



**BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS**



**Enforcement Division  
Outreach Plan**

Table of Contents

**Board of Vocational Nursing and Psychiatric Technicians Overview** ..... 3

**Program Vision**..... 3

**Current Enforcement Division Outreach Efforts** ..... 4

*Website Updates*..... 4

*Social Media Communication*..... 5

*Precedential Decision* ..... 5

**Proposed Description of Multi Media Presentations**..... 6

*Proposed Presentation Topics*..... 6

**Proposed Outreach Efforts**..... 6

*Partnering Meetings with Industry Organizations*..... 7

*Collaboration with Other State Agencies* ..... 7

*Outreach to Underrepresented and Vulnerable Groups* ..... 7

        LGBT Groups ..... 7

        African American Groups ..... 8

        Native American/Alaskan Native ..... 8

        Hispanic/Latino..... 8

        Healthcare Associations ..... 8

        Gender Related Groups ..... 8

        Nursing Associations..... 8

        Mental Health and Aging..... 8

        County, State and Federal Partners..... 9

## **Board of Vocational Nursing and Psychiatric Technicians Overview**

The Board of Vocational Nursing and Psychiatric Technicians (BVNPT) is mandated to protect consumers from dangerous practitioners in the most efficient, effective and timely manner possible. Pursuant to Business and Professions Code 101.6, the Board was established to protect public health, safety, and welfare, and must provide the following:

“. . . a means of redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute the disciplinary action against persons licensed or registered under the provisions of this code when such action is warranted. . .”

To this end, the Board has an aggressive enforcement program designed to protect consumers. The goal is to provide a fair and unbiased review and investigation process. Generally, most licensees serve consumers in a safe and professional manner. However, when a licensee fails to uphold their professional or ethical responsibilities, the Board conducts swift and just enforcement to protect the integrity of the profession and the safety of consumers.

Protection of the public is the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.<sup>1</sup>

The Board's Enforcement Program serves a critical role in protecting consumers by:

- Enforcing the rules and regulations governing the practice of LVNs and PTs;
- Investigating and taking disciplinary action against licensees who have been unprofessional, incompetent, negligent and/or abusive;
- Monitoring probationers to ensure that they comply with the Board's terms and conditions of probation;
- Developing innovative methods and procedures to enhance consumer protection, reduce costs and expedite complaint handling.

## **Program Vision**

The Enforcement Division is committed to ensuring the safety of the consumer. As a part of this commitment, the Enforcement Division is recommending that the Board adopt an aggressive outreach strategy to educate our licensees and applicants on the enforcement process, provide training in the roles and

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<sup>1</sup> Bus. & Prof. Code, § 2841.1 & 4501.1

responsibilities of our licensees, and best practices for our licensees to avoid the disciplinary action process.

The Enforcement Division is proposing activities that include a balance of new outreach strategies and approaches, as well as enhancements to existing efforts that seek to build upon the Enforcement Division success at protecting the consumer.

Key internal stakeholders, such as the Board members, Enforcement Division staff, and the Department of Consumer Affairs (DCA) staff engage in enforcement related functions to effectively develop and implement plan components, monitor and report out progress, and effect change based on outcomes.

The roles and responsibilities of these internal stakeholders include:

- Board Members: Responsible for setting the Boards policies, voting on decisions and orders, and oversight over the Board
- Enforcement Division Staff: Responsible for the investigation of complaints, determination of complaint findings, the licensee discipline process, and the oversight of licensees on probation.
- DCA Public Affairs: Responsible for assisting in the creation, production and posting of media related content that assists in the enforcement related education of our licensees.

### **Current Enforcement Division Outreach Efforts**

#### *Website Updates*

As of July 2019, the BVNPT's website complied with [California Assembly Bill 434, State Web Accessibility Requirements](#)<sup>2</sup>, to provide a more accessible and user-friendly experience that will allow all users to find information more easily.

The Enforcement Division has made several website updates since this date, as public inquires have given the Division a clearer understanding of what information the licensees and public are looking for.

