



ENFORCEMENT COMMITTEE MEETING MINUTES

January 17, 2023

Via WebEx

Time: 9:00 AM - 9:38 AM

Board Members

Present Via

Teleconference:

Mr. Maxey, Public Member, Chair

Staff Present

Via Teleconference:

Ms. Yamaguchi, Executive Officer
Mr. Mark Ito, Assistant Executive Officer
Ms. Wood, Enforcement Division Chief
Mr. Swenson, DCA Legal Counsel
Ms. Higashi, Supervising Special Investigator
Mr. Prouty, Enforcement Manager
Ms. Lee, Enforcement Manager
Mr. Gardner, Probation Manager
Ms. Pires, Legislative and Regulations Specialist
Ms. Williams, Supervising Program Technician III

1. Call to Order and Introduction of Committee Members (00:01) – Mr. Maxey called the meeting to order at 9:03 a.m.
2. Roundtable with Enforcement Managers (00:23)
 - a. Statistics Review
 - **Ms. Lee** provided stats and updates for Intake and Enhanced Screening (00:41).
 - **Mr. Maxey** asked why there is an increase in complaints compared to 2021.
 - **Ms. Wood** stated that it's potentially due to increase in complaints being reported to the Board and nuisance complaints.
 - **Mr. Maxey** asked what can be done about repetitive complaints.
 - **Ms. Wood** stated that we investigate the case, establish a pattern, and work with Mr. Swenson to write a letter to notify the complainants that we will not investigate nuisance complaints.
 - **Mr. Maxey** asked if we send any information for rules of engagement for complaints.

- **Ms. Wood** stated that we have information on the website for reference but not for mailing. Ms. Wood went over the information on the website and what we do for anonymous complaints or complaints with insufficient information.
 - **Ms. Williams** provided stats and updates for Licensing Application, Complaint & Review (07:55)
 - **Ms. Higashi** provided stats and updates for the Special Investigation Unit (09:14). Ms. Higashi also shared that there was an increase in pending cases due to taking cases from DOI.
 - **Mr. Maxey** asked for more information on taking cases from DOI.
 - **Ms. Higashi** stated that DOI will transfer cases that are deemed appropriate for Board's Special Investigators to handle, and the Special Investigators have been able to complete the cases more efficiently.
 - **Ms. Wood** pointed out that there is a cost savings of \$5,000 to \$10,000 for our investigators to complete the cases.
 - **Ms. Wood** provided stats for Division of Investigation (11:33). Ms. Wood added that there is a big drop in case aging because of the special investigator's assistance, in addition to the cost savings..
 - **Mr. Prouty** provided stats and updates for Discipline Unit (12:14)
 - **Mr. Maxey** asked if we log geographic area for cases.
 - **Mr. Prouty** stated that the cases are logged and its location(s) are noted in the log based on the home address of the licensee.
 - **Ms. Wood** added that we sent out two messages about intoxicated driving during the holiday season for the purpose of lowering complaints (15:15)
 - **Mr. Gardner** provided stats and updates for Probation Unit (16:04)
 - **Ms. Wood** provided stats and updates for Enforcement Division (06:35)
 - **Ms. Wood** provided information on division staffing (07:13)
3. Disciplinary Guidelines (update) (18:00)
Mr. Ito provided status update. Disciplinary Guidelines are governed by Section 2524 for VN's and 2579.10 for PT's. Disciplinary Guidelines have not been revised since 6/20/2011 therefore we are working on updating them to be current and to reflect consistency with our mission of protecting the public. Mr. Ito put together a 6-phase plan and is working with Mr. Gardner and Ms. Pires to accomplish the plan. Their 1st meeting was last week. The anticipated date to present the revised guidelines to the committee is by the next committee meeting in April. At that time, staff will request that the committee vote on moving the revisions forward to the full board.
4. Legislative/Regulation Concepts (20:11)
- a. License Retirement
 - b. Reporting Requirements
Ms. Wood requested authority from the enforcement committee to begin looking at retiring licenses. Currently licensees do not have the option to update their license status as retired upon retirement. Therefore, the retired licensees wait for the license to become delinquent and cancelled. This will also allow licensees with cognitive impairment to retire their

licenses. In addition, retirement status will likely deter license frauds from creating fraudulent licenses.

