



INTERVENTION/DISCIPLINE COMMITTEE MINUTES

DATE: May 10, 2017

SITE: Department of Consumer Affairs
Board of Registered Nursing – Hearing Room
1747 N. Market Blvd.
Sacramento, CA 95834
(916) 574-7600

MEMBERS PRESENT: Cynthia Klein, RN – Chair
Raymond Mallel

MEMBERS NOT PRESENT: Imelda Ceja-Butkiewicz

STAFF PRESENT: Stacie Berumen, Assistant Executive Officer
Shannon Silberling, Deputy Chief, Discipline, Probation & Diversion
Joseph Pacheco, Deputy Chief, Complaints and Investigations

The Chair called the meeting to order at 10:43 a.m.

9.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of March 8, 2017

Motion: Cynthia Klein to approve the March 8, 2017 minutes			
Second: Raymond Mallel			
CK: Y	RM: Y	ICB: Not Present	

Approve/Not Approve: Minutes of January 11, 2017

Motion: Defer the January 11, 2017 committee meeting minutes to August meeting

9.1 Complaint Intake and Investigations Update

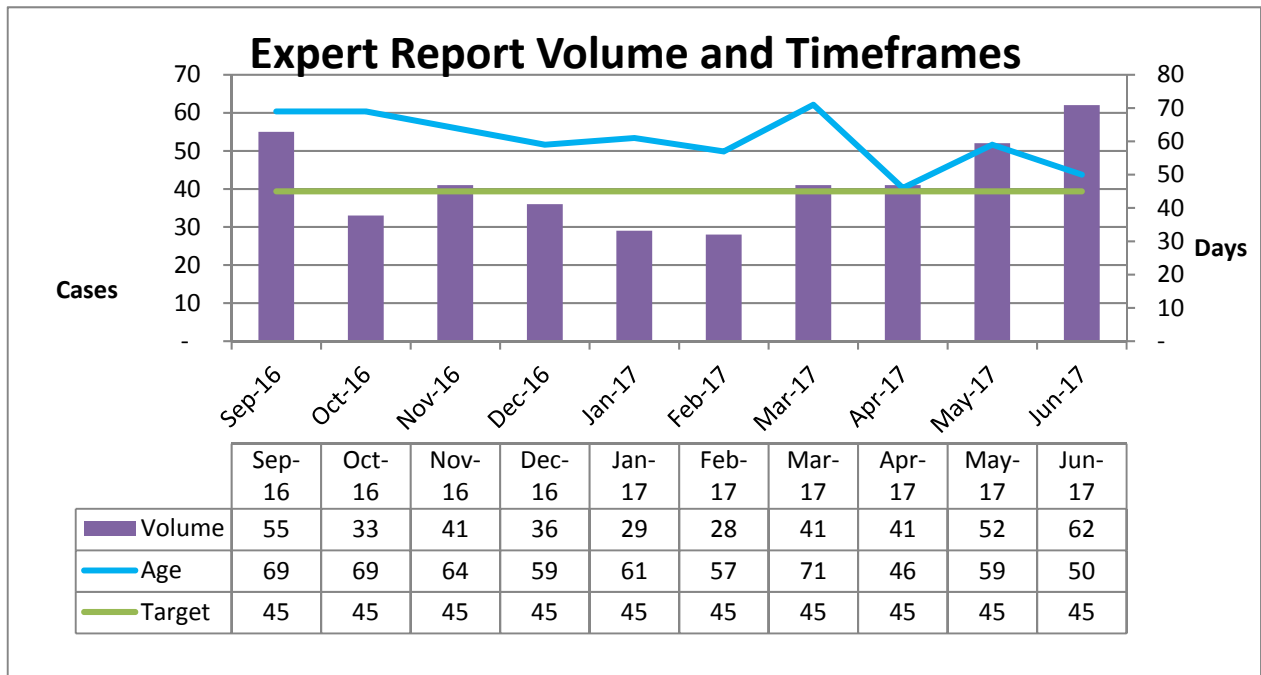
COMPLAINT INTAKE:

Staff

The Complaint Intake Unit is anticipating a vacancy in our Expert Practice Consultant, Staff Services Analyst position.

Program

BRN has recruited 19 new Expert Practice Consultants into our Enforcement program since March, and we've experienced a sustained increase in EPC applications since beginning our new recruitment efforts in February. Our capacity to handle the EPC workload is enhanced and we are receiving an increased volume of completed Expert Reports as we work through a backlog. Expert timeframe improvement has improved slightly, and we anticipate more timeframe improvement in the coming months.