This includes updating information on the following topics:

- [How an Arrest Affects Your License](#)- This brochure is also included with every request for information letter the BVNPT sends to licensees with a subsequent arrest.
- [Applicants with a Criminal History](#)

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<sup>2</sup> [California Code, Government Code - GOV § 11546.7](#)

- [Complaint Investigation Process- For Complainants](#)
- [Understanding the Disciplinary Process](#)
- [Disciplinary Action Index](#) – This lists the accusations the BVNPT has filed by month, to ensure that the public, healthcare employers and other interested persons have an easy way to find the information.
- [Recruitment for Expert Witness](#)
- [Employment Opportunities](#)- In an effort to bring attention to the job opportunities that the State of California offers, the BVNPT has gathered resources from CalHR and state agencies who are in need of Licensed Vocational Nurses and Psychiatric Technician's.

### *Social Media Communication*

Currently the BVNPT uses social media, specifically Facebook and Twitter, to communicate with licensees. The BVPT posts news articles, Board meeting information, and other items of interest for licensees to review.

### *Precedential Decision*

Currently, the Enforcement Division has been working to educate our licensees about our first precedential decision, [BVNPT 2020-01](#). This decision discusses the LVN's scope of practice concerning her conduct in relation to her operation and performance of treatments at a skin care salon and related medical spa. The LVN administered Botox, Juvederm, and Kybella injections, performed platelet rich plasma therapy and vitamin drips when she was not certified, performed skin growth removal procedures, and injected glutathione, all procedures which were beyond her scope of practice.

Once this decision was made precedential, the Enforcement Division contacted the following DCA Boards to ensure that they were aware of it, and could advise their licensees accordingly:

- [Medical Board](#)
- [Board of Registered Nurses](#)
- [Board of Barbering and Cosmetology](#)
- [Dental Board](#)

The Enforcement Division reached out to the Governor's Office of Business and Economic Development (GO-Biz) as owners of medical spas or other related businesses may reach out to them for COVID relief funds. Furthermore, GO-Biz has a much larger social media presence.

The Enforcement Division reached out to business associations in Southern California, Sacramento, and the Bay Area as medical spas are predominantly in these areas. Additionally, the California Medical Spa Association, and other Medical Spa associations were contacted and informed of the decision.

The Enforcement Division also sent out an email to all persons on our subscription list, which at the time was 3,565 licensed vocational nurses, psychiatric technicians, educators, and other interested parties.

While we cannot directly connect this outreach to it, the Enforcement Division has seen an increase of complaints relating to LVN's offering these services, which are beyond their scope of practice.

### **Proposed Description of Multi Media Presentations**

The Enforcement Division proposes a sustainable web-based outreach program that relies on pre-recorded videos with a live moderator who can answer questions.

The advantage of using a live presentation to present pre-recorded videos is that it will allow us to include all our stakeholders in the presentation materials without them having to be present at each presentation. It will allow us to host more presentations, with fewer dedicated resources, including staff. It will also give us higher production values, as we can shoot, edit and present the video using the DCA Public Information Office's latest software and equipment.

### *Proposed Presentation Topics*

The topics will include, but are not limited to:

- Licensees and the Board- What does the Board do, and how can licensees have their voice heard. We would request that Board members are introduced on this video and discuss the work the Board does.
- Licensees and the Enforcement process- A step by step guide
- Ensuring you are Compliant- Scope of practice and LVN/PT's
- Prevention- Creating an understanding of what LVN's and PTs can do to prevent an enforcement case
- Discipline- What can you expect in the discipline process
- Petitioner Hearings- What you can expect
- Probation- Your role and responsibilities
- The Expert Witness Programs- For interested expert witnesses
- Nursing Ethics and Professional Boundaries
- Addiction and Nursing- Where can you find help
- Working for the State of California- Using your license

### **Proposed Outreach Efforts**

The Enforcement Division recommends that BVNPT publicize and market events and activities using a combination of methods, such as populating an online events calendar on our website, developing and disseminating promotional flyers, posting on social media, sending emails to prospective attendees, and leveraging partnerships with nursing organizations to share information with members. To determine the timing of these events or outreach opportunities, the

Enforcement Division will also be using the Enforcement Division Statistics, to ensure that we are responding to issues as they occur. An example of this would be to send out a reminder email or host an event related to licensees being arrested for a DUI around holidays such as the 4<sup>th</sup> of July, or Christmas and New Years.

