



## **INTERVENTION/DISCIPLINE COMMITTEE MEETING**

### **AGENDA**

DoubleTree by Hilton  
2233 Ventura Street  
Fresno, CA 93721  
(559) 268-1000

**October 6, 2016**

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**THIS MEETING WILL IMMEDIATELY FOLLOW THE CONCLUSION OF THE  
EDUCATION/LICENSING COMMITTEE MEETING**

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### **Thursday, October 6, 2016**

#### **9.0 Call to Order and Establishment of a Quorum**

9.0.1 Review and Vote on Whether to Approve Previous Meeting Minutes:

➤ August 11, 2016

#### **9.1 Complaint Intake and Investigations Update and Statistics**

#### **9.2 Discipline and Probation Program Update and Statistics**

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

9.3.1 Intervention Evaluation Committee Members/ New Appointments &  
Resignations

#### **9.4 Public Comment for Items Not on the Agenda**

#### **9.5 Adjournment**

### **NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (800) 326-2297. Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation. Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote.



**INTERVENTION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** May 12, 2016

**SITE:** Embassy Suites San Francisco Airport – South San Francisco  
 250 Gateway Blvd.  
 South San Francisco, CA 94080

**MEMBERS PRESENT:** Cynthia Klein, RN, Chair  
 Imelda Ceja-Butkiewicz  
 Raymond Malle

**STAFF PRESENT:** Stacie Berumen, Assistant Executive Officer  
 Beth Scott, Deputy Chief, Discipline, Probation & Diversion  
 Shannon Silberling, Deputy Chief, Complaints and Investigations  
 Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:05 p.m.

**9.0 REVIEW AND APPROVE MINUTES:**

Approve/Not Approve: Minutes of March 10, 2016

<b>Motion:</b> Imelda Ceja-Butkiewicz to approve the minutes			
<b>Second:</b> Cynthia Klein			
<b>CK: Y</b>	<b>RM: Y</b>	<b>ICB: Y</b>	

**9.1 Complaint Intake and Investigations Update**

**COMPLAINT INTAKE:**

**Staff**

We currently have one Office Technician (OT) position and one Associate Governmental Program Analyst (AGPA) vacant. We hope to have these filled by end of May.

**Program**

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZE team and involved in the Reports User Group, as well as the Enforcement User Group.

The Controlled Substance Utilization Review & Evaluation System (CURES 2.0) has been up and running since July 1, 2015. Effective July 1, 2016, all California licensed furnishing/prescribing

practitioners and pharmacists must be registered to access CURES/PDMP. They can find information on the Boards website to assist them in this process.

**As of April 25, 2016**

Complaints Received (FY 15/16)	6,305
Complaints Pending	1,954
Arrest/Conviction (CORI & Self Report)	1,055
Complaints over 1 year	68

**INVESTIGATIONS:**

**Staff**

We are currently fully staffed in both Northern and Southern California.

**Program**

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of April 25, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 41 DOI cases over one year old, that are still open.

Investigative staff continues to attend Task Force meetings and develop working relationships with allied agencies.

**Statistics**

BRN Investigations	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016
Total cases assigned	379	374	363	375	383	385
Total cases unassigned (pending)	106	155	142	177	146	147
Average days to case completion	267	265	271	320	301	295
Average cost per case	\$2,728	\$2,968	\$2,722	\$2,769	\$2,766	\$3,648
Cases closed	58	58	67	37	80	49
Division of Investigations	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016
Total cases assigned	359	328	268	274	277	291
Total cases unassigned (pending)	29	30	35	29	16	13
Average days to case completion	220	318	306	261	292	303
Average cost per case	\$4,155	\$6,696	\$7,246	\$4,350	\$5,734	\$5,544
Cases closed	40	33	33	29	21	20

Investigators are focused on clearing all aging cases.

## 9.2 Discipline and Probation Update

### Staffing

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the 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.

