

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

Date: November 20, 2024

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.

Wednesday, November 20, 2024 - 9:00 a.m. Board Meeting

9:02 a.m.

1.0

Call to Order/Roll Call/Establishment of a Quorum

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

Board Members: Dolores Trujillo, RN – President
Nilu Patel, DNAP, CRNA, FAANA – Vice President
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Roi David Lollar
Vicki Granowitz
Alison Cormack

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Harry Skaletzky – DCA Legal Attorney

9:04 a.m.

2.0

General instructions for the format of a teleconference call

Please Note: The Board may not discuss or act on any matter raised during the Public Comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Gov. Code, § § 11125 and 11125.7, subd. (a).)

9:06 a.m.

3.0

Public comment for items not on the agenda; items for future agendas

**Public Comment(s)
for Agenda Item**

3.0: Loretta Melby let the public know this item is only for items not on the agenda.

Paige – She disagrees with the process that a discipline stays on a license indefinitely and asks that an agenda item be added to the next meeting about the probation process that has it on the license.

Paradise – She previously was disciplined as an applicant for non-violent convictions from her teenage years and it's been 14 years. She has had difficulty getting jobs and thinks the information will remain on the web forever. Since the BRN has changed the review of applicants can the BRN re-review her information based on today's standard?

Kim – She said other states have a compact license and wonders if California will become a compact state.

Crystal – She disagrees with the process to keep discipline online forever. She asks for a future agenda item.

9:10 a.m.

4.0

Review and possible action: Approval of prior meeting minutes

4.1 May 23-24, 2024

4.2 June 20, 2024

4.3 June 21, 2024

4.4 August 21-22, 2024

Board Discussion: No comments or questions.

After Public Comment:

Vicki Granowitz asked for page numbers to be added in the event there are corrections.

Motion: Dolores Trujillo

Motion to Approve the minutes from May 23-24; June 20; June 21; and August 21-22, 2024, and allow BRN staff to make non-substantive changes to correct name misspellings and/or typos that may be discovered in the document.

**Second: Patricia
"Tricia" Wynne**

**Public Comments
for Agenda Item(s)**

4.0: No public requests for comment in any location.

Vote:

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

Motion Passed

9:14 a.m. 5.0 Report of the Administrative Committee

9:14 a.m. 5.1 Executive Officer Report

Board Discussion: No comments or questions.

9:17 a.m. 5.2 Information only: 2022-2025 Strategic Plan and goal progression

Board Discussion: PW appreciates this part of the agenda. She asked what goals have been tough in the current plan. LM said every single one has been tough. She underestimated the length of time to complete issues due to the layers. She said staff will meet with DCA to identify issues and then the board will meet to develop the plan in August 2025.

Public Comment(s) for Agenda Items

5.1 and 5.2: Alice Benjamin – Wrote thank you for the information and did not have any questions to ask in Webex.

Break from 9:30 – 9:40 a.m.

9:40 a.m. 5.3 Information only: Registered Nursing Fund condition (presentation by DCA Budget Office)

Board Discussion: Alison Cormack said on page 13, line 4129400 – Other Licenses and Permits, the numbers going forward for BY 25/26 would be adjusted. Luke Fitzgerald said he doesn't have the minutes and would have to look at the information and respond.

Public Comment(s) for Agenda Item

5.3: No public requests for comment in any locations.

9:48 a.m. 5.4 Information only: Presentation on Nursing Education in CA; California Community Colleges- Nanette Solvason, BACCC, Eric Neuhauser - HCAI

Board Discussion: Patricia Wynne asked how to use the high opportunity areas. Eric said the way they use the high opportunity area is through HCAI placing programs and or nurses in specific areas and professions is how they're approaching it. Nanette said the information is being leveraged at the Chancellor's Office. There is a competitive grant process for \$60 million dollars for college areas that have shortages. They're using the HCAI data to help prioritize the money distribution to areas of high shortage. She said there are high shortage areas where there are no programs. She has a meeting scheduled with Loretta Melby to discuss attracting programs into the areas where there are high shortages, and they can retain the nurses in the area. Loretta Melby said she's participated in these groups' meetings. She discussed the laws and methods the board uses to approve new programs and enrollment increases which does not allow consideration of nursing workforce. She spoke about board decisions and public perception. She spoke about the regional nursing shortages vs. a statewide shortage and how the BRN has been working to meet the need. She is meeting with Nanette next week to discuss ways for the community colleges to partner with health care facilities in satellite areas to meet the needs of nursing workforce. Eric said HCAI is looking to put their data out in the public for use by others.

Nilu Patel spoke about the information showing students who attend community colleges and private BSN colleges with the level of cost. She wonders that there are only two Community Colleges offering BSNs. Nanette said there are no community colleges offering BSNs. There was a bill to do that, but the Governor vetoed the bill. She said community colleges partner with both private and public colleges to move their students into BSN programs. She said there is one key to understand that private and public schools compete for the same limited clinical and faculty resources. When clinical spaces are limited, private schools have more options to enter partnerships with health care facilities where community colleges are not able to. The unintended consequence of growth in private schools is they take up more resources and can use them more efficiently than community colleges are. Nilu Patel asked if there is any ethnicity information from the census of students being enrolled in the colleges. Nanette said there was a graph in the presentation showing most Hispanic students attend community colleges where the Asian students attend the public and private BSN programs. Eric said their race information is only from license renewal and is two years old.

