



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
**Board of Vocational Nursing and Psychiatric Technicians**  
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**Board of Vocational Nursing and Psychiatric Technicians**  
**Department of Consumer Affairs**  
**Board Meeting Minutes**  
<https://youtu.be/rvbnHEOSZi0>

**DATE:** Friday, November 18, 2022

**BOARD MEMBERS  
PRESENT:**

Dr. Mountain, President, Education Member  
Mr. Dierking, Vice President, Public Member  
Ms. Carpenter, Public Member  
Mr. Hill, Psychiatric Technician Member  
Ms. Brown, Public Member  
Mr. Maxey, Public Member  
Ms. Moore, Psychiatric Technician Member  
Ms. Nieblas, Public Member (left in progress)  
Ms. Rooks, Licensed Vocational Nurse Member

**STAFF PRESENT:**

Ms. Yamaguchi, Executive Officer  
Mr. Ito, Assistant Executive Officer  
Ms. Wood, Enforcement Chief  
Ms. DeYoung, Supervising Nursing Education Consultant  
Ms. Brown, Licensing Manager  
Ms. dela Rosa, Nursing Education Consultant  
Dr. Fairchild, Nursing Education Consultant  
Ms. Gomez, Nursing Education Consultant  
Dr. McLeod, Nursing Education Consultant  
Ms. Silverman, Nursing Education Consultant  
Ms. Devila, Nursing Education Consultant  
Ms. Pires, Legislation and Regulations Specialist  
Mr. Prouty, Discipline Unit Manager  
Mr. Gardner, Probation Unit Manager  
Ms. Lee, LACRU Manager  
Mr. Birkman, Licensing Supervisor  
Mr. Hall, Licensing Supervisor  
Ms. Ball, Administration Analyst  
Ms. DeCristofaro, Personnel Liaison, HR  
Ms. Koop, Enforcement Analyst

**DCA STAFF PRESENT:** Mr. Swenson, Board General Counsel  
Ms. Schieldge, Board Regulatory Counsel (joined in progress)

**Agenda Item 1                      Call to Order, Roll Call, and Establishment of Quorum**

Dr. Mountain called the meeting to order at 9:01 a.m. Dr. Mountain shared housekeeping instructions. She continued by welcoming our newly appointed member, Ms. Lessie Moore, appointed on October 28, 2022. Dr. Mountain invited Ms. Moore to share about herself as an introductory.

Ms. Moore shared a high-level overview of her career as a Psychiatric Technician.

**Agenda Item 2                      Introduction of Board Staff**

Ms. Yamaguchi introduced Board staff. Mr. Swenson, DCA Legal Counsel introduced himself and Ms. Schieldge who will join in progress for the regulation’s discussion.

**Agenda Item 3                      Review and Approval of Meeting Minutes**

A.      Meeting Minutes for August 12, 2022 – Review and approval.

Motion: Approve the minutes from August 12, 2022, if no errors or omissions.  
Moved/Seconded: Mr. Dierking/Ms. Carpenter.

**Board Discussion:** None.  
**Public Comment:** None.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Absent

Motion carried unanimously.

B.      Meeting Minutes for September 22, 2022 - Review and approval.

Motion: Approve the minutes from September 22, 2022, if no errors or omissions.  
Moved/Seconded: Mr. Dierking/Ms. Brown.

**Board Discussion:** None.

**Public Comment:** None.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Abstain

Motion carried with a vote of 8 yes and 1 abstention.

#### **Agenda Item 4                      Fiscal and Budgets – Update**

Harmony DeFilippo shared an update on the Board’s budget. Ms. DeFilippo reviewed the documents provided in the meeting packet to provide her update. This included additional details to elaborate on the information provided to put it all into context, including but not limited to the updated fund condition following the 2022 fee increase.

Ms. Moore asked how the fee increase will impact the fund condition and whether the schools’ fees should increase as well.

Ms. DeFilippo responded that the current fee increase will bring additional revenue which will allow growth for the Board. She continued to share that the current school fees allowed by AB 1536 is projected to bring an increase of \$6 million per year, though it is still too early to determine more definite data.

#### **Agenda Item 5                      Education - Reports, Recommendations, and Possible Actions**

A.      Education Division Report.

Ms. DeYoung shared highlights and provided updates based on the Education Division report that was included in the meeting packet.