### Statistics - Discipline

Below reflects FY 14/15 (July 1, 2014 – June 30, 2015) 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 15/16 (July 1, 2015 – April 29, 2016) discipline statistics:

Decisions Adopted	1,323
Pleadings served	1,061
Petitions to Revoke Probation served	65
Surrenders signed by E. O.	215

The BRN continues to work with the DCA BreZE team to verify the accuracy of the performance measures statistics. The discipline unit has one discipline analyst dedicated to working on BreZE reports.

### Program – Probation

The Probation Program has a vacancy for a probation monitor and has begun the process to fill the position.

### Statistics - Probation

#### Statistics – July 1, 2015 to April 28, 2016

Probation Data	Numbers	% of Active
Male	337	29%
Female	823	71%
Chemical Dependency	769	66.3%
Required Drug-Screening	605	52.2%
Practice	275	23.7%

Mental Health	6	0.5%
Conviction - excluding chemical dependency/alcohol use	110	9.5%
Advanced Certificates	115	10%
Southern California	670	58%
Northern California	487	42%
Pending AG - Tolled	3	0%
Pending AG	87	8%
License Revoked Fiscal YTD	36	
License Surrendered Fiscal YTD	66	
Terminated Fiscal YTD	31	
Successfully Completed Fiscal YTD	112	
Active In-State Probationers	<b>1,160</b>	
Completed/Revoked/Terminated/Surrendered YTD	245	
Tolled Probationers	333	
Active and Tolled Probationers	<b>1,493</b>	

The average case load of active probationers per probation monitor is approximately 145. However, the average number of cases per monitor including Tolled cases is 186. There are 52 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

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

#### **Staffing**

The Intervention program is fully staffed.

#### **Program Update**

The Intervention program contractor, MAXIMUS are scheduled to present at two upcoming outreach presentations. The first presentation is scheduled for May 11, 2016, at California State University Sacramento (CSUS) which will be catered to 78 students who will be graduating at the end of May with their Bachelor of Science in Nursing. The second presentation is scheduled for June 9<sup>th</sup>, 2016, at the Saint Francis Hospital in San Francisco. Further information will be provided at a later date.

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

There is currently one Physician member vacancy in Burbank (IEC 8).

There are currently two RN member vacancies at this time, one in San Jose (IEC 7)\* and one in Burbank (IEC 8).

**\*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 February 1, 2016, through March 31, 2016, is after this update. As of March 31, 2016, there have been 2,055 successful completions.

DRAFT

**9.3.1 Diversion Evaluation Committee Members**

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>
Erin Boerum	RN Member	Orange County	4
John Helmuth	RN Member	Fairfield	11
Mary McCloy	RN Member	San Jose	7
Maryn Young	RN Member	Sacramento	1
Vamsi Garlpati	Public Member	Orange County	4

**REAPPOINTMENTS**

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Scott Bertrand	RN Member	Ontario	9
Janis Bush	RN Member	Palm Springs	6
Dianne Christoffels	RN Member	San Diego	10
Sara Cardiner	RN Member	Bay Area	2
Mary Kropf	RN Member	Oakland	13
Bobbie Leva	RN Member	Burbank	8
Michael Mayo	RN Member	Fresno	5
Patricia Mraz	RN Member	Santa Ana	14
LaFrancine Tate	Public Member	Bay Area	2

<b>Motion:</b> Ray Mallel to approve the Intervention Evaluation Committee member appointments and reappointments			
<b>Second:</b> Imelda Ceja-Butkiewicz			
<b>CK: Y</b>	<b>RM: Y</b>	<b>ICB: Y</b>	

**RESIGNATION (For informational purposes, no vote needed)**

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Duane Anderson	RN Member	Burbank	8

**9.4 Vote on whether to recommend approval of modified Regulatory Proposal to Modify 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.

### **§1444.5. Disciplinary Guidelines.**

(a) In reaching a decision on a disciplinary action under the Administrative Procedures Act (Government Code Section 11400 et seq.), the board shall comply with the “Uniform Standards for Substance-Abusing Licensees – Terms and Conditions,” and consider the disciplinary guidelines entitled: “Recommended Guidelines for Disciplinary Orders and Conditions of Probation” (10/0203/2016), which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; Uniform Standards apply to a substance-abusing licensee.

