



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945
Phone 916-263-7800 Fax 916-263-7855 www.bvnpt.ca.gov



**Board of Vocational Nursing
and Psychiatric Technicians
Department of Consumer Affairs
Board Meeting Minutes**

<https://www.youtube.com/watch?v=LYRqPv2DON0&feature=youtu.be>
<https://www.youtube.com/watch?v=YmmCYS2r3ms&feature=youtu.be>
<https://www.youtube.com/watch?v=K8fJzbfEUoY&feature=youtu.be>

Please note: If you hover over the time stamp under the agenda item and press the Ctrl key on your keyboard, it will take you to the exact place in the webcast to hear the Board conversation.

DATE: Friday, August 21, 2020

EXECUTIVE ORDER: Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency -- (Executive Order N-29-20, March 17, 2020, paragraph 11.)

**BOARD MEMBERS
PRESENT:**

Dr. Mountain, Board President, Education Member
Mr. Dierking, Board Vice President
Ms. Amezola de Herrera, Public Member
Ms. Carpenter, Public Member
Mr. Maxey, Public Member
Ms. Norton, Licensed Vocational Nurse Member
Ms. Rubalcava, Psychiatric Technician Member
Ms. Turner, Public Member

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Wood, Enforcement Chief
Ms. Cordeiro, Supervising Nursing Education Consultant
Mr. Prouty, Discipline Unit Manager
Ms. Brown, Licensing Manager
Ms. Gomez, Nursing Education Consultant (NEC)
Ms. DeYoung, NEC
Dr. Fairchild, NEC
Ms. Silverman, NEC
Ms. Clayworth, NEC
Ms. Saavedra, Budget Analyst
Ms. Pires, Legislation Analyst
Ms. Park, Enforcement Analyst
Ms. Dano, Enforcement Analyst
Mr. Matsumoto, Retired Annuitant

Ms. Maracino, Education Analyst

DCA STAFF PRESENT: Mr. Swenson, Board General Counsel
Mr. Jackson, Board Regulatory Counsel

Agenda Item 1 **Call to Order, Roll Call and Establishment of Quorum**
[\(2:44-->3:57\)](#)

Board President Dr. Mountain called the meeting to order at 9:04 a.m., Friday, August 21, 2020 via WebEx. Dr. Mountain took attendance of Board Members by roll call, and confirmed quorum.

Agenda Item 2 **President's Remark**

Dr. Mountain [\(0:52-->2:42\)](#)

Agenda Item 3 **Introduction of Board Staff**
[\(04:11\)](#)

Department of Consumer Affairs (DCA) Legal Staff introduced themselves. Executive Officer, Ms. Yamaguchi, introduced herself and the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) staff.

Agenda Item 4 **Board Meeting Minutes Review and Approval**
[\(05:50\)](#)

A. May 22, 2020

Motion: Approve minutes for May 22, 2020, if no corrections or omissions.

Moved/Seconded: Mr. Dierking/Ms. Rubalcava

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	ABSTAIN
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	ABSTAIN

The motion carried.

Board Discussion:

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[\(10:40\)](#), [\(17:11\)](#), [\(18:49\)](#), [\(19:22\)](#)

Public Comment:

[\(12:20\)](#)

Agenda Item 5 Education

A. Education Division Report [\(15:00\)](#)

Board Discussion: [\(15:54\)](#)

Public Comment: None

B. Education Division Update – Ms. Yamaguchi.
 i. Unitek Proposal. [\(21:31-->28:03\)](#)

Board Discussion:

[\(28:25 -->53:34\)](#), [\(1:01:35\)](#)

Public Comment:

[\(40:40 -->1:07:37\)](#)

 ii. Executive Officer Review of Reports.

[\(1:09:51\)](#)

Board Discussion:

[\(1:19:04\)](#), [\(1:25:26\)](#), [\(1:30:20\)](#), [\(1:32:12\)](#), [\(1:33:08\)](#)

Public Comment:

[\(1:15:58\)](#), [\(1:21:52\)](#), [\(1:22:53\)](#)

C. Education Committee Report – Dr. Mountain. [\(1:33:38 -->2:06:00\)](#)

Board Discussion:

[\(1:36:33\)](#), [\(1:38:05\)](#), [\(1:39:20\)](#)

Public Comment: None

Request to Increase Class Enrollment Size.