#### *Partnering Meetings with Industry Organizations*

The Enforcement Division is proposing to meet and partner with industry organizations to establish relationships and foster collaboration to accomplish mutual goals. Partnering promotes open communication, trust, understanding, and teamwork between organizations.

- [California VN Educators](#)- Works to promote that LVNs are an integral member of the health care delivery team.
- [California Association of Psychiatric Technicians](#)- Union for Psychiatric Technicians
- [Service Employees International Union \(SEIU\) 1000](#)- Union for Licensed Vocational Nurses
- [California Nurses Association](#)- Part of the National Nurses United organization
- [American Nurses Association](#)
- [Association of California Nurse Leaders](#)

#### *Collaboration with Other State Agencies*

The Enforcement Division has reached out to the California Department of Corrections and Rehabilitation, and the Department of State Hospitals. In both cases, we requested that they send us any information they would like posted on our website, to assist them in recruiting.

The Enforcement Division is collaborating to ensure that the agencies work more closely together, for consumer protection.

#### *Outreach to Underrepresented and Vulnerable Groups*

Within the licensing categories, there are many different types of people, who work in very different types of health care orientated facilities and businesses. To ensure that we reach out to all persons, the Enforcement Division plans to send information to the following groups who represent persons who are typically underrepresented or those who serve vulnerable populations:

#### LGBT Groups

- [California Legislative LGBT Caucus](#)
- [California LGBTQ Health and Human Services Network](#)
- [GLMA Health Professionals Advancing LGBTQ Equality](#)
- [Golden Gate Business Association](#)

- [Los Angeles LGBTQ Chamber of Commerce](#)

#### African American Groups

- [California Legislative Black Caucus](#)
- [National Black Nurses Association](#)
- [Sacramento Black Chamber of Commerce](#)

#### Asian American/Pacific Islander/Sub-Continent Asian

- [Asian American/Pacific Islander Nurses Association, Inc.](#)
- [California Legislative Asian American and Pacific Islander Caucus](#)
- [Asian American Chamber of Commerce](#)
- [National Association of Indian Nurses of America](#)
- [National Indian Nurse Practitioners Association of America](#)
- [Philippine Nurses Association of America, Inc.](#)

#### Native American/Alaskan Native

- [National Alaska Native American Indian Nurses Association, Inc](#)
- [Southern California Tribal Chairman's Association](#)
- [American Indian Chamber of Commerce](#)

#### Hispanic/Latino

- [California Latino Legislative Caucus](#)
- [National Association of Hispanic Nurses, Inc](#)
- [Hispanic Chamber of Commerce](#)

#### Healthcare Associations

- [California Association of Health Facilities](#)

#### Gender Related Groups

- [California Legislative Women's Caucus](#)
- [American Assembly for Men in Nursing](#)

#### Nursing Associations

- [National Coalition of Ethnic Minority Nurse Associations](#)

#### Mental Health and Aging

- [Senate Mental Health Caucus](#)
- [Long Term Care Ombudsman](#)



## County, State and Federal Partners

- [California State Association of Counties](#)
- [Governor's Office of Business \(GO Biz\)](#)
- Department of Health Care Services
  - [Medi-Cal](#)
- Department of Social Services
  - [Home Care Services Bureau](#)
- [Occupational Safety and Health Standards Board](#)
- [State Council on Developmental Disabilities](#)
- [Office of the Tribal Advisor](#)
- [Bureau of Indian Affairs](#)

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