Alison Cormack asked if these presentations could be added to the website to be able to reference them in the future. Alison Cormack wanted to know if this could be considered in the life cycle model in

the future. She thinks there is a higher desire for the BSN that are market forces affecting this. She wondered if HCAI might be able to assist with this. Nanette said community colleges receive 20,000 applications and there are not enough spaces due to clinical placements. The demand is extraordinarily high but the colleges' ability to grow is limited because of the clinical placements. Alison Cormack asked how the private colleges have more resources. Nanette said that if you look at all the clinical placements, they must be available out there. She said she gets calls from all over the state that the community colleges have lost historical clinical placements to other programs and had to reduce their students. Community Colleges are not able to enter any contractual relationship with any facility for clinical placements. She said don't be misled by the data showing the higher level of students attending private programs with the higher debt because the demand is there for the community colleges first. Loretta Melby said everyone is saying the same thing. She discussed how the private programs enter partnerships with clinical facilities that community colleges are unable to do. She said there was a bill sponsored by Senator Roth to gather data that would have assisted with this, and the bill died in appropriations. This data would be the missing piece in this process. She said community colleges are union based and just lowered their educational level to the BRN threshold where private colleges already were doing this. She said privates were able to send students at night and weekends where community colleges were unable to do so based on union contracts until recent changes.

Vicki Granowitz asked if there is any data showing community colleges closing due to clinical placements. Nanette said she does not know if any have closed but she's aware that some have reduced their enrollments. Loretta Melby said there have been a few colleges that have closed including community colleges. She said it is based on clinical placements. One in the upper north, one in Irvine, and one in San Diego have closed due to clinical sites. Two privates and one public have closed. Community colleges will reduce enrollment or pause a semester if they have clinical issues. She said information is shown in the education and licensing program updates tables. Vicki Granowitz asked if someone keeps track of the information in the aggregate. Loretta Melby said it is reported in the school survey and then posted in the Tableau dashboard on the website. She said Joanne Spetz is going to look at programs that have enrollments at a lower level than what is approved by the board. Vicki Granowitz said the data presented and the other data needs to be shown together.

**Public Comment(s)
for Agenda Item**

5.4: LaCandice Ochoa, Dean at the Chancellor's Office – Thanks Nanette for her work and looks forward to a continued partnership with the BRN.

Ima – Thanks Nanette for presentation. She thinks community colleges are being impacted by private programs. She said three weeks ago they were displaced at a clinical facility by a private. Students have to wait years to be accepted into a community college.

Dr. Fazia Ferozali – Represents Sutter Health as Lead in Academic Partnerships – She said Sutter Health is joining with Modesto Junior College with their cohort in January and Spring 2025. She encourages her colleagues to reach out to increase the partnerships with the community colleges.

Tammy Vant Hul, Dean of Riverside Community College – She thanks Nanette and Lori. She has a well-established college and did not think she would experience these types of issues but is now dealing with them. She's been able to overcome them due to the quality of their program. However, she thinks some of these decisions are coming from the corporate level where there are no clinical placement coordinators. She appreciates the support.

Jenny Hernandez – She said public health nurses haven't been mentioned and there are shortages of PHNs. She said they feel like they're being pushed out by masters' nurses and would like to hear more about this.

Alice Benjamin – NP in ER – She wears multiple hats. She's experienced this at different parts of her education. She doesn't have a solution but wonders if there has ever been a discussion of rotating shifts that are not day shifts? If this has been discussed she apologizes. Loretta Melby said this has been discussed and is done at regional consortiums throughout California. It isn't at the same level but hopes it will be expanded statewide. Alice asked how clinical instructors are identified and qualified and increasing the numbers. Loretta Melby said a bill just passed AB 2015. It will be implemented on January 1, 2025. Any RN that wants to teach can apply to be a faculty person can apply to the board. She explained the different levels of faculty and the qualifications. This will be mirrored to the Teacher Credentialing system.

Melody Daniels – Works for Sharpe Healthcare responsible for clinical placements – She said she thinks schools don't understand

the barriers to clinical placements. There are many challenges such as Covid, new nurses, lack of experienced nurses, new electronic record system. They prefer students who will be achieving BSN. They hire students who are from community colleges that are enrolled in the BSN. Sometimes the universities do not want night shifts. She would like to create a dialogue between facilities and nursing programs. Loretta Melby said the previous bill that was not approved was not an additional burden but a regular reporting requirement. She encourages consortiums, especially in the rural areas. She said BRN has authority over education and doesn't have access to the clinical access which is needed to complete the picture.

Julia Harris – CRNA, PhD student at UCSF – She has served in rural areas. She got her education through low-cost opportunities. She spent 7.5 years to get her BSN. She would like to emphasize the ability to get nursing education for those with limited funds. She understands the difficulty of getting clinical placements and could be due to funding. She wonders if there is government funding similar to GME swaps. She would like the process streamlined and limit redundancy. Loretta Melby said the board cannot do any type of monetary compensation as a licensing board. She said the community colleges are funded in the state budget process. There cannot be any type of conflict of interest. Nanette said previously the students would retake education at the CSU/UC after completing it in the community college. The process has been updated and streamlined to reduce that.

Loretta Melby said the PHN is monitored at the BRN. She said the BRN doesn't approve the programs separately and come from the baccalaureate programs that are approved. There is a certificate that can be obtained after licensure if they take a few courses. Both slide decks have been posted to the BRN website.

Vicki Granowitz said the board hears the privates are working with the community colleges and the board has no way to know if that information is true or not. She said it would be helpful to ascertain if this information is accurate. Loretta Melby shared her screen with the BRN dashboard. She spoke about the screen with denial of clinical placements, clinical placements lost, reasons for clinical spaces being unavailable. This is reported annually, shared in meetings and via social media.

Patricia Wynne asked about EPIC record system causing issues. Loretta Melby said electronic health records are cumbersome and takes a lot of staff time. For at least six months the facility is learning the new system and cannot work with students during that time.

Dolores Trujillo said in metropolitan areas there is a preference for BSNs but in pockets of California there are nursing shortages. Is there a way to encourage ADN's to work in the rural areas. Nanette said community colleges would love to see all ADN's achieve their bachelor's degree. There's a path for seamless achievement. She said HCAI has scholarships for nurses up to \$8,000 for areas with a nursing shortage. Loretta Melby said there is tuition reimbursement from HCAI. Up to a few years ago an ADN was free. Data shows where a student goes to school stays in the area. More data evaluation is being done to bring education to the rural areas.

