

Joint Sunset Oversight Hearing, Board of Registered Nursing

Senate Business, Professions, and Economic Development
Committee and Assembly Business and Professions Committee

Testimony of Kendra Muller,

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My name is Kendra Muller, and I am a student intern at the Center for Public Interest Law at the University of San Diego School of Law. CPIL has already submitted written testimony to the committees, but I wanted to highlight two key issues that we want to bring to your attention today.

First, CPIL's recommendations to add two public members to the Board, and to amend section 2708 of the Business and Professions Code to *preclude* the Board's Executive Officer from being a licensee of the Board, are critical to ensuring that public protection is BRN's paramount priority.

As we discussed in detail in our letter, the nursing profession's existing control over the Board presents ample opportunity for anticompetitive behavior, and exposes the Board and its members to antitrust liability. BRN's control over the supply of nurses in California presents a particular risk of anticompetitive activity, and these controls must be put into place.

Second, employers should be statutorily required to report discipline events to the Board. While other health care licensing boards, most notably the Medical Board of California, receive a host of mandated reports about their licensees, BRN receives no such reports.

Significantly, the Board admits that it can only investigate known allegations or violations, and that **the lack of mandatory reporting “leaves the public at risk.”**

Indeed, the Medical Board’s Enforcement Monitor found the reporting of adverse events pursuant to section 805 to be the single highest source of information for the Medical Board with respect to the detection of unethical and dangerous physicians. **The fact that BRN does not receive these reports is wholly inconsistent with the Board’s paramount priority to protect the public, and this must change.**

This is especially true in light of the Board’s ineffective oversight over its discipline system, and the especially concerning information with respect to its falsification of records about investigations, as you heard from the State Auditor’s office this morning.

Mandatory reporting was raised during the board’s last sunset review, and it is beyond time to implement this recommendation to ensure public protection.

CPIL urges the Committees to incorporate all of our recommendations into the Board’s sunset legislation.

Thank you.