I. American Career College, Anaheim, Vocational Nursing Program.

Dr. Fairchild, Nursing Education Consultant, recommendations:

[\(2:09:29-->2:10:57\)](#)

1. Deny American Career College, Anaheim, Vocational Nursing program's request to increase class size from 50 students to 60 students for each part-time class, starting with the projected July 6, 2020 class.
2. Place the program on the Board's August 2022 agenda for reconsideration of provisional approval
3. Place the program on the November 20, 2020 Board meeting agenda for reevaluation of resources and reconsideration of request to increase class size from 50 students to 60 students for each part-time class.
4. Comply with all program requirements.

Board Discussion: [\(2:10:58-->2:40:15\)](#)

Public Comment: [\(2:41:16 -->2:44:08\)](#), [\(2:44:23 -->2:45:54\)](#)

Motion: Approve the NEC's report and adopt the recommendations. Place the program on the agenda for the November 2022 board meeting.

Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	ABSTAIN
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	ABSTAIN

D. Consideration of Provisional Approval

I. Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program.

Ms. Silverman, Nursing Education Consultant recommendations:

[\(2:47:50 -->2:49:38\)](#)

1. Place Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program on provisional approval for the two-year period beginning August 21, 2020; and issue a certificate accordingly.
2. Require the program to admit no additional classes without prior approval by the Board.
3. Require the program to provide no less than one instructor for every ten students in clinical experiences.

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4. Require the program to provide no less than one instructor for every ten students in clinical experiences.
5. Comply with all program requirements.
6. Require the program to provide no less than one instructor for every ten students in clinical experiences.
7. ADDENDUM, Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program, Ms. Silverman, Nursing Education Consultant recommendations:
Please see attached report.

Board Discussion: [\(2:49:42\)](#), [\(2:56:47 -->3:08:21\)](#), [\(3:11:39 -->3:22:41\)](#)

Public Comments: [\(2:50:26 -->2:56:40\)](#), [\(3:08:23 -->3:11:33\)](#)

First Motion: To adopt the recommendations made by the NEC in the report dated July 27, 2020, except for recommendation 4 and recommendation 6.

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amézola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

Second Motion: To adopt recommendation 4 and recommendation 6 by the NEC in the report dated July 27, 2020.

Board Discussion: [\(3:03-->22:51\)](#), [\(36:04-->49:12\)](#), [\(52:53 -->55:20\)](#), [\(57:42\)](#)

Public Comment: [\(23:09-->35:30\)](#), [\(51:21-->52:36\)](#)

Moved/Seconded: Mr. Dierking/Ms. Amézola De Herrera

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amézola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	NO
Ms. Rubalcava	NO
Ms. Turner	NO

Motion Carried.

**II. Southeast California College, Vocational Nursing Program.
Ms. Silverman, Nursing Education Consultant recommendations:**
[\(1:00:45-->1:02:40\)](#)

1. Deny the Southeast California College, Vocational Nursing Program request to admit one class of 17 students on August 3, 2020, only.
2. Place the Southeast California College, Vocational Nursing Program on provisional approval for the two-year period beginning August 21, 2020; and issue a certificate accordingly.
3. Place the program on the Board's August 2022 agenda for reconsideration of provisional approval.
4. Comply with all program requirements.

Board Discussion: [\(1:07:17-->1:15:13\)](#), [\(1:18:55-->1:23:12\)](#)

Public Discussion: [\(1:03:02-->1:06:56\)](#), [\(1:15:39-->1:18:37\)](#), [\(1:23:40-->1:24:25\)](#)

Motion: Approve the NEC's report and adopt the recommendations with the exceptions of 5 and 7.

Moved/Seconded: Ms. Turner/Ms. Norton

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

Motion Carried.

E. Request to Admit Students by Programs on Provisional Approval

**I. Angeles Institute, Vocational Nursing Program
Dr. Fairchild, Nursing Education Consultant, recommendations:**
[\(1:26:44-->1:27:41\)](#)

1. Approve the Program's request to admit a full-time class of 30 students commencing October 19, 2020, graduating on August 20, 2021.
2. Place the Program on the May 2021 Board Meeting Agenda for reconsideration of provisional approval.
3. Comply with all program requirements.

