



Agenda Item 4.0

Review and Vote on Whether to Approve Previous Meeting Minutes

BRN Board Meeting | August 24-25, 2023

Approval of Previous
Meeting Minutes
August 24-25, 2023

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**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING MINUTES**

DRAFT

Date: May 17, 2023

9:00 a.m.

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not being provided.

The Board of Registered Nursing held a public meeting via a teleconference platform.

May 17-18, 2023 - 9:00 a.m. BRN Board Meeting

9:00 a.m.

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, RN, President, called the meeting to order at: 9:00 a.m. All members present. Quorum was established at 9:02 a.m.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Jovita Dominguez, BSN, RN
Elizabeth (Betty) Woods, RN, FNP, MSN
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Vicki Granowitz
Roi David Lollar

BRN Staff: Loretta Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:02 a.m.

2.0 General instructions for the format of a teleconference call

9:04 a.m.

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for Agenda Item 3.0: No public comments.

9:05 a.m.

4.0 Review and Vote on Whether to Approve Previous Meeting Minutes

- 4.1
 - February 15-16, 2023
 - March 16, 2023
 - April 20, 2023

Motion: Dolores Trujillo: Made a motion to accept Board Meeting Minutes from February 15-16, 2023, March 16, 2023, and April 20, 2023, and allow BRN Staff to make non-substantive changes to correct name misspellings and/or typos that may be discovered in the document.

Second: Elizabeth Woods

Public Comment for Agenda Item 4.1: Sara Pollack: Stated that she would like there to be a one-time training on human trafficking during pre-licensure education.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:11 a.m.

5.0 Report of the Administrative Committee

5.1 Executive Officer report

Public Comment for Agenda Item 5.1: No public comments.

9:21 a.m.

5.2 Information only: 2022-2025 Strategic Plan and goal progression

Board Discussion: Patricia Wynne appreciated the information and the team. She asked when everything will be completed. Executive Officer Melby said all goals should be completed by the last Board meeting in 2025. Patricia Wynne asked if there was an egregious case in enforcement that could be streamlined and done faster. Executive Officer Melby explained the PC 23 process saying staff can show up at the criminal proceeding and have a license immediately revoked. She then explained the Interim Suspension Order (ISO) process. Public protection is immediately addressed through the PC 23 and ISO process.

Mary Fagan echoed Patricia Wynne. She asked if a completion percentage can be added to the information. Executive Officer Melby said she is unsure if this can be done because, many times, when one item is completed another issue comes up and it is difficult to quantify it. They discussed how many processes are Pandora's

Boxes. Mary Fagan asked about the customer satisfaction survey process. Executive Officer Melby said the information is reported out during the Sunset process. Because the Board was extended for four years, Executive Officer Melby said she would look to report the information out with the most recently reported data. Mary Fagan asked if the customer service information could be reported at the next meeting. Executive Officer Melby said she would report out the data but, because of the data collection and analysis, she is unsure what meeting date it would be presented at.

9:54 a.m. **Public Comment for Agenda Item 5.2:** Tia Delaney-Stewart: Stated she's heard positive feedback from students she works with in Los Angeles.

9:56 a.m. **5.3 Information only:** Registered Nursing Fund condition (presentation by DCA Budget Office)
Presented by Suzanne Balkis, DCA Budget Office

Board Discussion: Patricia Wynne asked about money going to the General Fund and the loan repayment. Suzanne Balkis said they are tied together.

Executive Officer Melby said the Board has a healthy fund and is looking at process improvements and possibly lowering fees. She said that the BRN's fund has been artificially inflated due to Covid because of the influx of RNs into California. She said the Licensure by Exam fees paid by California graduates may be reduced because the process is almost 100% automated.

Public Comment for Agenda Item 5.3: No public comments.

5-minute break at 10:05 am

10:10 a.m. **5.4 Information Only:** Presentation by University of California, San Francisco on analysis of nursing workforce conducted pursuant to Business and Professions Code section 2717
Presented by Joanne Spetz, University of California, San Francisco

Board Discussion: David Lollar asked about the large university who did not report their data. He asked if they would report their missing data. Joanne Spetz said the school reported 2022 data but does not know if or when they will report missing data. Executive Officer Melby said she is working with the program who is interested in coming into full compliance with the Board and hopes to see them at the November Board meeting. She explained NCLEX test data that is reported to the Board from the exam vendor.

Dolores Trujillo asked about the 7.2% vacancy rate and where it comes from. Joanne Spetz said the Hospital Association of Southern California does a quarterly turnover and vacancy report for many years. She also said CNOs are surveyed, and they are trying to merge the data together. Dolores Trujillo asked about the 5-year projection. Joanne Spetz said the schools say how much they expect to grow to help project graduations out four years. She tries to be conservative in the projections.

Executive Officer Melby asked about workforce planning as it has been difficult to pull data for the Board. Asked if there was data of the number of students who need to be in the nursing pipeline to ensure the Board meets the 2027 balance and further explained data needs to assist the Board making enrollment decisions. Joanne Spetz said she got a call from a legislative staffer asking about how to solve the workforce shortage. She said the data shows that the schools should be graduating over 16,000 nurses in the 2025 school year which is 4,000 more than now. She explained other agencies she's working with to help achieve the goals of California. Executive Officer Melby spoke about sharing the number of nursing students and percent of registered nurse licensees with NCSBN.