(1) Subject to subdivision (b), Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the presence of aggravating factors; the age of the case; or evidentiary ~~problems~~ issues.

(2) If the conduct found to be a violation involves drugs and/or alcohol, the licensee shall be presumed to be a substance-abusing licensee for purposes of Section 315 of the Code. If the licensee does not rebut the presumption, then the Uniform Standards for substance-abusing licensees shall apply.

(b) Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any acts of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a

sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

~~(b) Notwithstanding subsection (a), the Board shall use the uniform standards for substance abusing licensees as provided in Section 1445.51, without deviation, for each individual determined to be a substance-abusing licensee.~~

Authority cited: Section 2715, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(c), Government Code.

#### HISTORY:

1. New section filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).
2. Amendment of "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (incorporated by reference) and amendment of section filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
3. Amendment of section and Note filed 4-24-2003; operative 5-24-2003 (Register 2003, No. 17).
4. Amendment of section and Note filed 7-23-2014; operative 7-23-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 30).

#### ~~§1444.51. Uniform Standards Related to Substance Abuse.~~

~~(a) The board shall also apply, as required, the Department of Consumer Affairs' Substance Abuse Coordination Committee's Uniform Standards Regarding Substance-Abusing Healing Arts Licensees (April 2011) [hereafter "Uniform Standards"], which are hereby incorporated by reference. The "Uniform Standards" describe the mandatory conditions that apply to a substance abusing licensee, except that the board may impose more restrictive conditions if necessary to protect the public.~~

~~(b) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with sections 11500 et seq.), the board finds that the evidence proves that an individual is a substance abusing licensee for the purposes of section 315 of the code, then all relevant terms and conditions contained in the Disciplinary Guidelines and the "Uniform Standards" shall apply as written and be used in the order placing the licensee on probation.~~

~~(a) If after notice and hearing conducted in accordance with Chapter 5, Part 1, Division 3, Title 2 of the government Code (commencing with Sections 11500 et seq.), the Board finds that the evidence establishes that an individual is a substance abusing licensee, then the terms and conditions in the Standard Language to be Included in Every Probationary Order for Substance-Abusing Licensees contained within the document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation", revised in March 2016, which are hereby~~

~~incorporated by reference, shall be used in any probationary order of the Board affecting that licensee.~~

~~(b) If a licensee signs and agrees to a stipulated settlement he or she must complete a clinical diagnostic evaluation. If the licensee is deemed to be a Substance Abusing licensee he or she will be subject to the Standard Language to be Included in Every Probationary Order for Substance Abusing Licensees contained within document entitled "Recommended Guidelines for Disciplinary Orders and Conditions of Probation," revised in March 2016, which are hereby incorporated by reference.~~

~~(c) Nothing in this Section shall prohibit the Board from imposing additional terms or conditions of probation that are specific to a particular case or that are derived from the Board's guidelines referenced in Section 1444.5 in any order that the Board determines would provide greater public protection.~~

~~Note: Authority cited: Section 2715, Business and Professions Code and Section 11400.20, Government Code. Reference: Sections 315, 315.2, 315.4, 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.~~

<b>Motion:</b> Cynthia Klein to recommend that this language be approved by the Board at the June meeting.			
<b>Second:</b> Imelda Ceja-Butkiewicz			
<b>CK: Y</b>	<b>RM: Y</b>	<b>ICB: Y</b>	

## 9.5 Public Comment for Items Not on the Agenda

No public comment for items not on the agenda.

The Chair adjourned the committee meeting at approximately 12:38 p.m.

Approved: \_\_\_\_\_

**ATTACHMENTS FOR ITEMS:**

**9.3.3**

**9.3.4**

**9.3.5**

**9.3.6**

**9.3.7**

DRAFT



**INTERVENTION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** August 11, 2016

**SITE:** Four Points by Sheraton  
 Los Angeles International Airport  
 9750 Airport Blvd.  
 Los Angeles, CA 90045

**MEMBERS PRESENT:** Cynthia Klein, RN, Chair  
 Imelda Ceja-Butkiewicz  
 Raymond Mallel

**STAFF PRESENT:** Stacie Berumen, Assistant Executive Officer  
 Beth Scott, Deputy Chief, Discipline, Probation & Diversion  
 Shannon Silberling, Deputy Chief, Complaints and Investigations  
 Don Walker, Intervention Program Manager

The Chair called the meeting to order at approximately 12:49 p.m.