Fiscal Year 2017 Statistics

Fiscal Year 2017 - Incoming Complaints

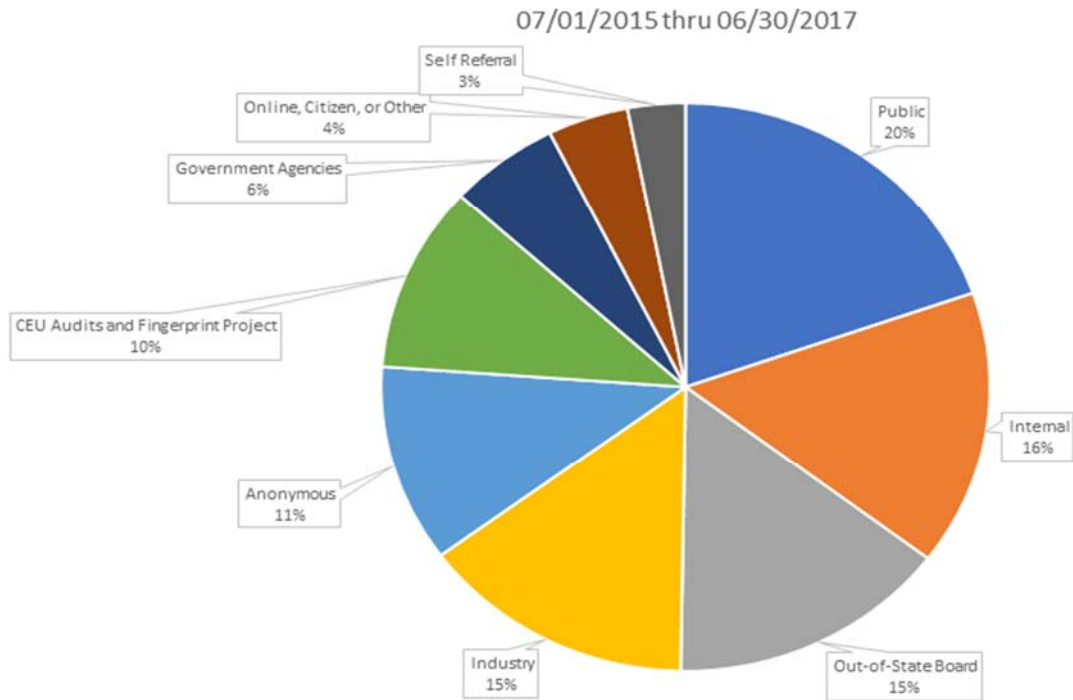
Complaints Received	3,602
Arrest & Conviction Criminal Offender Reports	4,543
Total Complaints Received (FY 16/17)	8,145

Current Pending Complaint Intake Workload

Complaint Intake Desk Investigations Pending (All open complaints, not-including field investigations)	1,173
Complaints over 1 year	48

Sources of Complaints

The IDC Committee has specifically asked for statistics and data regarding the source of complaints against nurses. Sources of Public Complaints for last two fiscal years (July 2015 through June 2017):



Fiscal Year 2016/2017 - Incoming Complaints

Complaints Received	3,399
Arrest & Conviction Criminal Offender Reports	4,322
Total Complaints Received (FY 16/17)	7,721

Current Pending Complaint Intake Workload

Complaint Intake Desk Investigations Pending (All open complaints, not-including field investigations)	1,181
Complaints over 1 year	34

INVESTIGATIONS:

Staff

The BRN Investigation Unit is fully staffed, and there are no vacancies.

Special Investigator Christina Malig (L.A. County) announced her retirement, and her last day with the BRN was April 24th. Christina was with the Investigation Unit since February 2012, and she was instrumental to the development of the then very young Investigation Unit. The Investigation Unit staff all wishes her well in her retirement. She will be missed.

Recruitment for this open position will be started immediately, with a projected hire date in July.

One investigation unit support position is temporarily assigned to the probation unit to alleviate a critical staffing shortage.

Program

The pace of incoming investigation referrals remains very high. Since December 1, the BRN has referred 543 cases for investigations (BRN & DOI). In this same period, 521 investigations were completed (DOI & BRN). Both BRN and DOI have unassigned cases.

As of April 24, 2017, there were approximately 46 BRN investigative cases and 39 DOI cases that have been within their respective units for more than one year.