David Lollar asked about the FTE regional slide showing the differences throughout the state. Joanne Spetz spoke about the changes in the state throughout the years as it relates to rural communities, availability of nursing education, population changes, etc. Executive Officer Melby added information about enrollment increases in the San Bernardino area.

Vicki Granowitz said she's been reading about education deficiencies because of COVID and how that might be an issue down the road. Joanne said that could be a piece of the small increase in the percent of students who are delayed in their progress. She is concerned how this will affect communities of color and lower income families as to how that could impact the movement towards diversifying the nursing workforce. She spoke about work to foster first generation nursing students.

Mary Fagan appreciated the information in assisting the Board make enrollment decisions. She asked about the difficulty predicting demand. Joanne Spetz spoke about nursing enrollment projections and EDD data which is largely built off the US Bureau of Labor Statistics projections which isn't incredibly accurate at a single occupation level. Mary Fagan asked when the final report should be released. Joanne Spetz thought the report should be released in August. Executive Officer Melby said there are several validation

steps before it is published which should be at the beginning of next year. Joanne Spetz said she'll look at where the regionals are at and if it might be ready to share with the Board at an upcoming meeting. Executive Officer Melby explained what information can and cannot be considered by the Board about enrollment increases. Joanne Spetz said there is data in the confidential spreadsheet that is available for the NECs to look at.

11:23 am **Public Comment for Agenda Item 5.4:** Marie Gilbert, Director for Center of Excellence in Nursing: Said she was surprised by the green showing in Fresno for nurse to population ratio. She said Fresno is desperate for nurses and is not sure that is reflected in the data. Joanne Spetz said nurses per capita does not reflect projected growth of population in the community. Fresno county is one of the faster growing counties in this state and does not account for distribution of older nurses or educational capacity.

11:28 a.m. **6.0 BRN future priorities and proposals for review and possible action**

6.1 Information only: Operation Nightingale

Board Discussion: Dolores Trujillo asked if the original numbers reported for California included APRNs. Executive Officer Melby said no APRNs were included in the numbers and further explained that APRNs are unable to endorse into California. An applicant must apply for both the RN and APRN in California. Dolores Trujillo asked about the 110 applicants who were denied and if they all were from Florida. Executive Officer Melby said they were all from Florida.

Shannon Johnson, Enforcement Chief, explained the application denial process.

Elizabeth Woods asked if some students had no nursing education at all and were given diplomas. Executive Officer Melby said that is true.

Patricia Wynne asked if applicants who attended these specific schools were automatically denied or was there any additional investigation done. Executive Officer Melby explained that lists were provided by the FBI showing some schools graduated legitimate students, some students were issued fake diplomas. If applicants are not on the FBI list, then additional investigation is done. Shannon Johnson said there are now 127 applicants who have been denied. She said when she cross-checked the lists there was one who legitimately graduated from one of the programs.

11:58 a.m. **Public Comment for Agenda Item 6.1:** Elissa Brown: Stated that she was appalled by this report and asked if this has been going on for six or seven years. She thanked the Board for doing this and alerting the public. Executive Officer Melby said every student was aware they were participating in this.

ADW – Executive Officer Melby read the written comment – How many were found in California? There are over 500,000 licensees in the state. Executive Officer Melby gave additional information about the investigation process.

Gene Wilkes: Stated he attended a Florida nursing program and thinks this is appalling. He didn't think all students should be grouped into one category. He thought there are more factors that should go into a full investigation and he questioned whether the investigations have been done in an expeditious manner. He is an applicant from one of these programs but says he was told he is deficient; however, the Board has the information needed to make a decision. Executive Officer Melby said this is an ongoing investigation where more schools are being investigated by the FBI. She said this is more prevalent in the associate degree nursing programs and BRN is looking at each of the programs carefully; therefore, some students are in a holding pattern as a result. If the FBI says a school is fraudulent then any applicants will be denied. She said a bachelors program noticed NCLEX failures and found that people are claiming graduation from legitimate programs but did not attend.

Break at 12:13 pm for lunch to return at 1 pm.
Quorum reestablished at 1:01 pm.

1:02 p.m.

7.0

Report of the Nursing Practice Committee (NP)

7.1

Information only – Advisory Committee updates:

7.1.1 Nurse Practitioner Advisory Committee (NPAC)

7.1.2 Nurse-Midwifery Advisory Committee (NMAC)

7.1.3 Clinical Nurse Specialist Advisory Committee (CNSAC)

7.1.4 Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)

7.1.5 Nursing Education and Workforce Advisory Committee (NEWAC)

Public Comment for Agenda Items 7.1.1 - 7.1.5: No public comments.

1:21 p.m.

7.2

Discussion and possible action: Removal of Method Three equivalency for licensure for qualifying APRN applications

Board Discussion: Patricia Wynne asked if this is not being done or fees are collected and not being granted then she is in favor of eliminating it.

Elizabeth Woods said she thought this came to pass when NPs were not educated to the master's level and thinks it's irrelevant now and should be removed.

Motion: Elizabeth Woods: Made a motion to approve the removal of Method Three equivalency for licensure for qualifying APRN applications.

Second: Dolores Trujillo

Public Comment for Agenda Item 7.2: Elissa Brown: She said she was at the first CNS advisory committee when this was decided, and the thought was it would disenfranchise some APRNs long ago. She agrees this is not needed now.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:30 p.m.