Jovita Dominguez said in her Salinas area was looking for BSNs and having difficulty keeping students in the area. She said facilities should look at the ADN's who get their BSN after they start working. Loretta Melby said the majority of the nursing programs have matriculation agreements for the ADN's to BSN. She said concurrent enrollment that was described by Nanette is a different way that shortens to time to finish the ADN and BSN. She said it started at Riverside Community College when she was the NEC. The students can do this with financial aid that is handled through the BSN.

Vicki Granowitz asked if these issues will be part of the strategic plan. Loretta Melby said they could be but it is difficult to project one year out.

Dolores Trujillo thanked the presenters for the data and information as it is very necessary.

11:17 a.m.

6.0

BRN future priorities and proposals for review and possible action

11:18 a.m.

6.1

Discussion and Possible Action by Board President:
Regarding appointment/resignation of Committee Members and approval by the Board

Board Discussion: No comments or questions.

Motion: **Dolores Trujillo** To remove herself from Nursing Practice Committee.

Second: **Nilu Patel**

**Public Comment(s)
for Agenda Item 6.1**

Malik King – Said he’s seen the nursing shortage get worse. He was a LVN who became a RN. He said we should encourage LVNs to become RNs.

Vote:

	DT	AC	PW	JD	NP	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

11:22 a.m.

6.2 Discussion and possible action: Regarding the establishment of a Board subcommittee to review Intervention Evaluation Committee (IEC) applications and participate in the interview process of potential IEC members prior to presentation to the Board for consideration of appointment.

Board Discussion: No comments or questions.

Motion: **Dolores Trujillo** Accept the establishment of a Board subcommittee to review Intervention Evaluation Committee (IEC) applications. She would like to appoint Nilu Patel and Patricia Wynne for this subcommittee.

Second: **David Lollar**

**Public Comment(s)
for Agenda Item**

6.2: No requests for public comment in any location.

Vote:

	DT	AC	PW	JD	NP	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

11:26 a.m.

7.0

Report of the Nursing Practice Committee

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)

Board Discussion: No comments or questions.

**Public Comment(s)
for Agenda Item**

7.1.1 - 7.1.5: Elizabeth Townsend – Wrote in that a PHN is not a separate license with a separate cost. Loretta Melby said it is a separate license with an initial cost but no renewal cost. She said HCAI is paying for some applicants with funding but when the funding runs out the applicants will have to pay the fee.

11:34 a.m.

7.2 Discussion and possible action: Adoption of proposed regulatory text to modify California Code of Regulations (CCR), Title 16, Section 1444.5 and the Recommended Guidelines for Disciplinary Orders and Conditions of Probation.

Board Discussion: No comments or questions.

Motion: Nilu Patel

Accept the proposed regulatory text for Recommended Guidelines for Disciplinary Orders and Conditions of Probation and 16 CCR 1444.5, and to direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing, if requested.

If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulatory text of the Recommended Guidelines for Disciplinary Orders

and Conditions of Probation and section 1444.5, as noticed.

Second: David Lollar

**Public Comment(s)
for Agenda Item**

7.2: No public requests for comments in any locations.

Vote:

	DT	AC	PW	JD	NP	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

11:43 a.m.

7.3

Information only: Updates to the BRN website including the additions of webpages for each Advanced Practice Registered Nurse profession and Statewide Nursing Enrollment Data.

Board Discussion: Nilu Patel appreciates the information being made available to the public.

**Public Comment(s)
for Agenda Item**

7.3: No public requests for comments in any location.

**Break for Lunch from 11:55 a.m. to 12:40 p.m.
Quorum re-established at 12:40 p.m.**

12:40 p.m.

8.0

Report of the Education/Licensing Committee (ELC)

8.1 Discussion and possible action regarding ELC recommendations on agenda item

Note: Items 8.1.1 – 8.4 were discussed in the Education/Licensing Committee meeting held on June 20, 2024; these will be treated as consent agenda items unless a board member or member of the public state that they wish to pull one or more items out for further discussion. Agenda items 8.5 and 8.6 will be presented to the full board for consideration.

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). Schools under consideration are identified in meeting materials within the tables.

ELC Vote: Jovita Dominguez – Yes; Dolores Trujillo – Yes; Patricia Wynne – Yes

8.1.2 Discussion and possible action regarding board approval of ELC recommendations to grant:

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

California State University Chico Baccalaureate Degree Nursing Program
Concordia University Irvine Baccalaureate Degree Nursing Program
Dominican University Baccalaureate Degree Nursing Program
Gurnick Academy of Medical Arts Baccalaureate Degree Nursing Program
Point Loma Nazarene University Baccalaureate Degree Nursing Program
Career Care Institute Associate Degree Nursing Program
Chabot College Associate Degree Nursing Program
DeAnza College Associate Degree Nursing Program
Sacramento City College Associate Degree Nursing Program
Xavier College Associate Degree Nursing Program

Prelicensure nursing program curriculum unit adjustment or other changes (16 CCR §§ 1426)

California State University Stanislaus Baccalaureate Degree Nursing Program
Concordia University Irvine Baccalaureate Degree Nursing Program
Monterey Peninsula College Associate Degree Nursing Program
Grossmont College Associate Degree Nursing Program
Golden West College Associate Degree Nursing Program

Continuing approval of an advanced practice (nurse practitioner) nursing program (BPC § 2788; 16 CCR § 1483.1)

California State University Dominguez Hills Family Nurse Practitioner Program

Initial Approval Advanced Practice (Nurse Practitioner) Nursing Programs BPC § 2788; 16 CCR §§ 1483.1)

Point Loma Nazarene University Family Nurse Practitioner Program
Vanguard University Psychiatric Mental Health Nurse Practitioner Program

Discussion and possible action regarding whether to recommend approval of clinical practice experience required for nurse practitioner students enrolled in non-California based nurse practitioner education programs (16 CCR § 1486)

