



Board Meeting Notice and Agenda
Public Board Meeting
****Meeting will be held via WebEx****

DATE: Friday, May 22, 2020

TIME: 9:00 a.m. – 5:00 p.m. or Until Completion of Business

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

Important Notices to the Public:

If you wish to participate or observe the meeting, you can access the meeting via BVNPT

WebEx Link: [https://dca-ca.webex.com/dca-](https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=edec497a4d9a8e6cf5cdffbfa57887573)

[ca/onstage/g.php?MTID=edec497a4d9a8e6cf5cdffbfa57887573](https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=edec497a4d9a8e6cf5cdffbfa57887573)

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. This meeting will also be Webcast. The meeting will not be cancelled if there are technological difficulties with the webcast. The meeting may be paused or postponed if there are technical difficulties with the WebEx. Closed session is not available to the public via WebEx or 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)].

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

Executive Order N-29-20 waives some requirements regarding the notification and access for teleconferenced public meetings. Specifically, it would allow a Board to conduct Board business via a telephonic meeting and allow the members to call in from private lines without making those numbers public or requiring the sites from which they call to be accessible to the public. One site must be posted as publicly accessible, and this public site need not include an appointed Board member.

FRIDAY, May 22, 2020

9:00 a.m. OPEN SESSION: Board Meeting Begins

1. Call to Order, Roll Call, and Establishment of Quorum.
2. President's Remarks.
3. Introduction of Board Staff.
4. **Board Meeting Minutes** – Review and Approval.
 - A. February 21, 2020.
 - B. April 24, 2020.
5. **Education** - Reports, Recommendations, and Possible Actions.
Dr. Mountain, Chairperson, Ms. Amezola de Herrera, Ms. Norton, and Ms. Turner, Board Members.
 - A. Education Division Report – Ms. Cordeiro.
 - B. Education Committee Report – Dr. Mountain.
 - C. Consideration of Provisional Approval.

i. Gavilan College, Vocational Nursing Program – Ms. Gomez.

NEC recommendations:

- Grant full approval of the Gavilan College Vocational Nursing Program for a period of four years from May 22, 2020 to May 21, 2024.
- Approve the programs request to admit a class of 30 students on February 1, 2021 with an expected graduation date of May 27, 2022.
- Require the program to admit no additional classes without prior approval by the Board.
- Approve the submitted curriculum to include 576 theory hours, 972 clinical hours totaling 1548 curriculum hours.
- Continue the program's requirement to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5, Title 16, of the California Code of Regulations.

ii. Los Angeles Job Corps Vocational Nursing Program – Dr. Fairchild.

NEC recommendations:

- Deny full approval of the Los Angeles Job Corps Vocational Nursing Program.
- Extend Los Angeles Job Corps Vocational Nursing Program provisional approval for a one-year period beginning May 21, 2020 and issue a notice to the program to identify specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 of Article 5, Title 16, of the California Code of Regulations.
- Place the program on the Board's May 2021 agenda for reconsideration of provisional approval.

- Require the program to correct existing violations and submit documentation of corrections of all violations no later than 90 days following the reopening of the campus due to the COVID-19 pandemic.
- The NEC will conduct a site visit within 60 days after the state travel ban has been removed.
- Require the program to admit no additional classes without prior approval by the Board.
- Require the program to submit a report to the Board within 90 days following the reopening of the campus due to the COVID-19 pandemic crisis, and a comprehensive analysis by February 1, 2021. The report must include a comprehensive analysis of the program timeline for implementation and the effect of employed interventions.
- Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code, Article 5, Section 2880, and Section 2526, Article 5, Title 16 of the California Code of Regulations.
- Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the Board may revoke the program's approval.

D. Request to Admit Students by Programs on Provisional Approval.

i. Angeles Institute, Vocational Nursing Program – Dr. Fairchild.