7.3

Discussion and possible action: Accepting only electronic submission of transcripts

Board Discussion: Elizabeth Woods said with the information presented this morning about Operation Nightingale that this is probably the best thing.

Motion: Elizabeth Woods: Made a motion to approve the Board accepting only electronic submission of transcripts.

Second: David Lollar

Public Comment for Agenda Item 7.3: Elissa Brown: Stated that she had a concern about students who attended a school that closed. She said students should be allowed time to obtain the transcripts without charging more money. Executive Officer Melby said transcripts can be obtained from the US Department of Education. California private program students can obtain transcripts from the Bureau of Private Postsecondary

Education. She explained that this was looked into by staff and there is a way to obtain transcripts.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:38 p.m.

8.0

Report of the Education/Licensing Committee (ELC)

1:39 p.m.

8.1

Discussion and possible action regarding ELC recommendations on consent agenda items

8.1.1 Discussion and possible action regarding Board approval of ELC recommendation to approve minor curriculum revisions (16 CCR § 1426), acknowledge program progress reports (16 CCR § 1423), and accept clinical facility approvals (16 CCR § 1427) (consent) (schools under consideration are identified in meeting materials)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.1.2 Discussion and possible action regarding Board approval of ELC recommendations to grant (consent):

Continuing approval of prelicensure nursing programs (BPC § 2788; 16 CCR §§ 1421 & 1423)

- California Baptist University Entry Level Master’s Degree Nursing Program
- University of California Davis-Betty Irene Moore School of Nursing Entry Level Master’s Degree Nursing Program
- California Baptist University Baccalaureate Degree Nursing Program
- California State University Fullerton Baccalaureate Degree Nursing Program
- Allan Hancock LVN to RN Advanced Placement Associate Degree Nursing Program
- West Hills College Lemoore Associate Degree Nursing Program
- Los Angeles Southwest College Associate Degree Nursing Program
- San Joaquin Valley College Associate Degree Nursing Program

Continuing approval of an advanced practice (nurse practitioner) nursing program (BPC § 2788; 16 CCR § 1483.1)
California State University Fullerton Nurse Practitioner Program

Continuing approval of an advanced practice (nurse midwifery) nursing program (16 CCR §§ 1460 & 1462)
California State University Fullerton Nurse Midwifery Program

Approval of prelicensure nursing program unit adjustment or other changes (16 CCR §§ 1460 & 1462) (substantive change) (no enrollment increase)
Long Beach City College Associate Degree Nursing Program
Mt San Jacinto College Associate Degree Nursing Program
ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.2

Discussion and possible action regarding ELC recommendations (BPC § 2788; 16 CCR §§ 1421 & 1423)

8.2.1 Discussion and possible action regarding Board approval of ELC recommendation to continue deferred action status for Carrington College Associate Degree LVN to RN Bridge Program. Return to ELC and Board when in full compliance with BRN rules and regulations.
Enrollment pattern: 24 students 3 times a year annual enrollment 72 students
ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.2.2 Discussion and possible action regarding Board approval of ELC recommendation for continuing approval or other action for approved nursing program on deferred action status for Fresno Pacific University Baccalaureate Degree Nursing Program
Enrollment pattern: Fall 2023 – 36 students (annual enrollment 36 students)
Fall 2024 and forward – 48 students (annual enrollment 48 students)
ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.2.3 Discussion and possible action regarding Board approval of ELC recommendation to continue deferred action status for

Rio Hondo College Associate Degree Nursing Program.
Return to ELC and Board when in full compliance with BRN
rules and regulations
Enrollment pattern: 40 students twice a year (annual enrollment
80 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo –
Yes; P. Wynne – Yes

8.2.4 Discussion and possible action regarding Board approval of
ELC recommendation to continue deferred action status for
Victor Valley College Associate Degree Nursing Program.
Return to ELC and Board when in full compliance with BRN
rules and regulations
Enrollment pattern: 40 students twice a year (annual enrollment
80 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo –
Yes; P. Wynne – Yes

**8.3 Discussion and possible action regarding ELC
recommendations for acceptance of substantive changes to
approved programs (16 CCR §§ 1426 & 1432)**

8.3.1 Holy Names University Nursing Programs (Baccalaureate
Degree, Nurse Practitioner MSN, and post-MSN NP
certification) (program closure)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo –
Yes; P. Wynne – Yes

8.3.2 University of Massachusetts Global Baccalaureate Degree
Nursing Program (program closure), approval of teach out
plan and return to ELC/Board in June/August 2024 if student
needs remain.

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo –
Yes; P. Wynne – Yes

8.3.3 Bakersfield College Associate Degree Nursing Program
(enrollment increase)
Enrollment pattern: 180 students twice a year (annual enrollment
360 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo –
Yes; P. Wynne – Yes

8.3.4 Enrollment pattern: 60 students each fall, 108 students each
spring (annual enrollment 168 students)

Enrollment pattern: 60 students each fall, 108 students each spring (annual enrollment 168 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.3.5 College of the Sequoias Associate Degree Nursing Program (enrollment increase)

Enrollment pattern: 90 students twice a year plus 20 students in year-round track (annual enrollment 200 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.3.6 Merced College Associate Degree Nursing Program (enrollment increase)

Enrollment pattern: 65 students twice a year (annual enrollment 130 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.3.7 San Joaquin Delta College Associate Degree Nursing Program (enrollment increase)