In regard to the Initial Approval of New School or Program, Ms. DeYoung shared that it was reported that one (1) program was approved from the initial cohort of new schools or programs; however, as of the date of this meeting, there was now a second vocational nursing program approved from the initial cohort. Ms. DeYoung continued to share that the Education Division staff held a public stakeholder meeting and three (3) online training sessions to review the procedures for approval regulations, the

Board Meeting  
November 18, 2022

application process, and the required documentation. Staff also hosted an additional training session for approved programs to review the new process for continued program approval. She shared that during all five (5) sessions, questions were addressed, and the division received positive feedback from participants. Ms. DeYoung concluded by bringing to the attention of the members, that the division recently hired a new Nursing Education Consultant, Tara Devila. She welcomed Ms. Devila to the Board and shared their excitement to have her on the team.

**Board Discussion:** None.

**Public Comment:** None.

- I. Review and Approval of Executive Officer Program Decisions for period from July 12, 2022 to October 4, 2022.

**Board Discussion:** None.

**Public Comment:** None.

Motion: Approve and ratify the Executive Officer Program Decisions for period from July 12, 2022 to October 4, 2022.

Moved/Seconded: Mr. Dierking/Ms. Carpenter.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

- B. Request to Admit Students.

- I. Cypress College Psychiatric Technician Program, Dr. McLeod, Nursing Education Consultant.

Dr. McLeod had no additional information to add to the report included in the meeting packet.

**Board Discussion:** None.

**Public Comment:** None.

Motion: To approve the report and adopt the NEC recommendation(s).  
Moved/Seconded: Ms. Carpenter/Mr. Hill.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

- II. Downey Adult School Vocational Nursing Program, Dr. Fairchild, Nursing Education Consultant.

Dr. Fairchild had no additional information to add to the report included in the meeting packet.

Mariana Pacheco, a representative of the program thanked Dr. Fairchild for her assistance. Ms. Pacheco shared that she agrees with the report and finished by thanking everyone for all that they do.

**Board Discussion:** None.

**Public Comment:** None.

Motion: To approve the report and adopt the NEC recommendation(s).  
Moved/Seconded: Mr. Dierking/Ms. Rooks.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Board Meeting  
November 18, 2022

Motion carried unanimously.

III. Healthcare Career College Vocational Nursing Program, Ms. dela Rosa, Nursing Education Consultant.

Ms. dela Rosa had no additional information to add to the report included in the meeting packet.

Maria Ibarra, a representative of the program thanked Ms. dela Rosa for her assistance and thanked the Board for their consideration.

**Board Discussion:** None.

**Public Comment:** None.

Motion: To approve the report and adopt the NEC recommendation(s).

Moved/Seconded: Ms. Carpenter/Mr. Dierking.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

IV. University of Antelope Valley Vocational Nursing Program, Ms. dela Rosa, Nursing Education Consultant.

Ms. dela Rosa had no additional information to add to the report included in the meeting packet.

Heelia Modia, a representative of the program thanked Ms. dela Rosa for her guidance and support.

**Board Discussion:** None.

**Public Comment:** None.

Motion: To approve the report and adopt the NEC recommendation(s).

Moved/Seconded: Ms. Rooks/Ms. Nieblas.

Board Meeting  
November 18, 2022

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

C. Reconsideration of Provisional Approval.

I. Integrity College of Health Vocational Nursing Program, Ms. Gomez, Nursing Education Consultant.

Ms. Gomez had no additional information to add to the report included in the meeting packet.

Alice Thompson, a representative of the program expressed her thanks to NEC Gomez and for her support. She continued to share that she is grateful for the opportunity to show the strength of the revised curriculum.

**Board Discussion:** None.

**Public Comment:** None.

Motion: To approve the report and adopt the NEC recommendation(s).

Moved/Seconded: Mr. Dierking/Ms. Carpenter.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

**Agenda Item 6                      Discussion and Possible Action - Presentation of Hybrid Pilot Class Concept for Underserved Rural Communities**

Concept presented by Mr. Matthew Wanta, MSN, RN - Director of Vocational Nursing, Cerro Coso Community College. Presentation begins at the 40:20 mark of the recording. Mr. Wanta thanked the Board for having him and allowing him to share this new concept. He continued to explain in further detail the proposed process as described in the report provided in the meeting packet. Mr. Wanta provided additional background about Cerro Coso Community College and how this program concept would be beneficial to their community and other rural and/or underserved areas. The presentation included details of how this program would be facilitated between all controlling parties; including but not limited to the college, Futuro Health (a non-profit organization), and the Board.