**9.0 REVIEW AND APPROVE MINUTES:**

Approve/Not Approve: Minutes of May 12, 2016

<b>Motion:</b> Minutes deferred to October committee meeting			
<b>Second:</b>			
<b>CK:</b>	<b>RM:</b>	<b>ICB:</b>	

**9.1 Complaint Intake and Investigations Update**

**COMPLAINT INTAKE:**

**Staff**

We have one Office Technician position vacant and we have one Limited Term, Associate Governmental Analyst position vacant.

**Program**

We have one analyst that continues to work with the Department of Consumer Affairs (Department) BreZe team and involved in the Reports User Group, as well as the Enforcement User Group.

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners must be registered to access CURES/PDMP. They can find information on the Board's website to assist them in this process.

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

**FY Statistics**

Fiscal Year	Convictions	Consumer	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

As of August 3, 2016, we have received 700 complaints for the current fiscal year. We currently have 478 pending applicants and 609 pending complaints. Of the 609 complaints, 447 are arrest/convictions.

**INVESTIGATIONS:**

**Staff**

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

**Program**

We continue to assign cases based on the Department's Consumer Protection Enforcement Initiative (CPEI).

As of August 3, 2016, there were approximately 44 BRN investigative cases over one year old and there are approximately 64 DOI cases over one year old, that are still open.

**FY Statistics**

FY 2015/16		
	BRN	DOI
Closed Cases	632	367
Closed Case Total Hours	17523.88	8455.5
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	2318.5
Supplemental Total Cost	\$61,060	\$391,826.50
FY Total Hours	23090.36	14838.25
FY Total Cost	\$2,034,029.81	\$2,507,664.25
Cases Opened	723	334

<b>FY 2014/15</b>		
	<b>BRN</b>	<b>DOI</b>
Closed Cases	487	524
Closed Case Total Hours	14768.96	13462.25
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	2432
Supplemental total cost	\$31,948	\$571,520.00
FY Total Hours	19780.52	20914.25
FY Total Cost	\$1,742,466.01	\$4,914,848.75
Cases Opened	709	464

<b>FY 2013/14</b>		
	<b>BRN</b>	<b>DOI</b>
Closed Cases	404	589
Closed Case Total Hours	11402.3	16493.5
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	2380.5
Supplemental total cost	\$36,000	\$502,285.50
FY Total Hours	15185.04	24148.25
FY Total Cost	\$1,301,813.48	\$5,095,280.75
Cases Opened	368	625

<b>FY 2012/13</b>		
	<b>BRN</b>	<b>DOI</b>
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	2310.5
Supplemental total cost	\$8,366	\$487,515.50
FY Total Hours	13166.56	22797.00
FY Total Cost	\$1,128,769.19	\$4,810,167.00
Cases Opened	323	588

## 9.2 Discipline and Probation Update

### Staffing

The Probation Program is in the process of interviewing for two vacancies, an Office Technician (support staff) and an Associate Governmental Program Analyst (probation monitor) 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 FY 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 3, 2016) discipline statistics:

Decisions Adopted	73
Pleadings served	76
Petitions to Revoke Probation served	10
Surrenders signed by E. O.	16

The BRN continues to work with the DCA BreZE 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 BreZE team.

### 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

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

### Statistics - Probation

#### Statistics – July 1, 2016 to August 2, 2016

<b>Probation Data</b>	<b>Numbers</b>	<b>% of Active</b>
Male	351	29%
Female	847	71%
Chemical Dependency	789	65.9%
Required Drug-Screening	637	53.2%
Practice	288	24.0%
Mental Health	7	0.6%
Conviction - excluding chemical dependency/ alcohol use	114	9.5%
Advanced Certificates	114	10%
Southern California	689	58%
Northern California	505	42%
Pending AG - Tolled	4	0%
Pending AG	107	9%
License Revoked Fiscal YTD	2	

License Surrendered Fiscal YTD	12	
Terminated Fiscal YTD	3	
Successfully Completed Fiscal YTD	17	
Active In-State Probationers	<b>1,198</b>	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	348	
Active and Tolled Probationers	<b>1,546</b>	

The average case load of active probationers per probation monitor is approximately 149. However, the average number of cases per monitor including Tolled cases is 193. There are 57 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

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

#### **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 programs 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.

