

**TITLE 16: BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
FINAL STATEMENT OF REASONS**

Hearing Date: No hearing scheduled or requested.

Subject Matter of Proposed Regulations: AB 1536: New School Program Approval Process.

Sections Affected:

Amend Sections 2525, 2526, in Article 5 and Adopt Section 2537.2 in Article 6 of Chapter 1 of Division 25 of Title 16 of the California Code of Regulations and Amend Sections 2580, 2581, in Article 5 and Adopt Section 2590.2 in Article 6 of Chapter 2 of Division 25 of Title 16 of the California Code of Regulations (CCR).

Forms Incorporated by Reference in this proposal:

Vocational Nursing Programs

Form #	For Name
55M-1	Letter of Intent to Submit Application for Initial Approval of New School or Program – Vocational Nursing (New 02/2024)
55M-2	Application for Approval of New School or Program of Vocational Nursing (New 02/2024)
55M-2E	55M-3A Clinical Facility Verification Form – VN (New 02/2024)
55M-3A	Summary of Instructional Plan Program Hours Vocational Nursing Program (New 02/2024)
55M-15	Continuing Approval Application for a Vocational Nursing School or Program (New 02/2024)

Psychiatric Technician Programs

Form #	For Name
56M-1	Letter of Intent to Submit Application for Initial Approval of New School or Program – Vocational Nursing (New 02/2024)
56M-2	Application for Approval of New School or Program of Vocational Nursing (New 02/2024)
56M-2E	55M-3A Clinical Facility Verification Form – VN (New 02/2024)
56M-3A	Summary of Instructional Plan Program Hours Vocational Nursing Program (New 02/2024)
56M-15	Continuing Approval Application for a Vocational Nursing School or Program (New 02/2024)

Vocational Nursing and Psychiatric Technician Programs

Form #	For Name
55M-2W	Application for Approval of New School or Program of Vocational Nursing (New 02/2024)
55M-10	Verification of Faculty Teaching Qualifications

Updated Information:

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the position of the Board regarding the amendment and adoption of the above sections. The Initial Statement of Reasons is updated as follows:

Regulatory Updates

The Program Approval Process – Certificate of Compliance emergency regulations package was approved by the Office of Administrative Law on June 27, 2022. The emergency regulations make specific the requirements set forth by AB 1536 through June 28, 2023. On March 10, 2023, this regulation proposal, which included proposed text and forms incorporated by reference, was published in the California Regulatory Notice Register to make the requirements set forth in the emergency regulations permanent through the certificate of compliance process. The Board received no public comments during the public comment period, which ended on April 25, 2023. No hearing was scheduled, and no hearing was requested by the public.

However, Board staff later identified and requested some recommended modifications to the text and forms as described in the summary of changes below and in the Agenda Meeting Materials for the May 18, 2023 Board meeting (Agenda Item 3.D.I.) included in this rulemaking file. The Board approved modified text and forms, notice of an additional 15-day public comment period, authorization for the Executive Officer to make non-substantive changes to the text and package, and adoption of the modified text if no adverse comments were received at its meeting on May 18, 2023. The public comment period began on May 25, 2023 and ended on June 9, 2023. No public comments were received during that 15-day period.

While the 15-day public comment period was proceeding, the Board re-adopted its emergency regulations on the approval process for vocational nursing programs and psychiatric technician programs (16 CCR §§ 2525, 2526, 2580, and 2581) and the fees

associated with the approval process for these programs (16 CCR §§ 2537.2 and 2590.2.).

OAL approved the re-adoption effective June 22, 2023 with an expiration date of June 24, 2024 (**OAL Matter Number: 2023-0612-03**). As a result, the Certificate of Compliance for the readopted emergency regulations is due no later than June 22, 2024.

Legislative Updates

Effective January 1, 2024, Senate Bill (SB) No. 816 (Stats. 2023, Ch. 723) makes minor technical clean-up changes to subdivision (d) of Business and Professions Code sections 2881.2 and 4531.1, as follows:

(d) The board may reduce the continuing approval fees, by no more than one-half of the established fee, for a program that experiences a reduction in ~~state funding~~ *enrollment capacity* that directly leads to a reduction in ~~enrollment capacity~~ *state funding*. The board shall require a program to provide documentation for the purposes of issuing the fee ~~delay~~ *reduction*.

As a result, the Executive Officer, under her authority to make non-substantive changes to this proposal, has changed the text in the Order of Adoption in California Code of Regulations, title 16, sections 2526(k), 2537.2(f), and 2581(k), and Section 36 of Forms 55M-15 and 56M-15 to reflect this change to ensure consistency with the law as it goes into effect on January 1, 2024.

The Board considers this change to be non-substantive in accordance with California Code of Regulations, title 1, section 100 as it would only align the terminology to coincide with the original intent of the law (decline in enrollment causes reduction in state funding and not vice versa), and consistent with how the terminology is referenced in these statutes effective January 1, 2024. The change would not alter the originally proposed regulations' requirements, rights or responsibilities of applicants to show proof (class rosters) of a cumulative decline in enrollment of more than 10% to receive a reduced fee.

Summary and Rationale for Modified Text and Form Changes:

Section 2526. Procedure for Approval

1. Purpose and Rationale: Board staff have been receiving informal complaints from applicants for approval of Vocational Nursing schools that the requirements for the Letter of Intent are confusing as the current emergency regulation requirement are located in two

separate locations (the text and Form 55M-1), requiring applicants to go to two places to complete the Letter of Intent submission process. As a result, the Board proposed to move the narrative statements and documentation requirements to one location on the Form 55M-1 itself to help avoid confusion.

The proposal would remove language in subsection (a) referencing required documentation specified in the proposed text and add language identifying the required documentation as specified on Form 55M-1, as follows:

(a) To begin the approval process, the institution shall apply-submit a completed Letter of Intent meeting the requirements of this section to the Board for approval. A completed Letter of Intent shall include a completed “Letter of Intent to Submit Application for Initial Approval of New School or Program – Vocational Nursing,” Form 55M-1 (New 02/2024), which is hereby incorporated by reference, and Wwritten narrative statements and documentation shall be prepared by the director as required by Form 55M-1, and that shall include:

2. Section 2526(a)

a. Purpose: The final phrase “and that shall include” has been stricken and replaced with “as required by Form 55M-1.

Rationale: As noted above, the Board desires to relay the information via forms and in one convenient location to simplify the process for proposed programs.

Therefore, the struck text is considered unnecessary; applicants will be directed to the form for additional requirements. By switching to a form, the Board gives greater notice and detail to the specific materials and the organization required for each application to be considered complete for processing by the Board.

b. Proposed sections 2526(a)(1) through (a)(8) have been stricken and Form 55M-3 repealed and the contents moved to Form 55M-1.

Purpose: The Board has moved the text currently in these locations to Form 55M-1 to address these issues directly in one location on the form. In addition, “Intent for Clinical Facility Placement,” Form 55M-3 (New 02/2024), would be removed from the proposed text and eliminated as a stand-alone form. The contents of that form would be moved onto the Letter of Intent form to consolidate all Letter of Intent requirements into the one form (Form 55M-1).

Rationale: The Board has placed the materials within the forms to facilitate filing for proposed programs. The Board removed cross-referencing between the forms and the regulations themselves to avoid applicant confusion and reduce application processing delays.

3. Section 2526(b)

Purpose: This subsection has been removed.

