

# Board of Registered Nursing

**BRN**

**SANDRA ERICKSON,  
CRNA  
PAST PRESIDENT BRN**



# Board Offices

## Sacramento Office

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[www.rn.ca.gov](http://www.rn.ca.gov)

24 Hour License Verification Line

1-800-838-6828

# Consumer Protection Agency



# Board Members

## 9 Member Board



**5 RNs**



**4 Public Members**

# Board Committees

- 👍 Administration
- 👍 Education/Licensing
- 👍 Nursing Practice
- 👍 Legislative
- 👍 Diversion/Discipline

# Board Functions



**Sets Policy**



**Enforcement**

# Scope of Nursing Practice



# SCOPE OF RN PRACTICE

## BPC Section 2725

### Nursing:



**Dynamic field**



**Continually evolving**

# BPC Section 2725



**Clear legal authority for functions/procedures having common acceptance/usage**



**Recognize overlapping functions between MDs and RNs**

**and**



**permit additional sharing of functions**

# Practice of Nursing means functions that:

👍 help people cope with difficulties in daily living

≈ actual/potential health/illness problems

≈ treatment

👍 require a substantial amount of scientific knowledge or technical skill

# RN Functions

## Direct & Indirect

- 👉 Safety
- 👉 Comfort
- 👉 Personal Hygiene
- 👉 Protection of Patients
- 👉 Disease Prevention
- 👉 Restorative Measures

BPC Section 2725(b)(1)

# RN Functions

## Direct & Indirect



**Administer  
medications/therapeutic agents...**



**ordered by licensed (provider)...**

BPC Section 2725(b)(2)

# RN Functions

- 👍 **Skin Tests**
- 👍 **Immunization Techniques**
- 👍 **Withdrawal of blood from veins and arteries**

BPC Section 2725(b)(3)

# RN Functions

## Observation of:

- 👍 signs and symptoms of illness
- 👍 reactions to treatment
- 👍 general behavior
- 👍 general physical condition

# RN Functions

Determine abnormal characteristics:

- 👉 signs
- 👉 symptoms
- 👉 reactions
- 👉 behaviors
- 👉 general appearance

BPC Section 2725 (b)(4)(B)

# RN Functions

## Implementation:



**based on observed abnormalities**

≈ report

≈ refer

≈ implement standardized procedures



**change treatment based on standardized procedures**



**initiation of emergency procedures**

BPC Section 2755 (b)(4)(B)

# Discipline



# Unprofessional Conduct

## BPC 2761



**(a)(1) Incompetence or gross negligence in carrying out usual certified or licensed nursing functions**

# Unprofessional Conduct BPC 2761

*Example:*

*Susie Jones - falsified  
application*



# Unprofessional Conduct BPC 2761

## *Example:*



*Susie Jones, RN, demonstrated unprofessional conduct [B&P 2761 (b)&(e)] when on March 1, 1998, she falsified her application for licensure by endorsement into California by stating that her license had never been disciplined by another state and signed said application under penalty of perjury and in full knowledge of her license revocation in Arizona.*

# Unprofessional Conduct

## BPC 2762(a)



Obtain or possess in violation of law

≈ ...controlled substances or dangerous drugs

≈ ...to administer to self or furnish/administer to another

## Unprofessional Conduct BPC 2762(a)

*Example:*

*Robert Brown - fraudulently  
phoned in Vicodin and  
Valium prescriptions*



# Unprofessional Conduct BPC 2762(a)

## *Example:*



*Robert Brown, RN, demonstrated unprofessional conduct [B&P 2762(a)] in that on multiple occasions in June & July, 2005, he posed as a doctor's office employee & phoned in prescriptions for Vicodin and Valium to multiple pharmacies under his own name and false names and thus obtained controlled substances to administer to self in violation of law.*

# Unprofessional Conduct

## BPC 2762(b)



**(b) Use of any controlled substance or dangerous drug...or alcoholic beverage**

- ≈ to an extent or in a manner dangerous to self, other, or public
- ≈ ...or to extent that use impairs ability to conduct with safety to public the practice (of registered nursing).

