

# Enforcement Division



## What is the Board of Registered Nursing?

The Board of Registered Nursing (BRN) is a State agency within the Department of Consumer Affairs that licenses and regulates registered nurses (RNs) in California. The mission of the Board of Registered Nursing is to protect the health and safety of consumers by promoting quality registered nursing care in California. The Nursing Practice Act gives the Board the authority to investigate complaints and take disciplinary action against registered nurses. These investigation and disciplinary functions are handled by the Board's Enforcement Division.

## What does BRN's Enforcement Division do?

Enforcement Division staff work with healthcare consumers and providers to identify RNs who have engaged in unsafe activity which may put the public at risk.

Enforcement Division responsibilities are divided into:

- Complaint intake.
- Investigation.
- Legal action.
- Probation monitoring.



## Filing a complaint

A complaint is information which states that an RN or applicant may have acted in an unsafe or unprofessional manner. A complaint can also be filed when someone is providing registered nursing care without a license.

The most common complaints involve criminal convictions. Other complaints received by BRN pertain to:

- Improper patient care, such as, the RN has committed serious medication errors, abused a patient, or failed to provide appropriate care.
- Issues with a substance use disorder where the RN is suspected of abusing alcohol or drugs. These complaints may be referred to the BRN's Intervention Program, which is a confidential rehabilitation program.

Complaints about fees, billing, and other business practices, or personality conflicts/rudeness are not within the authority of the BRN.

Complaints about other healthcare providers, such as physicians, licensed vocational nurses, and nursing assistants are outside the BRN's jurisdiction and are referred to the agencies that regulate those professions.

## Investigating a complaint

If a complaint needs further investigation, BRN staff will forward it to either the Department of Consumer Affairs' Division of Investigation (DOI), or to BRN special investigators who will conduct interviews and gather information. The investigator submits a report of the findings to the BRN for review. If no violation is substantiated, the case is closed and the person who filed the complaint is notified.



## Taking legal action

If the investigation finds evidence that the nurse has committed a minor violation and the violation does not warrant formal disciplinary action, the case is handled through an informal citation and fine process. Through this process, the BRN's Executive Officer is authorized to issue citations and fines for minor violations of the Nursing Practice Act. A nurse may contest the citation and fine through an informal or formal appeal process. Pursuant to 1435.2, the range of the citation shall be from \$0 to \$2,500; however, under certain circumstances could reach \$5,000.

If there is evidence of a more serious violation, the case is forwarded to the Attorney General's Office for review. If there is sufficient evidence, the Attorney General's Office prepares an accusation, which lists the legal charges. The RN can admit to specific charges and agree to disciplinary action through the settlement process, or can dispute the charges at a hearing before an administrative law judge.

After the hearing, the judge sends a proposed decision to the nine-member Board to accept, modify, or reject.



## What are the potential outcomes of disciplinary action?

In serious cases, the RN's license could be revoked, suspended, or surrendered (the RN cannot practice) or placed on probation (the RN can still practice under specific conditions). While on probation, the RN is monitored by a BRN probation monitor to ensure the conditions of probation are met. When the RN successfully completes the conditions, the probation is lifted.

The Board is also responsible for denying a license to applicants who are identified as potentially unsafe practitioners. An applicant who is denied a license may appeal.

## Why should someone file a complaint?

Filing a complaint is the primary way the Board learns of alleged violations of the Nursing Practice Act.

To file a complaint, log onto the BRN's Web site, [www.rn.ca.gov](http://www.rn.ca.gov) and click on the "Enforcement" tab at the top of the page to access the complaint form and more information about the complaint process.

You can also call the BRN at (916) 322-3350 and ask to have a complaint form mailed to you.

Remember, the most effective complaints contain first-hand, verifiable information with dates, times, and specific evidence. Anonymous complaints are reviewed, but may be impossible to pursue without evidence of the alleged behavior or actions.

## How long does the complaint process take?

The investigation and legal process may take an extended period of time depending on the complexity of the case. Complaints about conduct that places the public at risk receive the highest priority.

## Are complaints confidential?

Complaints are confidential while they are being investigated. If an accusation is filed or a disciplinary action taken, the BRN will place the appropriate documents on the Web site as a public document. Any disciplinary action imposed becomes a part of a RN's permanent record and may be disclosed to the public.

