 - Under 540 days
 - The percentage of cases that BRN is meeting the DCA goal of 540 days for case completion.
 - *Note – DCA's goal for all healing arts boards **is** to complete on an average of 540 days or less.*

Table G

Performance Measure 4

BRN's Performance Measure 4, FY to date, by month. This is an average of case time from complaint intake to final disposition, broken down by intake, investigation, pre-AG and post AG time.

- Case volume is the total number of cases received in that month.
- Intake is the average time for intake to process and refer to investigation.
- Investigation is the average time for an investigation of the case.
 - This includes desk investigation, BRN investigation and DOI investigation.
- Pre AG time is the average amount of time from the closure of the investigation to AG referral.
- Post AG time is the average time from AG referral to final disposition of the case.
 - This includes the AG time, hearing, Board vote and case processing.
- Average total time is the average of a case from complaint intake to final disposition.

More information on DCA's enforcement reports can be found at <https://www.dca.ca.gov/data/enforcement.shtml>