Eastern Kentucky University, Richmond, KY
Hawai'i Pacific University, Honolulu, HI
Purdue Global School of Nursing, West Lafayette, IN
Simmons University, Boston, MA
University of Connecticut, Storrs, CT

ELC Vote: Jovita Dominguez – Yes; Dolores Trujillo – Yes; Patricia Wynne – Yes

8.2 Discussion and possible action regarding board approval of ELC recommendations to accept the substantive change requests (16 CCR § 1432) for:

8.2.1 American Career College Associate Degree Nursing Program (enrollment increase)

8.2.2 California State University Stanislaus Baccalaureate Degree Nursing Program (enrollment increase)

8.2.3 Imperial Valley College Associate Degree Nursing Program (enrollment increase)

8.2.4 University of the Pacific Entry Level Master's Degree Nursing Program (enrollment increase)

8.3 Discussion and possible action regarding board approval of ELC recommendations to accept the substantive change requests (16 CCR § 1432) for:

University of Phoenix Family Nurse Practitioner Program (teach out and closure)

ELC Vote: Jovita Dominguez – Absent; Dolores Trujillo – Yes; Patricia Wynne – Yes

8.4 Discussion and possible action regarding ELC recommendations related to accept a feasibility study for new prelicensure nursing programs (16 CCR § 1421)

8.4.1 Medical Career College Associate Degree Nursing Program

8.4.2 Pepperdine University Baccalaureate and Entry Level Master’s Degree Nursing Programs

8.4.3 Quest College Baccalaureate Degree Nursing Program

8.4.4 Saint Mary’s College Baccalaureate Degree Nursing Program

ELC Vote: Jovita Dominguez – Yes for 8.4.2 Pepperdine, Absent for 8.4.1, 8.4.3 and 8.4.4; Dolores Trujillo – Yes; Patricia Wynne – Yes

Board Discussion: No comments or questions.

Motion: **Jovita Dominguez** Motion to Accept the recommendations of the Education and Licensing Committee for agenda items 8.1.1 through 8.4.4

Second: **Dolores Trujillo**

**Public Comment(s)
for Agenda Item**

8.1.1 - 8.4.4: Libeth – She asked if this is the agenda item for Purdue Global. Mary Ann McCarthy said it is included in this consent agenda item.

Carla Marino Pena – She spoke in support of ACC’s application as she is a LVN graduate of their program. She spoke about her personal experiences that led her to this program and her current lived experiences.

Rona Afshar – In support of ACC’s application as she is a LVN graduate of their program. She spoke about her reasons to attend the ACC LVN program. She is in the ADN program now. She spoke about her future career goals.

Mary Ann McCarthy said all items in this agenda item are for consent, including ACC, that are recommended for approval.

Harry – He is a graduate of the first UOP cohort for AVID Scholar. He spoke about the AVID scholar program and his reasons for attending the program. He works at a hospital in the San Joaquin valley. He spoke of the nursing shortage in their area and requests support of enrollment increases.

Vote:

	DT	AC	PW	JD	NP	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

12:57 p.m.

8.5

Discussion and possible regarding continuing approval of prelicensure nursing programs after coming into compliance (BPC § 2788; 16 CCR § 1423; 16 CCR § 1423.2(b))
West Coast University Baccalaureate Degree Nursing Program

Board Discussion: No comments or questions.

Motion: **Dolores Trujillo** *Approve* the continuing approval of a prelicensure nursing program, West Coast University Baccalaureate Degree Nursing Program, after coming into compliance.

Second: **Jovita Dominguez**

Public Comment for Agenda Item 8.5:

No requests for public comment in any location.

Vote:

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

Motion Passed

1:04 p.m.

8.6

Discussion and possible action regarding acceptance of a feasibility study for a new prelicensure nursing (16 CCR § 1421)
Southern California Health Institute Associate Degree Nursing Program

Board Discussion: Dolores Trujillo thanked former board member Judy Corless for updating the executive summary. She said there is concern this school is in an impacted area. Judy Corless, school representative, said the school is in the north Hollywood area but will be pulling students from the valley area. She said she spoke with Dr. Kostan who did not have an issue with the clinical sites. This program's clinicals does not cross over with any other programs in the region. Marina Insunz is the president of Southern California Health Institute and operates long term health care facilities and has a difficult time recruiting RNs. Most of their clinical sites do not have any other schools at the clinical sites. Some of their health care facilities will be the sites for clinical training. She would love to train the nurses who will work for them. She said most of their clients are Spanish

speaking and has difficulty finding RNs who speak Spanish. She would like to be able to hire qualified students from their program.

Loretta Melby pointed the board members to BPC 2786.2 regarding nursing work force issues being considered for enrollment increase requests. She appreciates the desire to hire but that cannot be considered by the board. She asked if the program is doing clinicals in their facilities. Judy Corless said in two facilities. Loretta Melby asked if they are long term care for med surg. They agreed. Judy Corless said they have 19 facilities lined up for clinicals.

Patricia Wynne asked if there is a consortium for this area. Loretta Melby said there are a few in the LA area. She said the difficulty is that nursing schools don't always stay in the LA area and go to surrounding areas such as Orange, Ontario and north. She pointed the board members to page 143 about the clinical placements and consortiums. Patricia Wynne appreciates the school reaching out to several programs while not hearing from five of them. Judy Corless said they made every effort to reach out to all and some are far away. Patricia Wynne said it is harder when the existing programs do not communicate with prospective programs. Judy Corless said they joined the CPPS but did not allow them to pay until they are approved by the board. Patricia Wynne said this puts them in a difficult position. Loretta Melby said conversations they are hearing from program directors that they feel disenfranchised because they speak during public comment, but the board continues to approve enrollment increases. Loretta Melby said she sees the program directors attending the board meetings, but they do not speak up because they are upset. She said at least 15 directors spoke to her at the most recent COADN meeting about the process. She said it would be beneficial to have the bill discussed earlier in the meeting to be re-introduced to gather data. She said there will be a new portal coming to house the EDP-P-18s and make the information more visible. Judy Corless said they made sure each of the clinical sites did not have any other programs doing clinicals at their locations. Other school representative said they see a localized need in the valley looking for nursing programs. Loretta Melby said the clinical placements today may not be the placements of tomorrow. Displacements happen at different times and make the process more difficult. Judy Corless said the schools would come back at self-study to confirm the clinical placements.

