



COMPLAINT DISCLOSURE POLICY

Website: <http://www.rn.ca.gov/enforcement/index.shtml>

The Board of Registered Nursing (BRN) has established the following Complaint Disclosure Policy, as amended September 7, 2001.

The BRN releases complaint information once an accusation is prepared by the Attorney General's Office and filed by the Board, with certain exceptions. Following are exceptions to this policy, where complaint information is disclosed in lieu of or prior to the filing of an accusation.

1. Under Section 125.9 of the Business and Professions Code and Section 1435 et. seq. of the California Code of Regulations, the BRN may issue citations, fines, and orders of abatement in lieu of filing of an accusation. Information concerning the issuance of a citation, fine, and/or order of abatement may be disclosed after a final decision is reached.
2. Under Section 494 of the Business and Professions Code, an interim suspension order (ISO) may be issued in a case that is considered very recent, provable, shocking in nature, and posing an immediate threat, according to the Attorney General's (AG's) Office. After an order to suspend or restrict practice is issued pursuant to administrative hearing, this information may be disclosed to the public. ISOs may be issued in advance of the filing of an accusation.
3. Under Section 23 of the Penal Code, the BRN may obtain a court order to suspend or restrict a license in advance of the filing of an accusation. The AG's office joins a criminal proceeding on behalf of the Board to obtain this order. Such an order is disclosable.

The sections of law and constitutional provisions that must be considered when deciding when to disclose complaints include:

- ◆ Public Records Act (Government Code Section 6250 et. seq.)
- ◆ Information Practices Act (Civil Code Section 1798 et. seq.)
- ◆ California Constitutional Right to Privacy (Cal. Const., Article I, Section 1)

In general, the Public Records Act defines when documents may be withheld from public disclosure, and the Information Practices Act and Constitutional Right to Privacy define when an agency must keep "personal information" from public disclosure and when it is required to disclose information to the individual to whom the information pertains. (A summary of a complaint may be provided to the subject of the complaint or his/her attorney under Section 800(c) of the Business and Professions Code.) The Board may withhold from disclosure investigative files under Section 6254(f) of the Public Records Act, and Section 6254(c) exempts disclosure of certain personal information.

In summary, the Board has based its policy on legal advice and concerns about consumer protection, investigative integrity, as well as basic privacy issues.