

**SB 799 – Board of Registered Nursing – Sunset Bill
Employer Reporting of Bad Actors
Termination or Resignation of Nurses Due to Serious Violations of the Nursing Act**

SB 466 (Hill) Chapter 489, Statutes of 2015, required the State Auditor to conduct a performance audit of the Board of Registered Nursing’s enforcement program.

The audit’s top recommendation: To ensure that BRN receives timely and consistent notification of nurses’ alleged violations of the Nursing Act, the Legislature should require the employers of registered nurses to report to BRN the suspension, termination, or resignation of any registered nurse due to alleged violations of the Nursing Act. (See: <https://www.auditor.ca.gov/pdfs/reports/2016-046.pdf>, Page 61.)

SB 799 used to require reporting to the Board by nurses and employers for any suspension, termination, or resignation of any nurse for the following violations of the Nursing Act:

- (1) Use of controlled substances or alcohol to the extent that it impairs the licensee’s ability to safely practice registered nursing.
- (2) Unlawful sale of a controlled substance or other prescription items.
- (3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.
- (4) Falsification of medical records.
- (5) Gross negligence or incompetence.
- (6) Theft from patients or clients, other employees, or the employer.

Recent amendments narrowed reporting to only employers for cases in which a nurse was terminated or resigned for any of the following causes:

- (1) Use of controlled substances or alcohol to the extent that it impairs the licensee’s ability to safely practice registered nursing.**
- (2) Unlawful sale or possession of a controlled substance or other prescription items.**
- (3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.**

THE NURSING BOARD IS NOT GETTING INFORMATION FROM EMPLOYERS ON ALLEGED BAD ACTORS

The Board’s complaint data for the last two years shows that employers are not reporting violations of the Nursing Practice Act:

When compared to public complaints, the board is getting only a fraction of those complaints from employers. Ideally, the complaint totals should be similar.

There are 419,000 nurses in California working in 5,701 licensed healthcare facilities.

FY 2015/16

Total Public Complaints: 3,698

Total Industry Complaints: 528

	Total No. of Complaints in Category	Percentage of Total Complaints in Category	No. of Industry Complaints in Category	Percentage of Industry Total in Category	Percentage of Industry Complaints within Public Complaint Population
Drugs (Alcohol or Controlled Substance)	466	13%	221	42%	6%
Patient Harm	219	6%	47	9%	1%

FY 2016/17 (up to 06/29/2017)

Total Public Complaints: 4,095

Total Industry Complaints: 532

	Total No. of Complaints in Category	Percentage of Total Complaints in Category	No. of Industry Complaints in Category	Percentage of Industry Total in Category	Percentage of Industry Complaints within Public Complaint Population
Drugs (Alcohol or Controlled Substance)	495	12%	244	46%	6%
Patient Harm	229	6%	32	6%	<1%