Dolores Trujillo said she has concerns with their region 8 and the impaction. She said she would be willing to grant the two cohorts for the first year and reduce the total for the second year to 24 three times a year for 72. Loretta Melby explained the reduction of

enrollment numbers affecting clinical facilities and faculty that may not be feasible for the business side. Dolores Trujillo said it may be more feasible to have 24 three times a year instead of the 30. Loretta Melby said 30 students are three cohorts, pre-Covid, which were 10:1. Post-Covid shows cohorts are smaller now. Judy Corless explained why there are two cohorts in the first year because the program would start in April for two starts. Loretta Melby explained the board's approval process. She asked when the cohorts would start. Other school representative said they would be March, August, November. Loretta Melby said the board does not specify when a new program starts because it takes a variety of times to complete the process and begin a program.

Mary Ann McCarthy said the board is looking at 24 students three times a year and it doesn't matter what time of year the school starts. Dolores Trujillo agreed.

Vicki Granowitz said she grew up in LA and she doesn't understand why the board continues to approve programs in impacted areas. She said the program made a comment about expanding in the future and that cannot be considered. Judy Corless said they did not say they would be expanding. Vicki Granowitz said the paperwork and presentation is similar to many others that have appeared before the board. She thinks this is going to add to the impacted areas. She would like convincing that this is not going to happen again. Loretta Melby said West Coast's enrollment was severely decreased in November 2023 by 700 students. She said there was not an increase higher than when West Coast was at its highest. Programs coming in will pick up some of the students from West Coast. Vicki Granowitz thinks Loretta Melby is using semantics because the area was already impacted. Loretta Melby disagreed and said the area has been able to utilize and handle the students and is what she's been hearing from the members of the public. She said there is still a need in LA based-on data from HCAI and community colleges today. Vicki Granowitz said she heard the information differently. Loretta Melby said she has the data and is not trying to mislead the board.

David Lollar said a nursing shortage doesn't make any difference to him. If there are no clinical placements, then it is irrelevant. His job is to ensure students are in a good place to graduate. The board has no control over the clinical placements. Loretta Melby said the board can look through the lens of public safety. She spoke about clinical placement slots available and displacement. David Lollar said it is unfortunate that clinical placements are the defining issue that the board does not have any authority over. Judy Corless spoke about

working diligently for the clinical placements not to displace any other schools. There are only two other programs in the valley.

Alison Cormack said she pulled up the interactive dashboard. She said the number as of 2023 is the lowest number of students and is consistent for the past 10 years. She doesn't see evidence of an increase based on the data available. She asked about the faculty. Judy Corless said they cannot hire any faculty until the board approves the program. They have been talking with people who are interested. Alison Cormack was interested in an overview of who might be interested. Judy Corless said they put forth a director with experience running a fine program with good outcomes. Loretta Melby said the EDP-I-01 is the form to be used but cannot be filled out until the program is approved.

Dolores Trujillo wants to go to public comment prior to making a motion.

Motion: Dolores Trujillo Recommend acceptance of the feasibility study of the new prelicensure Associate Degree Nursing program requested by Southern California Health Institute with an enrollment pattern of 24 students three (3) times a year for an annual enrollment of 72 students

- The school has requested: 30 students three (3) times a year for an annual enrollment of 90 students.

Second: Alison Cormack

**Public Comment(s)
for Agenda Item**

8.6: No requests for public comment in any location.

Vote:

	DT	AC	PW	JD	NP	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

1:47 p.m.

8.7 Information only: NCLEX update

8.8 Information only: Licensing update

Board Discussion: Patricia Wynne asked if there is any perspective on the data. Loretta Melby said California has the best rate in the nation while having the largest number of licensees. She said it's the California effect. She said California is one of two states with a separate VN and RN board. She spoke of the different methods of education approval throughout the US. She spoke about the change to the new NextGen NCLEX with a dip of 10%. She said public looks at BRN as a barrier, but it is guardrails.

**Public Comment(s)
for Agenda Item**

8.7-8.8: No public requests for comment in any location.

1:52 p.m.

9.0 Report on Legislation

9.1 Information only: Summary and outcome of bills that the BRN considered during the second year of the 2023-2024 Legislative Session.

Board Discussion: Dolores Trujillo asked about SB 1015 and the timeline for a report from the NEWAC committee. Marissa Clark said it depends on the NEWAC meeting schedule. Loretta Melby said NEWAC meets early 2025 and this will be added to their work. She thinks a subcommittee will be created to work on this report. She said there are many competent members on NEWAC with information in this area. She thinks it could take up to 18-24 months but could be done within a year if all stars line up.

Patricia Wynne asked about SB 1042 (Roth) and why it didn't make it through and if it would be seen again. Marissa said it's tricky when a bill gets stuck in appropriations because that isn't known. She said there was a fairly decent cost and with the budget situation those are being looked at more closely. She thought it was a couple million dollars for this bill and was a harder sell. She hopes it will be introduced again. Loretta Melby said there was a Low bill that was harsher on facilities. She said Roth was working on this bill and was able to bring many stakeholders together to discuss how this could happen. California Hospital Association was involved in the discussions and wanted to be able to provide the data. She thought they were on the right track with this bill. The financial impact was for HCAI even though they tried to limit this. The upcoming session is a new one and the bill will have to be reintroduced.