## Unprofessional Conduct BPC 2762(b)

*Example:*

*Mary Jones - 3 DUIs*



# Unprofessional Conduct B&P 2762(b)

## *Example:*



*Mary Jones, RN, demonstrated unprofessional conduct as described in B&P 2762(b), when on three separate occasions she was arrested for driving under the influence of alcohol, and thus used alcohol in a manner dangerous to herself and others, with such use of alcohol impairing her ability to conduct with safety to the public (her R.N. practice).*

# Unprofessional Conduct



Convicted of a criminal offense

- ≈ ...involving prescription, consumption, or self administration of (controlled substance, dangerous drug, or alcoholic beverage).
- ≈ ...or possession of or falsification of a record pertaining to (same substances).

**BPC 2762(c)**

# Unprofessional Conduct BPC 2762(d)



**Committed or confined by a court**

≈ ...for intemperate use of or  
addiction to the use of .

≈ ...(same substance).



**Court order is evidence**

# Unprofessional Conduct BPC 2762(e)



**Falsify or make grossly incorrect/inconsistent/unintelligible entries**

≈ ...in any hospital, patient, or other record.

≈ ...pertaining to (same substances).

## Unprofessional Conduct BPC 2762(e)

*Example:*

*Edmund Brown - false /  
inconsistent entries re:  
controlled substances*

# Unprofessional Conduct BPC 2762(e)

## *Example:*



*Edmund Brown, RN, demonstrated unprofessional conduct as defined in B&P 2762(e) when on numerous occasions in November & December, 2005, he made false and grossly inconsistent entries in hospital and patient records pertaining to controlled substance.*

# Gross Negligence

## CCR 1442



**Extreme departure from the standard of care**



**...ordinarily exercised by a competent R.N.**

# Gross Negligence

## CCR 1442



**Extreme departure means:**

- ≈ repeated failure to provide nursing care as required, OR
- ≈ Failure to provide care or to exercise ordinary precaution in a single instance which the nurse knew, or should have known, could have jeopardized the client's health or life.

# Negligence



Departure from the standard of care which, under similar circumstances, would ordinarily have been exercised by a competent registered nurse.



Note that the word extreme is not present.

## Negligence

*Example:*

*Marilyn Summers - failure to  
chart baseline assessment*



# Negligence

## *Example:*



*Marilyn Summers, RN, demonstrated negligence on June 17, 2004, when she failed to chart a shift baseline assessment on her patient in violation of the RN standard of care and of state and hospital regulations and policies.*

## Gross Negligence

*Example:*

*Marilyn Summers - multiple failures to chart in spite of written warnings*



# Gross Negligence

## *Example:*

- 👍 *Marilyn Summers, RN, demonstrated gross negligence [BPC 2761(a)(1) within the meaning of CCR 1442] in May and June, 2005, when on numerous occasions and despite written warnings from her supervisor, she failed to chart daily baseline assessments on her patients and thus repeatedly failed to provide nursing care as required by statute and hospital policy.*

# Incompetence

## CCR 1443

👍 Lack of possession of or failure to exercise

≈ ...degree of learning, skill, care and experience

≈ ...ordinarily possessed and exercised by a competent R.N.

≈ ...as described in 1443.5.

## Incompetence

*Example:*

*Jean Smith - failed to perform  
CPR (“essential skill”)*



# Incompetence

## Example:



*Jean Smith, RN demonstrated incompetence [B&P 2761(a)(1) within the meaning of CCR 1443 and 1443,5] in that on May 11, 2005, she failed to exercise the skill of cardiopulmonary resuscitation in the care of patient C.B., and thus failed to exercise an essential skill required by all registered nurses in acute care settings as demonstrated by a yearly requirement for CPR review in (employing) hospital.*

# Standards of Competent Performance

*California Code of Regulation CCR 1443.5*

# Standards of Competent Performance

- 👉 formulates nursing diagnosis
- 👉 formulates care plan
- 👉 performs skills

# Standards of Competent Performance

- 👍 delegates tasks to licensed subordinates
- 👍 evaluates effectiveness
- 👍 acts as client advocate

# Standardized Procedure

Legal authority for RN  
practice to overlap the  
practice of medicine



# Standardized Procedure

Not needed for common  
practice of registered  
nursing



# Standardized Procedure

Policies and Protocols developed through collaboration with RNs, MDs, administrators and others in organized health care settings.