Rationale: This subsection specifically identified the format requirements for how the narrative documentation would need to be submitted to the Board. For the reasons set forth in No. 1 and 2 above, those requirements would be included on Form 55M-1. This information is specifically identified on Form 55M-1 so including it in the proposed text is duplicative and unnecessary. The relevant structure requested can be found on page 2 of 4 within Form No. 55M-1. The experience of the Board has been that applicants follow directions found within forms more carefully. The text was removed to keep the text on the form consistent with the expected regulatory effect while also removing any need for an applicant to cross-reference the original regulatory text.

4. Sections 2525~~(e)(b)~~, ~~(d)(c)~~, ~~(e)(d)~~, ~~(f)(e)~~, ~~(g)(f)~~, ~~(h)(g)~~, ~~(i)(h)~~, ~~(j)(i)~~, ~~(k)(j)~~, and ~~(l)(k)~~

Purpose: These subsection annotations have been re-lettered to reflect the removal of Section 2526~~(b)~~.

Rationale: These changes have been made to keep consistency and to maintain a cohesive organizational structure.

Sections 2581. Procedure for Approval

1. Purpose: The proposal would remove language in subsection (a) referencing required documentation specified in the proposed text and add language identifying the required documentation is specified on Form 56M-1, as follows:

(a) To begin the approval process, the institution shall apply submit a completed Letter of Intent meeting the requirements of this section to the Board for approval. A completed Letter of Intent shall include a completed "Letter of Intent to Submit Application for Initial Approval of New School or Program – Psychiatric Technician," Form 56M-1 (New 02/2024), which is hereby incorporated by reference, and Wwritten narrative statements and documentation shall be prepared by the director as required by Form 56M-1, and that shall include:

Rationale: Similar to issues for the Vocational Nursing School applications described above for Section 2526, Board staff have been receiving informal complaints from applicants that the requirements for the Letter of Intent for Psychiatric Technician schools are confusing as the current emergency regulation requirements have been placed in two separate locations (the text and Form 56M-1), requiring applicants to go to two places to complete the Letter of Intent submission process.

As a result, the Board would move the narrative statements and documentation requirements to one location on the Form 56M-1 itself to help avoid confusion.

2. Section 2581(a)

a. Purpose: The final phrase “and that shall include” has been stricken and replaced with “as required by Form 56M-1.

Rationale: The Board desires to relay the information via forms to simplify the process for proposed programs.

The struck text would otherwise be redundant considering the concurrent form approvals. By switching to a form, the Board gives greater notice and guidance as to the requirements for an application to be considered complete for processing.

b. Purpose: Proposed sections 2581(a)(1) through (a)(8) have been stricken and Form 55M-3 repealed and the contents moved to Form 56M-1.

Purpose: These sections specifically identified the required documentation to be submitted with a Letter of Intent (LOI). The required documentation has been removed from the proposed text and added to Form 56M-1 to make it easier for applicants to locate and understand what the requirements for a complete submission are. In addition, “Intent for Clinical Facility Placement,” Form 55M-3 (New 02/2024), would be removed from the proposed text and eliminated as a stand-alone form. The contents of that form would be moved onto the Letter of Intent form to consolidate all Letter of Intent requirements into the one form (Form 56M-1).

Rationale: The Board has placed the requirements within the forms to facilitate filing for proposed programs. The Board removed cross-referencing between the forms and the regulations themselves to avoid applicant confusion, ensure more complete applications meeting the minimum standards for processing, and reduce application processing delays.

3. Section 2581~~(b)~~

Purpose This subsection has been removed.

Rationale: This subsection specifically identified the required documentation to be included on Form 56M-1 and the format requirements for how the narrative documentation would need to be submitted to the Board. For the reasons set forth in No. 1 above, those requirements would be deleted and specifically identified on Form 56M-1 so including it in the proposed language is duplicative and unnecessary.

The relevant information can now be found on page 2 of 4 within Form 56M-1.

The experience of the Board has found that applicants follow directions found within forms more carefully. The text was removed to keep the text on the form consistent with the expected regulatory effect while also removing any need for an applicant to cross-reference the original regulatory text.

4. Sections 2581~~(e)(b)~~, ~~(d)(c)~~, ~~(e)(d)~~, ~~(f)(e)~~, ~~(g)(f)~~, ~~(h)(g)~~, ~~(i)(h)~~, ~~(j)(i)~~, ~~(k)(j)~~, and ~~(l)(k)~~

Purpose: These subsection annotations have been re-lettered to reflect the removal of Section 2581~~(b)~~.

Rationale: These changes have been made to keep consistency. These subsections have been renamed to maintain a cohesive organizational structure.

Form 55M-1 Letter of Intent to Submit Application for Initial Approval of New School or Program – Vocational Nursing

1. On page 1 of Form 55M-1, the e-mail address, BVNPT.Education@dca.ca.gov on the Board's letterhead has been removed.

Purpose: This has been removed, as it is not part of the Board's general letterhead.

Rationale: The Board's general letterhead should not contain a program-specific e-mail contact.

2. Purpose: On page 1 of Form 55M-1, the following has been added in bold: "This completed form along with all written statements and documentation required by **this form in accordance with** section 2526 of Title 16 of the California Code of Regulations (CCR) must be submitted to the Board of Vocational Nursing and Psychiatric Technicians (Board) to begin the approval process for a new school or program of vocational nursing."

Rationale: This directive is meant to instruct the proposed program that the required items which must accompany the Letter of Intent (LOI) are explicitly listed on the form. This removes an ambiguity which may lead entities to refer to the citation unnecessarily.

3. Purpose: On page 1 of Form 55M-1, the following has been changed: "Programs should email the Board immediately at BVNPT.Education@dca.ca.gov BVNPT.Proposed.Programs@dca.ca.gov if there are any changes in contact information. Failure to provide updated contact information may delay processing if the Board cannot reach the school or program."

Rationale: A separate e-mail address has been configured for proposed programs; it has been incorporated at the bottom of the page for ease of applicants to inform the Board of any change in contact information. A dedicated e-mail contact to inform the Board of any changes to contact information streamlines and prioritizes this important change of applicant contact information.

4. Purpose: On page 1 of Form 55M-1, the statement "Please proceed to the next page for instruction on how to complete this form," has been added.

Rationale: This assists candidates with understanding how to proceed through the form. This facilitates potential proposed programs navigating these forms, in respect for the directive of the Legislature to create an easier approval process.

5. Purpose: The following instruction has been moved from its current location in Section 2526(b) and added to the top of page 2 of Form 55M-1:

“Written narrative statements and documentation must be attached to this form and submitted to the Board to begin the approval process. The institution shall provide separate responses, including the provision of any applicable documents, to each item requested below. The institution shall provide separate responses, including the provision of any applicable documents, to each item requested below. The institution shall clearly identify their responses by placing the name of the institution at the top of each page that is provided and then using a simple naming convention that, at a minimum links each response to the number and the subject matter of the request listed below, and provides the date of the response or document (e.g. 1. Philosophy of the program. 2/2/2022.)”

Rationale: ; The required components for the narrative written statements and documentation were removed from Section 2526 of the proposed text at subsection (b) and added to this form as pages 2 and 3, including additional directions for how to complete other components now located on this form. The 55M-3 had previously been incorporated by reference, but the substance of the form was moved to this document with further direction to assist potential proposed programs.

6. Purpose: To add this new statement to the form: “To begin the approval process, the institution shall submit a completed Letter of Intent meeting the requirements of section 2526 of Title 16 of the California Code of Regulations. A completed Letter of Intent shall include a completed “Letter of Intent to Submit Application for Initial Approval of New School or Program - Vocational Nursing,” Form 55M-1 (New 02/2024), and written narrative statements and documentation prepared by the director that include:”

This directive is meant to instruct the proposed program on the required items which must accompany the Letter of Intent (LOI).

