

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
ENFORCEMENT, INVESTIGATIONS, AND INTERVENTION
COMMITTEE MEETING MINUTES**

Date: April 17, 2025

Start Time: 1:00 p.m.

Location: Note: Pursuant to the provisions of Government Code section 11123.5, the meeting was conducted via a teleconference platform and at the primary physical meeting location below:

Department of Consumer Affairs
1625 North Market Blvd.
El Dorado Room N-220
Sacramento, CA 95834

1:17 p.m.

1.0

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

Chairperson Patricia “Tricia” Wynne, Esq. called the meeting to order at 1:17 p.m. A quorum was established. All members were present.

**Committee
Members Present**

In Person: None

**Committee
Members Present**

Attending Patricia “Tricia” Wynne, Esq., Chair
David Lollar

Remotely: Alison Cormack

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Counsel
Shannon Johnson – Enforcement Division Chief, Staff Liaison

1:18 p.m.

2.0

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

**Public Comment
for Agenda Item
2.0:**

No public comments requested in any location.

1:21 p.m.

3.0

Review and vote on whether to approve previous meeting minutes

3.1 January 22, 2025

**Committee
Discussion:**

No committee comments or questions.

Motion: Alison Cormack moved to approve the January 22, 2025, EIIC meeting minutes, authorizing BRN staff to make non-substantive changes (e.g., spelling or typographical corrections).

Second: David Lollar

**Public Comment
for Agenda Item
3.1:**

No public comments requested in any location.

Vote:

	PW	AC	DL
Vote:	Y	Y	Y
Key: Yes: Y No: N Abstain: A Absent for Vote: AB			

Motion Passed

Chairperson Wynne reordered the agenda to take agenda item 9.0

1:24 p.m.

9.0

Discussion and Possible Action: Regarding the use of oral fluid (saliva) testing in addition to other current methods of random drug and alcohol testing for probationers and/or Intervention Program participants, and related considerations including access to in-person test sites, validity of alternative testing methods, relative costs, etc.; presentation by Vault Health

Presentation Summary:

Dr. Ferguson & Shawn O'Neil (Vault Health):

- Oral fluid testing offers fast, convenient, and cost-effective option.
- Split specimen protocols ensure accuracy.
- Detection windows differ by method (e.g., 24–36 hours for oral fluid).
- Virtual collection is viable; challenges noted in remote areas.
- Oral fluid is less expensive than nail or blood spot testing.
- No DNA testing currently in use.

Committee Discussion: Cormack & Lollar: Emphasized need for equity between probationers and intervention participants.

Wynne: Recognized complexity but supported bringing the topic to the full Board.

Motion: Alison Cormack moved to include oral fluid testing as part of the testing suite for the probation program to align with the intervention program.

Second: David Lollar

Public Comment for Agenda Item 9.0: No public comments requested in any location.

Vote:	PW	AC	DL
	Y	Y	Y
Key: Yes: Y No: N Abstain: A Absent for Vote: AB			

Motion Passed

Chairperson Wynne reordered the agenda to take agenda item 4.0

2:21 p.m.

4.0

Information Only: Enforcement Division updates

Committee Discussion: Alison Cormack: Noted conviction trends increasing while applicants decrease; suggested adding data on RN growth vs. discipline rates as a percentage.

Loretta Melby: Agreed; suggested including this in future presentations.

Shannon Johnson: Will prepare updated charts and discuss probation and FAQs/video progress.

Alison Cormack: Asked if public feedback could be provided via FAQs/video.

Shannon Johnson: Yes; emails are reviewed daily. Both enforcement and intervention emails are monitored.

**Public Comment
for Agenda Item**

4.0: No public comments in any location.

2:36 p.m.

5.0

Information Only: Investigations Division updates

**Committee
Discussion:**

No committee comments or questions.

**Public Comment
for Agenda Item**

5.0: No public comments requested in any location.

2:46 p.m.

6.0

Information Only: Intervention Program updates

**Committee
Discussion:**

No committee comments or questions.

**Public Comment
for Agenda Item**

6.0: No public comments requested in any location.

2:57 p.m.

