

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

May 1, 2018

2. Department

Department of Consumer Affairs (DCA)

3. Organizational Placement (Division/Branch/Office Name)

Board of Registered Nursing (BRN) / Executive Management Office

4. CEA Position Title

Assistant Executive Officer (AEO) - CEA B

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The AEO is responsible for assuring the efficient and effective daily operations of the organization, the delivery of program services, and compliance with statutes. The AEO responsibilities include development of policy initiatives based on the Board's strategic planning goals and statutory mandates.

6. Reports to: (Class Title/Level)

Executive Officer / Exempt

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): BRN protects and advocates for the health and safety of the public by ensuring the highest quality registered nurses in the state of California. BRN is a semi-autonomous entity under DCA.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

- Acts on behalf of the Executive Officer in their absence, with full-delegated authority over all policy, resource allocation, personnel and licensee disciplinary matters, including approval of legal documents such as Accusations, Statements of Issues, Stipulated Settlements, and others. Acts as the principal administrator for Board programs. Reviews and approves responses prepared for signature by the Executive Officer or Board Members. Reviews and approves correspondence prepared for the Governor, Legislators, Constitutional Officers, Agency, Department of Finance, and Consumer Affairs officials. Assists in the development of agendas for the quarterly Board meetings and Committee meetings.
- Delegates, through subordinate managers and supervisors, assignments, program issues, and special projects. Assigns staff various permanent and ad hoc committees of the Board. Provides guidance and expertise to the Board's managers and staff. Identifies inefficient and ineffective program operations and implements business process improvements and performance standards. Directs subordinate staff to develop solutions, implement changes and evaluate the effectiveness and efficiency of the changes. Oversees and participates in the development of an annual report. Identifies and analyzes studies, legislation and various issues affecting the BRN. Determines and reports the probable impact of studies, legislation and various issues affecting the BRN.
- Represents the Board before the Department of Consumer Affairs; Department of Finance; Business, Consumer Services, and Housing Agency; the Legislature; nursing and public organizations; and other interested parties on the Board's functions, including budget, legislation, regulations, personnel, licensing, and enforcement matters.
- Evaluates and assures the efficient and effective use of Board funds. Analyzes resource needs of BRN programs. Directs the development of the Board's budget. Approves the Board's major expenditures. Authorizes redirection of funds within Board programs to meet goals and priorities.
- Directly selects, supervises, trains and evaluates the performance of direct reporting staff. Sets BRN policies for hiring, training, evaluating, and retention. Administers the provisions of Civil Service law and regulations and oversees progressive discipline processes. Acts as the Board's second appeal level in adverse actions and other personnel actions. Manages, plans, and directs the activities of professional, technical and clerical staff to carry out the Board's policies and directives to carry out the Board's mission.
- Directs the development of program budgets and schedules for the Board. Assigns and monitors special projects, including but not limited to development and ongoing maintenance of the Board's sunset review. Implements organizational reorganizations. Reviews and evaluates the Board's Strategic Plan and Action Plan to ensure it is current with the ever-changing environment and emerging issues. Assures the development of staff and allocation of resources to ensure organizational effectiveness through consistent, uniform policies and procedures. Ensures BRN policies and procedures are documented and updated on an ongoing basis. Ensures that the Board maintains and upgrades automated systems to keep the Board current with evolving technology and compliance with state security objectives. Ensures the provisions of the State Administrative Manual are adhered to.
- Develops and implements specific policies and procedures for the efficient and effective administration of the various programs under the jurisdiction of the Board. Analyzes performance metrics and implements business process improvements and or resource reallocations as needed to achieve the Board's mission. Develops and implements policies and procedures for the efficient and effective administration of the Board's programs. Provides information, policies, procedures, and recommendations on behalf of the Board. Provides programmatic oversight for the Administration, Licensing, Enforcement, and Legislative Programs including promulgating and interpreting policies established by the Board Members and Executive Officer, and by this position's incumbents. Participates in meetings, seminars, workshops, and other forums. Represents the Board, including Enforcement and Licensing, in meetings, negotiations, hearings and other forums.
- Provides guidance to staff, Board Members, professional organizations, licensees, educators, and the public about the laws and regulations governing the functions of the Board. Proposes solutions to problems identified by Board Members, Executive Officer, CEAs, management, line staff, consumers, and licensees.
- Reviews draft Accusations and Statement of Issues to ensure action is warranted. Reviews the charges to be filed based on the substantiated evidence.
- Approves, denies, or proposes alternatives to licensing actions.
- Acts independently to accept or negotiate alternatives for stipulated settlement agreements upon the recommendation of the Attorney General's (AG) Office. Discusses disciplinary actions with the AG's Office. Reviews stipulated decisions from the AG's Office. Reviews proposed decisions from the Administrative Law Judge. Presents stipulated settlement agreements to the Board Members for adoption. Acts as the liaison between the Board and AG's Office for civil cases.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: DCA's Mission is to protect California consumers by providing a safe and fair marketplace through oversight, enforcement, and licensing of professions. BRN's work is critically needed to ensure DCA meets its Mission as it pertains to registered nurses and consumers of their services. BRN protects and advocates for the health and safety of the public by ensuring the highest quality registered nurses in the state of California.

The Nursing Practice Act is the body of California law that mandates BRN to set out the scope of practice and responsibilities for registered nurses. The Nursing Practice Act is located in the California Business and Professions Code commencing with Section 2700.

BRN conducts initial application requests for registered nursing licenses as well as license and certificate renewals. The BRN is responsible for denying licenses to individuals identified as potentially unsafe practitioners. If an application is denied, the applicant can appeal the denial through a disciplinary proceeding. BRN conducts fingerprint and background checks for license renewal, reports discipline as well as convictions.