Rationale: The Board finds that simply reiterating the location of the requirements of section 2526 of Title 16 of the California Code of Regulations (CCR) in the text and not on the form is not adequately instructive, as the Board has received numerous Letters of Intent which do not have the required information attached. This explicit instruction on the form will assist the proposed program in submission of a fully completed LOI.

7. The following narrative requirements were moved from Section 2526 (a) and moved to the form at new pages 2 and 3 of Form 55M-1:

“Section 1: Philosophy of Program:

Attach a document that outlines the program’s values, ethics, and beliefs (“philosophy”). Examples of concepts generally found in a program's philosophy include humanity, society, health, wellness, illness, education, teaching and learning.

Section 2: Conceptual Framework:

Attach a document that guides the overall structure of the curriculum and reflects the philosophy of the program (as described in section 1).

Section 3: Terminal Objectives:

Attach a document that lists terminal objectives to indicate expected student outcomes upon successful completion of the program, including measurable statements regarding the student's successful completion of progressive components of the program, i.e., courses, terms, semester. Concepts generally found within terminal objectives include successful completion of program hours and/or objectives, passing of the examination as set forth in section 2510, and being able to perform as a competent entry level vocational nurse.

Section 4: Feasibility Narrative:

Attach a description of the type of school or program being proposed, the total cost to the student to complete the program (including tuition, all fees, uniforms, materials, etc.) the intended start date, and the projected size of the first class.

Section 5: Title and General Description of Each Course:

Attach the name(s) of each course and a corresponding general course description. The course description shall describe the subject matter of the course and the educational objectives of each course.

Section 6: Clinical Facility Placement List:

Attach a list of the clinical facilities that are intended to be utilized for learning experiences. The institution shall submit a completed “Intent for Clinical Facility Placement,” Form 55M-3 (New 02/2024), which is hereby incorporated by reference, for each health care facility that agrees to provide clinical placement for students within the proposed school or program.

Section 7: Student Services List:

Attach a list of resources for provision of counseling and tutoring services for students and corresponding contact information (e.g., primary contact name, telephone number, mailing and/or email address).

Section 8: Geographic Narrative:

Attach a description of the geographic area and community to be served by the proposed school or program (e.g., demographics, numbers of health facilities in the area in need of nursing, or potential future growth of the community).

The institution shall provide separate responses, including the provision of any applicable documents, to each item requested. The institution shall clearly identify their responses by placing the name of the institution at the top of each page that is provided and then using a simple naming convention that, at a minimum, links each response to the number and subject matter of the request, and provides the date of the response or document (e.g., “1. Philosophy of the program. 2/2/2022”).”

Rationale: The specific components which must accompany the Letter of Intent were moved from subsection (a) to place all requirements in one convenient location for applicants.

Rationale: The Board finds that the simple citation of section 2526 of Title 16 of the California Code of Regulations (CCR) at the top of page 1 of the Letter of Intent is not adequately instructive, as the Board has received numerous Letters of Intent which do not have the required information attached. The Board recognizes that is unrealistic and impractical for applicants to independently research the CCR to identify the required LOI components. This explicit instruction comprising new pages 2 and 3 of Form 55M-1, is derived from original text at 16 CCR 2526 (a) and (b) that will assist the proposed program in submission of a fully completed Letter of Intent.

Purpose: Page 4 of 4, “Intent for Clinical Facility Placement” was added to the end of Form 55M-1.

Rationale: The Form 55M-3 “INTENT FOR CLINICAL FACILITY PLACEMENT” was originally incorporated by reference within the required components of the proposed text in Section 2526(a). However, the Board now incorporates all requirements for the Letter of Intent onto one form and so Form 55M-3 is no longer incorporated by reference and is proposed to be added as page 4 of Form 55M-1 to facilitate completion of all requirements and to provide greater notice to applicants of all LOI requirements in one convenient location.

Form 55M-2 Application for Approval of New School or Program of Vocational Nursing (“Program”)

1. Citations under the title:

Purpose: Section ~~2525~~ has been removed (referring to “Definitions” in the Article).

Rationale: The form does not refer to any definition found within Section 2525. The Board would remove the citation to prevent misdirection of affected stakeholders.

2. Section 1: Required Documentation:

Purpose: “Provide with this application” has been replaced with the word “Attach.”

Rationale: This directive has been amended to provide clarity to the applicant. The word “provide” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

3. Section 4: Form of Business Organization:

Purpose: Both instances of “provide” have been replaced with the word “attach” within this section.

Rationale: This directive has been amended to provide greater comprehension and notice to the applicant. The word “provide” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

4. Section 6: Organization and Management, Section 21: Screening and selection criteria, Section 23: Number of students, Section 24: Evaluation methodology for student progress, Section 25: Attendance policy, Section 26: Grievance policy: Section 27: Required Notices, Section 28: Credit Granting, Section 29: Remediation, Section 30: Program Resources, and Section 31: Eligibility for Expedited Review of Application (for Individual Owners/Sole Proprietorships Only),

Purpose: Each instance of “provide” have been replaced with the word “attach.”

Rationale: This directive has been amended to provide clarity to the applicant. The word “provide” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

5. Section 100 Changes to Sections 7 through 10:

Purpose: These Sections offer a third checkmark alternative to “yes” and “no.” The form was originally noticed to modify the existing emergency text to require the applicant to manually write or type “No changes to Letter of Intent” in a non-specific area. The text was reverted to the emergency text format that allowed a designated check area to be marked as “No changes to Letter of Intent.”

Rationale: This text has been retained to provide clarity and ease to the applicant and applies universally to Sections 7 through 10, 12 and 22. Asking an applicant to handwrite or type a declaration in a non-designated area of an application can be improved upon. A designated

checkbox is provided for the declaration of “No changes to Letter of Intent.” This change will reduce the margin of non-response for those who fail to declare “No changes to Letter of Intent” by writing or typing it in manually.

6. Section 14: Attach course outlines for each course:

Purpose: Within the section header, the “s” in the word “outline” has been struck. The proposed change is grammatical correction, indicating to the applicant that a single outline should be attached for each course.

This grammatical correction provides clarity and communicates that one outline per course shall be attached to the application.

Rationale: This change will eliminate the implication that a single course may have more than one outline to be submitted with the application.

7. Section 16: Daily lesson plans:

Purpose: This instruction has been altered to clarify that only “the first two weeks” of daily lesson plans of each course shall be submitted. Without this clarification, the Board may receive all lesson plans, for all instances of instruction.

This correction clarifies that only the first two weeks of lesson plans must be submitted and attached to the application.

Rationale: In the Board’s experience, two weeks of lesson plans are adequate to demonstrate that the classes will have a specific learning objective, appropriate learning activities, proper sequencing, and adequate assessment of student learning. It would be unrealistic for both the applicant to provide, and the Board to review, hundreds of hours of lesson plans to simply identify that the learning objectives will be adequately met.

8. Section 20: Admission criteria:

Purpose: The phrase “provide an explanation of...” has been replaced with “attach a document listing the...”

Rationale: The phrase “provide an explanation” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the phrase “attach a document listing” more specifically directs the applicant on how the document shall be provided.

