

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

AGENDA ITEM: 9.1
DATE: September 15, 2016

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Cynthia Klein, RN, Chairperson

BACKGROUND:

PROGRAM UPDATES

COMPLAINT INTAKE:

Staff

As of 9/2/16:

Office Technicians (OT's)

- 1 OT Vacancy – She laterally moved to the Discipline Unit as of August 2016.
 - We have scheduled interviews on 9/6/16 and hope to have someone hired and in place by end of September
- 1 OT out on leave until April 2017.
 - We are currently trying to fill with a Limited Term (LT) position
- 1 LT OT promoting to another board within DCA; last day September 16, 2016.
 - This was a limited term position that was set to expire at the beginning of October

Staff Service Analysts (SSA)

- We are currently fully staffed

Associate Governmental Program Analyst (AGPA)

- 1 AGPA out on leave – returning October 3, 2016

Program

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners were required to be registered in CURES 2.0. We are currently working on processes to ensure compliance with this requirement.

All furnishing RN's can find information and helpful links, regarding CURES 2.0, on the Board's website at www.rm.ca.gov under "What's New."

We continue to work with the State Auditor's Office to provide reports and information, as requested.

Under the complaint intake unit is our expert witness analyst desk. We currently have 195 active experts across California. We continue to recruit RN's for expert witness for all areas of expertise

but are currently in high demand for RN's with a background in;

- Laser/Botox
- Anesthetist
- Midwives
- Nurse Practitioner's

Anyone interested should fill out an application on our website, www.rn.ca.gov/pdfs/enforcement/expwit.pdf.

Fiscal Year Statistics

Fiscal Year	Conviction Complaints	Consumer Complaints	Total Complaints
2011/12	5,127	2,770	7,897
2012/13	5,459	2,927	8,386
2013/14	4,640	3,287	7,927
2014/15	3,344	3,491	6,835
2015/16	4,360	3,368	7,728

Current Fiscal Year Statistics

As of September 2, 2016:

- BRN has received 1,526 complaints for the current fiscal year.
- There are 1,148 pending complaints (1,061 in Complaint Intake)
 - 599 Applicants - 52%
 - 587 Convictions – 98%
 - 549 Licensee Complaints – CORI & Public – 48%
 - 433 Convictions - 78%
 - 43 High/Urgent – 8%
 - 29 Convictions – 67%
 - 134 over 1 year – 11%
 - 44 Applicants – 33%

INVESTIGATIONS:

Staff

We just filled our Limited Term Office Technician position (24 months), which makes us fully staffed in both Northern and Southern California.

Program

The Division of Investigation (DOI) has currently updated the Department's Consumer Protection Enforcement Initiative (CPEI) case acceptance guidelines, as of August 25, 2016.

As of September 6, 2016, there were approximately 40 BRN investigative cases over one year old and there are approximately 66 DOI cases over one year old, that are still open.

Fiscal Year Statistics - There were 5 additional Special Investigators added after July 1, 2014, which is why our numbers have greatly improved since FY13/14

FY 2015/16		
	BRN	DOI
Closed Cases	632	367
Closed Case Total Hours	17,523.88	8,455.5
Hourly Rate	\$88.09	\$169.00
Closed Case Total Cost	\$1,543,678.59	\$1,428,979.50
Average cost per case	\$2,443	\$3,894
Average days to case completion	276	300
Supplemental hours	693.16	2,318.5
Supplemental Total Cost	\$61,060	\$391,826.50
FY Total Hours	23,090.36	14,838.25
FY Total Cost	\$2,034,029.81	\$2,507,664.25
Cases Opened	723	334

FY 2014/15		
	BRN	DOI
Closed Cases	487	524
Closed Case Total Hours	14,768.96	13,462.25
Hourly Rate	\$88.09	\$235.00
Closed Case Total Cost	\$1,300,997.69	\$3,163,628.75
Average cost per case	\$2,671	\$6,037
Average days to case completion	277	291
Supplemental hours	362.67	2,432
Supplemental total cost	\$31,948	\$571,520.00
FY Total Hours	19,780.52	20,914.25
FY Total Cost	\$1,742,466.01	\$4,914,848.75
Cases Opened	709	464