7.0

Information Only: Presentation by the Executive Officer regarding cases affected by the motion during the August 2024 Board meeting in which the Board directed:

1. Suspend the imposition of the requirement that participants work in direct patient care, unless there is additional evidence of patient safety issues.
2. Suspend the imposition of the requirement that participants work passing narcotics, unless there is additional evidence of patient safety issues.
3. If an IEC recommendation extends length in the program beyond three years, the Executive

Officer must review and examine the evidence.)

Committee Discussion: Melby: Clarified meeting scheduling improvements and participant assignments.

Cormack & Lollar: Praised staff efforts to stabilize the program.

Lollar: Asked about AB 408 and Medical Board changes.

Melby: Provided updates on Medical Board's program changes, uniform standards, and pending sunset review.

Committee Member Alison Cormack experienced technical issues during this agenda item and was briefly unavailable (3:10pm-3:14pm).

**Public Comment
for Agenda Item**

7.0:

"I" – Asked about reinstatement petition process.

Reza Pejuhesh: Explained the adjudicative process per BPC §2760.1 and available online resources.

3:20 p.m.

8.0

Discussion and Possible Action: Regarding the *Policy on Internet Discipline Document Retention* (Policy) for discipline decisions being posted on the Board's website, opportunities for revisions to the Policy, and reporting and retention requirements for the National Practitioner Data Bank (NPDB) and Nursys.

Committee Discussion: Patricia Wynne raised concerns about a public commenter's decades-old offense, committed at age 18 or 19, that remains on her nursing record. She questioned the fairness of maintaining such information indefinitely, especially for offenses unrelated to nursing.

Shannon Johnson explained that AB 2138 changed how certain offenses are considered, but that change would not have applied retroactively to the commenter's situation. She clarified that if the

commenter had applied after the bill took effect, the license may not have been denied.

Loretta Melby and Reza Pejuhesh discussed the limits of the Board's authority, noting that BRN policy changes can only affect California state law, not federal laws or external systems like the National Practitioner Data Bank (NPDB) or Nursys. Melby explained that removing documents from BRN's website does not affect federal reporting. Reza added that Public Records Act requirements mean disciplinary records are public, regardless of policy, and that federal reporting (e.g., to NPDB) is mandatory. He emphasized that employers rely on this information for hiring decisions.

Wynne responded that while she appreciates the explanations, she still feels that it's unfair for a 40-year-old offense to remain visible. She compared it to how DUIs eventually fall off driving records.

Reza Pejuhesh clarified that such offenses may still raise concerns about patient safety and explained how CCR section 1441 and case law define a "substantial relationship" between certain offenses (including alcohol-related) and nursing.

Melby suggested the Board could consider limited changes, such as differentiating first-time DUI cases without aggravating factors.

Alison Cormack proposed a broader review of the current posting policy, particularly around the 10-year posting threshold, tolled probation, and repeat offenses. She questioned whether all categories should be treated the same.

Shannon Johnson clarified that all punitive discipline is reviewed in closed session and brought before the Board. She later noted that citations are not published on the website, although a system code may indicate their issuance.

Cormack concluded that updating the policy alone may not address the root concerns raised by the commenter.

David Lollar agreed, stating that legal constraints—both state and federal—limit the Board’s ability to act. He acknowledged the impact of youthful convictions remaining on records for decades but noted the Board’s hands may be tied. He expressed openness to exploring options like a separate unlicensed category.

**Public Comment
for Agenda Item**

8.0:

“Never the less she will persist” – shared concerns about discipline document retention and its impact on advanced practice certification.

After public comment, Melby asked whether this issue should be brought to the full Board.

Wynne recommended reporting that the committee held a productive discussion but acknowledged limitations due to Nursys and federal regulations.

4:00 p.m.

10.0

Adjournment

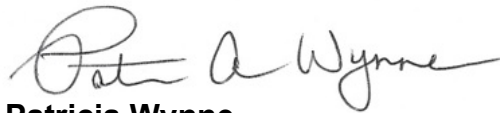
Chairperson Patricia Wynne adjourned the meeting.

Submitted by:



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

Accepted by:



Patricia Wynne
Chair, EIIC
California Board of Registered Nursing