The Board of Registered Nursing (BRN) receives a complaint from anyone who believes a registered nurse has acted in an unsafe or unprofessional manner.

The complaint is not related to the Nursing Practice Act (Nursing Act); BRN closes the case.*

BRN determines the complaint is related to the Nursing Act, and forwards it for investigation to its non-sworn investigators or the California Department of Consumer Affairs’ (Consumer Affairs) Division of Investigation’s (DOI) sworn peace officers.†

If the nurse fails to complete the program, BRN forwards the complaint to either its investigative unit or DOI to investigate.

BRN reviews the investigation report and determines the case does not involve patient care and forwards it to the Office of the Attorney General (Attorney General).

If the nurse successfully completes the program, BRN does not reopen the complaint or pursue any disciplinary action.

BRN reviews the investigation report and determines the complaint does not warrant discipline and closes the case.

BRN reviews the investigation report and determines the complaint is related to patient care and refers the case to an expert witness.

If the nurse provides a notice of defense, either the case goes to the Office of Administrative Hearings (Administrative Hearings) for a hearing or BRN and the Attorney General negotiate a stipulated settlement agreement with the nurse that outlines the terms of discipline.

The complaint alleges mental illness or substance abuse; BRN closes the case and refers the nurse to the intervention program.

Expert witness reviews the investigation report and other evidence related to the complaint and opines on whether the nurse’s actions deviated from the standard of care or constituted gross negligence. The expert may also request a supplemental investigation to obtain additional evidence.

The Attorney General reviews the case and does one of the following: rejects the case because there is insufficient evidence to move forward to a hearing or prepares an accusation describing the violations it is charging the nurse with. The Attorney General may also request a supplemental investigation to obtain additional evidence.

The Attorney General reviews the case and does one of the following: rejects the case because there is insufficient evidence to move forward to a hearing or prepares an accusation describing the violations it is charging the nurse with. The Attorney General may also request a supplemental investigation to obtain additional evidence.

The Board of Registered Nursing (BRN) management reviews the expert witness opinion and decides to do one of the following: close the case because of lack of evidence or forward the case to the Attorney General.

Expert witness reviews the investigation report and other evidence related to the complaint and opines on whether the nurse’s actions deviated from the standard of care or constituted gross negligence. The expert may also request a supplemental investigation to obtain additional evidence.

The Board of Registered Nursing’s Complaint Resolution Process

Sources: California State Auditor Report, derived from information provided by BRN and state law and regulations.

* According to BRN management, when BRN receives a complaint that is not related to the violation of the Nursing Act, it closes the complaint and forwards it to the appropriate healing arts board or agency.

† According to BRN’s management, if BRN receives a notification from law enforcement that a nurse has been arrested or convicted of a crime, it could forward it to the Attorney General without conducting an investigation. Specifically, BRN’s chief of complaint intake and investigations explained that if such a notice relates to an egregious crime such as murder, rape, or assault, BRN may refer the case to the Attorney General to obtain a suspension based on Penal Code section 23, by requesting at the nurse’s arraignment or bail hearing that the judge suspend the nurse’s license.