David Lollar said there are two bills that the BRN took no position on – the continuing education bills. He asked if the authors would “require” the courses versus encourage the education. Marissa said that is possible. When there is a mandate over all boards that can

cause issues. There are only so many required continuing education hours to be completed by each license type and it makes it a harder operational discussion if there are several mandated courses. David Lollar said this implies that doctors and nurses are not being trained in these areas. Loretta Melby said competency is not mandated by the board. This belongs in the workforce not with the board. She spoke about implicit bias training. She spoke about workplace competency requirements.

**Public Comment(s)
for Agenda Item**

9.1: No requests for public comment in any location.

2:17 p.m.

10.0

Closed Session

10.1 Disciplinary Matters

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

At the conclusion of closed session the Board recessed to November 21, 2024 – 9:00 a.m.

Thursday, November 21, 2024 – 9:00 a.m. Board Meeting

9:00 a.m.

11.0

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

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

Board Members: Dolores Trujillo, RN – President
Nilu Patel, DNAP, CRNA, FAANA – Vice President
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Roi David Lollar
Vicki Granowitz
Alison Cormack

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Harry Skaletzky – DCA Legal Attorney

9:04 a.m.

12.0

General instructions for the format of a teleconference call

- | | | |
|-----------|------|--|
| 9:05 a.m. | 13.0 | Continue with unfinished agenda items from November 20, 2024
Not Necessary – no unfinished agenda items |
| 9:05 a.m. | 14.0 | Report of Enforcement/Investigation/Intervention Committee
(EIIC) |
| 9:06 a.m. | 14.1 | Information only: Intervention Program (IP) presentation by the Executive Officer (EO) on the following: <ul style="list-style-type: none"> • Actions taken after the approved Board motion from the August 22, 2024, Board meeting regarding 1) the requirement that participants work in direct patient care; 2) the requirement that participants work passing narcotics; and 3) if an IEC recommendation extends length in the program beyond three years. • General IP statistical data. |

Board Discussion: Patricia Wynne asked for more information about extensions. Loretta Melby gave some examples and explained it could not be specific because the program is confidential. She said there could be a sobriety reset and multiple minor violations with the contract. She said a lot of them have been returned for reconsideration because the evidence did not support the decision. If the IEC provides evidence, then they can move forward. She said she isn't overturning a decision because she doesn't have the authority to do so. She provides quality assurance.

Loretta Melby looked at different alternative to discipline programs. She said one program takes a participant off work for the entirety of the program. She said all states have different nursing practice acts and laws and regulations that govern the alternative programs. She said California's program tries to get participants back to work as soon as possible. She spoke about the path for a participant to return to work in various roles and responsibilities. She said there isn't a lot of evidence to support sobriety before returning to work. There are differences in language interpretation about safe to practice. She said the IEC members discuss and collaborate on the return-to-work plan for each participant.

Vicki Granowitz said this seems open ended and there aren't any other criteria besides a sobriety date. She thinks it needs more concreteness. Loretta Melby said the concreteness comes from the uniform standards. Vicki Granowitz asked if there is a standardized checklist used in the evaluation of the participant. Loretta Melby said there is a process for the IEC meetings with the CCM and participants. There are forms used throughout the process. A

standardized process must be created in regulation. It has to be an individualized process. Vicki Granowitz said she understands this but says there should be a checklist that can be used for everyone who participates. Loretta Melby said there is a form that can be shared and will be posted to the materials on the board's website. Vicki Granowitz looked at the form and said it isn't what she was thinking of. She said it isn't detailed enough to show why someone would be denied graduation. Loretta Melby asked for Virginia Matthews, Maximus representative, to be elevated as a participant. Board Moderator tells Loretta Melby that Virginia Matthews is not among the Webex participants. Vicki Granowitz asked for the form to be emailed to Alison Cormack and David Lollar who are participating remotely.

Loretta Melby read language from the regulatory authority for the intervention program that authorizes what the program manager can do. Vicki Granowitz thought the form looked like an intake evaluation. She thought the checklist could be simpler and could be more like a discipline form that the board members receive with cases. Loretta Melby said a report comes from the vendor to provide details about the participant. Evon Lenerd said it isn't a form, but all the information is available in the vendor portal for a participant that can be looked at by IEC members.

Loretta Melby read information about decisions determining whether a participant would graduate or not. Vicki Granowitz said the information is making her feel like her head is going to explode because it isn't black and white. Loretta Melby said it will never be black and white because each person must be considered individually. Vicki Granowitz said there should be less people being evaluated by Loretta Melby and is concerned that the IEC members should be more restricted. Vicki Granowitz understands that an unsafe person not be graduated too soon. She doesn't understand how so many are being put forth for an EO review. Loretta Melby said discussions are happening in the IECs about whether a participant has met the safe to practice requirement. She said there may have been a misunderstanding that the board's motion doesn't follow the law. She said there is a re-education process going on now.

Patricia Wynne said this seems to be moving in the right direction. She likes the data to be more standardized but understands it is nuanced. Loretta Melby explained the data presented.

Loretta Melby is grateful for the review process and has created a pathway for participants to reach out. She's getting feedback from

Maximus too. This has opened communication that may not have been there before. She has reviewed a variety of issues brought to her attention. She thinks this is positive.

David Lollar has the same issues as Vicki Granowitz and sees there are growing pains as stated by Patricia Wynne. He spoke about program extensions done by IEC are like the board extending probation.

Dolores Trujillo said this arose through participants in public comment. She doesn't see this as a permanent fix. She appreciates the EO reporting this information to the board.

After Public Comment:

Patricia Wynne asked for Loretta Melby to evaluate the public commenters situation. Loretta Melby said she would if the commenter contacts her via her email address.

**9:55 a.m. Public Comment(s)
for Agenda Item**

14.1: Nurse 117 – Participant in program – She's been out of work for 16 months. She petitioned to go back to work. Her request was denied by IEC. She said her case manager was surprised about the decision. She said she was denied for an invalid reason. She has a family and bills. She feels she must advocate for herself as do the other participants.