Enrollment pattern: 60 students each fall, 80 students each spring (annual enrollment 140 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.3.8 San Joaquin Valley College Associate Degree Nursing Program (enrollment increase) Visalia and Rancho Mirage campuses

Enrollment pattern – Visalia campus: 36 ADN students twice a year, 30 advance placement students once per year (annual enrollment: 102 students)

Rancho Mirage campus: 36 ADN students twice a year, 30 advance placement students once per year (annual enrollment 102 students)

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.3.9 West Hills College Lemoore Associate Degree Nursing Program (enrollment increase)

Enrollment pattern: 50 students annually

ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

8.4 Discussion and possible action regarding ELC recommendation to accept feasibility study for a new prelicensure nursing program

8.4.1 Cerro Coso Community College Associate Degree Nursing Program Enrollment pattern: 10 students annually
ELC Vote: J. Dominguez – Yes; M. Fagan – Yes; D. Trujillo – Yes; P. Wynne – Yes

Motion for Agenda Items 8.1 – 8.4: Dolores Trujillo: Made a motion to accept ELC recommendations for items 8.1 through 8.4.
Second: Mary Fagan

Public Comment for Agenda Items 8.1 - 8.4: No public comments.

Vote for Agenda Items 8.1 – 8.4:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

8.5 Discussion and Possible Action regarding acceptance of substantive changes to an approved program (present) (16 CCR Sections 1426 & 1432)

1:43 p.m.

8.5.1 California State University Northridge Baccalaureate Degree Nursing Program (enrollment increase)

Board Discussion: Jovita Dominguez said she believed the program has approval for the clinical sites and it is being done during nights and weekends in the summer. Dolores Trujillo asked about Fall continuous enrollment. Executive Officer Melby said the program is already approved for 40 students in Fall and Spring.

Patricia Wynne stated that she would like to hear from the Program Director and how it might affect others.

David Lollar asked if Loretta, or the Program Director, could explain how 40 students would have an impact on an area that large.

Rebekah Child, Program Director, said they are the only CSU in the San Fernando Valley serving Hispanic students and nursing education to their community in the San Fernando Valley. She said hospitals are coming to them for their graduates. She said they've always looked to not displace any other students and explained that 40 students are a drop in the bucket. She also said their program is fair with tuition.

Mary Fagan asked about the two programs that said they would be impacted by the additional students. Rebekah Child said one was Pierce Community College and the other one is College of the Canyons. She said the majority of hospitals used by the other schools are not used by CSU Northridge. She said there is an issue with psychiatric rotations and Northridge will seek other sites that would not impact College of the Canyons. She spoke about the community college students seeking a BSN at CSU Northridge that should not kick out any clinical placements. Executive Officer Melby shared her computer screen to show the various nursing programs near CSU Northridge and discussed enrollments that could be affected by this. She said it was good that CSU Northridge is working with the surrounding programs.

Jovita Dominguez appreciated CSU Northridge reaching out to the other programs.

Vicki Granowitz said she was unsure how to take the information since most programs talk about how they don't displace others while there continues to be displacement. Executive Officer Melby presented her screen again to show the various schools and how close they are to each other. Vicki Granowitz said she grew up in this area and it is close to LA. Rebecca Child said no one in Northridge wants to go over the hill to LA because of the terrible traffic.

Dolores Trujillo suggested hearing public comment before making a motion.

After Public Comment:

Rebekah Child said she will include the agreements made with the other programs in her faculty meeting minutes. Mary Fagan asked about Pierce College. Rebekah Child said they don't use the same hospitals.

Patricia Wynne said she's voted against other LA college enrollment increases but feels like this one might be different and collaborative. She would support this motion.

Jovita Dominguez agreed with Patricia because LA and San Diego are so complicated and impacted.

Motion: Jovita Dominguez: Made a motion to approve substantive changes to an approved program California State University Northridge Baccalaureate Degree Nursing Program (enrollment increase).

Second: Vicki Granowitz

2:07 p.m. **Public Comment for 8.5.1:** Tammy Bathke, College of the Canyons: She expressed support for CSU Northridge and said they met with them yesterday with a gentleman's handshake to work together on clinical placements.

Gene Wilkes: Wrote a public comment but Executive Officer Melby said it was not for this agenda item.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

2:14 p.m. **8.5.2** San Joaquin Valley College Associate Degree Nursing Program Ontario campus (enrollment increase)

Board Discussion: There was some confusion regarding the meeting materials and a discussion ensued between Executive Officer Melby, Mary Ann McCarthy, and Reza Pejuhesh.

Executive Officer Melby discussed the various issues facing impaction in the LA area.

Dolores Trujillo asked if Executive Officer Melby could put the map up again on her screen. Executive Officer Melby did so and explained the map was created by COADN which is why it isn't on the BRN website.

Mary Fagan asked to hear from the Program Director.

Martha Keough, Program Director, spoke about their program and request.

Executive Officer Melby reminded the Board members that workforce data cannot be considered when making a decision.

Motion: **Mary Fagan:** Made a motion to approve substantive changes to an approved program San Joaquin Valley College Associate Degree Nursing Program Ontario campus (enrollment increase).

Second: **Dolores Trujillo**

2:36 p.m. **Public Comment for 8.5.2:** Kelly Myers, Director of Telemetry at St. Mary Medical Center: She asked the Board to approve this request. They have more than enough clinical placements and over 100 vacant positions.