Board Discussion: *None*

Public Comments: [\(1:28:23-->1:29:29\)](#)

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Ms. Norton/Mr. Dierking

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

The motion carried.

II. Curam College, Vocational Nursing Program

Ms. Gomez, Nursing Educational Consultant, recommendations:

[\(1:31:10-->1:33:40\)](#)

1. Approve the program director's request to admit a class of 20 students on September 7, 2020 with an expected graduation date of July 9, 2021
2. Place the Program on the Board's November 2021 agenda for reconsideration of provisional approval.
3. Comply with all program requirements.

Board Discussion: None

Public Comments: None

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Mr. Dierking/Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	NO
Ms. Rubalcava	YES
Ms. Turner	YES

The motion carried.

III. Institute of Technology, Clovis, Vocational Nursing Program.

Dr. Fairchild, Nursing Education Consultant, recommendations:

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[\(1:35:52-->1:36:47\)](#), [\(1:40:25-->1:41:01\)](#)

1. Extend the Program's provisional approval for a six-month period beginning August 21, 2020 and issue a certificate accordingly.
2. Place the Program on the Board's February 19, 2021 agenda for reconsideration of provisional approval.
3. Deny the Program's request to admit a full-time class of 30 students commencing on November 9, 2020, graduating on December 10, 2021 to replace the December 11, 2020, graduating class.
4. Recommend that the Executive Officer approve the class at the October 2020 Executive Officer review, pending the program director's submission of confirmation of clinical sites for the July 13, 2020 class and the proposed November 9, 2020 class.
5. Comply with all program requirements.

Board Discussion: [\(1:41:22-->1:53:42\)](#), [\(1:58:08-->1:59:07\)](#), [\(2:01:39-->2:02:02\)](#)

Public Comments: [\(1:36:50-->1:40:04\)](#), [\(1:56:24-->1:57:52\)](#)

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Ms. Carpenter/Dr. Mountain

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	NO VOTE
Ms. Amezola De Herrera	NO
Ms. Carpenter	YES
Mr. Maxey	NO
Ms. Norton	NO
Ms. Rubalcava	NO
Ms. Turner	NO

Alternative Motion: Approve the NEC recommendations with the exceptions of three and four. [\(2:02:02\)](#)

Board Discussion: [\(2:02:53-->2:05:02\)](#)

Public Comment: None

Moved/Seconded: Ms. Norton / Ms. Amezola De Herrera

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Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	NO
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

Second Motion Carried.

**IV. Institute of Technology, Modesto, Vocational Nursing Program.
Dr. Fairchild, Nursing Education Consultant, recommendations:
[\(2:06:54-->2:08:09\)](#)**

1. Deny the Program's request to admit a full-time class of 30 students commencing on November 9, 2020, graduating on December 10, 2021 to replace the December 11, 2020, graduating class.
2. Recommend that the Executive Officer approve the class at the October 2020 Executive Officer review, pending the program director's submission of confirmation of clinical sites for the July 13, 2020 class and the proposed November 9, 2020 class.
3. Place the Program on the Board's May 2022, agenda for reconsideration of provisional approval.
4. Comply with all program requirements listed below

Board Discussion: [\(2:10:00-->2:12:38\)](#)

Public Comments: [\(2:08:35-->2:10:08\)](#)

Motion: Approve the NEC recommendations with the exceptions of number two and change number three.

Moved/Seconded: Ms. Norton/Ms. Amezola De Herrera

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

V. Premiere Career College, Vocational Nursing Program.

Dr. Fairchild, Nursing Education Consultant, recommendations:
[\(2:14:37-->2:15:37\)](#)

1. Deny the Program's request to admit a full-time class of 30 students commencing on June 1, 2020, graduating on October 26, 2020, graduating on December 12, 2021, to replace the February 7, 2020, graduating class.
2. Place the Program on the February 2022 Board agenda for reconsideration of provisional approval.
3. Comply with all program requirements.

Board Discussion: [\(2:18:49-->2:22:47\)](#), [\(2:24:33-->2:26:06\)](#)

Public Comments: [\(2:15:38-->2:18:36\)](#), [\(2:22:49-->2:24:24\)](#), [\(2:26:46-->2:27:42\)](#)

Motion: Approve the NEC's updated report and adopt the recommendations.