FY 2013/14		
	BRN	DOI
Closed Cases	404	589
Closed Case Total Hours	11,402.3	16,493.5
Hourly Rate	\$85.73	\$211.00
Closed Case Total Cost	\$977,519.18	\$3,480,128.50
Average cost per case	\$2,420	\$5,909
Average days to case completion	464	262
Supplemental hours	419.92	2,380.5
Supplemental total cost	\$36,000	\$502,285.50
FY Total Hours	15,185.04	24,148.25
FY Total Cost	\$1,301,813.48	\$5,095,280.75
Cases Opened	368	625

FY 2012/13		
	BRN	DOI
Closed Cases	235	580
Closed Case Total Hours	9458.57	15551.5
Hourly Rate	\$85.73	\$211.00
Closed Case Total Cost	\$810,883.21	\$3,281,366.50
Average cost per case	\$3,451	\$5,658
Average days to case completion	650	271
Supplemental hours	97.58	2,310.5
Supplemental total cost	\$8,366	\$487,515.50
FY Total Hours	13,166.56	22,797.00
FY Total Cost	\$1,128,769.19	\$4,810,167.00
Cases Opened	323	588

Current Fiscal Year Statistics

BRN Investigations	July 2016	Aug 2016
Total cases assigned	330	381
Total cases unassigned (pending)	176	134
Average days to case completion	238	248
Average cost per case	\$2,850	\$2,788
Cases closed	44	72
Division of Investigations	July 2016	Aug 2016
Total cases assigned	259	262
Total cases unassigned (pending)	25	141
Average days to case completion	390	336
Average cost per case	\$8,420	\$5,444
Cases closed	30	29

NEXT STEP:

Continue to review and adjust internal processes and work with DCA to create reports to monitor statistics for improvement in case processing time frames. Follow directions given by committee and/or board.

FISCAL IMPACT, IF ANY:

None at this time. Updates will be provided at each IDC meeting for review and possible action.

PERSON TO CONTACT:

Shannon Silberling, Chief
Complaint Intake and Investigations
(916) 515-5265

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

AGENDA ITEM: 9.2
DATE: September 15, 2016

ACTION REQUESTED: Information Only: Discipline and Probation Program update

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Probation Program has filled the Office Technician (OT) role effective September 6, 2016. A candidate has been selected for the vacant Associate Governmental Program Analyst (probation monitor). We are in the process of finalizing the hiring paperwork and hope to have him on board the beginning of October.

The vacant OT position in the discipline unit is waiting on approval from Human Resources to review the applications.

Interviews are scheduled for September 13, 2016 for the vacant discipline analyst position.

Program – Discipline

The Discipline Unit continues to work with the Attorney General’s (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

The average cycle time for final discipline has decreased by 2.8 months since July 2015.

Statistics - Discipline

Below reflects Fiscal Year 15/16 (July 1, 2015 – June 30, 2016) discipline statistics:

Decisions Adopted	1,578
Pleadings served	1,067
Petitions to Revoke Probation served	104
Surrenders signed by E. O.	291

Below reflects FY 16/17 (July 1, 2016 – August 30, 2016) discipline statistics:

Decisions Adopted	149
Pleadings served	92
Petitions to Revoke Probation served	13
Surrenders signed by E. O.	24

The BRN continues to work with the DCA BreEZe team to verify the accuracy of the performance measures statistics and the automation of work processes. The discipline unit has one discipline

analyst dedicated to working with the BreEZe team.

During the week of August 22 to 26, our BreeZe Subject Matter Experts attended “Reports Studio Training” which is advanced training for the use of the QBIRT tool. This training will enable the BRN to expand the use of the report feature. This training was offered at no cost to the BRN.

Program – Probation

The Probation Program is currently working in union with DCA’s BreEZe Team to automate probation monitoring using the BreEZe system.

On June 23, 2016, Probation Program staff attended a symposium hosted by FirstLab. Topics included new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. Probation staff found the symposium informative.