Mr. Wanta introduced Mr. Cordova to the Board (during Board discussion). Mr. John Cordova, Director of Workforce Development and Clinical Partnerships at Futura Health thanked all participants for attending and thanked the Board for allowing him to speak. He went on to share a high-level personal-professional background and continued with how this partnership will benefit the students in rural areas. In short, this concept is working to increase the diversity, equity, and inclusion to the job force. He ended by sharing how Futuro Health will support all stages of the program, from beginning to end, in addition to the support of the educators.

Ms. Swenson advised that the Board may move to take one of the following actions: place this matter on a future agenda item; refer this matter to the Education and Practice Committee; create an ad-hoc committee to study the pilot project proposal; or any combination thereof.

**Board Discussion:**

Ms. Carpenter asked, as a pilot project, do you see similar partnerships in additional rural areas of the state, and if so, are their other community colleges that would qualify under the outlined requirements?

Mr. Wanta responded that yes, any other community college within the state could potentially use this concept. He continued to elaborate that what is unique about this is Cerra Coso's partnership with Futuro Health. The college is in a rural area, therefore understands rural health needs and the schools would like to be able to bring an LVN program to an area that may not otherwise be able to offer the program.

Dr. Mountain commented to Mr. Wanta that the online teaching environment takes special skills; has Cerro Coso considered having the instructors take the training created for community college instructors teaching in the online portal?

Mr. Wanta shared that Cerra Coso has a robust training in-house and with So-Cal



Board Meeting  
November 18, 2022

Collaboration to train instructors for the online environment; the college has a long history of success with this type of training.

Dr. Mountain continued by asking about clinical sites. Specifically, addressing the national shortage of instructors at sites, has Cerro Coso secured all necessary personnel already?

Mr. Wanta responded that this concept has been designed to go into a rural area that has a community college, but does not have a LVN program. There will be a contract or MOU with the facility that will help establish the instructors that meet the requirements and will train them for exactly what is necessary. The next class will not be submitted to the Board for approval until all the components are secured to ensure success.

Dr. Mountain asked if the course of study is two (2) or three (3) semesters?

Mr. Wanta shared that the program is three (3) semesters, four (4) when/if you include the first semester of prerequisite courses. He finished by sharing the three (3) semester schedule of 15-week blocks each is the same schedule currently approved by the Board.

Ms. Yamaguchi followed Mr. Cordova commenting that everyone knows of the nursing shortage, but there are a lot of areas that have an even larger shortage. She continued to share that procedurally, staff would like the Board to discuss and endorse this concept. The concept is not complete enough to submit a request to admit students, but staff seeks the ability to work nimbly when the request is submitted. While Mr. Wanta works on the details necessary to secure the program, Board staff will be looking in the future what it will mean if this program is as successful as expected. It may result in that the Board will need statutory or regulatory authority as an option for the concept to be a permitted school. Ms. Yamaguchi closed by sharing that this concept is not ready for official Board approval, but staff seeks Board approval of the concept to move forward in developing the proposal. Once this has happened, it will come back to the Board for approval.

Mr. Dierking commented that this is very exciting and is the visionary stuff that the future legislation is made of. This is good for students, the workforce and California consumers.

Ms. Carpenter asked if there were any additional rural community colleges that may also benefit from this concept?

Dr. Mountain shared that yes, there is; however the resources are not currently available to offer programs.

**Public Comment:** None.

Motion: To approve in concept the proposal and refer it to the Education and Practice Committee for future deliberations.

Board Meeting  
November 18, 2022  
Moved/Seconded: Mr. Dierking/Ms. Carpenter.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Abstain
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried with a vote of 8 yes and 1 abstention.

### **Agenda Item 7                      Executive Officer's Report**

Ms. Yamaguchi shared that when she spoke to the Governor's Office, following the appointment of Ms. Moore, she was able to confirm that they are still interviewing applicants to fill the two vacant seats. She continued to highlight the following items from her written report (provided in meeting packet):

Communication for the Board are currently being sent to both DCA and personal email addresses, however, we strongly recommend for security purposes, that members transition to using only their DCA assigned email for Board matters.

Ms. Yamaguchi thanked the budget staff for sharing updates on our budget. She added that while the new fees are in place, we will likely not see their benefits quite yet, but we will see them in the coming months. She continued to share about school fees. The fee we have been authorized to charge schools is roughly 20% of the fee we requested and, therefore, we hope to do additional analysis of the Board's budget through a fee study to allow an increased fee to help ensure a sustainable operation and a healthy reserve in case of uncertain times.