Statistics

Cumulative Investigation Referrals - Fiscal Year 2017

	No. of Cases	Percent of all Referrals
Referred to DOI	463	47%
Referred to BRN Investigation Unit	514	53%

Historical Production Numbers

BRN Investigations	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017
Total cases assigned	383	446	482	484	471	464
Total cases unassigned (pending)	115	32	32	0	0	28
Cases closed	45	46	46	50	86	52
Average days to case completion	309	336	228	272	279	262
Average cost per case	\$3,203	\$3,148	\$2,626	\$2,366	\$3,054	\$2,272
Division of Investigations	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017
Total cases assigned	280	291	290	311	236	278
Total cases unassigned (pending)	30	32	52	38	36	40
Cases closed	16	29	26	49	24	35
Average days to case completion	385	297	353	330	302	292
Average cost per case	\$7,029	\$6,303	\$7,837	\$6,527	\$4,346	\$6,721

9.2 Discipline and Probation Update

Probation Unit

Staffing

The vacant SSA (Probation Monitor) has been filled by Laura McLean. She comes to the Board with a criminal justice bachelor's degree and DCA enforcement experience. She started with the Board May 2, 2017.

There is a vacant Office Technician position. This position has not been filled due to budget constraints. We will be posting the position with an anticipated start date of July 1, 2017.

We continue to utilize one Staff Services Analyst from Discipline and one Office Technician from Investigations to assist in the probation unit.

Program

We have two staff currently working with DCA's SOLID training unit in preparation to instruct the Probation Monitoring module of the Enforcement Academy. This course is scheduled for July.

Probation continues to streamline probation processes and is currently focused on the backlog of petitioners awaiting a hearing for early termination or modification of their probation terms.

Fiscal Year as of April 25, 2017

Active In-State Probationers	1,219
Completed/Revoked/Terminated/Surrendered YTD	291
Tolled Probationers	364
Active and Tolled Probationers	1,583

The average case load of active probationers per probation monitor is approximately 135. However, the average number of cases per monitor including Tolled cases is 176. There are 64 Early Termination and 16 Modification of Probation cases waiting to be heard by the Board.

Discipline Unit

Staffing

The Discipline Unit currently has an Office Technician vacancy. We will be posting the position with an anticipated start date of July 1, 2017.

There is a vacant Cite and Fine AGPA position that has been filled and the start date is May 15, 2017.

Program

We are working with the Attorney General's Office (AGO) to identify and prioritize the oldest cases, in an effort to ensure case completion in a timely manner.

We are planning a pilot project, utilizing DCA's Cloud to transmit cases to the AGO. This process would provide cost savings in regards to postage and paper copies as well as reduce the case aging time. We expect this to start in July 2017.

Statistics

Fiscal Year as of April 28, 2017

Decisions Adopted	1,065
Pleadings served	870
Petitions to Revoke Probation served	88
Surrenders signed by E. O.	228
# of Cases at AG	1,293
# of cases at AG over 1 year	371
# of cases over 1 year without a pleading	51
# of cases awaiting hearing	147

Additional statistics follow this information.

Board of Registered Nursing
 Discipline Program
 Statistical Summary
 July 1, 2016 – April 24, 2017

License Type*	Case Outcome						Total FY 16/17
	Public Repeval	Revoked, Stayed, Probation	Revoked, Stayed, Suspension, Probation	Surrender	Revocation	Voluntary Surrender	
Registered Nurse	166	301	5	185	209	41	906
Public Health Nurse	19	31	-	16	14	5	85
Psych/Mental Health	-	-	-	-	-	-	0
Nurse Practitioner	12	17	-	14	3	3	49
NP-Furnishing #	12	16	-	9	3	3	43
Nurse-Midwife	1	1	-	-	-	-	2
NM-Furnishing #	1	-	-	-	-	-	1
Nurse Anesthetist	-	8	-	-	1	-	10
Clinical Nurse Specialist	1	-	-	-	2	-	3

*Specialty certifications are a subset of the Registered Nurse license. When enforcement action is taken on an RN license, all advanced certifications a nurse holds is also included in the action. More than one enforcement action may be taken (thus counted here) against an RN during the time period.

Probation Program Statistics
July 1, 2016 to April 25, 2017

Probation Data	Numbers	% of Active
Male	366	30%
Female	853	70%
Chemical Dependency	787	64.6%
Required Drug-Screening	608	49.9%
Practice	288	23.6%
Mental Health	10	0.8%
Conviction - excluding chemical dependency/alcohol use	134	11.0%
Advanced Certificates	114	9%
Southern California	713	58%
Northern California	502	41%
Pending AG - Tolled	4	0%
Pending AG	130	11%
License Revoked Fiscal YTD	13	
License Surrendered Fiscal YTD	71	
Terminated Fiscal YTD	41	
Successfully Completed Fiscal YTD	166	
Active In-State Probationers	1219	
Completed/Revoked/Terminated /Surrendered YTD	291	
Tolled Probationers	364	
Active and Tolled Probationers	1583	

9.3 Intervention Program Update and Statistics

Staffing

We have completed the process of re-classing a vacant Office Technician (OT) position to a full time permanent Staff Service Analyst (SSA) position and are currently in the process of reviewing submitted applications.