Probation Program Growth

	FY 2011/2012	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	Current FY 2016/2017
Active In-State Probationers	692	743	862	1,033	1,189	1,198
Out of State Probationers	207	226	254	281	345	348
Total Probationers	692	969	1,116	1,314	1,534	1,546

Statistics - Probation

Statistics – July 1, 2016 to September 1, 2016

Probation Data	Numbers	% of Active
Male	357	29%
Female	854	71%
Chemical Dependency	788	65.1%
Required Drug-Screening	632	52.2%
Practice	299	24.5%
Mental Health	9	0.7%
Conviction - excluding chemical dependency/alcohol use	115	9.5%
Advanced Certificates	115	9%
Southern California	695	57%
Northern California	510	42%
Pending AG - Tolled	6	0%
Pending AG	105	9%

License Revoked Fiscal YTD	2	
License Surrendered Fiscal YTD	12	
Terminated Fiscal YTD	3	
Successfully Completed Fiscal YTD	17	
Active In-State Probationers	1,211	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	346	
Active and Tolled Probationers	1,557	

The average case load of active probationers per probation monitor is approximately 151. However, the average number of cases per monitor including Tolled cases is 194. There are 61 Early Termination and 10 Modification of Probation cases waiting to be heard by the Board.

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:

Beth Scott, Chief of Discipline, Probation, and Intervention
(916) 574-8187

BOARD OF REGISTERED NURSING
Intervention/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.3
DATE: September 15, 2016

ACTION REQUESTED: Information Only: Intervention Program Update and Statistics

REQUESTED BY: Cynthia Klein, RN, Chairperson

Staffing

The Intervention Program currently has a vacancy for an Office Technician and we are currently working to fill this position.

Program Update

The Intervention program is currently in the process of preparing for the 2016, Intervention Liaison Committee meeting (ILC). The ILC meeting is held annually to maintain the continuity and integrity of the program in addition to providing a forum to vote on pertinent policy proposals that support the enhancement of the Intervention Program. The Intervention Discipline Committee (IDC) Chairperson, Executive Officer, Assistant Executive Officer, the Chief of Enforcement, Intervention Staff, and the IEC Member Chairs are invited to attend. This year's meeting will be held in Northern California on October 24, 2016.

In addition to the ILC meeting, the Intervention program staff are also preparing for the Nurse Support Group Facilitator's Conference. This conference is conducted to develop greater communication between the facilitators, Board staff and MAXIMUS, the Intervention program's contractor. There will be discussion regarding the facilitator's role and responsibilities as outlined in the Intervention program contract, guidelines and policies. This year's meeting will be held in Northern California on October 25, 2016.

On June 23, 2016, the Intervention unit staff attended an all-day symposium put on by FirstLab. Topics that were covered included, new developments and changes in testing, the role of the Medical Review Officer (MRO) and a demonstration of the FirstLab mobile App. The symposium was educational and well received.

On September 7, 2016, the Board of Registered Nursing's Intervention program was present at the California State Capitol for the annual Recovery Happens rally. Recovery Happens is the statewide campaign for everyone to celebrate the lives of people who are recovering from alcohol and/or drug addiction. Recovery Happens provides the perfect platform to inform Californians about the positive effects that recovery and treatment have on our communities. The rally brought over 5,000 people together for a day to celebrate recovery.

Intervention Evaluation Committees (IEC)

There are currently four Physician member vacancies at this time, one in San Jose (IEC#7) one in Burbank (IEC 8) one in Ontario (IEC 9)* and one in San Diego (IEC 10)*.

There are currently two RN member vacancies at this time, one in Burbank (IEC 8) and one in Oakland (IEC 13)*.

There are currently two Public member vacancies at this time, one in Orange county (IEC 4) and one in Santa Ana (IEC 14)*

***Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

Statistics – Intervention

The Statistical Summary Report for April 1, 2016, through June 30, 2016, is after this update. As of June 30, 2016, there have been 2,083 successful completions.