Form 55M-2E Summary of Instructional Plan Program Hours Vocational Nursing Program

1. Purpose: “Communication with pts w/psych disorders” has been changed to “Communication including pts w/ psych disorders.” The text would be modified as follows:

Communication including with pts w/psych disorders

This amendment provides clarity in accordance with 16 CCR § 2533.

Rationale: 16 CCR § 2533(d)(7) differentiates between written and verbal communication and communication with patients who have psychological disorders, “Communication, both verbal and written, **including** communication with patients who have psychological disorders.” (Emphasis added.) The Board wishes to ensure that the application requirements are consistent with the minimum standards set forth in CCR section 2533(d)(7). This change ensures that the component of communication with patients who have psychological disorders is accurately represented to ensure its inclusion in the Instructional Plan Program Hours.

2. Purpose: The word “hours” has been added to the “Simulation” category; the abbreviation of “Hrs” in the Clinical Experience category has been expanded to the full word.

Skills Lab Hours
Simulation <u>Hours</u> (if approved)
Clinical Experience <u>Hours</u>
Total Clinical Hours

Rationale: The Board wishes to ensure that the components of clinical experiences are uniformly expressed in hourly increments. These amendments provide consistency in the increments of time expressed for each category to ensure minimum standards are met.

3. Purpose: “Should match cell H33” has been deleted, as shown below.

Breakout of Clinical Hours by Topic Areas:	
Topic	Hours
Fundamentals	
Medical-Surgical	
Pediatrics	
Maternity	
Leadership/Supervision	
Total Clinical Hours (should match cell H33)	0

Rationale: References to formula-formatted cells is inappropriate for any published format other than Excel. Removing this statement is necessary as referring to a cell that is not identifiable in the form's current format (Adobe) would cause confusion for applicants and is not needed to process these applications.

4. Purpose: "If some hours are integrated (not directly counted) please show these hours within parentheses or brackets" has been deleted.

~~If some hours are integrated (not directly counted) please show these hours within parentheses or brackets.~~

Rationale: The Board requires that all hours are directly counted into their respective categories and does not intend to accept an integrated count of hours. In the Board's experience, requiring an exact count of hours in the required categories lends an efficiency in evaluating the program's curriculum.

Repeal Form 55M-3 Intent for Clinical Facility Placement

Purpose: This document has been repealed and the contents transferred to Form 55M-1.

Rationale: Form 55M-1 had previously included this document by reference. The content of 55M-3 was shifted there, and the form 55M-3 itself was discarded. This transition allows for easier navigation for applicants. In addition, the Board's counsel has determined that the previous method of reference failed to qualify legally.

Form 55M-3A Clinical Facility Verification Form - VN

1. Purpose: The following changes have been made to the instructional paragraph at the top of the page.

a) “Below proposed” has been replaced with “listed below.”

Rationale: The Board is obligated to issue clear and concise instruction on its forms. “Below proposed” is an outdated and poorly constructed sentence. This non-substantive change is therefore made for grammatical reasons.

b) “For the proposed program” has been deleted.

Rationale: The Board is obligated to issue clear and concise instruction on its forms. “For the proposed program” is understood; the bottom of the form already contains the following advisory, “This completed form must be submitted to the Board of Vocational Nursing and Psychiatric Technicians (Board) as part of the application process for a new school or program of vocational nursing or for preparation of psychiatric technicians” making the “for the proposed program” redundant.

2. Purpose: The title of column 5 has been altered from “Psych” to “Psychology” and “Mental Health” removed.

Rationale: Psychology was written in full to conform with the term used in regulations. Mental health is redundant and consequently becomes less clear than “psychology.” Further, the terminology was changed to reduce the number of inquiries the NECs must address. Neither “Psych Mental Health” nor any grammatic iteration thereof are terms used within the Board’s regulations. This change was made to conform to current regulatory language.

3. Purpose: The text beside the check box has been changed from “This facility intends to offer clinical placement(s) to this program” to “This facility agrees to provide clinical placement(s) to this new program.”

Rationale: This changed terminology was made to the sentence to provide notice and avoid confusion from applicants that this form will be used for initial and continuing approval applications. Use of the terms “intends to offer” would only apply to initial approval applications and would create confusion and cause unnecessary delays in application processing for continuing approval applications.

Form 55M-15 Continuing Approval Application for a Vocational Nursing School or Program

1. Section 2: Contact Person for this Application

A spelling error was corrected in the word “address.”

Purpose: This change was made to correct an error.

Rationale: Address was originally spelled as “address.” This change will remedy that error.

2. Section 6: Organization and Management and Section 7: Geographic Narrative

Purpose: The word “provide” was changed to the word “attach”

Rationale: The word “provide” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

Section 10: Clinical Facility Placement

a) Purpose: The sentence “Attach a completed Clinical Facility Verification Form 55M-3A (New 02/2024), for each health care facility to use.” has been altered to “Attach a list of the program’s clinical facilities. Complete a Clinical Facility Verification Form 55M-3A (New 02/2024), for each new health care facility prior to use.”

The original directive requires that the applicant submit every clinical facility in the same manner as initially submitted to the Board. This change allows applicants to merely submit new potential clinical facilities.

Rationale: Requiring that an applicant submit applications of every clinical facility used by their organization is both cumbersome and duplicative. The Board keeps a complete history of all active clinical facilities. Furthermore, the Board only has two interests within this section, which are better expressed by the new verbiage.

First, the Board wishes to maintain a list of active clinical facilities. By making this current list required for continual approval, the regulation requires that the school or program audit its own requirements and assures the Board that the entity has complied with the mandate to keep their overseeing Nursing Education Consultant informed whenever a clinical facility is no longer used.

The second interest of the Board is to reinforce the rule that each facility must be approved before it can be used. By asserting that new clinical facilities must be attached here “prior to use,” the Board aims to close an implied loophole for submission of clinical facilities.

b) Purpose: The word “proposed” has been stricken from the term “proposed program.”

Rationale: The application is for continuing approval (renewal of approval). The existing term proposed creates ambiguity. By striking the existing term, the Board removes any ambiguity that the Board may refer to some third party or that a clinical facility may be referred to as a program.

3. Section 11: Terminal Objectives, Section 12: Attach course outlines for each course, Section 13: Instructional Plan, Section 15: Evaluation methodology for curriculum, Section 17: Evaluation methodology for clinical facilities, Section 18: Admission criteria, Section 19: Screening and selection criteria, Section 20: Student services list, 22: Evaluation methodology for student progress, Section 24: Attendance policy, Section 25: Grievance policy, Section 26: Required Notices, Section 27: Credit Granting, Section 28: Transfer credit, Section 29 Competency-based credit: Section 30: Program Resources, Section 32: Education equivalency, and Section 35 For Private Post Secondary Schools ONLY.

Purpose: “Submit” has been replaced with the word “attach” in Section 29.

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

4. Section 14: Daily lesson plans

a) Purpose: The term “diabetes,” was stricken.

Rationale: Diabetes is not listed within regulations as a specific mandate for programs. It was not the intent of the Board to create an additional regulatory requirement, thus Board removed the language. Furthermore, while diabetes is a unit within a vocational nurse’s health sciences, it is not a portion of a course large enough to give a sufficient sample of the daily lesson plan.

b) Purpose: The term “medical/surgical nursing,” was added.

Rationale: Section 2533 of the CCR demands that the program’s curriculum content shall include “medical/surgical nursing.” Medical/surgical nursing and the other subjects listed under Section 14 of this form are the largest fields of study within medical sciences; therefore, a two-week sample of their lesson plan will be adequate to assess the daily lesson plans.