10:00 a.m.

14.2 Information only: Enforcement and Investigation Division update

Board Discussion: Patricia Wynne asked about cases pending at the AG's office. Shannon Johnson said these are cases that have an accusation filed but are waiting for a hearing or settlement.

Nilu Patel asked about the 70% case increase in investigations. Nicole Bowles said the increase from 2023 was from 70-110%.

Dolores Trujillo asked if this tied into the 29 cases per investigator. She asked if this was higher than last year. Nicole Bowles said she would have to go back and look at that. Shannon Johnson said it has increased slightly since last year and can report additional information at an upcoming meeting. Dolores Trujillo said that seems kind of high. Loretta Melby said in the 2016 audit there was a focus on the BRN for not having timely investigations and not following the process they should have followed. In 2016 the cap was 20. She spoke with other boards and raised the caseload cap to 30. There

was a discussion to assign cases to the supervisors. They are constantly vigilant to investigate cases so new cases can be assigned, and they aren't just pending due to the caseload limit. The report in January 2025 will provide more information about this. Dolores Trujillo asked if it's the norm for Nicole Bowles to take cases. Nicole Bowles said the duty statement says the supervisor can have up to 5% of cases. She is prepared to do it and she is. Dolores Trujillo spoke about working the cases inhibiting the supervisor's ability to do their regular work.

Vicki Granowitz asked if part of the problem is with the board members reviewing cases or closed session. Shannon Johnson said this is the investigation piece that is after complaint intake and before discipline. She said they are looking at the data behind the increase and why there is an increase and where it is coming from. Vicki Granowitz asked if the board members can do anything to relieve this issue. Shannon Johnson said no. Vicki Granowitz said the cases are moving faster. Shannon Johnson spoke about the 801 cases and their timeframes. Vicki Granowitz and Shannon Johnson thanked the enforcement staff for their work. Loretta Melby spoke about the investigation pilot being discontinued and now BRN is required to take the cases from the pilot which could be contributing to the workload.

David Lollar said he has respect for the expertise for the IEC members. Despite this, he asked if the IEC members are trained or oriented to the intervention process or does the board rely on their expertise alone. He spoke of a rubric about decisions and the outcomes and how they effect the participants. Shannon Johnson said they had training and orientation that will be done after the first of the year, especially since there will be a new vendor for the program beginning in January 2025. She said they ask about recommendations for regulations changes and other issues. She continuously gives education to members and asks for recommendations.

Alison Cormack said the data in the tables make it harder to see changes over time. She spoke about page 14. She asked if the time it takes to complete has increased over time due to the 64% over 540 days. Shannon Johnson said yes, they have gone up. She said investigation time could contribute and the adjudication process can take time as well as processing the decision could add to the timeframe which average 300 days for each process. Alison Cormack asked if a median number could be added since an average can skew the number. Shannon Johnson said she'll add the median. Alison Cormack spoke about the pie charts and asked for

bar charts for time to see the trends that might be helpful. Shannon Johnson said she normally does a fiscal year comparison, and she anticipates having that in January 2025 for the EICC meeting.

Dolores Trujillo asked if the increase in cases would affect the completion timeframe. Shannon Johnson said possibly but the over 540 days are closed cases not pending cases. Loretta Melby said it could be in the future. She spoke about the number of cases in investigation. Dolores Trujillo asked what can be done if the caseload is at 30, hiring? Shannon Johnson said there many things that contribute to the timeframes. She said there was a social media posting that encouraged filing a complaint and a hundred complaints were filed. She said the number of complaints received each month are unknown and vary. Loretta Melby said a social media outreach inviting many people to complain about one person resulted in thousands of complaints being filed. She spoke about the complaint intake process. She said the volume of complaints received for the one person slowed down the processing of other complaints. This could have created an unforeseen bubble of cases going to investigations. Shannon Johnson said the cases may have been delayed in getting to investigations but said there is an ebb and flow. She wants to see if it was the social media posting or other issues.

Nilu Patel asked about the various processes including applicants and adjudication contributing to the timeframe and whether there was a checkbox to track the data. Shannon Johnson said she looks at so many datapoints. She said it took 1,200-1,400 days to complete a case in 2016. She spoke about changing processes to shave five days off helps.

Evon Lenerd said they are looking at how to get more resources for investigations including gathering preliminary information which she will start doing if it shows a benefit. She's looking at refining the weekly meeting process. She's looking at redirecting other staff to do the non-SI duties. She's looking at every aspect of the process and where to shave off five days of processing. She said process mapping is being done to see if there are redundancies. She said Nicole Bowles is actively working with DCA to see if there are any IT options to assist. She said the current fiscal crisis reduces the opportunities to obtain full time permanent staff. Dolores Trujillo thanked Evon Lenerd for the information and asked what the SI is. Special Investigator and Supervising Special Investigator. Patricia Wynne appreciates the collaboration. Loretta Melby spoke about obtaining documents and the subpoena process. She spoke about spending authority to obtain staff. She explained the budget change proposal process. She said they previously tried to obtain

investigators, but the vacancy rate was too high, and they were unsuccessful. She spoke about a position sweep of open positions, the position authority of the BRN, limited term investigators, and that the applicant pool is small for qualified investigators who may not be interested in a temporary position. Evon Lenerd said they went to the special investigators to ask what they need. She said it was very enlightening to her.

Loretta Melby said Maximus is not going to be the contract vendor for the intervention program any longer and she thanked them for their 20 years of service. She said the new contract should be fully executed to begin in January 2025. There should not be a gap in care and services should continue through the end of the year including testing with Vault. All data will be transferred to the new vendor with DCA. Shannon Johnson said there will not be a lapse in IEC meetings either.