NEXT STEP:	Follow directions given by Committee and/or Board.
FISCAL IMPACT, IF ANY:	None at this time.
PERSON TO CONTACT:	Don Henry Walker Intervention Program Manager (916) 574-7619

**BOARD OF REGISTERED NURSING
INTERVENTION PROGRAM
STATISTICAL SUMMARY
Apr 1, 2016 - Jun 30, 2016**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	32	132	5,137
Intake Information			
Female	24	100	4,010
Male	8	32	1,100
Unknown	0	0	27
Average Age	30-54		
Most Common Worksite*	Unemployed		
Most Common Specialty	Critical Care		
Most Common Substance Abused	Alcohol		
Presenting Problem at Intake			
Substance Abuse (only)	18	65	3,217
Mental Illness (only)	0	6	168
Dual Diagnosis	12	56	1,668
Undetermined	2	5	84
Referral Type**			
Board	26	106	3,786
Self	6	26	1,351
Ethnicity Reported at Intake			
American Indian/Alaska Native	0	0	39
Asian/Asian Indian	4	10	124
African American	0	5	165
Hispanic	3	7	219
Native Hawaiian/Pacific Islander	1	3	30
Caucasian	23	104	4,217
Other	1	3	77
Not Reported	0	0	266
Closures			
Successful Completion	28	93	2,083
Failure to Derive Benefit	0	2	123
Failure to Comply	2	7	978
Moved to Another State	0	0	52
Not Accepted by IEC	0	2	60
Voluntary Withdrawal Post-IEC	3	8	339
Voluntary Withdrawal Pre-IEC	4	16	529
Participant Withdrawn-Failure to sign contract	0	0	1
Closed Public Risk	3	27	351
No Longer Eligible	0	1	17
Clinically Inappropriate	1	4	34
Client Expired	1	1	41
Sent to Board Pre-IEC	0	1	2
TOTAL CLOSURES	42	162	4,610
NUMBER OF PARTICIPANTS: 400 (as of June 30, 2016)			

NOTES:

*All RN licenses are placed on inactive status once an RN enrolls in the Program

**Referral source may change after an RN enrolls in the Program

Board of Registered Nursing
Intervention Program
Statistical Summary
By Fiscal Year (2011-2016)

INTAKES						
	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	Program to Date
Referral Type*						
Board-Referred	137	176	153	113	106	3,786
Self-Referred	53	34	40	35	26	1,351
TOTAL INTAKES COMPLETED	190	210	193	148	132	5,137

**May change after Intake*

CLOSURES						
	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	Program to Date
Successful Completion	102	110	114	97	93	2,083
Failure to Derive Benefit	8	2	3	1	2	123
Failure to Comply	14	11	11	11	7	978
Moved to Another State	0	1	0	0	0	52
Not Accepted by IEC	4	4	4	3	2	60
Voluntary Withdrawal Post-IEC	16	10	10	8	8	339
Voluntary Withdrawal Pre-IEC	29	19	25	27	16	529
Participant Withdrawn-Failure to sign contract	0	0	0	1	0	1
Closed Public Risk	32	23	30	25	27	351
No Longer Eligible	0	3	3	0	1	17
Clinically Inappropriate	2	7	6	5	4	34
Client Expired	1	0	1	1	1	41
Sent to Board Pre-IEC	0	0	0	0	1	2
TOTAL CLOSURES	208	190	207	179	162	4,610

DEMOGRAPHICS						
	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	Program to Date
Presenting Problem at Intake						
Substance Abuse (only)	100	103	96	77	65	3,217
Mental Illness (only)	2	6	5	5	6	168
Dual Diagnosis	84	94	75	59	56	1,668
Undetermined	4	7	17	7	5	84
Most Common Substance Used Prior to Intake	Alcohol	Alcohol	Alcohol	Alcohol	Alcohol	
Worksite at Intake**						
Case Management	0	0	0	0	0	5
Clinic	1	2	0	1	0	118
Clinical - Public, non-profit	0	1	0	0	0	2
Corporation	0	0	0	0	0	9
Doctor's Office	0	0	0	0	0	46
Government Agency	0	1	0	0	1	7
Group Practice - profit	0	0	1	0	0	16

Board of Registered Nursing
Intervention Program
Statistical Summary
By Fiscal Year (2011-2016)