NEC recommendations:

- Deny the Angeles Institute Vocational Nursing Program's request to admit a full-time class of 30 students commencing on July 20, 2020, graduating on April 30, 2021.
- Recommend that the Executive Officer approve the class at the July 7, 2020 Executive Officer review, if the current classes have returned to the physical campus for theory and all clinical sites for clinical experience.
- Require the Program Director to submit documents demonstrating that the proposed class starting July 20, 2020 has been scheduled at Board approved clinical sites by July 1, 2020.
- Require the Program Director to submit the following document by July 1, 2020 for the proposed class:
 - Faculty and facility clinical assignments
 - Maternal faculty student clinical assignment
 - Pediatric faculty student clinical assignment
- Continue to require the program to provide no less than one instructor for every ten students in clinical experience.
- Place the program on the May 2021 Board Meeting Agenda for reconsideration of provisional approval.
- Require the program to obtain board approval prior to the admission of each class.
- Require the program, when requesting approval to admit students, to:
 - Submit all required documentation in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered.

- Provide documentation that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.
- Maintain an average annual pass rate that is compliant with Section 2530(l) of Article 5, Title 16 of the California Code of Regulations.
- Continue the program's requirement to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the California Code of Regulations, Title 16.
- Failure to take any of these corrective actions may cause the Board to revoke the program's approval.

ii. Institute of Technology, Clovis, Vocational Nursing Program – Ms. Valdes.

NEC recommendations:

- Grant the Director's request to admit a full-time class of 30 students, starting July 13, 2020, ending August 13, 2021, to replace the class that graduates August 17, 2020.
- Approve the modified instructional plan for the admission of 30 students starting July 13, 2020, during COVID-19 pandemic.
- Continue to require the program to obtain Board approval prior to the admission of each class.
- Require the Director to submit follow up reports, within 6 months, but no later than November 1, 2020. The reports should include; evaluation and analysis of finding of student academic progress, attendance, remediations, and any actions taken as indicated.

iii. Institute of Technology, Modesto, Vocational Nursing Program – Ms. Valdes.

NEC recommendations:

- Approve the Director's request to admit a full-time class of 30 students, starting July 13, 2020, ending August 13, 2021, to replace the class that graduates August 14, 2020.
- Approval of the modified instructional plan to be utilized for the proposed admission of the class of 30 students starting July 13, 2020, during the COVID-19 pandemic.
- Extend provisional status for a period of two years beginning May 22, 2020.
- Continue to require the program to obtain Board approval prior to the admission of each class.
- Continue to require the Director to submit follow up report for the current classes within six months from May 15, 2020, but no later than November 15, 2020. The report should include evaluation and analysis of data and finding on student academic progress, attendance, remediation and any actions implemented as indicated.

iv. North West College, Riverside, Vocational Nursing Program – Ms. Silverman.

NEC recommendations:

- Deny North West College, Riverside, Vocational Nursing Program's request for approval to admit 30 students to a full-time class on June 1, 2020.
- Recommend that the Executive Officer approve the class at the July 7, 2020 Executive Officer review if the current classes have returned to the physical campus for theory and all clinical sites for clinical experiences.
- Require the Program Director to submit documents demonstrating that the proposed class starting July 13, 2020 has been scheduled at Board approved clinical sites by June 23, 2020.
- Require the Program Director to submit the following documents by June 23, 2020 for the proposed class:
 - Current Enrollment table
 - Faculty and facility clinical assignments
 - Maternal faculty student clinical assignments
 - Pediatric faculty student clinical assignments
- Require the program to admit no additional classes without prior approval by the Board.
- Continue to require the program to submit a second report to the Board, no later than February 16, 2021. The report must include a comprehensive analysis of the program, timeline for implementation and the effect of employed interventions.
- Continue to require the program to provide no less than one instructor for every ten students in clinical experiences.
- Continue the program's requirement to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Section 2526, Article 5, Title 16, of the California Code of Regulations.
- Continue the program's requirement to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full board may revoke the program's approval.

v. Premiere Career College – Dr. Fairchild

NEC recommendations:

- Deny the Premier Career College Nursing Program's request to admit a full-time class of 30 students commencing on June 1, 2020, graduating on August 21, 2021 to replace the February 7, 2020 graduating class.
- Require the program to submit a comprehensive analysis to the Board no later than August 21, 2020 and September 21, 2021. The report must include a comprehensive analysis for the program, timeline for implementation, and the effect of employed intervention.
- Require the program to provide no less than one instructor for every ten students in clinical experiences.
- Continue to require the program to obtain Board approval prior to the admission of additional students.
- Continue to require the program, when requesting approval to admit students, to submit all documentation, using the forms provided by the Board, no later than two months prior to the requested start date for the class, provided documentation demonstrating adequate resources, and ensure that the program

maintains an average annual pass rate that is compliant with Section 2530(l), Article 5, Title 16 of the California Code of Regulations.

