



Agenda Item 6.0

BRN Future Priorities and Proposals for Review and Possible Action

BRN Board Meeting | June 25-26, 2026

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for Review and Possible Action
June 25, 2026

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Agenda Item 6.1

**Discussion and Possible Action:
Discuss Possible Changes to the Board's Approach to
Discipline Based on Driving Under the Influence and/or
Similar Conduct, as Part of Sunset Review**

BRN Board Meeting | June 25-26, 2026

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 6.1
DATE: June 25-26, 2026

ACTION REQUESTED: Discussion and possible action: Discuss possible changes to the Board’s approach to discipline based on driving under the influence and/or similar conduct, as part of sunset review

REQUESTED BY: Loretta Melby, Executive Officer

BACKGROUND:

The Board will discuss its approach to discipline based on driving under the influence and/or similar conduct. This is a topic outlined further in the Board’s [2026 Sunset Report](#) and the specific information from that report as well as the [Background Response Paper](#) is included below:

2026 Sunset Report (page 91):

Question 4.17

What are the five most common violations for which citations are issued?

The most common violations for which citations are issued for the past four FYs are included in the table below:

Type of Violation	Number of Citations Issued
Conviction - DUIs	389
Fingerprint*	0
General Unprofessional Conduct	145
Conviction - Wet/Reckless	25
Conviction - Other (not DUI, Wet/ Reckless, Domestic Violence, Battery, or Theft)	33

* Pursuant to 16 CCR section 1419(b), RNs whose license expired after on or after March 1, 2009, are required to submit fingerprints and certify such submission on the license renewal form. Failure to comply is grounds for discipline by the Board.

2026 Sunset Report (page 142):

Issue 10.12: Discipline for Driving Under the Influence

Under BPC section 2762, it is considered unprofessional conduct for a licensee to use alcoholic beverages to the extent that such use impairs their ability to safely practice as authorized by their license. As a result, the Board typically takes some form of action, whether by way of formal discipline or administrative citation, against applicants or licensees who have received a DUI, under fairly broad circumstances. While driving under the influence is unquestionably dangerous and unacceptable, the Board recognizes that the circumstances leading to a DUI can vary significantly, and not all cases reflect ongoing impairment or a risk to public safety.

Some Board members have raised concerns about whether individuals who made a serious mistake outside of the workplace, and who have already been held accountable through the criminal justice system, should also face professional discipline, particularly when there is no evidence of impairment in their nursing practice. While perspectives vary, all Board members collectively agree that these situations require careful, consistent, and fair evaluation to ensure both public protection and equitable treatment of applicants and licensees. In comparison, other

healing arts boards, such as the MBC, prioritize disciplinary action against licensees alleged to have practiced medicine while under the influence. However, if the conduct happens outside of work, they usually take action only when a person has two or more misdemeanor or felony drug and/or alcohol related offenses.

Sunset Background Paper (page 25):

ISSUE #27: (UNPROFESSIONAL CONDUCT) Should the BRN have flexibility to not take enforcement action against a licensee for violating provisions related to unprofessional conduct, specifically related to Driving Under the Influence violations?

Staff Recommendation: The BRN should advise the Committees on enforcement statistics related to DUIs. The BRN should explain to the Committees the number of enforcement actions that would be impacted by this change.

BRN Response and Action: To assist the Committees in evaluating whether the Board should have additional flexibility in responding to unprofessional conduct violations related to driving under the influence (DUI) offenses, the Board conducted a multi-year review of its enforcement data. This analysis Page 25 of 31 provides a clearer understanding of both the volume of complaints received and the proportion that ultimately result in disciplinary action. The detailed figures referenced throughout this narrative are presented in the table below.

	FY 2022/23	FY 2023/24	FY 2024/25
Total Criminal Complaints Received	2,059	1,958	2,605
DUI Complaints Received	879	812	1,115
Total Number of Disciplinary Actions for DUI Complaints	117	133	59
Disciplinary Action: Probation	94	72	30
Disciplinary Action: Public Repeval	24	26	9
Disciplinary Action: Revocation	27	19	2
Disciplinary Action: Surrender	18	11	10
Disciplinary Action: Application Denied	6	2	8
Disciplinary Action: Other	8	3	0

Over the past three FYs, the Board received between 1,958 and 2,605 criminal complaints annually, reflecting a relatively stable overall caseload. Within that total, complaints referencing driving-related violations represent a significant share. In the most recent fiscal year, 1,115 of the 2,605 complaints, over 40 percent, contained some variation of a driving-related allegation in the complaint summary. This demonstrates that these violations appear frequently at the complaint-intake stage. However, the number of complaints that ultimately result in discipline is smaller. In FY 2024/25, only 59 cases involving these violations led to disciplinary action. This pattern is consistent with prior years, where the number of disciplinary actions ranged from 117 to 133. This downward trend reflects the Board’s case-by-case evaluation process, which focuses on whether the conduct presents a risk to patient safety.

The distribution of disciplinary actions further clarifies the underlying nature and severity of these cases. Historically, probation and public reproof have been the most common outcomes, while revocations and surrenders have become increasingly rare. For example, revocations decreased from 27 cases in FY 2021/22 to just two cases in FY 2024/25, indicating that the most severe sanctions are now applied only in exceptional circumstances. Similarly, probation cases declined from 94 to 30 over the same period. These trends suggest that while driving-related violations frequently appear in complaint summaries, only a small subset involve circumstances that warrant formal discipline, and even fewer require the most serious enforcement actions.

Based on the most recent FY, 59 cases would have been directly affected by any statutory change granting the Board additional discretion. This represents a small fraction of the total complaints received and an even smaller fraction of the licensee population. The data suggests that providing the Board with flexibility could allow enforcement resources to be directed toward cases that present clearer risks to public protection, while still preserving the Board's ability to act when necessary.

RESOURCES:

2026 Sunset Report: <https://rn.ca.gov/pdfs/forms/sunset2026.pdf>

2026 Background Response Paper: <https://rn.ca.gov/pdfs/forms/sunsetbg2026.pdf>

[Kansas Legislature - House Bill \(HB\) 2528 - Enrolled](#)

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

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