The BRN Enforcement Program works with health care consumers and health care professionals in identifying registered nurses who have engaged in any activity which may be unsafe and which may put the public at risk. The Enforcement Program's responsibilities include four primary categories Complaint Intake, Investigation, Legal Action, and Probation Monitoring.

The BRN Intervention Program is a voluntary and confidential monitoring program for registered nurses whose competency may be impaired by substance use disorder or mental illness. This program protects the public by providing registered nurses access to effective treatment services, monitors their recovery through an individualized plan, and returns them to practice.

Nursing practice information, advisories, and guidelines are provided by the BRN to ensure ongoing communication of competency standards to consumers, registered nurses, employers, educators, and other regulators. Advanced practice information, advisories, and guidelines are provided by the BRN to ensure ongoing communication of competency standards to consumers, advanced practice nurses (nurse practitioners, nurse-midwives, clinical nurse specialists, nurse anesthetists, and psychiatric/mental health nurses), employers, educators, and other regulators.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

An audit of the BRN identified a number of issues that were causing licensing and enforcement activity delays. The BRN in partnership with DCA have identified multiple policy and process changes that once implemented will produce greater efficiencies. Creating a new AEO position will expedite the implementation of new policies and procedures that will increase accountability and assist the BRN in achieving its mission. Some of the recommendations identified are as follows:

- Partner with the Department's Office of Information Services (OIS) to discuss options available for the Nurse Education Consultants to conduct their work activities through the use of virtual private network (VPN), at the various school sites throughout the state.
- Create a template that will allow BreZE to send out approval letters automatically and allow end users to "check off" deficiencies more easily.
- Partner with OIS to find a way to allow applicants who apply online to save the information they have already provided.
- Put the entire application process online.
- Accept cloud-based transcript submissions from all US accredited colleges.
- Develop strategies to address Repeaters (applicants who fail the exam and want to take it again) neglect to attach necessary documents approximately 50% of the time when using the online process.
- Create labeling instructions for the files that contain Special Accommodation documents, so all supporting documents can be consolidated, which will reduce the risk of getting misfiled.
- Conduct regular BRN case management meetings for the review and discussion of exceptional enforcement cases.
- Complete business process flow charts, including desk guides available to all with a comprehensive follow-up review every three years.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The BRN works on highly visible and critical issues sensitive in nature that directly affect the public health and safety of California consumers. Consequently, the BRN is under scrutiny by the Legislature, industry groups, and the public. The AEO will be directly involved in sensitive and often controversial issues surrounding the delivery and receipt of health care services provided to California consumers and must assure the delivery of these services by the most qualified and competent providers. In addition, the AEO will oversee the BRN Enforcement program which is extremely sensitive due to the personal nature of complaints received.

The BRN has sensitive interaction with consumers, licensees, media, legal representatives, other agencies and the Governor's office. The political aspects of the profession being regulated by the BRN can be controversial and sensitive in nature. The AEO's decision making and advise to the Executive Officer will influence program directions; therefore, recommendations and decisions made by the AEO have a statewide impact in the development and implementation of polices that directly affect the public health and safety of California consumers.

The AEO will provide oversight of Enforcement activities and ensure policies and procedure produce positive outcomes for the following metrics:

- Number of complaints and convictions received
- Number of complaints closed or assigned to an investigator
- Average number of days from complaint receipt to date closed/assigned
- Number of investigations closed
- Investigations cycle time
- Management of formal discipline processes and cycle time
- Probation intake and cycle time
- Probation violation response and cycle time

The AEO will provide oversight of licensing activities and ensure policies and procedure produce positive outcomes for the following metrics:

- Average processing time for initial license applications
- Average processing time for license renewals

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The AEO has full-delegated authority to act on behalf of the Executive Officer in their absence. The AEO is responsible for policy development for the efficient operations of the BRN. Additionally, the AEO oversees the licensing and enforcement functions and the fiscal and personnel administration.

The AEO provides guidance to staff, Board Members, professional organizations, licensees, educators, and the public about the laws and regulations governing the functions of the Board. Proposes solutions to problems identified by Board Members, Executive Officer, CEAs, management, line staff, consumers, and licensees.

The AEO will work with the National Council of State Boards on Nursing to determine new trends and needs and then develop new educational content in partnership with the nurse education providers in California.

The AEO acts independently to accept or negotiate alternatives for stipulated settlement agreements upon the recommendation of the AG Office. Discusses disciplinary actions with the AG's Office. Reviews stipulated decisions from the AG's Office. Reviews proposed decisions from the Administrative Law Judge. Presents stipulated settlement agreements to the Board Members for adoption. Acts as the liaison between the Board and AG's Office for civil cases.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The AEO will be responsible for the highest level of policy development and implementation activities. The AEO will provide guidance to staff, Board Members, professional organizations, licensees, educators, and the public about the laws and regulations governing the functions of the Board. Propose solutions to problems identified by Board Members, Executive Officer, CEAs, management, line staff, consumers, and licensees. In addition, the AEO will develop and implement specific policies and procedures for the efficient and effective administration of the various programs under the jurisdiction of the Board; analyzes performance metrics and implements business process improvements and or resource reallocations as needed to achieve the Board's mission; develops and implement policies and procedures for the efficient and effective administration of the Board's programs; provides information, policies, procedures, and recommendations on behalf of the Board; provide programmatic oversight for the Administration, Licensing, Enforcement, and Legislative Programs including promulgating and interpreting policies established by the Board Members and Executive Officer, and by this position's incumbents; participate in meetings, seminars, workshops, and other forums; and represent the Board, including Enforcement and Licensing, in meetings, negotiations, hearings and other forums.