The Board of Registered Nursing's Intervention program will be present at the California State Capitol on September 7, 2016, 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 brings over 5,000 people together for a day to celebrate recovery.

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

There are currently three Physician member vacancies at this time, 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.

### 9.3.1 Diversion Evaluation Committee Members

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

<b>Motion:</b> To approve deferred to September board meeting			
<b>Second:</b>			
<b>CK:</b>	<b>RM:</b>	<b>ICB:</b>	

#### 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

### 9.4 Public Comment for Items Not on the Agenda

No public comment for items not on the agenda.

The Chair adjourned the committee meeting at approximately 1:06 p.m.

Approved: \_\_\_\_\_

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

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**AGENDA ITEM:** 9.1  
**DATE:** October 6, 2016

**ACTION REQUESTED:** Information Only: Complaint Intake and Investigations Update

**REQUESTED BY:** Cynthia Klein, RN, Chairperson

**BACKGROUND:**

**PROGRAM UPDATES**

**COMPLAINT INTAKE:**

As of 9/30/16:

**Office Technicians (OT's)**

- 1 OT Vacancy
  - 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

**Staff Service Analysts (SSA)**

- We are currently fully staffed

**Associate Governmental Program Analyst (AGPA)**

- 1 AGPA out on leave – returning October 10, 2016

**Program**

**As of September 30, 2016:**

- BRN has received 2,192 complaints for the current fiscal year.
- There are 1,148 pending complaints

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.rn.ca.gov](http://www.rn.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](http://www.rn.ca.gov/pdfs/enforcement/expwit.pdf).

## **INVESTIGATIONS:**

### **Staff**

We are fully staffed in both Northern and Southern California, as well as all support staff.

### **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 30, 2016, there were approximately 29 BRN investigative cases over one year old and there are approximately 69 DOI cases over one year old, that are still open.

### **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**

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**AGENDA ITEM: 9.2  
DATE: October 6, 2016**

**ACTION REQUESTED:** Information Only: Discipline and Probation Program update

**REQUESTED BY:** Cynthia Klein, RN, Chairperson

Staffing

The Probation Program Unit is fully staffed as of October 3, 2016. The discipline unit is currently conducting interviews to fill the Office Technician vacancy.

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 discipline unit is in the process of beginning a pilot project to utilize the DCA Cloud to transmit cases to the AG’s office. It is anticipated this process will provide cost savings and result in a reduction in the overall timeframe for imposing discipline.

Statistics - Discipline

Below reflects FY 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 – September 30, 2016 ) Discipline statistics:

Decisions Adopted	309
Pleadings served	246
Petitions to Revoke Probation served	34
Surrenders signed by E. O.	66

The BRN continues to work with the DCA BreZE 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 BreZE team.

Program – Probation

The Probation Program Unit is fully staffed as of October 3<sup>rd</sup>. We are in the beginning stages of a

pilot using DCA's Cloud. The Unit will be presenting at the Nurse Support Group Facilitator Conference which will be held on October 25, 2016.