Ms. Yamaguchi continued to bring to Member's attention the attachments to the Executive Officer report that reference SB 994 and SB 1436. The documents related to SB 994 are not to vote on, but informational to ensure transparency and to clearly educate licensees and consumers about this new relationship between LVNs and Naturopathic doctors. She added that staff is continuing to work on the regulations to put this into effect safely.

Ms. Yamaguchi shared that SB 1436, the Respiratory Care Board's (RCB) Sunset Bill, requires RCB to establish guidelines to define basic respiratory care which may be performed by LVNs. RCB has recently put forth their proposed regulatory text and BVNPT staff is currently analyzing the proposed text to ensure that it accurately reflects

Board Meeting  
November 18, 2022

the LVNs scope of practice. BVNPT staff have also conducted outreach to stakeholders to ensure they are aware of the rulemaking.

Ms. Yamaguchi finished by reminding members that, at the August 2022 meeting, the Board authorized staff to seek legislation to correct a small, technical problem in our previous Sunset Bill AB 1536. She shared that although we were unable to move language through legislation prior to the end of the session, the Committee on Business, Professions and Economic Development does run an annual technical clean-up bill in which BVNPT staff submitted these changes to.

A. Executive Committee Report.

Dr. Mountain shared that the Executive Committee Report was in the meeting packet and offered to answer any questions.

B. Discussion and possible action - Board Meeting Calendar for 2023 and 2024.

**Board Discussion:**

Ms. Carpenter asked if members could be sent the Executive Committee minutes prior to the Board Meetings? Staff agreed to sharing the minutes following the meeting(s).

Ms. Carpenter then asked about the proposed meeting calendar, bringing to attention that there were a couple dates on Wednesday and Thursday and asked if that was a new schedule. Ms. Yamaguchi asked Mr. Ito to investigate this while we continue with the meeting agenda items. Members agreed to amend these dates to be Thursday and Friday dates as the Board meetings are historically scheduled.

Mr. Ito shared that the calendar as posted needs to be amended from May 17-18, 2023 to May 18-19, 2023 and from November 15-16, 2023 to November 16-17, 2023 to change the meeting dates to Thursday and Friday.

Dr. Mountain thanked staff for the SB 994 FAQ's and how helpful they already are for the questions she has personally received from LVN's.

Ms. Nieblas commented that the current Thursday and Friday meeting scheduled works best for her professional schedule.

**Public Comment:** None.

Motion: To amend the proposed calendar from May 17-18, 2023 to May 18-19, 2023 and November 15-16, 2023 to November 16-17, 2023, and to approve the calendar as amended.

Motion/Seconded: Ms. Carpenter/Mr. Dierking.

Board Meeting  
November 18, 2022

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried unanimously.

The Board took a break from 10:33 a.m. and resumed at 10:45 a.m.

**Agenda item 8                      Board Update from DCA**

Melissa Gear, DCA Deputy Director of Board and Bureau Relations provided an update. She opened by welcoming Ms. Moore to the Board and thanked her for her service. Ms. Gear shared her short background overview, as she was appointed to this new role just over a month ago. She continued by sharing an update from the DCA Executive Office including but not limited to updates to staffing, Diversity Equity and Inclusion (DEI) Steering Committee, COVID-19 protocols / guidelines, and travel.

**Board Discussion:** None.  
**Public Comment:** None.

**Agenda Item 9                      Licensing and Evaluations – Report, Recommendations,  
and Possible Actions**

A.      Licensing Division Report.

Ms. Brown shared that there were no updates to the report provided in the meeting packet and offered to answer any questions.

**Board Discussion:** None.  
**Public Comment:** None.

**Agenda Item 10                      Legislative and Regulations – Report,  
Recommendations, and Possible Actions**

A.      Division Report.

Ms. Pires shared that the last meeting of the Legislative and Regulations Committee was August 4, 2022. The committee has not met due to the loss of Board Member Luce;

Board Meeting  
November 18, 2022

the committee currently has one member therefore it cannot motion items to the full Board.

B. Bill Tracking.

Ms. Yamaguchi gave high-level overviews and updates on bills that have been tracked and/or were of interest to the Board through the 2022 session. The bills included SB 1436, SB 994, AB 1662, SB 731, and SB 1237. She shared that following the recent election, Democrats have retained the majorities in each house, so it is likely to see similar bills to those we have seen over the past few sessions.