# Standardized Procedure shall:

- 👍 be in writing, dated and signed by authorized health care system personnel
- 👍 specify S.P. function
- 👍 specify requirement
- 👍 specify experience, training and/or education
- 👍 initial and continuing education

# Standardized Procedure shall:

- 👍 identify RN's so authorized
- 👍 specify scope of supervision
- 👍 communicate with patients' physicians
- 👍 limitations on settings
- 👍 record keeping
- 👍 method of periodic review of the S.P.'s

# Scope of Medical Practice



**diagnose mental and physical conditions**



**use drugs in or upon human beings**



**sever or penetrate tissues**



**other methods in treatment of disease, injury deformities or other physical or mental conditions.**

# Cite and Fine



**Operative 8/1/96**



**\$100 - \$5000**

*California Code of Regulation CCR 1435*

# Cite and Fine Examples

- 👉 Invalid/fraudulent license
- 👉 change of address (30 days!)
- 👉 fraudulent insurance claim
- 👉 practicing without an active license

# Cite and Fine Examples

- 👍 obtaining certificate “by fraud, misrepresentation, or mistake”
- 👍 unlicensed practice
- 👍 falsifying renewal application

# Resource Documents

- 👉 **The RN as Supervisor**
- 👉 **What is RN Scope of Practice**
- 👉 **RN Scope of Practice  
Frequently Asked Questions**
- 👉 **RN Supervision of Medical Assistants**

# Resource Documents

- 👍 Abuse Reporting Requirements
- 👍 Abandonment of Patients
- 👍 Pain Management Policy
- 👍 Conscious Sedation
- 👍 Dual Licensure

# Resource Documents

- Unlicensed Assistive Personnel
- Unlicensed Assistive Personnel, Acute Care
- Acceptance and Implementation of Orders



# Recommended Guidelines for Disciplinary Orders and Conditions of Probation

- **REVOCAATION**
  - 2761(a)(1) Incompetence or gross negligence (severe injury or death )
    - Failure to report client abuse
  - 2761(b) Procuring certificate by fraud, misrepresentation or mistake.
  - 2761(e) Furnishing false information
    - License application
    - Renewal
  - 2761(f) Conviction of felony or any offense substantially related to the qualifications functions and duties of a registered nurse.
    - Include but not limited to child abuse, murder, rape, assault/battery, lewd conduct, theft crimes, and sale or use of controlled substances. For reinstatement must have completed criminal probation and have compelling evidence of rehabilitation substantiated by recent psychiatric evaluation.
  - 2761(g) Impersonating an applicant in an examination
  - 2761(h) Impersonating another licensed practitioner or allowing another person to use his/her license to practice nursing



## Revocations Con't

- 2761(k) Except for good cause, knowingly failing to protect patients by failing to follow infection control guidelines....potential or actual patient harm
- 2762(a) Illegally obtaining, or administering narcotics or dangerous drugs to self or others.
  - (1) ..selling for personal gain or withheld or substituted drug on the job.
  - (2) .first offense without evidence of on-going rehabilitation



## Revocations Con't

- 2762(b) Use of narcotic, dangerous drug, or alcohol to the extent it is dangerous to self or others, or the ability to practice nursing safely is impaired
- 2762(c) Conviction of criminal offense involving the prescription, consumption, or self administration of narcotics, dangerous drugs, or alcohol or the possession of or falsification of a record pertaining to narcotics or dangerous drugs

## Revocations Con't

- 2836.3(c) Incompetence/gross negligence by a nurse practitioner in performing functions related to furnishing drugs or devices.



# Standard Probation Conditions

Standard Conditions 1-12 are required as follows:

1. Obey all laws
2. Comply with Probation Program
3. Report in Person
4. Residency or Practice Outside of State
5. Submit written Reports
6. Function as a Registered Nurse
7. Employment Approval and Reporting Requirements
8. Supervision
9. Employment Limitations
10. Complete Nursing Courses
11. Cost Recovery
12. Violation of Probation

## Optional Probation Conditions

- Always used for chemical dependency and may be for mental illness
- 13. Physical Examination
- 14. Participate in Treatment/rehabilitation Program for Chemical Dependency
- 15. Abstain from Use of Psychotropic (Mood-Altering) Drugs
- 16. Submit to Tests and Samples
- 17. Mental Health Examination



# Optional Probation Conditions Con't

18. Therapy or Counseling Program

19. Actual Suspension of License