Program Update

On April 9th and 10th, Intervention program staff and Virginia Matthews, MAXIMUS Project Manager provided two full days of training to the Hospital Association of Southern California (HASC). There were approximately 50 attendees in each session, including nursing leadership, pharmacy leadership and human resources personnel. Topics of discussion were, what is the Intervention program, what is Substance Use Disorder and the signs, symptoms and progression of the disease. Both days were well received, and we have been invited back to provide the same training to the San Diego and Orange County hospital leadership groups.

On April 20, 2017, MAXIMUS staff provided training to the Association of California Nurse Leaders, San Diego chapter. Topics of discussion were the prevalence of Substance Use Disorder and signs of diversion of medications in the healthcare setting. There were approximately 20 attendees and the presentation was well received.

On April 18th, 2017, the Intervention program hosted the second meeting in a series of approximately four Mental Health Ad Hoc Committee meetings. The committee members worked effectively to review all current practices and are scheduled to discuss potential changes at the next meeting in the third quarter of 2017.

The purpose of this committee is to develop best practice strategies to meet the unique needs of nurses with mental illness and to develop a model rehabilitation plan for use by all the Intervention Evaluation Committees.

Intervention Evaluation Committees (IEC)

There are currently two physician member vacancies, one in Oakland (IEC 13) and one in Fairfield (IEC 11).

There is currently one Public Member vacancy in Fairfield (IEC 11).

Statistics – Intervention

The Statistical Summary Report is attached. To date there have been 2,172 successful completions.

Board of Registered Nursing
Intervention Program
Statistical Summary
February 2017 - March 2017

COMPLAINTS REFERRED			
	Current Months	Year To Date	Program To Date
Complaints Referred	187	973	15,883

INTAKES			
	Current Months	Year To Date	Program To Date
Referral Type*			
Board-Referred	24	96	3,890
Self-Referred	5	21	1,364
TOTAL INTAKES COMPLETED	29	117	5,254

NUMBER OF PARTICIPANTS: 380 (as of March 31, 2017)

**May change after Intake*

PRESENTING PROBLEM AT INTAKE			
	Current Months	Year To Date	Program To Date
Substance Abuse (only)	23	85	3,302
Mental Illness (only)	1	4	172
Dual Diagnosis	5	27	1,695
Undetermined	0	1	85
Most Common Drug of Choice	Alcohol		

CLOSURES			
	Current Months	Year To Date	Program to Date
Successful Completion	17	88	2,172
Failure to Derive Benefit	0	2	125
Failure to Comply	1	5	983
Moved to Another State	0	0	52
Not Accepted by IEC	0	1	61
Voluntary Withdrawal Post-IEC	1	3	342
Voluntary Withdrawal Pre-IEC	4	17	546
Participant Withdrawn-Failure to sign contract	0	0	1
Closed Public Risk	4	15	366
No Longer Eligible	0	3	20
Clinically Inappropriate	0	0	34
Client Expired	0	0	41
Sent to Board Pre-IEC	0	0	2
Withdrawal Post-IEC due to costs	1	1	1
Withdrawn Pre-IEC due to costs	2	2	2
TOTAL CLOSURES	30	137	4,748

INTAKE DEMOGRAPHICS

	Current Months	Year To Date	Program to Date
Gender			
Female	24	92	4,102
Male	5	25	1,125
Unknown	0	0	27
Age Category (at Intake)			
20-24	0	0	34
25-29	1	8	426
30-34	0	17	880
35-39	8	30	1,099
40-44	4	14	1,077
45-49	5	21	847
50-54	5	11	539
55-59	4	10	247
60-64	0	3	79
65+	1	2	12
DOB Error/Not Entered	1	1	14
Ethnicity			
American Indian/Alaska Native	0	0	39
Asian/Asian Indian	0	0	124
African American	2	4	169
Hispanic	4	13	232
Native Hawaiian/Pacific Islander	0	1	31
Caucasian	17	81	4,298
Other	2	6	83
Not Reported	4	12	278
Worksite at Intake**			
Case Management	0	0	5
Clinic	0	0	118
Clinical - Public, non-profit	0	0	2
Corporation	0	0	9
Doctor's Office	0	0	46
Government Agency	0	0	7
Group Practice - profit	0	0	16
Health Maintenance Organization	0	0	6
HMO	0	0	1
Home Health Care	0	0	19
Hospital	3	9	2,606
Not Working in Nursing	0	0	4
Nursing Home	0	0	10
Other	0	1	248
Prison/Jail	0	0	13
Private Practice	0	0	9
Registry	0	1	179
Retail	0	0	1
School of Nursing	0	0	9
Telephone Advice	1	1	2
Temporary Service	0	0	3
Undetermined	25	67	634