Ms. Wood also requested for approval to move forward on updating the reporting requirements. We would like to review current reporting requirements and make changes. Nurses and facilities should be reporting abuse in a timely manner; however, currently reporting abuse is happening after someone is served with an accusation. We would like to be notified sooner.

Mr. Maxey agreed that this is important and asked Mr. Swenson how to move this out of committee without his colleague being present.

Mr. Swenson advised Mr. Maxey to direct staff to begin working on it verbally. Motion is not required. And then it can be reported on at the February Board meeting.

Mr. Maxey gave a verbal directive to staff and asked Mr. Swenson if the findings would go to the committee or the Board.

Mr. Swenson stated that it will probably need to be taken up with other policy committees such as licensing. But it is proper to report out this discussion at the next Board meeting as part of the enforcement committee report.

Mr. Maxey verbally directed Ms. Wood to move forward.

5. Outreach (23:46)

a. Mental Health Public Service Announcement (PSA)

i. Next PSA

1. Substance Abuse in Nursing
2. Licensees and the Enforcement Process
3. Probation- Licensees role and responsibilities

Ms. Wood reported that the Mental Health PSA was well-received. It was sent to all licensees, schools, nursing organizations, and it was shared to the Board's social media pages. Also, it will be routinely sent to stakeholders at least twice a year.

Ms. Wood also requested for approval for staff to begin working on our next PSA. We would like to look at three topics: substance abuse in nursing; licensees in the enforcement process; and licensee's role and responsibilities in probation.

Mr. Maxey thinks we can identify licensees that have successfully completed probation and are doing great now and utilize those that have been connected to challenges.

Ms. Wood asked for confirmation of approval to work on all three topics proposed topics.

Mr. Maxey confirmed his approval.

b. Probation job search (26:18)

Ms. Wood shared the CalJob website to demonstrate how probationers can look for jobs on this website. A link to the CalJob website has been added to the BVNPT's website for probationers.

- c. Reminder to licensees about intoxicated driving (28:14)

Ms. Wood commented that this topic was already discussed.

**Note: Please refer to (15:15)

6. Suggestions for Future Agenda Items (28:21)

Mr. Maxey asked if there is a mentorship program.

Ms. Yamaguchi stated that we do not have a mentorship program. It is a terrific idea, but it would be difficult to organize it. The committee can pursue this idea as an option and maybe pursue partnerships to create the program e.g., unions or some of the bigger employers.

Mr. Maxey stated that the field will grow so it will be a great opportunity for us to partner with 3rd parties and/or organizations. Mr. Maxey asked to see if there is some way to identify ways to move forward on something like this.

Ms. Yamaguchi stated that some schools may have similar programs. She continued, that maybe this is beyond enforcement, licensing, and education; however, she will work on ideas for stakeholder meetings.

Mr. Maxey acknowledges that it is beyond enforcement, but this was in his heart and his mind to bring to the attention of the committee and staff and thanked Ms. Yamaguchi for her consideration.

7. Schedule next Enforcement Committee Meeting (32:06) – Next meeting scheduled for 4/4/2023 at 9:00 a.m. (PST) via WebEx.
8. Adjournment (34:00) – Mr. Maxey adjourned the meeting at 9:38 a.m.

The mission of the California Board of Vocational Nursing and Psychiatric Technicians (Board) is to protect the public. Public protection is paramount to the Board and its highest priority in exercising its licensing, regulatory, and disciplinary functions. Towards this end, the Board ensures that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice, and by educating consumers of their rights.