5. Section 16: Verification of Faculty Qualifications

Purpose: The sentence “Submit this completed form for each faculty member as described in 16 CCR 2529: Verification of Faculty Qualification Form: Form 10 New 02/2024) for the program” has been changed to two full sentences. “Attach a list of the program’s faculty. Complete a Verification of Faculty Qualifications Form: (Form 10 New 02/2024) for new faculty prior to employment (16 CCR 2529).”

Rationale: The first sentence (a) is constructed to improve clarity. The second sentence is to restructure the sentence more clearly, to reduce redundancy, and narrow the burden on schools or programs while still accomplishing regulatory goals. The third sentence is to add citation to the referenced law at 16 CCR 2529.

a) The word “provide” is too general and may confuse the applicant. The Board intends the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

b) The Board proposes to repeal text within the second sentence “this completed form” as it creates ambiguity by inferring that form 56M-15 may be used to fulfill this purpose rather than the intended form, 55M-10.

The second sentence “Complete a Verification of Faculty Qualifications Form: (Form 10 New 02/2024) for new faculty prior to employment” as restructured removes the cumbersome and duplicative copies of materials submitted to the Board. The Board already keeps a complete history of all active faculty members.

Furthermore, the Board only has two interests within this section, which are better expressed by the new verbiage. The Board wishes to maintain a list of active faculty members. By making a current faculty list required for continual approval, the regulation requires that the school or program audit its own staffing requirements and assures the Board that the entity has complied with the mandate to keep their overseeing Nursing Education Consultant informed whenever a faculty member is no longer employed.

The second interest of the Board is to reinforce the rule that each faculty member must be approved before it can be used. By asserting that new faculty members must be attached here “prior to employment,” the Board aims to close an implied loophole for submission of clinical facilities.

c) The citation, 16 CCR 2529, has been made its own sentence. Previously, the regulation was cited as a reference to the materials found within the form itself. This change is now written to cite and give notice to applicants of the source of the regulatory power given to the Board to require reporting, which is contained in Section 2529.

6. Section 21: Number of students

Purpose: The word “submit” was twice changed into the word “attach.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

7. Section 23: Remediation

Purpose: The word “submit” has been changed to the word “attach” to provide clarity to the applicant. The two sentences “Submit the remediation policy. Submit a copy of completed remediation forms or documentation of remediation for each student,” have been combined and altered in terminology to “Attach the remediation policy and a copy of completed remediation forms or documentation of remediation for each student.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

When written as two sentences, Section 23 implies that the Board intends for the documents to be submitted as distinct attachments. This was unintended. The Board requires the documentation in this Section to be attached to the application to the Continuing Approval Application for a Psychiatric Technician School or Program in a singular attachment.

8. Section 31: Faculty meeting minutes:

a) Purpose: The word “submit” was changed to the word “attach.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

b) Purpose: The term “each” was struck within the sentence “Submit copies of each faculty attendance sheets, and...”

Rationale: The word is unnecessary to determine the intention of the directive. This change is made in compliance with the Department of Consumer Affairs’ plain speech standards.

c) Purpose: The faculty minutes were previously required for four years. This has been changed to 18 months.

Rationale: In the Board’s experience, 18 months of faculty minutes are adequate to demonstrate the breadth and scope of the meeting discussions. This change could reduce the retention needs of psychiatric technician schools and programs within California.

9. Section 33: Program hours

a) Purpose: The word “submit” has been changed to the phrase “Attach the following completed form.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the phrase “attach the following completed

form” more specifically directs the applicant both to attach the document to this application and that the document must be completed before submission.

b) Purpose: The form indicated within this section was referred to as “55M-2E” and is now referred to as “55M-2E (New 02/2024).”

This change has been made to properly identify the form.

Rationale: This change has been made to conform with the requirement that when incorporating a form by reference to properly title the form with the date of publication for clarity.

10. Purpose: Page 4 of 4, “Intent for Clinical Facility Placement” was added.

Purpose:

Rationale:

This document was originally labeled 56M-3 (New 02/2024). It was referred to within 56M-1, but has been moved to the tail end of 56M-1 directly incorporate all existing requirements in one convenient location as described above for the Form 55M-1 proposed changes.

Form 56M-1 Letter of Intent to Submit Application for Initial Approval Of New School Or Program – Psychiatric Technician

1. Purpose: On page 1 of Form 56M-1, the e-mail address, BVNPT.Education@dca.ca.gov on the Board’s letterhead has been removed.

Rationale: This has been removed, as it is not part of the Board’s general letterhead. The Board’s general letterhead should not contain a program-specific e-mail contact. A program specific email contact has been added to another part of the application as referenced below so this reference is removed as unnecessary and confusing.

2. Purpose: On page 1 of Form 56M-1, the following has been added: “This completed form along with all written statements and documentation required by this form in accordance with section 2581 of Title 16 of the California Code of Regulations (CCR) must be submitted to the Board of Vocational Nursing and Psychiatric Technicians (Board) to begin the approval process for a new psychiatric technician school or program.”

Rationale: This directive is meant to instruct the proposed program that the required items which must accompany the Letter of Intent (LOI) are explicitly listed on the form. This removes an ambiguity which may lead entities to refer to the citation unnecessarily and instead directs users to include the attachments required by this form to ensure more accurate and complete applications are received by the Board.

3. Purpose: On page 1 of Form 56M-1, the following has been changed: “Programs should email the Board immediately at BVNPT.Education@dca.ca.gov BVNPT.Proposed.Programs@dca.ca.gov if there are any changes in contact information. Failure to provide updated contact information may delay processing if the Board cannot reach the school or program.”

Rationale: : A separate e-mail address has been configured for proposed programs; it has been incorporated at the bottom of the page for ease of applicants to inform the Board of any change in contact information. A dedicated e-mail contact to inform the Board of any changes to contact information streamlines and prioritizes this important change of applicant contact information.

4. Purpose: On page 1 of Form 56M-1, the statement “Please proceed to the next page for instruction on how to complete this form,” has been added.

Rationale: : This assists applicants with understanding how to proceed through the form. This facilitates potential proposed programs navigating these forms, in respect for the directive of the Legislature to create an easier approval process

5. Purpose: On the footer of the Page 1, Page 1 of 1 has been changed to Page 1 of 4 and the pages following renumbered accordingly.

Rationale: : This reflects the change in size of the document. This change coordinates all pages of the document for easier tracking by an applicant.

6. Purpose: The following instruction has been added to the top of page 2 of Form 56M-1. “Written narrative statements and documentation must be attached to this form and submitted to the Board to begin the approval process. The institution shall provide separate responses, including the provision of any applicable documents, to each item requested below. The institution shall provide separate responses, including the provision of any applicable documents, to each item requested below. The institution shall clearly identify their responses by placing the name of the institution at the top of each page that is provided and then using a simple naming convention that, at a minimum links each response to the number and the subject matter of the request listed below, and provides the date of the response or document (e.g. 1. Philosophy of the program. 2/2/2022.)”

Rationale: The required components for the narrative written statements and documentation were removed from Section 2581(b) of the proposed text and added to this form as pages 2 and 3, including additional directions for how to complete other components now located on this form. The statements had been referenced in Section 2581, but have since been moved to this document with further direction to assist potential proposed programs with providing a more accurate and complete application and to avoid unnecessary delays in the review process.

7. Purpose: “To begin the approval process, the institution shall submit a completed Letter of Intent meeting the requirements of section 2581 of Title 16 of the California Code of Regulations. A completed Letter of Intent shall include a completed “Letter of Intent to Submit Application for Initial Approval Of New School Or Program – Psychiatric Technician, and written narrative statements and documentation prepared by the director that include:”

This directive is meant to instruct the proposed program on the required items which must accompany the Letter of Intent (LOI).