Unemployed	0	38	1,307
**NOTE: RN licenses are placed on inactive status once an RN enrolls in the Program			
Specialty at Intake			
Chemical Dependency	0	0	8
Critical Care	0	5	913
Dental Public Health	0	0	1
Doctor's Office	0	0	27
Emergency Department	0	3	591
Gerontology	0	0	28
Home Care	0	2	100
Hospital	0	12	349
Insurance	0	0	5
Medical Surgical	2	6	988
None	0	0	74
Nurse Anesthesia	0	2	54
Nurse Midwife	0	0	7
Nurse Practitioner	0	0	108
Nursing Home	0	0	16
Obstetrics/Gynecology	0	1	291
Oncology	0	4	160
Operating Room	0	0	179
Other/Other Specialty	0	6	485
Pediatrics	1	2	140
Psychiatry	0	5	148
Recovery Room	2	3	103
Undetermined	24	66	479

9.3.1 Intervention Evaluation Committee Members/New Appointments and Reappointments

BACKGROUND:

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Intervention Evaluation Committees. Each Committee for the Intervention Program is composed of three registered nurses, a physician and a public member with expertise in substance use disorders and/or mental health.

APPOINTMENTS

Below are the names of the candidates who are being recommended for appointment and Reappointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2021.

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Amber Steward-Davis	Public Member	Fairfield	11

REAPPOINTMENTS

<u>NAME</u>	<u>TITLE</u>	<u>IEC</u>	<u>NO</u>
Marshall Alameida	RN Member	North Central	12
Patricia Butler	RN Member	North Central	12
Sandra Johnson	MD Member	Folsom	1
Ernestine Leverette	RN Member	Santa Ana	3
Karen Mitchell	RN Member	San Diego	10
Pamela Moore	RN Member	Fresno	5
Katherine Walker	Public Member	San Jose	7
Gaye Wilson	RN Member	North Central	12

Motion: Cynthia Klein to recommend approval of the new appointments and reappointments to the IECs			
Second: Raymond Mallel			
CK: Y	RM: Y	ICB: Not Present	

9.3.2 Establish Ad-Hoc Committee to determine best practices for outreach and increased program exposure

On October 24, 2016, at the Intervention programs annual Intervention Liaison Committee meeting, Intervention Discipline Committee Chairperson Cynthia Klein recommended the formation of an Ad Hoc outreach committee. The purpose of this committee would be to determine best practices for outreach and increased program exposure.

9.4 Discussion and Possible Vote on Stipulated Settlements for Petitioners for Early Termination from Probation

BACKGROUND:

Board staff has been directed to look for ways to improve the petitioner process and reduce the backlog of petitioners for reinstatement, reduction of penalty and modification of probation.

As a result, staff consulted with the Attorney General’s Office and met with DCA legal counsel to discuss a stipulation process for Petitioners for Early Termination from Probation.

BRN staff will review the probation history for the petitioner and if the petitioner had limited minor violations (i.e. late paperwork) to no violations and make a recommendation to the AG’s Office to enter into a stipulated settlement and decision to reduce the probationary period. The stipulated settlement would still come before the board through the mail vote process and the board would make the final decision.

If this change is approved it will reduce the time it takes for petitioners for early termination of probation to have a board decision by approximately six months.

Staff Recommendation: That the Board approves staff to recommend stipulated settlements for petitioners for early termination to reduce the backlog of petitioners waiting to appear before the board.

Motion: Cynthia Klein to recommend approval of staff to recommend stipulated settlements for petitioners for early termination to reduce the backlog of petitioners waiting to appear before the board			
Second: Raymond Mallel			
CK: Y	RM: Y	ICB: Not Present	

9.5 Public Comment for Items Not on the Agenda

Kathy Hughes, SEIU

The Chair adjourned the committee meeting at approximately 11:20 a.m.

Approved: 