Employees will receive tuition discount benefits and flexible schedules while still completing their clinical rotations at St. Mary's.

Amy Grimsley, Director of Clinical Education at St. Mary's Medical Center: She said only San Joaquin and West Coast have approached them for clinical placements.

Dolores Trujillo asked Kelly Myers which schools' partner with them. Kelly Myers said Victor Valley College, Pacific and San Joaquin Valley College.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

2:41 p.m. **8.6** **Information only:** NCLEX update

Public Comment for Agenda Item 8.6: No public comments.

2:44 p.m. **8.7** **Information only:** Licensing Update

Public Comment for Agenda Item 8.7: No public comments.

Break at 2:54 pm
Quorum reestablished at 3:00 pm

3:00 p.m. **9.0** **Report of the Enforcement/Intervention Committee (EIC)**

9.1 **Information only:** Enforcement and Investigation update
Presented by: Shannon Johnson, Enforcement Chief

Board Discussion: Patricia Wynne asked how recruitment is done for Intervention Evaluation Committee (IEC) members. Shannon Johnson discussed the various methods used to recruit members.

Public Comment for Agenda Item 9.1: No public comments.

3:11 p.m. **9.2** **Discussion and possible action regarding appointment/reappointment of Intervention Evaluation Committee members**

Name	Member Type	IEC	Type
Barry Levine	Physician	7	Appointment
William Gould	Nurse	11	Appointment
Humphry Ogg	Nurse	11	Appointment
Cheryl Janus	Nurse	9	Appointment
Julius Musenze	Physician	10	Appointment
Colleen Burks	Nurse	9	Appointment
Victoria Pon Tell	Nurse	10	Reappointment
Lori Kopplinger	Nurse	5	Reappointment
Carrie Randazzo	Public	5	Reappointment

Board Discussion: Patricia Wynne asked why the numbers of participants are lower. Shannon Johnson said there are a lot of reasons and they’ve heard from all intervention programs and explained that everyone has dropped in numbers since Covid. IEC 2 and 6 are being dissolved because of the decrease in program participants and the members are being appointed to other IECs.

Motion: **Patricia Wynne:** Made a motion to accept appointment/reappointment of IEC members

Second: **Dolores Trujillo**

Public Comment for Agenda Item 9.2: No public comments.

Vote:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:19 p.m.

10.0

Report of the Legislative Committee

Legislative update and discussion of bills relevant to the Board from the 2023-2024 legislative session

Presented by: Marissa Clark, Chief of Legislation

Direct Impact

3:23 p.m.

1. AB 1292 (Flora) Nursing: distance education nursing program students

Board Discussion: Dolores Trujillo said the Board took an Oppose position and it doesn't sound like much has changed in the bill. Executive Officer Melby said it hasn't and some attempts were made to address a different stakeholder's opposition but did not address BRN's opposition. She discussed the reasons BRN took an oppose position. The bill does not include any BRN oversight of these programs.

Motion: Dolores Trujillo: Made a motion to continue to oppose.

Second: Vicky Granowitz

3:30 p.m.

2. AB 1577 (Low) General acute care hospitals: clinical placements: nursing

Board Discussion: Dolores Trujillo asked if the previous Board position was Watch. Marissa Clark said Yes.

Motion: Jovita Dominguez: Made a motion to continue to watch.

Second: Dolores Trujillo

3:33 p.m.

3. AB 1695 (Gipson) Career technical education: Nursing Pathway Pilot Program

Board Discussion: Dolores Trujillo said this sounds like a great bill.

Mary Fagan asked how long the funding would be. Marissa Clark thinks the funding would be appropriated through FY 2026-2027.

Elizabeth Woods would like to see who is involved in this. Vicki Granowitz said she agrees.

Patricia Wynne said this sounds like a great idea, but the details seem to be unspecific and hates to see students who don't know about this pilot program be displaced or disadvantaged somehow. She thinks it should be a Watch position until more details are known. Mary Fagan agrees that there isn't enough to have a different position due to the lack of information.

Jovita Dominguez said Hartnell started something new for LVNs that targeted King City High School.

Executive Officer Melby said it would be a good idea to ask Marissa Clark for some guidance with the position. Marissa Clark said Watch could be the position with direction from the Board to have discussion with the author's office stating interest in the bill.

Vicki Granowitz asked if the BRN can Support with a proviso that there is an avenue for BRN to be involved. Elizabeth Woods thinks BRN needs to be involved in it. Executive Officer Melby said if this involves ADN programs then BRN absolutely needs to be involved from the beginning. Marissa Clark said it could be a Support if Amend and not as common to use a Neutral position. She wants to make sure she honors the Board's wishes.

David Lollar said Support if Amend to include involvement from the Board

Motion: David Lollar: Made a motion to Support if Amended to include involvement from the Board.

Second: Patricia Wynne

Indirect Impact

3:46 p.m.

4. AB 765 (Wood) Physicians and surgeons: medical specialty titles

Board Discussion: David Lollar asked if this would cause more confusion with many health care professionals who already have a lot of acronyms. Jovita Dominguez said that when she wears a white lab coat when she's teaching, the patients think she is a doctor. It's a misperception and not being an imposter. David said he leans more towards a Watch until this is cleared with the number of different titles. Executive Officer Melby thinks this can be fixed through the Nursing Practice Act or regulations.