Rationale: The Board finds that simply reiterating the requirements of section 2581 of Title 16 of the California Code of Regulations (CCR) as currently provided on this form is not adequately instructive, as the Board has received numerous Letters of Intent which do not have the required information attached. This explicit instruction will assist the proposed program in submission of a fully completed LOI.

Form 56M-2 Application for Approval of a New Psychiatric Technician School or Program (“Program”)

1. Section 1: Required Documentation:

Purpose: “Provide with this application” has been replaced with the word “Attach.”

Rationale: The word “provide” is too general and may confuse the applicant. The Board intended to require the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

2. Section 4: Form of Business Organization, Section 6: Organization and Management, Section 23: Number of students, Section 24: Evaluation methodology for student progress, Sections 25: Attendance policy, Section 26: Grievance policy, Section 27: Required Notices, Section 28: Credit Granting, Section 29: Remediation, Section 30: Program Resources, and Section 31: Eligibility for Expedited Review of Application (for Individual Owners/Sole Proprietorships Only):

Purpose: “Provide” has been replaced with the phrase “attach.”

Rationale: The word “provide” is too general and may confuse the applicant. The Board requires the documentation in these Sections to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

3. Section 10: Conceptual Framework, Section 12: Terminal Objectives, and Section 22: Student Services List:

Purpose: The existing emergency regulations text for these Sections offered a third checkmark alternative to “yes” and “no.” The form was modified in the originally noticed text to direct the

applicant to manually write or type “No changes to Letter of Intent” in a non-specific area. The Board is reverting the text to a designated checkbox area that is provided for this declaration of “No changes to Letter of Intent.”

Rationale: Asking an applicant to handwrite or type a declaration in a non-designated area of an application can be improved upon. A designated checkbox is easier to understand and complete. Maintaining the existing text will reduce the margin of non-response for those who fail to declare “No changes to Letter of Intent” by writing or typing it in manually.

4. Section 16: Daily lesson plans:

Purpose: This correction clarifies that only the first two weeks of lesson plans must be submitted and attached to the application.

Rationale: This instruction has been altered to clarify that only “the first two weeks” of daily lesson plans of each course shall be submitted. Without this clarification, the Board may receive all lesson plans, for all instances of instruction. In the Board’s experience, two weeks of lesson plans are adequate to demonstrate that the classes will have a specific learning objective, appropriate learning activities, proper sequencing, and adequate assessment of student learning. It would be unrealistic for both the applicant to provide, and the Board to review, hundreds of hours of lesson plans to simply identify that the learning objectives will be adequately met.

5. Section 20: Admission criteria:

Purpose: The phrase “Provide an explanation of” has been replaced with “Attach a document listing the.”

Rationale: The phrase “provide an explanation” is too general and may confuse the applicant. The Board intended to require the documentation in this Section to be attached to the Application for Approval; therefore, the phrase “attach a document listing” more specifically directs the applicant on how the document shall be provided.

Form 56M-2E Summary of Instructional Plan Program Hours Psychiatric Technician Program

1. Purpose: The word “hours” has been added to the “Simulation” category; the abbreviation of “Hrs” in the Clinical Experience category has been expanded to the full word.

Skills Lab Hours
Simulation <u>Hours</u> (if approved)
Clinical Experience <u>Hours</u>
Total Clinical Hours

Rationale: The Board wishes to ensure that the components of clinical experiences are uniformly expressed in hourly increments. These amendments provide consistency in the increments of time expressed for each category to help ensure minimum standards are met.

2. Purpose: “If some hours are integrated (not directly counted) please show these hours within parentheses or brackets” has been deleted.

~~If some hours are integrated (not directly counted) please show these hours within parentheses or brackets.~~

Rationale: The Board requires that all hours are directly counted into their respective categories and does not intend to accept an integrated count of hours. In the Board’s experience, requiring an exact count of hours in the required categories lends an efficiency in evaluating the program’s curriculum.

Repeal of Form 55M-3 Intent for Clinical Facility Placement

Purpose: As explained above for the Vocational Nursing programs, this document has been repealed and the content moved to Form No. 56M-1.

Rationale: Form 56M-1 had previously only mentioned completion of Form No. 55M-3 as a requirement. This proposal would move the content of 55M-3 to provide all requirements in one convenient location for the user. This transition allows for easier navigation for applicants.

Form 56M-3A Clinical Facility Verification Form – PT

1. The following changes have been made to the instructional paragraph at the top of the page.

a) Purpose: “Below proposed” has been replaced with “listed below.”

Rationale: The Board is obligated to issue clear and concise instruction on its forms. “Below proposed” is an outdated and poorly constructed sentence. The revisions are therefore made for grammatical reasons.

b) Purpose: “For the proposed program” has been deleted.

Rationale: The Board is obligated to issue clear and concise instruction on its forms. “For the proposed program” is understood to only include initial applicant programs; the bottom of the form contains the following advisory, “This completed form must be submitted to the Board of Vocational Nursing and Psychiatric Technicians (Board) as part of the application process for a new school or program of vocational nursing or for preparation of psychiatric technicians” making the “for the proposed program” redundant.

11. Purpose: The text beside the check box has been changed from “This facility intends to offer clinical placement(s) to this program” to “This facility agrees to provide clinical placement(s) to this new program.”

Rationale: This changed terminology provides notice to affected users, similar to the changes noted above for Vocational Nursing programs, that this requirement and its associated form is to be met by both new applicants and those seeking to continue approval. By agreeing to provide clinical placement rather than intending to offer it clarifies that the placement is a condition of being approved and continuing approval.

Form 56M-15 Continuing Approval Application for a Psychiatric Technician School or Program

1. Section 2: Contact Person for this Application

Purpose A spelling error was corrected in the word “address.”

Rationale: This change was made to correct an error. Address was originally spelled as “address.” This change will remedy that error.

2. Section 6: Organization and Management and Section 7: Geographic Narrative

Purpose “Provide” has been replaced with the word “attach.”

Rationale: The word “provide” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

3. Section 10: Clinical Facility Placement

a) Purpose The sentence “Attach a completed Clinical Facility Verification Form 56M-3A (New 02/2024), for each health care facility to use.” has been altered to “Attach a list of the program’s clinical facilities. Complete a Clinical Facility Verification Form 56M-3A (New 02/2024), for each new health care facility prior to use.”

The original directive requires that the applicant submit every clinical facility in the same manner as initially submitted to the Board. This change allows applicants to merely submit new potential clinical facilities.

Rationale: Requiring that an applicant submit applications of every clinical facility used by their organization is both cumbersome and duplicative. The Board keeps a complete history of all active clinical facilities. Furthermore, the Board only has two interests within this section, which are better expressed by the new verbiage. The Board wishes to maintain a list of active clinical facilities. By making this current list required for continual approval, the regulation requires that the school or program audit its own requirements and assures the Board that the entity has complied with the mandate to keep their overseeing Nursing Education Consultant informed whenever a clinical facility is no longer used.

The second interest of the Board is to reinforce the rule that each facility must be approved before it can be used. By asserting that new clinical facilities must be attached here “prior to use,” the Board aims to close an implied loophole for submission of clinical facilities.

b) Purpose: The word “proposed” has been stricken from the term “proposed program.”

The application is for continuing approval. The existing term creates ambiguity.