**Board Discussion:** None.

C. Rulemaking Update.

- I. Ms. Pires shared that the Fee Schedule was approved by The Office of Administrative Law (OAL) on September 9, 2022. This rulemaking was filed as “effective upon filing,” and, therefore the fees were effective as of September 21, 2022. Ms. Pires shared that based on the incoming calls and other inquiries since this date, no huge issues have been identified in this change.
- II. Ms. Pires shared that the Board’s emergency regulations re: AB 1536, Program Approval were approved by OAL on June 27, 2022. She continued to share that staff is working to prepare the regulation package and a notice to the public to make the regulations final by June 27, 2023. This is the staff’s highest priority currently. Ms. Schieldge was in attendance to answer any questions about the progress on AB 1536. She also gave additional details to the process and workload ahead.
- III. Ms. Schieldge shared a high-level explanation to the purpose of the rulemaking calendar as she presented this agenda item to the Board. She shared that this is what staff is proposing for rulemaking packages and have identified them in priority order. She then offered to address any questions from the Board.

Motion: To accept and adopt the 2023 Rulemaking Calendar.

Moved/Seconded: Mr. Dierking/Mr. Hill

**Board Discussion:** None.

**Public Comment:** None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes

Board Meeting  
November 18, 2022

Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Absent
Ms. Rooks	Absent

Motion carried with a vote of 7.

**Agenda Item 11 Enforcement – Report, Recommendations, and Possible Actions**

A. Enforcement Division Report.

Ms. Wood gave a high-level overview of what the Division does to ensure that the new members are well advised. She continued to offer to answer any questions about the report provided in the meeting packet. She continued to give an overview of the report as provided.

**Board Discussion:** None.

B. Enforcement Committee Report.

- I. Mr. Maxey thanked Ms. Wood and her team for their work on the PSA. He then introduced the Mental Health PSA that the Committee has facilitated. He shared that this PSA was a suggestion from Counsel Swenson and the purpose of the video is to encourage our licensees to seek the assistance they need prior to Enforcement actions. The PSA was played (<https://youtu.be/8q-6Cw9ukGk>).

Following the PSA, Mr. Maxey thanked Dr. Mountain, Mr. Hill, and Ms. Rooks for their contributions to the video.

Motion: To approve for publication and distribution, the Public Service Announcement: Suicide Prevention Video.

Moved/Seconded: Ms. Brown/Ms. Carpenter.

**Board Discussion:**

Mr. Dierking thanked everyone for their contribution to this very important project.

**Public Comment:** None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes

Board Meeting  
November 18, 2022

Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Absent
Ms. Rooks	Abstain

Motion carried with a vote of 7 yes and 1 abstention.

**Agenda Item 12                      Public Comment on Items Not on the Agenda.**

No comments received.

**Agenda Item 13                      Suggestions for Future Agenda Items**

No suggestions received.

**Agenda Item 14                      Closed Session**

Prior to retiring to closed session:

Motion: For the Board to retire to closed session to deliberate on disciplinary matters and thereafter adjourn without reconvening to open session.

Moved/Seconded: Mr. Dierking/Mr. Hill.

**Board discussion:** None.

**Public Comment:** None.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Absent
Ms. Rooks	Yes

Motion carried by unanimous vote.

**Agenda Item 15                      Adjourn Meeting**

Board Meeting  
November 18, 2022

Meeting moved to closed session. Counsel advised closed session adjourned at 11:41 a.m.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**  
Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**  
Board President





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

**DATE:** Friday, December 9, 2022

**BOARD MEMBERS**

**PRESENT:** Dr. Mountain, President, Education Member  
Mr. Dierking, Vice President, Public Member  
Ms. Carpenter, Public Member  
Mr. Maxey, Public Member  
Ms. Moore, Psychiatric Technician Member  
Ms. Nieblas, Public Member (left in progress)  
Ms. Rooks, Licensed Vocational Nurse Member

**STAFF PRESENT:** Ms. Yamaguchi, Executive Officer  
Mr. Ito, Assistant Executive Officer  
Ms. DeYoung, Supervising Nursing Education Consultant  
Dr. McLeod, Nursing Education Consultant  
Ms. Pires, Legislation and Regulations Specialist  
Ms. Ball, Administration Analyst  
Ms. Maracino, Education Analyst

**DCA STAFF PRESENT:** Mr. Swenson, Board General Counsel  
Ms. Schieldge, Board Regulatory Counsel (joined in progress)

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**Agenda Item 1 Call to Order, Roll Call, and Establishment of Quorum**

Dr. Mountain called the meeting to order at 9:31 a.m. Quorum was established with seven (7) members present.