Elizabeth Woods didn't like this idea because she thinks this is doctors protecting themselves.

Mary Fagan thought this could be based on those who are unhappy with the 103 and 104 NPs. She didn't think this needed legislation.

Dolores Trujillo asked if they want to Watch or Oppose if legislation is not needed.

Patricia Wynne thinks we should keep an eye on it.

Motion: Dolores Trujillo: Made a motion to watch.

Second: Patricia Wynne

4:00 p.m.

5. AB 1063 (Gabriel) Nurse-to-patient staffing ratios: annual report

Board Discussion: Mary Fagan was concerned it doesn't say that the California Department of Public Health (CDPH) isn't going to create new reporting requirements for hospitals then about staffing ratios and what the impact would be. She said there's already so much reporting done, it keeps people from being able to care for patients.

Dolores Trujillo asked if reporting being done by CDPH for exceptions. Marissa Clark said CDPH would like a review of enforcement of the regulations and then submit an annual report to the legislature that would touch on three main things: number of reports received by CDPH alleging a violation of ratio regulations, the investigative steps taken by CDPH in response to those reports and outcome of any investigations, and complete listing of allegations found to be unsubstantiated in the basis for the findings. They would also have to do a public hearing soliciting input from direct patient care nurses and include recommendations and whether or how they're implemented. If they are not implementing the recommendations, then why they are not.

Dolores Trujillo wanted to know if ratios are being enforced. She didn't recall reading a report this is being enforced.

Elizabeth Woods asked how this information is gathered. Dolores Trujillo said it could be their website. Marissa Clark said she thought language is already in place for reporting.

Patricia Wynne asked is there is a feeling out there from staff nurses that ratios are not followed. Executive Officer Melby discussed issues with nursing ratios both current and historical. The BRN does not have any jurisdiction regarding staffing ratios since it is in Title 22; however, the patient safety component can impact BRN in enforcement.

Mary Fagan was concerned about reporting the unsubstantiated claims and the work that would go into this process at the hospitals. She said it might be helpful to know what is already required. Marissa Clark said she can get that information.

The Board members thought a watch position would be good at this point.

Jovita Dominguez said nurses should feel empowered to speak up if a facility is going to be out of ratio.

Motion: Dolores Trujillo: Made a motion to watch.

Second: Jovita Dominguez

Public Comment for AB 1292, AB 1577, AB 1695, AB 765, and AB 1063:

Melanie Rowe, CRNA: Stated that the California Association of Nurse Anesthetists (CANA) strongly opposed AB 765. Stated that the bill eliminated a CRNA provider’s ability to identify themselves correctly. She said discussions have been happening nationally about the use of anesthesiologist with doctors, nurses, and dentists. She said the dentists have been amended out of the bill. She respectfully asks for the Board’s opposition to this bill.

Kathy Hughes, SEIU Nurse Alliance: Stated that they represent CRNAs and have not taken an official position on AB 765 but sees some grave concerns with it now. For AB 1063 regarding nurse ratios, explained there needs to be teeth to enforce the ratios.

Laura Starrh, NP: Asked the Board to oppose AB 765. She said the bill does not protect consumers and confuses them more.

Elizabeth Bamgbose, CANA: Reiterated what Melanie Rowe said about AB 765, supports fixing this within BRN regulations.

Elissa Brown, CNS: Agreed with most BRN positions and most nurses are against AB 765. She spoke about ratios.

Dr. Ileana Meza, DNP: Asked the Board to oppose AB 765. Whenever she sees patients, she introduces herself as a nurse practitioner. She acknowledges that it helps to educate the public.

Vote on All Bills:

	DT	MF	EW	JD	PW	DL	VG
Vote:	Y	Y	Y on all but AB 765	Y	Y	Y	Y on all but AB 765
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:30 p.m.

11.0

Meeting recessed to May 18, 2023

Dolores Trujillo, President, recessed the meeting at 4:30 p.m. on May 17, 2023.

Thursday, May 18, 2023 – 9:00 a.m. Board Meeting

1.0 Call to order, roll call, and establishment of a quorum

2.0 Closed session

2.1 Disciplinary matters

The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

3.0 Adjournment

Dolores Trujillo, President, adjourned the meeting.

Submitted by:

Accepted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Dolores Trujillo, RN
President
California Board of Registered Nursing

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING
MEETING MINUTES**

DRAFT

Date: June 29, 2023

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not being provided.

The Board of Registered Nursing held a public meeting via a teleconference platform.

Thursday, June 29, 2023 - 9:00 am BRN Board Meeting

9:00 a.m.

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:00am. All members present. Quorum was established at 9:01 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Jovita Dominguez, BSN, RN
Vicki Granowitz
Roi David Lollar
Patricia “Tricia” Wynne, Esq.

BRN Staff: Loretta Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:02 a.m.

2.0 General instructions for the format of a teleconference call

9:03 a.m.

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for Agenda Item 3.0: Malinda Wheeler, CALSAFE – asked if she should comment on AB 1028 at this time. Executive Officer Melby explained what comments could be made during this agenda item.

