

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

Date: June 29, 2023

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.

Thursday, June 29, 2023 - 9:00 am BRN Board Meeting

9:00 a.m.

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:00am. All members present. Quorum was established at 9:01 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Jovita Dominguez, BSN, RN
Vicki Granowitz
Roi David Lollar
Patricia “Tricia” Wynne, Esq.

BRN Staff: Loretta Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:02 a.m.

2.0 General instructions for the format of a teleconference call

9:03 a.m.

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for Agenda Item 3.0: Malinda Wheeler, CALSAFE – asked if she should comment on AB 1028 at this time. Executive Officer Melby explained what comments could be made during this agenda item.

Kathy Hughes, Nurse Alliance of SEIU, CA – An organization was brought to her attention yesterday, the Campaign for College Opportunity. They are addressing the nursing shortage through

accelerated nursing pathways, clinical training sites, compensation, and benefits. She said there is a rumor they are buying clinical spots and charging nursing students to access those spots. They have a website that she forwarded to Executive Officer Melby. She also apologized for her absence at the recent NEWAC meeting due to a family emergency.

9:09 a.m.

4.0

Discussion and Possible Action: Regarding appointment by the Board President of a chairperson for the Nursing Practice Committee, and approval by the Board

Motion: Dolores Trujillo: Made a motion to appoint Mary Fagan to the chair of the Nursing Practice Committee.

Second: David Lollar

Public Comment for Agenda Item 4.0: No public comments.

Vote:

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

Motion Passed

9:12 a.m.

5.0

Report of the Legislative Committee

Legislative update and discussion of bills relevant to the Board from the 2023-2024 legislative session

Marissa Clark let the Board members know what items would be discussed.

Patricia Wynne asked if conversations were had regarding SB 667 and AB 1695.

Marissa let the Board know she and Executive Officer Melby had discussions with the author's offices.

Direct Impact

9:14 a.m.

1. AB 633 (Patterson) Nursing: licensure: renewal fees: reduced fee.

Previous Position: Support if Amended

Board Discussion: Dolores Trujillo explained that Marissa Clark would present all bills to the Board and then open for public comment.

10:26 a.m.

Motion: Dolores Trujillo: Made a motion to withdraw previous position of Support if Amended and change to Support

Second: Patricia Wynne

Public Comment for AB 633: Public comment after all bills presented.

Vote:

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

Motion Passed

9:19 a.m.

2. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

Previous Position: Support if Amended

Board Discussion: Executive Officer Melby said there is quite a high interest in this bill so public comment could be opened for this bill.

Patricia Wynne said she's had great anxiety about this bill and would like to hear the public comment.

Mary Fagan agreed with Patricia Wynne. Vicki Granowitz also agreed with Patricia Wynne.

Reza Pejuhesh asked if there would be separate public comment for each bill. Dolores Trujillo said there would be public comment for this bill and additional public comment for all other bills at the end of the presentation.

After public comment:

Dolores Trujillo said the Board could change the position based on public comment.

Patricia Wynne said she's persuaded by both public comments heard today in opposition to the bill and the opposition letters submitted. Her fears are more aligned with the concerns of the opposition than the proponents of this bill. She was in favor of changing the Board's position from support to oppose.

Vicki Granowitz continued to oppose this bill. She thought we as a culture often flip flop from one extreme to another and that if this bill is passed then in another decade, we'll be amending it. She thought a better idea is to amend it with some of the suggestions in the opposition letters. She said children who were sexually assaulted would easily not be reported under this bill.

David Lollar said he thought this bill has been with the Board for a long time and he originally opposed it vigorously and aggressively. He respectfully listened to the voices supporting this bill but hearing public comment today reminds him of how torn he is because he opposes it. He was concerned about those who are supporting it. He was listening to Cal-Safe's ideas to change the language and what is happening in rural communities and is again leaning towards opposing this again and changing the Board's position.

Executive Officer Melby clarified that what Vicki Granowitz said about reporting child abuse, etc. is not affected by this bill. Child and elder abuse continue to be mandatory reporting. She said she and Marissa Clark continued to have conversations with the author and supporters and discussed the same items Cal-Safe has suggested for improvements.

Dolores Trujillo said she would like to see an "Opt In" or "Opt Out" added in. Executive Officer Melby described the sexual assault nurse examination process and maintenance of medical evidence in the process to allow the survivor to report. She discussed the addition of the warm handoff that was not part of the previous process.

Vicki Granowitz said Colorado included mandatory reporting for domestic assaults with serious bodily injury or Tennessee requires it for life threatening injuries including strangulation. Language could be taken from what's working in other states. She was ambivalent about the idea of giving survivors the choice because some are afraid of their perpetrator that unless there is mandatory reporting, they won't do it.

Dolores Trujillo said if the Board takes an Oppose Unless Amended then suggested language could be provided. Executive Officer Melby said they could do that. She explained how this could help the author's office. She said they've been working on the documentation aspect with the author's office. Some of the changes are in alignment with what Cal-Safe wants as well. Marissa Clark said Oppose Unless Amended sends a stronger message about the suggested changes. But there is a position the Board could take to

work on any changes to the bill. Executive Officer Melby said Oppose is a strong message. Unless amended lets it continue to move through the process.

David Lollar said Oppose Unless Amended aligns with Cal-Safe. He said the warm handoff is an important component.

Patricia Wynne aligned herself with David Lollar's comments. She said there are 58 counties in California, and we only heard from someone in two of the counties. The Board doesn't know what's happening in the other counties.

Jovita Dominguez said it's sad what happens to families that you're supposed to be safe with and men and women are very vulnerable with this kind of violence in their homes.

Reza Pejuhesh said the Board could withdraw their original position if not convinced either way or want the Board to be on the record for it.