Rationale: By striking the term “proposed,” the Board removes any confusing that may be created by implication that the Board may only be requiring this form to be completed for initial applicants.

4. Section 11: Terminal Objectives, Section 12: Attach course outlines for each course, Section 13: Instructional Plan, Section 15: Evaluation methodology for curriculum, Section 17: Evaluation methodology for clinical facilities, Section 18: Admission criteria, Section 19: Screening and selection criteria, Section 20: Student services list, 22: Evaluation methodology for student progress, Section 24: Attendance policy, Section 25: Grievance policy, Section 26: Required Notices, Section 27: Credit Granting, Section 28: Transfer credit, Section 29 Competency-based credit: Section 30: Program Resources, Section 32: Education equivalency, and Section 35 For Private Post Secondary Schools ONLY.

Purpose: “Submit” has been replaced with the word “attach” in Section 29.

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Application for Approval; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

5. Section 14: Daily lesson plans

a) Purpose The term “diabetes,” was stricken.

Rationale: Diabetes is not listed within existing regulations as a specific mandate for these types of programs. It was not the intent of the Board to create an additional regulatory requirement, thus the Board is proposing to remove the language. Furthermore, while diabetes is a unit within a psychiatric technician's health sciences, it is not a portion of a course large enough to give a sufficient sample of the daily lesson plan.

b) Purpose: The term "medical/surgical nursing," was added.

Rationale: Section 2587 of the CCR demands that the program's curriculum content shall include nursing science, which itself includes "medical/surgical nursing." Medical/surgical information and the other subjects listed under Section 14 of this form are the largest fields of study within medical sciences and therefore more appropriately listed here. In addition, this change will make it easier for programs to comply with the requirement for a two-week sample of their lesson plans, which, in the Board's opinion will be adequate to assess whether the daily lesson plans meet minimum standards.

6. Section 16: Verification of Faculty Qualifications

Purpose: The sentence "Submit this completed form for each faculty member as described in 16 CCR 2584: Verification of Faculty Qualification Form: Form 55M-10 New 02/2024) for the program" has been changed to two full sentences. "Attach a list of the program's faculty. Complete a Verification of Faculty Qualifications Form: (Form 55M-10 New 02/2024) for new faculty prior to employment (16 CCR 2584)."

Purpose: The first sentence is constructed to improve clarity. The second sentence is to restructure the sentence more clearly, to reduce redundancy, and the last noted changes is made to better cite the referenced law.

Rationale: The word "submit" is too general and may confuse the applicant. The Board intended to require the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word "attach" more specifically directs the applicant in how the document shall be provided.

The phrase "this completed form" creates ambiguity by inferring that form 56M-15 may be used to fulfill this purpose rather than the intended form, 55M-10. As a result, these revisions were needed to specify that Form 55M-10 is the form that must be included with this application for it to be considered complete.

A new sentence beginning "Complete a..." may then remove the cumbersome and duplicative copies of materials submitted to the Board that were created when the Board used this existing terminology, which appears to require this form to be completed for each new faculty member when the Board keeps a complete history of all active clinical facilities.

Furthermore, the Board only has two interests within this section, which are better expressed by the new verbiage. The Board wishes to maintain a list of active clinical facilities. By making this

current list required for continual approval, the regulation requires that the school or program audit its own requirements and assures the Board that the entity has complied with the mandate to keep their overseeing Nursing Education Consultant informed whenever a faculty member is no longer employed with the school or program.

The second interest of the Board is to reinforce the rule that each faculty member must be approved before employment. By asserting that new clinical facilities must be attached here “prior to employment,” the Board aims to close an implied a loophole for submission of faculty.

The citation, 16 CCR 2584, has been made its own sentence. Previously, the regulation was cited as a reference to the materials found within the form itself. This change is now written to cite the regulatory power given to the Board to require reporting as provided in Section 16.

7. Section 21: Number of students

Purpose: The word “submit” was twice changed into the word “attach.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board intended to require the documentation in this Section to be attached to the Continuing Approval Application; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

8. Section 23: Remediation

Purpose: The two sentences “Submit the remediation policy. Submit a copy of completed remediation forms or documentation of remediation for each student,” have been combined and altered in terminology to “Attach the remediation policy and a copy of completed remediation forms or documentation of remediation for each student.”

Rationale: The word “submit” has been changed to the word “attach” to provide clarity to the applicant. Furthermore, the sentences were conjoined to provide clarity to the applicant. The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

When written as two sentences, Section 23 implies that the Board intends for the documents to be submitted as distinct attachments. This was unintended. The Board requires the documentation in this Section to be attached to the application to the Continuing Approval Application for a Psychiatric Technician School or Program in a singular attachment.

9. Section 31: Faculty meeting minutes:

a) Purpose: The word “submit” was changed to the word “attach.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the word “attach” more specifically directs the applicant in how the document shall be provided.

b) Purpose: The term “each” was struck within the sentence “Submit copies of each faculty attendance sheets, and...”

Rationale: The word was removed as it was redundant. The word is unnecessary to determine the intention of the directive. This change is made in compliance with the Department of Consumer Affairs’ plain speech standards.

c) Purpose: The faculty minutes were previously required for four years. This has been changed to 18 months.

Rationale: In the Board’s experience, 18 months of faculty minutes are adequate to demonstrate the breadth and scope of the meeting discussions. This change shall reduce the retention needs of psychiatric technician schools and programs within California.

10. Section 33: Program hours

a) Purpose: The word “submit” has been changed to the phrase “Attach the following completed form.”

Rationale: The word “submit” is too general and may confuse the applicant. The Board requires the documentation in this Section to be attached to the Continuing Approval Application for a Psychiatric Technician School or Program; therefore, the phrase “attach the following completed form” more specifically directs the applicant both to attach the document to this application and that the document must be completed before submission.

b) Purpose: The form indicated within this section was referred to as “55M-2E” and is now referred to as “55M-2E (New 02/2024).”

Rationale: This change has been made to properly identify the form. This change has been made to conform with the requirement that when incorporating a form by reference to properly title the form with the date of publication for clarity.

Form 55M-2W Vocational Nursing or Psychiatric Technician Program Curriculum Content - Instructional Plan

1. Purpose: The abbreviation “Hrs” has been removed and replaced with “Hours.”

Unit Title:	
Theory Hours this week:	
Week:	
Curriculum Content/Hrs	Theory Objec

Rationale: The Board requires that all hours are directly counted into their respective categories. Where possible, the Board’s forms should be comprehensible and without unnecessary use of abbreviations.

2. **Purpose:** The “Key” has been reconstructed to correct spacing anomalies. The categories “For VN Programs Only,” and “For PT Programs Only” have been updated to be consistent with 16 CCR §§ 2532, 2533, 2586, and 2587.