Kathy Hughes, Nurse Alliance of SEIU, CA – An organization was brought to her attention yesterday, the Campaign for College Opportunity. They are addressing the nursing shortage through

accelerated nursing pathways, clinical training sites, compensation, and benefits. She said there is a rumor they are buying clinical spots and charging nursing students to access those spots. They have a website that she forwarded to Executive Officer Melby. She also apologized for her absence at the recent NEWAC meeting due to a family emergency.

9:09 a.m.

4.0

Discussion and Possible Action: Regarding appointment by the Board President of a chairperson for the Nursing Practice Committee, and approval by the Board

Motion: **Dolores Trujillo:** Made a motion to appoint Mary Fagan to the chair of the Nursing Practice Committee.

Second: **David Lollar**

Public Comment for Agenda Item 4.0: No public comments.

Vote:

	DT	MF	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

9:12 a.m.

5.0

Report of the Legislative Committee

Legislative update and discussion of bills relevant to the Board from the 2023-2024 legislative session

Marissa Clark let the Board members know what items would be discussed.

Patricia Wynne asked if conversations were had regarding SB 667 and AB 1695.

Marissa let the Board know she and Executive Officer Melby had discussions with the author's offices.

Direct Impact

9:14 a.m.

1. AB 633 (Patterson) Nursing: licensure: renewal fees: reduced fee.

Previous Position: Support if Amended

Board Discussion: Dolores Trujillo explained that Marissa Clark would present all bills to the Board and then open for public comment.

10:26 a.m.

Motion: Dolores Trujillo: Made a motion to withdraw previous position of Support if Amended and change to Support

Second: Patricia Wynne

Public Comment for AB 633: Public comment after all bills presented.

Vote:

	DT	MF	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

9:19 a.m.

2. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

Previous Position: Support if Amended

Board Discussion: Executive Officer Melby said there is quite a high interest in this bill so public comment could be opened for this bill.

Patricia Wynne said she's had great anxiety about this bill and would like to hear the public comment.

Mary Fagan agreed with Patricia Wynne. Vicki Granowitz also agreed with Patricia Wynne.

Reza Pejuhesh asked if there would be separate public comment for each bill. Dolores Trujillo said there would be public comment for this bill and additional public comment for all other bills at the end of the presentation.

After public comment:

Dolores Trujillo said the Board could change the position based on public comment.

Patricia Wynne said she's persuaded by both public comments heard today in opposition to the bill and the opposition letters submitted. Her fears are more aligned with the concerns of the opposition than the proponents of this bill. She was in favor of changing the Board's position from support to oppose.

Vicki Granowitz continued to oppose this bill. She thought we as a culture often flip flop from one extreme to another and that if this bill is passed then in another decade, we'll be amending it. She thought a better idea is to amend it with some of the suggestions in the opposition letters. She said children who were sexually assaulted would easily not be reported under this bill.

David Lollar said he thought this bill has been with the Board for a long time and he originally opposed it vigorously and aggressively. He respectfully listened to the voices supporting this bill but hearing public comment today reminds him of how torn he is because he opposes it. He was concerned about those who are supporting it. He was listening to Cal-Safe's ideas to change the language and what is happening in rural communities and is again leaning towards opposing this again and changing the Board's position.

Executive Officer Melby clarified that what Vicki Granowitz said about reporting child abuse, etc. is not affected by this bill. Child and elder abuse continue to be mandatory reporting. She said she and Marissa Clark continued to have conversations with the author and supporters and discussed the same items Cal-Safe has suggested for improvements.

Dolores Trujillo said she would like to see an "Opt In" or "Opt Out" added in. Executive Officer Melby described the sexual assault nurse examination process and maintenance of medical evidence in the process to allow the survivor to report. She discussed the addition of the warm handoff that was not part of the previous process.

Vicki Granowitz said Colorado included mandatory reporting for domestic assaults with serious bodily injury or Tennessee requires it for life threatening injuries including strangulation. Language could be taken from what's working in other states. She was ambivalent about the idea of giving survivors the choice because some are afraid of their perpetrator that unless there is mandatory reporting, they won't do it.

Dolores Trujillo said if the Board takes an Oppose Unless Amended then suggested language could be provided. Executive Officer Melby said they could do that. She explained how this could help the author's office. She said they've been working on the documentation aspect with the author's office. Some of the changes are in alignment with what Cal-Safe wants as well. Marissa Clark said Oppose Unless Amended sends a stronger message about the suggested changes. But there is a position the Board could take to

work on any changes to the bill. Executive Officer Melby said Oppose is a strong message. Unless amended lets it continue to move through the process.

David Lollar said Oppose Unless Amended aligns with Cal-Safe. He said the warm handoff is an important component.

Patricia Wynne aligned herself with David Lollar's comments. She said there are 58 counties in California, and we only heard from someone in two of the counties. The Board doesn't know what's happening in the other counties.

Jovita Dominguez said it's sad what happens to families that you're supposed to be safe with and men and women are very vulnerable with this kind of violence in their homes.

Reza Pejuhesh said the Board could withdraw their original position if not convinced either way or want the Board to be on the record for it.

Executive Officer Melby read in some of the written comments submitted in Board meeting materials. She said the Board's concerns have been raised with the author's office and suggested language changes have been provided.

Dolores Trujillo thought the motion should be to withdraw previous position and Oppose instead.

Mary Fagan was in favor of either Oppose or Oppose if Amended. Vicki Granowitz agreed with Mary Fagan.

Patricia Wynne wondered if the bill can be fixed with a few amendments. She was leaning towards Oppose. Dolores Trujillo was also.