Executive Officer Melby read in some of the written comments submitted in Board meeting materials. She said the Board's concerns have been raised with the author's office and suggested language changes have been provided.

Dolores Trujillo thought the motion should be to withdraw previous position and Oppose instead.

Mary Fagan was in favor of either Oppose or Oppose if Amended. Vicki Granowitz agreed with Mary Fagan.

Patricia Wynne wondered if the bill can be fixed with a few amendments. She was leaning towards Oppose. Dolores Trujillo was also.

Executive Officer Melby spoke about incident reporting. She asked Marissa Clark if this is a two-year bill if the issues cannot be worked out. Marissa Clark said a position of Oppose Unless Amended is a good choice versus Oppose to say the Board wants to see where the bill is going and be able to have input in the outcome.

David Lollar appreciated the clarification and agreed to give them another chance to figure out how to amend it.

Vicki Granowitz said legislators are willing to listen to comments if you're in the game rather than saying we're opting out. They're a

little more receptive because there's still an opportunity to see what they're trying to do.

Marissa Clark said the bill is still moving in this session but if the sponsor and author decided that rather than risk it, they could stop the bill at any point. It will go to Senate Public Safety Committee and there could be an action to hold it.

Patricia Wynne does not know what amendments could be made to make the Board support this bill. She agreed with Oppose Unless Amended to keep the Board in the conversation but maybe the Board doesn't need to be involved in this since we don't support the premise of the bill.

Executive Officer Melby said mandatory reporting does not need to be deleted to keep the warm handoff. There are a lot of different ways the language can be amended to accommodate the Board's wishes. She spoke about the barriers that survivors face in seeking care based on law enforcement involvement. There was a lot to take in and work with. There were many unintended consequences of this bill.

Vicki Granowitz spoke about a disconnect with the reported data that isn't clear. She doesn't trust what's in the literature because it is all over the place.

Dolores Trujillo said a motion can be made to withdraw support unless amended. She was hearing the Board wants to Oppose. The Board is in favor of reporting, but this bill does not do just that. She said Oppose or Watch. Vicki Granowitz and David Lollar both support Oppose.

Motion: Dolores Trujillo: Made a motion to withdraw Support if Amended, change position to Oppose

Second: Vicki Granowitz

9:25 a.m. **Public Comment for AB 1028:** **Malinda Wheeler, RN, NP, President of CALSAFE:** Sexual assault nurses oppose this bill as written. This bill reverses the work done to create the mandatory reporting. Domestic violence is on the rise and this bill causes many unintended consequences. They have been working with the author's office and sponsor to amend the language, but no agreement has been made. They agree the language needs to be amended. They proposed a more nuanced and measured approach, for example, in-person advocacy with an opt-out option to soften the language. They want to protect the most

seriously injured patients who present to the Emergency Department and urgent care settings. She asks the Board to support the forensic nursing experts to better guide the amendments to Penal Code 11160.

Jacqueline Winters Hall, RN, PHN: Stated that she is a sexual assault forensic nurse examiner in rural northern California. She respectfully and strongly opposes AB 1028 as currently written. In Butte and Glenn counties and many other rural counties, advocacy agencies, including rape crisis are not provided in person services since prior to March of 2020. She provides exams for pediatric, adult, adolescent, and geriatric patients every day. The Emergency Department, trauma, and sexual assault response team provides care to patients who are victims of violence. They make sure the patient has contact information for community resources for domestic violence and sexual assault but there's no guarantee the patient will connect with the desperately needed resources, especially since advocacy doesn't come to the hospital. Some communities have no advocacy at all.

There is a written comment for agenda item 3.

10:06 a.m.

Vote:

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

Motion Passed

3. AB 1695 (Gipson) Career technical education: Nursing Pathway Pilot Program

Previous Position: Motion to Amend it to include involvement from the Board.

Board Discussion: Bill not discussed during meeting.

10:07 a.m.

4. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Previous Position: Support with Amendments

Board Discussion: Vicki Granowitz asked if there would be some kind of link to describe what a disciplinary action is so it's clear to the public what it is.

Dolores Trujillo said the public would contact the Board if they wanted more information and the board would have to respond

within ten days. Vicki Granowitz thought there should be a link to a definition as well.

Marissa Clark said it was difficult to figure out this issue because it is a Department wide change and could mean different things at other boards. She thought there was an opportunity to work on the language on what would be posted and how to contact the Board.

David Lollar said there was a list of disciplinary action terminology on the website.

Dolores Trujillo asked if Vicki Granowitz's request could be added to the other amendments the Board is seeking or would another vote be needed.

Marissa Clark asked if this is different from the changes already incorporated into the bill, then the position could be Support. If there are other amendments needed specific to BRN then this could be tricky for DCA to implement.

Vicki Granowitz trusted Marissa Clark to add this to everything else being looked at rather than making it specific.

Dolores Trujillo said the Board could keep the Support if Amended position. Marissa Clark asked what other changes need to be made or if the language is okay as written. Reza Pejuhesh clarified Support if Amended versus Support.

Dolores Trujillo asked if all other amendments suggested by BRN have been made in the bill.

Marissa Clark said the issue comes down to the enforcement information access to the public and how to resolve it Department wide.

Motion: **Dolores Trujillo:** Made a motion to withdraw previous position of Support if Amended, change to Support

Second: **Patricia Wynne**

10:28 a.m. **Public Comment for AB 633 and SB 372:** No public comments.

Vote for AB 633 and SB 372:

	DT	MF	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y

Key: Yes: Y | No: N | Abstain: A | Absent for Vote: AB

Motion Passed

10:29 a.m.

6.0

Adjourn

Dolores Trujillo, President, adjourned the meeting at 10:29 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