Key:

For All Programs:				NP	Nursing Process	CCC	Culturally Congruent Care	M/S	Medical/Surgical Nursing
A/P	Anatomy and Physiology	PE	Patient Education	EOL	End-of-Life Care	REH	Rehabilitation Nursing		
CDIS	Communicable Diseases	PHARM	Pharmacology	For VN Programs only:		For PT Programs only:			
COM	Communication	LDR	Leadership	FUN	Nursing Fundamentals	NS	Nursing Science Fundamentals		
NUT	Nutrition	SUP	Supervision	MAT	Maternity Nursing	MD	Mental Disorders		
PSY	Psychology	ETH	Ethics and Unethical Conduct	PED	Pediatric Nursing	DD	Dev. Disabilities		
GD	Normal Growth and Development	CT	Critical Thinking	CER	Gerontological Nursing				

55M-2W (New 04/2022)

For All Programs:				NP	Nursing Process	CCC	Culturally Congruent Care	For VN Programs only:	
A/P	Anatomy and Physiology	PE	Patient Education	EOL	End-of-Life Care	MAT	Maternity Nursing	For PT Programs only:	
CDIS	Communicable Diseases	PHARM	Pharmacology	FUN	Nursing Fundamentals	PED	Pediatric Nursing		
COM	Communication	LDR	Leadership	GER	Gerontological Nursing	NS	Nursing Science		
NUT	Nutrition	SUP	Supervision	M/S	Medical/Surgical Nursing	MD	Mental Disorders		
PSY	Psychology	ETH	Ethics and Unethical Conduct	REH	Rehabilitation Nursing	DD	Dev. Disabilities		
GD	Normal Growth and Development	CT	Critical Thinking						

Rationale: These amendments provide clarity to the user, and are consistent with 16 CCR §§ 2532, 2533, 2586, and 2587. The Board requires that all hours are directly counted into their respective categories to accurately document that minimum standards are met.

Form 55M-10 Verification of Faculty Qualifications Form

1. Section 8. Faculty Teaching Qualifications:

Purpose: The sentence “...please include certification of equivalency by a credential evaluation service such as National Association of Credential Evaluation Services” was modified to state, “...please include certification of equivalency by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services.”

This modification corrects a mislabeling of the National Association of Credential Evaluation of Services (NACES).

Rationale: NACES is a trade association, rather than an evaluating service. This language better reflects that it is not a specific service from which you can obtain the required resources, but rather a private, professional organization.

2. Section 9. Director and Assistant Director Course Requirements:

Purpose: The term “accredited institution” has been changed to “approved school.”

Rationale: “Accredited institution” is an inaccurate term. Thus, “approved school” offers an accurate directive for applicants. The Board does not offer “accreditation” to schools but is empowered to give approval of school programs. The term “approve” is consistent with the capacity of the Board to approve schools and educational programs. “Institution” is an ambiguous term. It doesn’t identify that the institution must be a place of learning. Using “schools” narrows the terminology to academic study more clearly than institution.

Additional Non-Substantive Changes Made Per 1 CCR section 100

Pursuant to the Executive Officer’s delegated authority from the Board, the Board has revised all forms and text that reference a 04/2022 publication date and replaced it with a 02/2024 publication date. This change would not affect any right, responsibility or duty of any person affected by these regulations but would provide more accurate notice to the public of the date that the Board was authorized to adopt all of the changes to the text and forms set forth in this rulemaking.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Business Impact:

This regulation may have an economic impact on businesses, specifically, schools or educational programs seeking Board approval or continuing approval. However, the Board has determined that the proposed regulations will not have a significant statewide adverse economic impact on businesses, including the ability to compete with businesses in other states. This determination is based upon the following facts.

This determination is based on the following estimates:

- The Board estimates that approximately 250 businesses will be impacted by this proposal.
- The Board estimates that the economic impact of this proposal will be below \$10 million.

Pursuant to AB 1536, the proposed regulations establish fees charged to schools as follows:

- Initial Application: Up to \$5,000
- Final Approval: (Option #1) Up to \$5,000 for schools and programs affiliated with a currently registered school in good standing, or (Option #2) Up to \$15,000 for all other schools and programs
- Continuing Approval: Up to \$5,000 once every four years for registered schools and programs.

Initial Application/ Final Approval: The Board anticipates initial applications, final approval rates, and costs as follows:

- Year-1: 11 Unaffiliated (\$220,000) & 4 Affiliated (\$40,000)
- Year-2: 21 Unaffiliated (\$420,000) & 5 Affiliated (\$50,000)
- Year-3: 18 Unaffiliated (\$360,000) & 2 Affiliated (\$20,000)
- Ongoing: 13 Unaffiliated (\$260,000) & 2 Affiliated (\$20,000)

Total estimated costs range from \$260,000 to \$470,000 per year and up to \$3,070,000 over a ten-year period.

Continuing Approval: The Board currently has 156 registered schools scheduled to submit a continuing approval application per the four-year renewal cycle and incur costs as follows:

- Year-1: 44 schools (\$220,000)
- Year-2: 29 schools (\$145,000)
- Year-3: 29 schools (\$145,000)
- Year-4: 54 schools (\$270,000)
- Year-5: 59 schools (\$295,000)
- Year-6: 55 schools (\$275,000)
- Year-7: 49 schools (\$245,000)
- Year-8: 69 schools (\$345,000)
- Year-9: 74 schools (\$370,000)
- Year-10: 70 schools (\$350,000)

Total estimated costs related to continuing approval range from \$145,000 to \$370,000 per year and up to \$2,660,000 over a ten-year period.

Total Costs: The proposed regulations result in total costs ranging from \$480,000 to \$650,000 per year and up to \$5,730,000 over a ten-year period. The Board notes, notwithstanding the proposed regulations, these schools would have otherwise incurred costs (including facilities, staffing, clinical placement, and other) as part of normal business operations. As a result, these costs are not included in this analysis.

The Board further notes, any student enrolling in these schools would have otherwise incurred costs (including tuition, books, and other) as part of enrollment, and paid examination and license fees to apply for licensure with the Board. As a result, these costs are not included in this analysis.

Additionally, the Board acknowledges schools may opt to pass on costs to students resulting from the proposed regulations, but any operational decisions made by an individual institution is unknown at this time and therefore not included in this analysis.

The Board also notes, the proposed regulations provide for a continuing approval fee reduction to \$2,500 related to reduced student enrollment and state funding, as specified. However, the Board does not anticipate employing these provisions because student enrollment rates are projected to increase in the future.

Small Business Impact

While the Board does not have nor does it maintain data to define if any of its licensees are a “small business” as defined in Government Code section 11342.610, the Board has made a determination that any adverse economic impact will not be significant for small businesses for the reasons set forth above in the “Business Impact” section. As a result, no other options for lessening the impact were considered.

Anticipated Benefits of this Proposal:

Anticipated benefits from this regulatory action: Qualified prelicensure programs must be approved consistently and timely to ensure that the workforce pipeline of licensed vocational nurses and psychiatric technicians can support the health and well-being of Californians. These regulations would create consistent standards for the review, approval and continuing approval of new schools of vocational nursing or programs for the preparation of psychiatric technicians and specified timelines for Board review, response, and approval of applications. This will help alleviate applicant confusion and help ensure that applications are processed in a timely manner, thus helping increase the likelihood of a greater number of educational institutions approved by the Board and greater access to educational opportunities for those seeking to enter the workforce as a licensed vocational nurse or psychiatric technician.

Adopting standards for notice of, and the method for calculation of, fees relative to the actual costs of providing oversight and review for final approval and continuing approval will also help ensure accountability and transparency in the Board's fee calculation process.

Consideration of Alternatives:

No reasonable alternative which was considered or that has been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Incorporation by Reference – (1 CCR 20)

The incorporation by reference method in this proposal was used because it would be impractical and cumbersome to publish the initial approval and continuing approval and other forms (listed at the beginning of this document) in the California Code of Regulations (CCR). The forms' requirements are extensive and include multiple subparts that cross-reference to other lengthy requirements. If the forms were incorporated into the CCR, it would increase the size of Division 25 and may cause confusion to the users. The forms were developed to establish consistency in the implementation of the Board's school approval process and simplify the application process for applicants. The forms were made available to the public and were posted on the Board's website.