Moved/Seconded: Mr. Dierking/Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	NO
Ms. Rubalcava	YES
Ms. Turner	YES

The motion carried.

Agenda Item 6 Executive Officer's Report

07:07

A. Fund Condition: [\(1:40:09\)](#)

Board Discussion: [\(1:46:23 --> 2:07:01\)](#)

Public Comment: None

B. COVID-19: BVNPT Status: [\(0:30\)](#)

Board Discussion: [\(1:12-->2:05\)](#)

Public Comment: None

C. Board Committees [\(2:09-->5:24\)](#)

Board Discussion: [\(5:36-->7:35\)](#)

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Public Comment: None

Agenda Item 7 Licensing and Evaluations

A. Licensing Division Report – Ms. Brown
[\(1:24:56-->1:26:07\)](#)

Board Discussion: None

Public Comment: None

Agenda Item 8 Legislation and Regulations

A. Committee Report – Mr. Dierking.
[\(7:57-->8:48\)](#)

I. [AB 2028](#) (Aguiar-Curry): State Agencies: Meetings
Committee Recommendation:
Update on Status – [\(8:56-->10:00\)](#)

Board Discussion: None

Public Comment: None

II. **Sunset Legislation Updates** – [\(10:13-->13:03\)](#)

- (a) [SB 1474](#): Board Sunset extension
- (b) [AB 2854](#): Default Delegation

Board Discussion: [\(13:14-->14:28\)](#)

Public Comment: None

III. **Rulemaking Action: Fee Increase**
Committee Recommendation and Possible Action:
[\(14:36-->15:38\)](#)

Board Discussion: [\(19:14-->26:19\)](#), [\(31:15-->38:25\)](#), [\(42:39-->47:44\)](#)

Public Comment: [\(16:00-->19:13\)](#), [\(26:21-->31:13\)](#), [\(40:27-->42:36\)](#)

Move that the Board authorize staff to initiate the regulations process for the Applicant, Licensee and Continuing Education Program Provider Fee Increase. [\(38:29-->38:56\)](#)

Member Name	Vote
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Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	NO
Ms. Rubalcava	NO
Ms. Turner	ABSTAIN

IV. Pass Rate Rulemaking for Title 16, Sections 2530 and 2585, amended I, I(1), and new I(2): Report, Committee Recommendation, and Possible Action:

[\(49:53-->54:49\)](#)

Board Discussion: [\(54:49-->1:22:14\)](#)

Public Comment: None

Move that the Board authorize staff to initiate the regulations process for the reduced Pass Rate Rulemaking language. [\(1:22:41-->1:23:32\)](#)

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	ABSENT
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

The motion carried.

Agenda Item 9 Enforcement

A. Enforcement Division Report – Ms. Wood
[\(1:26:10-->1:27:19\)](#)

Board Discussion: [\(1:27:21-->1:28:54\)](#)

Public Comment: None

Agenda Item 10 Board Calendar Discussion and Possible Action
[\(1:29:00-->1:30:05\)](#)

Board Discussion: [\(1:30:05-->1:32:19\)](#)

Public Comment: None

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Motion: Prepare the Board to host online WebEx Board meetings for November 19-20, 2020, and February 18-19, 2021. Limit petition hearings to five for the November 2020 meeting.

Board Discussion: [\(1:32:41-->1:33:50\)](#), [\(1:36:13-->1:44:50\)](#)

Public Comment: None

Moved/Seconded: Mr. Dierking/Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	ABSENT
Ms. Carpenter	YES
Mr. Maxey	ABSENT
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES

The motion carried.

Agenda Item 11 **Public Comment on Items Not on the Agenda**
[\(1:45:17-->1:45:37\)](#)

Board Discussion: None

Public Comment: None

Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Section 11125 and 11125.7(a)].

Agenda Item 12 **Suggestions for Future Agenda Items**
[\(1:45:39-->1:45:48\)](#)

Board Discussion: [\(1:45:49-->1:46:39\)](#)

Public Comment: None

Agenda Item 13 **Adjourn Open Session**

Dr. Mountain adjourned the meeting at 5:45 p.m.

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Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting: Vicky Saavedra, Associate Governmental Program Analyst at (916) 576-3473, email: Vicky.Saavedra@dca.ca.gov or send a written request to the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President