	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	Program to Date
Health Maintenance Organization	1	0	0	0	0	6
HMO	0	0	0	0	0	1
Home Health Care	0	0	0	0	0	19
Hospital	34	20	28	15	12	2,597
Not Working in Nursing	1	0	1	0	0	4
Nursing Home	1	2	0	1	0	10
Other	1	1	2	1	0	247
Prison/Jail	1	0	0	0	0	13
Private Practice	0	0	0	0	1	9
Registry	5	1	0	2	0	178
Retail	0	0	0	0	0	1
School of Nursing	0	0	0	0	0	9
Telephone Advice	0	0	0	0	0	1
Temporary Service	0	1	0	0	0	3
Undetermined	0	0	0	0	0	567
Unemployed	145	181	160	128	118	1,269
**NOTE: RN licenses/APN certificates are placed on inactive status once an RN enrolls in the Program						
Specialty at Intake						
Chemical Dependency	1	0	0	0	0	8
Critical Care	27	39	27	22	18	908
Dental Public Health	0	0	1	0	0	1
Doctor's Office	1	1	0	2	0	27
Emergency Department	37	33	26	22	18	588
Gerontology	1	2	1	1	3	28
Home Care	14	6	8	6	6	98
Hospital	37	43	44	36	22	337
Insurance	0	0	1	1	0	5
Medical Surgical	20	38	17	20	12	982
None	0	1	1	9	8	74
Nurse Anesthesia	2	2	1	2	3	52
Nurse Midwife	0	0	1	0	0	7
Nurse Practitioner	4	1	3	1	2	108
Nursing Home	0	2	3	1	2	16
Obstetrics/Gynecology	10	10	16	3	8	290
Oncology	5	3	4	0	3	156
Operating Room	6	7	5	5	6	179
Other/Other Specialty	8	12	23	10	12	479
Pediatrics	7	5	5	2	2	138
Psychiatry	5	4	4	5	1	143
Recovery Room	5	1	2	0	6	100
Undetermined	0	0	0	0	0	413

Board of Registered Nursing
Intervention Program
Statistical Summary
By Fiscal Year (2011-2016)

	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	Program to Date
Gender						
Female	151	165	156	104	100	4,010
Male	39	45	37	44	32	1,100
Unknown	0	0	0	0	0	27
Age Category (at Intake)						
20-24	1	2	6	1	3	34
25-29	15	17	16	13	6	418
30-34	19	36	20	25	19	863
35-39	31	31	31	19	21	1,069
40-44	41	38	40	13	20	1,063
45-49	34	28	23	29	25	826
50-54	27	30	31	25	11	528
55-59	12	25	13	14	18	237
60-64	7	3	12	9	8	76
65+	3	0	1	0	1	10
DOB Error/Not Entered	0	0	0	0	0	13
Ethnicity						
American Indian/Alaska Native	1	3	2	3	0	39
Asian/Asian Indian	7	10	10	2	10	124
African American	6	8	11	2	5	165
Hispanic	10	19	14	9	7	219
Native Hawaiian/Pacific Islander	2	1	3	4	3	30
Caucasian	162	166	149	124	104	4,217
Other	2	3	4	4	3	77
Not Reported	0	0	0	0	0	266

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

AGENDA ITEM: 9.3.1
DATE: September 15, 2016

ACTION REQUESTED: Intervention Evaluation Committee Members/New Appointments,
& Resignations

REQUESTED BY: Cynthia Klein, RN, Chairperson

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 are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Alan Abrams, MD	Physician Member	San Diego	10
Mihran Ask, MD	Physician Member	Ontario	9
Nicole Gilbert	Public Member	Santa Ana	14
Brooke Kilpatric	RN Member	Oakland	13

RESIGNATION (For informational purposes, no vote needed)

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Felicity Blau	RN Member	Oakland	13
Vamsi Garlpati	Public Member	Orange County	4
Robert Watrous, MD	Physician Member	San Jose	7

NEXT STEP: Continue recruiting efforts.

PERSON TO CONTACT: Don Henry Walker
Intervention Program Manager
(916) 574-7619