Statistics - Probation

Statistics – July 1, 2016 to September 29, 2016

Probation Data	Numbers	% of Active
Male	364	30%
Female	866	70%
Chemical Dependency	808	65.7%
Required Drug-Screening	629	51.1%
Practice	301	24.5%
Mental Health	9	0.7%
Conviction - excluding chemical dependency/alcohol use	112	9.1%
Advanced Certificates	113	9%
Southern California	707	57%
Northern California	516	42%
Pending AG - Tolled	7	1%
Pending AG	103	8%
License Revoked Fiscal YTD	2	
License Surrendered Fiscal YTD	12	
Terminated Fiscal YTD	3	
Successfully Completed Fiscal YTD	17	
Active In-State Probationers	<b>1,230</b>	
Completed/Revoked/Terminated/Surrendered YTD	34	
Tolled Probationers	347	
Active and Tolled Probationers	<b>1,577</b>	

The average case load of active probationers per probation monitor is approximately 136. However, the average number of cases per monitor including Tolled cases is 175. There are 60 Early Termination and 8 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**

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**AGENDA ITEM: 9.3**  
**DATE: October 6, 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**

Every September, the Substance Abuse and Mental Health Services Administration (SAMHSA) sponsors National Recovery Month to increase awareness and understanding of mental illness & substance use disorder and to celebrate people who recover. In support of this campaign and to celebrate registered nurses who recover from substance use disorder and mental illness, we have posted several testimonials from Intervention Program graduates on the BRN Facebook page. The Intervention Program also intends to add nurse testimonials under the Intervention section of the BRN website.

MAXIMUS, the Intervention programs contractor has transitioned from their electronic record system to the new MAX CMS system on October 3rd. The new system will allow the IEC meetings to be conducted without physical documents as well as improve the overall ease of use and increase efficiency. Training is being provided by MAXIMUS prior to the beginning of each Intervention Evaluation Committee (IEC) meeting.

**Intervention Evaluation Committees (IEC)**

There are currently two Physician member vacancies at this time, one in San Jose (IEC 7)\* and one in Burbank (IEC 8)\*.

There is currently one RN member vacancy in Burbank (IEC 8).

There is currently one Public member vacancy in Orange county (IEC 4).

**\*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 July 1, 2016, through August 31, 2016, is after this update. As of August 31, 2016, there have been 2,107 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  
July 1, 2016 - August 31, 2016**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
<b>INTAKES COMPLETED</b>	27	27	5,164
<b>INTAKE INFORMATION</b>			
Female	23	23	4,033
Male	4	4	1,104
Unknown	0	0	27
Most Common Age Category	35-39		
Most Common Worksite	Unemployed		
Most Common Specialty	Hospital		
Most Common Substance Abused	Alcohol		
<b>PRESENTING PROBLEM AT INTAKE</b>			
Substance Abuse (only)	20	20	3,237
Mental Illness (only)	0	0	168
Dual Diagnosis	6	6	1,674
Undetermined	1	1	85
<b>REFERRAL TYPE*</b>			
Board	19	19	3,809
Self	8	8	1,355
*May change after Intake			
<b>ETHNICITY (IF KNOWN) AT INTAKE</b>			
American Indian/Alaska Native	0	0	39
Asian/Asian Indian	0	0	124
African American	1	1	166
Hispanic	4	4	223
Native Hawaiian/Pacific Islander	0	0	30
Caucasian	22	22	4,239
Other	0	0	77
Not Reported	0	0	266
<b>CLOSURES</b>			
Successful Completion	24	24	2,107
Failure to Derive Benefit	1	1	124
Failure to Comply	3	3	981
Moved to Another State	0	0	52
Not Accepted by IEC	0	0	60
Voluntary Withdrawal Post-IEC	1	1	340
Voluntary Withdrawal Pre-IEC	4	4	533
Participant Withdrawn-Failure to sign contract	0	0	1
Closed Public Risk	6	6	357
No Longer Eligible	1	1	18
Clinically Inappropriate	0	0	34
Client Expired	0	0	41
Sent to Board Pre-IEC	0	0	2
<b>TOTAL CLOSURES</b>	40	40	4,650
<b>NUMBER OF PARTICIPANTS: 387 (as of August 31, 2016)</b>			

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

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**AGENDA ITEM:** 9.3.1

**DATE:** October 6, 2016

**ACTION REQUESTED:** Intervention Evaluation Committee Members/ New Appointments

**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>
Rhonda Ceccato	Public Member	Orange County	4
Sarah Domb, MD	Physician Member	Burbank	8
David Rohrdanz, MD	Physician Member	San Jose	7

**NEXT STEP:** Continue recruiting efforts.

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