Vicki Granowitz wanted to acknowledge issues with Maximus over the last 8 months but also spoke of the public commenters who said they were great before the 8-month time frame. Loretta Melby said Maximus is one part of the process and the fault does not lie alone with Maximus. She said she had an amazing working relationship with them. They continue to run the Montana program. Maximus will send information to all participants during December.

**10:47 a.m. Public Comment(s)
for Agenda Item**

14.2:

George Alson IV – Probationer – Asked for international travel be added to a future agenda since intervention participants can travel and probationers cannot. He spoke about a probationer who spoke at the October EIC meeting who was unable to attend mother-in-law’s funeral in Thailand. He said his infant son has not met his extended family because of the travel ban. Policies should be compassionate and equitable as they work through their probationary period.

ER – She was asking if there are employment opportunities for nurses to work part time or per diem for the BRN. Loretta Melby said the BRN has a handful of nurses who work for them including EO and NEC which are all full time and permanent. The BRN serves nurses but not an employer. Shannon Johnson said a nurse can be an expert practice consultant or IEC member and gave the board’s website address with the criteria for the positions.

Break from 10:53-11:10 a.m.

Quorum re-established at 11:10 a.m.

11:10 a.m.

14.3 Information Only: Overview of the recruitment and selection process of the Intervention Evaluation Committee Members and Nurse Support Group Facilitators

Board Discussion: Alison Cormack looked at information on the website and asked if information for the NSG cost could be added to the information. Shannon Johnson said the cost varies and is not set by the board. She said some facilitators don't charge and others charge \$80. She said they asked for data from the NSGFs. Alison Cormack asked if that information is included on the web because she doesn't see it and thinks it might be beneficial to the participants. Shannon Johnson said they are assigned to a NSG because they used to attend in person, but they are still assigned now that all meetings are virtual.

Nilu Patel asked if there is a process to evaluate IEC members to ensure they are doing what they are supposed to be doing. Shannon Johnson said there was a process, and it is being revamped. She's looking at a survey process for the members.

After Public Comment:

Patricia Wynne asked if the board oversees the NSGFs since participants pay for it. Shannon Johnson said she previously said that if there is a cost then the board may be interested in having a say about what is charged.

11:18 a.m. **Public Comment for Agenda Item 14.3:**

Chris Els, NSGF – He's wondering about the transition and tried to call the board about an issue and couldn't find anyone. He would like an updated contact list in case there's an issue he has to report within 24 hours. He said he thinks the numbers for Jaspreet and Shannon may be outdated. Loretta Melby said the email addresses are accurate and active for use to have written information. She said the phone numbers have not been changed for BRN staff and if there's an issue, he could call her. She encouraged him to use the phone numbers and email addresses for contacts.

Julie – Unable to unmute and Patricia Wynne asked for a written comment if possible. Loretta Melby said the written comment says Be a Registered Nurse and asked what that meant. Loretta Melby is trying to find the information on the website. Loretta Melby asked if an IEC member must be a RN. Shannon Johnson gave additional information about substance abuse education/knowledge that qualifies a person to serve.

Kevin – Had a follow up question for 14.2 that Maximus was bringing the IEC members to the board for approval and asked how it was going. Loretta Melby asked if this is NSG or IEC. Kevin said the last public sub-committee meeting it was stated that Maximus was recruiting people to be presented to the board at IEC meetings and said the board members asked about vetting these members. Loretta Melby said that was addressed yesterday in Agenda Item 6.2. She said there was a discussion, and two board members were appointed, Patricia Wynne and Nilu Patel, who will be reviewing applicants. Kevin appreciates the board doing this. He said Maximus was recruiting these members and it was not presented to the board, and he appreciates this change.

11:32 a.m.

14.4 Discussion and possible action: Appointment of Intervention Evaluation Committee (IEC) members

Name	Member Type	IEC	Appointment Type	Term Expiration
Eriam Nnamaliri, RN	Nurse	1	New	11/30/2028
Osazuwa Omede, PsyD.	Public	3	New	11/30/2028
Jennifer Pursley, RN	Nurse	7	New	11/30/2028
Liberty Macias, RN	Nurse	10	New	11/30/2028
Lori Berkemer, RN	Nurse	10	New	11/30/2028
Salma Khan, MD	Physician	11	Reappointment	11/30/2028

Board Discussion: Patricia Wynne would like input from the board on these appointments given the subcommittee was just created. If these are approved, then the IECs would be full. Loretta Melby said they are considering creating new IECs in the new year to handle more meetings.

David Lollar said he’s torn whether to move these people forward given that IEC 10 only has three members. Loretta Melby supports David’s comment. There were two recent meetings that had to be cancelled due to quorum. She begs the board to move this forward.

Patricia Wynne asked how often the IEC has to stop work due to quorum. Shannon Johnson said one of the issues identified was IEC members serving more than two consecutive terms in a row. They had to recruit more than 20 IEC members when there are 45. Another issue was substituting members into other IECs if there were quorum issues. She said the board appoints an IEC member to a specific IEC and they cannot substitute at another one. She said this could have come up sooner if not for this. There were about three meetings this year that were cancelled.

Dolores Trujillo said she would like to accept these new members.

After Motion:

Alison Cormack said she's very excited for the new subcommittee and looks forward to that process. She said there might be a different type of interview for the reappointments. Loretta Melby said a pilot will begin the interview process while developing a charter that will be brought to EIC in January.

Motion: Dolores Trujillo Accept appointment of Intervention Evaluation Committee members.

Second: Vicki Granowitz

**11:40 a.m. Public Comment(s)
for Agenda**

Item 14.3: No requests for public comment in any location.

Vote:

	DT	AC	PW	JD	NP	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

11:42 a.m.

15.0

Adjournment

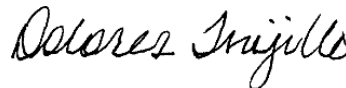
➤ Dolores Trujillo, President, adjourned the meeting at 11:42 a.m.

Submitted by:



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

Accepted by:



Dolores Trujillo, RN
President
California Board of Registered Nursing