



Board of Registered Nursing

Significant Delays and Inadequate Oversight of the Complaint Resolution Process Have Allowed Some Nurses Who May Pose a Risk to Patient Safety to Continue Practicing

Background

Responsible for implementing and enforcing laws related to the licensure, practice, and discipline of nurses, the Board of Registered Nursing (BRN) operates within the Department of Consumer Affairs (Consumer Affairs) and regulates over 400,000 licensed nurses who provide health care services in various settings. Each year BRN receives an average of about 7,500 complaints regarding licensed nurses and prospective nurse applicants. Complaints are investigated either by investigators from the Consumer Affairs' Division of Investigation (DOI) or BRN.

Our Key Recommendations

BRN should perform the following:

- Resolve complaints regarding nurses in a timely manner by developing formal policies that specify time frames for key stages of the complaint resolution process and monitoring each key stage to ensure time frames are met.
- Increase its pool of expert witnesses by improving its recruitment process, modifying its application process, and increasing hourly wages.
- Work with Consumer Affairs to implement cost-effective input controls for BreEZe to ensure it has accurate data to monitor the performance of its complaint resolution process.
- Comply with laws by referring complaints based on their priority to the proper investigative unit, and provide training on obtaining sufficient evidence to discipline nurses accused of violating laws when warranted.

Key Findings

- BRN experienced significant delays in processing complaints and thus, accumulated a sizeable backlog of complaints awaiting assignment to an investigator.
 - » BRN did not resolve 31 of the 40 complaints we reviewed within the 18-month goal set by Consumer Affairs, and for almost half of those 31 complaints, BRN took longer than 36 months to resolve them.
 - » As of July 2016, nearly 140 complaints were pending assignment to a BRN investigator for more than 10 days and, on average, had been awaiting assignment for 77 days.
 - » BRN frequently exceeded its informal goal of 11 days during our audit period for referring complaints to an expert witness for review after an investigation was completed—BRN took between 16 and 254 days to assign them to an expert witness.
 - » BRN and DOI did not consistently gather sufficient evidence when conducting some investigations, extending the time it took BRN to resolve some complaints.
- BRN does not have reliable data to monitor the performance of its complaint resolution process because the system it uses to track complaints—BreEZe—has weaknesses in the controls used to validate data when it's entered into the system and thus, contains errors.
- BRN does not always assign complaints to the appropriate professional for investigation—state law requires that it assign complaints categorized as urgent or high priority to DOI's sworn investigators, yet we found that it has not always done so.
- Although required to do so, BRN has not ensured that all nurses are fingerprinted and thus, may not be promptly notified when a nurse is arrested or convicted of a crime.