- Place the program on the February 2022 Board agenda for reconsideration of provisional approval.
- Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code, section 2880, Article 5, Chapter 1, Division 25 of Title 16 of the California Code of Regulations.
- Failure to take any of these corrective actions may cause the Board to revoke the program's approval.

vi. University of Antelope Valley – Ms. Silverman.

NEC recommendations:

- Deny the University of Antelope Valley Vocational Nursing Program's request to admit one full-time class of 30 students on July 6, 2020.
- Deny the University of Antelope Valley Vocational Nursing Program's request to admit one full-time class of 30 students on November 16, 2020.
- Revoke the provisional approval of University of Antelope Valley Vocational Nursing Program, effective June 26, 2020.
- Remove the program from the Board's list of *Approved Vocational Nursing Schools* effective June 26, 2020.

6. Executive Officer's Report – Ms. Yamaguchi.

- A. Fund Condition
- B. COVID-19
- C. Staff Recognition

7. Executive Committee – Report, Recommendations, and Possible Actions.
Ms. Endozo, Board President, Dr. Bass de Martinez, Board Vice President.

- A. Committee Reports for March, April and May 2020 – Ms. Endozo.

LUNCH BREAK

8. Licensing and Evaluations – Report, Recommendations, and Possible Actions.
Mr. Sellers, Chairperson, Dr. Bass de Martinez, Board Member

- A. Licensing Division Report – Ms. Brown.
- B. Licensing and Evaluations Committee Report – Mr. Sellers.

9. Legislative and Regulations – Report, Recommendations, and Possible Actions.
Mr. Dierking, Chairperson, Ms. Carpenter, Board Member.

- A. Committee Report – Mr. Dierking.
 - i. **SB 937 (Hill): State agencies: web accessibility**
Committee Recommendation: Neutral/Watch

Moved that the Legislative and Regulations Committee adopt the staff position of Neutral (watch) on SB 937 (Hill) and refer the position to the Board.

ii. SB 1053 (Moorlach): National Nurse Licensure Compact

Committee Recommendation: Oppose

Moved that the Legislative and Regulations Committee adopt the staff position to oppose SB 1053 (Moorlach) and refer the position to the Board.

iii. AB 2028 (Aguiar-Curry): State agencies: meetings

Committee Recommendation: Oppose Unless Amended

Moved that the Legislative and Regulations Committee adopt the staff position to Oppose Unless Amended AB 2028 (Aguiar-Curry) and refer the position to the Board.

iv. BVNPT Legislation

Committee Recommendation:

Moved that the Legislative and Regulations Committee adopt the staff position on School fee legislation, Scenario 4 of the *Chart of Variables* and refer the position and amended fee language to the Board for approval.

v. Rulemaking Action: School Pass Rates

Committee Recommendation:

Moved that the Legislative and Regulations Committee approve the amended language to 2529 (*Faculty Qualifications*) and 2530 (*General Requirements*), Article 5, Chapter 1, Division 25 of Title 16 and 2584 (*Faculty Qualifications*), and 2585 (*General Requirements*), Article 5, Chapter 2, Division 25 of Title 16 of the California Code of Regulations, and refer the position to the Executive Committee for approval.

vi. Rulemaking Action: Section 100 to Enact 2019 Rate Changes

Committee Recommendation: No recommendation.

This item was an update from Legal Counsel.

vii. Rulemaking Action: Applicant and Licensee Fee Increases

Committee Recommendation:

Moved that the Legislative and Regulations Committee approve staff to initiate the regulations process for the Applicant and Licensee Fee Increase.

10. **Enforcement** – Report, Recommendations, and Possible Actions.
Mr. Maxey Chairperson, Ms. Endozo, Board Member.

- A. Enforcement Division Report – Ms. Raney.
- B. Enforcement Committee Report – Mr. Maxey.

11. Board Calendar Discussion and Possible Action – Ms. Yamaguchi.

12. Public Comment on Items Not on the Agenda.

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 Sections 11125 and 11125.7(a)].*

13. Suggestions for Future Agenda Items.

14. Adjourn Open Session

15. **CLOSED SESSION**

The Board will convene in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate and vote on disciplinary matters.

Adjourn Closed Session.

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. Toward 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.