Executive Officer Melby spoke about incident reporting. She asked Marissa Clark if this is a two-year bill if the issues cannot be worked out. Marissa Clark said a position of Oppose Unless Amended is a good choice versus Oppose to say the Board wants to see where the bill is going and be able to have input in the outcome.

David Lollar appreciated the clarification and agreed to give them another chance to figure out how to amend it.

Vicki Granowitz said legislators are willing to listen to comments if you're in the game rather than saying we're opting out. They're a

little more receptive because there's still an opportunity to see what they're trying to do.

Marissa Clark said the bill is still moving in this session but if the sponsor and author decided that rather than risk it, they could stop the bill at any point. It will go to Senate Public Safety Committee and there could be an action to hold it.

Patricia Wynne does not know what amendments could be made to make the Board support this bill. She agreed with Oppose Unless Amended to keep the Board in the conversation but maybe the Board doesn't need to be involved in this since we don't support the premise of the bill.

Executive Officer Melby said mandatory reporting does not need to be deleted to keep the warm handoff. There are a lot of different ways the language can be amended to accommodate the Board's wishes. She spoke about the barriers that survivors face in seeking care based on law enforcement involvement. There was a lot to take in and work with. There were many unintended consequences of this bill.

Vicki Granowitz spoke about a disconnect with the reported data that isn't clear. She doesn't trust what's in the literature because it is all over the place.

Dolores Trujillo said a motion can be made to withdraw support unless amended. She was hearing the Board wants to Oppose. The Board is in favor of reporting, but this bill does not do just that. She said Oppose or Watch. Vicki Granowitz and David Lollar both support Oppose.

Motion: Dolores Trujillo: Made a motion to withdraw Support if Amended, change position to Oppose

Second: Vicki Granowitz

9:25 a.m. **Public Comment for AB 1028: Malinda Wheeler, RN, NP, President of CALSAFE:** Sexual assault nurses oppose this bill as written. This bill reverses the work done to create the mandatory reporting. Domestic violence is on the rise and this bill causes many unintended consequences. They have been working with the author's office and sponsor to amend the language, but no agreement has been made. They agree the language needs to be amended. They proposed a more nuanced and measured approach, for example, in-person advocacy with an opt-out option to soften the language. They want to protect the most

seriously injured patients who present to the Emergency Department and urgent care settings. She asks the Board to support the forensic nursing experts to better guide the amendments to Penal Code 11160.

Jacqueline Winters Hall, RN, PHN: Stated that she is a sexual assault forensic nurse examiner in rural northern California. She respectfully and strongly opposes AB 1028 as currently written. In Butte and Glenn counties and many other rural counties, advocacy agencies, including rape crisis are not provided in person services since prior to March of 2020. She provides exams for pediatric, adult, adolescent, and geriatric patients every day. The Emergency Department, trauma, and sexual assault response team provides care to patients who are victims of violence. They make sure the patient has contact information for community resources for domestic violence and sexual assault but there's no guarantee the patient will connect with the desperately needed resources, especially since advocacy doesn't come to the hospital. Some communities have no advocacy at all.

There is a written comment for agenda item 3.

10:06 a.m.

Vote:

	DT	MF	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

3. AB 1695 (Gipson) Career technical education: Nursing Pathway Pilot Program

Previous Position: Motion to Amend it to include involvement from the Board.

Board Discussion: Bill not discussed during meeting.

10:07 a.m.

4. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Previous Position: Support with Amendments

Board Discussion: Vicki Granowitz asked if there would be some kind of link to describe what a disciplinary action is so it's clear to the public what it is.

Dolores Trujillo said the public would contact the Board if they wanted more information and the board would have to respond

within ten days. Vicki Granowitz thought there should be a link to a definition as well.

Marissa Clark said it was difficult to figure out this issue because it is a Department wide change and could mean different things at other boards. She thought there was an opportunity to work on the language on what would be posted and how to contact the Board.

David Lollar said there was a list of disciplinary action terminology on the website.

Dolores Trujillo asked if Vicki Granowitz's request could be added to the other amendments the Board is seeking or would another vote be needed.

Marissa Clark asked if this is different from the changes already incorporated into the bill, then the position could be Support. If there are other amendments needed specific to BRN then this could be tricky for DCA to implement.

Vicki Granowitz trusted Marissa Clark to add this to everything else being looked at rather than making it specific.

Dolores Trujillo said the Board could keep the Support if Amended position. Marissa Clark asked what other changes need to be made or if the language is okay as written. Reza Pejuhesh clarified Support if Amended versus Support.

Dolores Trujillo asked if all other amendments suggested by BRN have been made in the bill.

Marissa Clark said the issue comes down to the enforcement information access to the public and how to resolve it Department wide.

Motion: **Dolores Trujillo:** Made a motion to withdraw previous position of Support if Amended, change to Support

Second: **Patricia Wynne**

10:28 a.m. **Public Comment for AB 633 and SB 372:** No public comments.

Vote for AB 633 and SB 372:

	DT	MF	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y

Key: Yes: Y | No: N | Abstain: A | Absent for Vote: AB

Motion Passed

10:29 a.m.

6.0

Adjourn

Dolores Trujillo, President, adjourned the meeting at 10:29 a.m.

Submitted by:

Accepted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Dolores Trujillo, RN
President
California Board of Registered Nursing