**Agenda Item 2 Introduction of Board Staff**

Ms. Yamaguchi introduced Board staff.

**Agenda Item 3 Public Comment on Items Not on the Agenda.**

No comments received.

**Agenda Item 4                      Discussion and Possible Action to Consider Submission of Public Comments to the Respiratory Care Board (RCB) and/or Requested Changes to Proposed Text for the RCB's Rulemaking to Adopt Title 16, California Code of Regulations Section 1399.365, Basic Respiratory Tasks and Services**

Ms. Yamaguchi brought before the Board the agenda item topic for discussion and possible action. She shared a short background covering the historical work BVNPT and RCB have collaborated on and then reminded all that this passed as part of the RCB's Sunset Bill. She shared that upon thorough review of their proposed regulations language, including but not limited to, side by side comparison with the BVNPT's current education standards and testing criteria, the language, as written, lends a much narrower scope and as such will limit the LVN's current scope of practice as it relates to bedside care.

Ms. Yamaguchi went on to share that board staff have prepared six (6) suggested amendments for the Board's review, discussion, and authorization to submit to RCB as public comment. She continued to share short overviews and reasoning behind each of the six (6) proposed suggestions to give members additional context and rationale.

**Board Discussion:**

Dr. Mountain agrees with all the suggestions proposed.

Mr. Dierking appreciates the comprehensive work that has been presented. He agrees with Dr. Mountain and is in complete support of the proposed amendments.

Ms. Moore concurs with the proposed recommendations as well.

Ms. Carpenter asked if there was any indication that RCB will be amenable to the suggested amendments presented. Ms. Yamaguchi responded that staff has not had the opportunity to have a conversation with RCB yet, however, there are RCB representatives attending today's meeting and they may be able to speak during public comment.

Ms. Rooks asked if she missed the reasoning as to why RCB removed these activities in the first place. Ms. Yamaguchi shared that in this situation, nothing has changed in our regulations, our regulated education standards, the regulated training nor the NCLEX. What RCB is looking to do is to establish very concise and clear definitions of what basic respiratory care is and how it is treated by an LVN. It is without a doubt that respiratory care practitioners have a vastly different approach to the patient care than the LVN would, addressing more urgent complex and/or acute respiratory issues. So, as they are setting these definitions, we would recommend as they go forward, to work together for the regulations to match the BVNPT's current practices. Ms. Rooks thanked Ms. Yamaguchi for the response and finished by stating she agrees with the other members positive sentiments as it relates to the proposed changes.

Mr. Swenson asked to make clear, for the record, that this is a new proposed regulation so there is not a change in current RCB regulation. This is a new provision to be added following proper rulemaking processes.

Ms. Schieldge added that this is critical for the board to weigh-in because once this rule is adopted by the RCB, the BVNPT will also be required to enforce the rule and, as mentioned, it will affect the scope of practice for licensees in these care settings.

Dr. Mountain added that considering the pandemic and the staffing shortages, it is not the time to decrease scope of practice. There is a constant struggle to find healthcare workers to support all the patients' needs; therefore, to limit a scope of practice doesn't seem wise currently.

**Public Comment:**

Jennifer McLennon, an LVN and parent of a child that is tracheostomy and ventilator dependent shared her concerns with both the current language and the proposed amendments, that included to clarify, where appropriate, to include pediatric equipment. Without these amendments, her son, and others like him will no longer be able to safely live at home and will have to be institutionalized. She concluded by sharing that LVN's make living safely at home possible under the current scope of practice.

Motion: To accept and adopt the specific comments and proposed amendments to the proposed text as listed in the Memorandum for Agenda Item 4 and direct that the comments and amended proposed text be submitted to RCB on or before the conclusion of its rulemaking comment period, Tuesday, December 27, 2022.

Moved/Seconded: Ms. Carpenter/Ms. Rooks

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Absent
Ms. Carpenter	Yes
Mr. Hill	Absent
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes

Motion carried by unanimous vote.

**Agenda Item 5                      Adjourn Meeting**

The meeting was adjourned at approximately 10:08 a.m.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**  
Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**  
Board President