



EXECUTIVE COMMITTEE MEETING MINUTES

March 16, 2023

2535 Capitol Oaks Drive
Sacramento, CA 95833
via WebEx Webinar

Board Members Present: Dr. Mountain, Board President, Chair
Mr. Dierking, Board Vice President

Staff Present: Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer
Ms. Wood, Chief, Enforcement Division
Ms. DeYoung, Supervising Nursing Education Consultant
Ms. Brown, Licensing Division Manager
Ms. Pires, Legislative and Regulations Specialist
Mr. Birkman, Licensing Supervisor
Mr. Hall, Licensing Supervisor
Mr. Gardner, Probation Unit Manager
Ms. Ball, Board Administration Analyst

DCA Staff Present: Mr. Swenson, Board General Counsel

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 1:55 pm.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Mr. Swenson, Board General Counsel, was not available during roll call, but was present.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito shared an update on the newsletter project approved by the board at the May 2022 meeting. The current planned release of the first edition for the newsletter is the beginning of the new fiscal year, July 2023. He continued with a high-level overview of potential content for the newsletter.

He continued the update sharing that the records management project is prepared to begin. This project involves reviewing files that are currently held in storage and reviewing in-office files to determine which files can move to digital, can be destroyed, et al. This is staff's first step in positive advancement forward as it related to records management.

Mr. Ito reported that he is leading the review and assessment of the current strategic plan and the review of office space and the lease agreement to determine the most fiscally responsible use of space that meets operational need. He finished his update by sharing that it was recently revealed that the board is potentially in need of a new alarm system and options are being researched. At the very least, a new computer to monitor the current system will need to be procured.

Committee Discussion: None.

4. Enforcement Division Update – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood shared that division updates have not changed from what was shared at the last board meeting. ‘

Ms. Wood continued with an update on Operation Nightingale. Specifically, she reported that the board has received more cases from this FBI investigation into schools allegedly selling false transcripts and diplomas. Enforcement staff has worked through most of the first set of cases and has recently received a second set of cases (106), these cases are currently being processed. With the increasing numbers of cases, and continuation of the FBI investigation, board management is considering implementing new processes and procedures to streamline the processing of the cases related to this operation.

Committee Discussion:

Dr. Mountain asked for the total number of cases received from Operation Nightingale. Ms. Wood shared that the board has received about 151 total cases to date.

Ms. Yamaguchi shared that the NCSBN conference later in the month is supposed to provide an update from the FBI. She shared that as more schools are investigated more batches of cases are expected to be received.

Dr. Mountain asked if there is something the board can do to raise awareness to this issue? She suggested creating guidelines or reliable sources for graduating LVN's to use that will raise awareness to this and potentially steer them away from the fraud.

Ms. Wood suggested that the board consider this topic for a new PSA, a message directly from the board members. She shared that messages from the members

hold more significance to our stakeholders. She suggested that the PSA include how to vet a school, Dr. Mountain agreed to this idea and offered her full support.

Ms. Wood agreed to add this topic to the enforcement committee agenda discussion and will provide an update at the next board meeting. Mr. Dierking agreed that this topic is important and substantive. He agreed that a PSA is a great idea to raise awareness. Dr. Mountain suggested that the PSA be shown at schools to increase visibility. Ms. Wood agreed and added that the PSA will also be available on all applicable webpages on the board's website.

Mr. Swenson concluded the conversation agreeing that a PSA is an excellent idea. He suggested that the PSA include examples from actual cases the board has received and address how this scam works and how the fraud affects the licensees.

5. Education Division Update – Beth DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung shared the total number of approved school programs, and the breakdown by license type and school type. The education and practice committee meeting is tentatively scheduled for Monday April 24 at 2:00 pm; contingent on the confirmation of committee members.

She continued sharing that the Spring 2023 Directors' Forum is scheduled for May 3 via Webex. Dr. Nancy Specter from NCSBN has been confirmed to present on Quality Indicators and Jason Schwartz from NCSBN is confirmed to present NCLEX information and strategies.

Ms. DeYoung shared with the committee that there are eleven (11) current applications for new school approval process. Of these, ten (10) are private programs and one (1) is a community college. Seven (7) of the eleven (11) programs have been assigned to an NEC.

In 2022 the board approved ten (10) programs. Historically, the board has not approved so many programs in a single year since 2008. So far in 2023, the board has approved four (4) VN programs, and staff projects approving at least twelve (12) additional programs this year.

Ms. DeYoung shared that the division currently has three (3) vacant positions, two (2) limited term NEC positions and one (1) limited term AGPA position. After almost a year of recruitment, there are two (2) applicants moving forward in the NEC hiring process. Interviews for the AGPA position are scheduled for the following week.

Ms. DeYoung shared that since filling the program technician position in February, IV and blood withdrawal applications are no longer backlogged. These applications are now being processed at time of receipt.

Ms. DeYoung concluded her update sharing that the division had met with the Department of State Hospitals (DSH) and Psychiatric Technician (PT) schools/program directors in February, allowing for open conversations to answer questions and discuss challenges. State Hospitals discussed the pipeline for PT's and the directors shared (for example) challenges with admitting students to fill classes, marketing, and PT employment at skilled nursing facilities. The directors also expressed their interest in making the pathway from PT to registered nurse (RN) clearer and readily known to build additional knowledge about career advancement options for PT's. Another meeting is planned to be scheduled.

Committee Discussion:

Dr. Mountain asked to confirm that twelve (12) programs are anticipated to be approved in 2023. Ms. DeYoung confirmed this and shared that with four (4) already approved and an additional twelve (12) currently assigned to NEC's, we expect to see this as the total number for the year.

Dr. Mountain shared that some of the best mental health nurses she has worked with started as a PT. She shared that this is the type of RN's that are needed; defining this pathway of PT career advancement better would be wonderful. The mental health industry needs more of this type of nurse.

6. Licensing Division Update – Shelley Brown, Licensing Division Manager.

Ms. Brown shared that a new licensing technician will start next month. The division is conducting additional interviews to fill another two (2) vacant positions.

Committee Discussion: None.

7. Legislation and Regulations – Doris Pires, Legislative and Regulations Specialist & Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared that the new legislative season has begun, and staff has been creating a list of bills that may potentially affect the board. She shared that staff was notified earlier this week that the Senate committee will not be including our language correcting our statute (re: community college enrollment), as advised by the Office of Administrative Law (OAL), to the annual committee bill. For unknown reasons this amendment was opposed; staff will need to figure out another way to make this update. Regulation counsel has advised that this small setback should not jeopardize the current rulemaking and the board may proceed as planned.

Ms. Pires shared that the language in question explains the relationship in the inverse of how it happens and that this change has been determined to be non-substantive, technical, and corrective – to be notified of opposition was surprising.

Ms. Yamaguchi continued the update sharing that Assemblymember Dahle has introduced a bill that will allow LVN's to act as school nurses. She shared a short high-level background on the difficulties of hiring school nurses currently and how

this bill, as written, may help alleviate these issues. It is unclear where this bill may lead, so staff is tracking it closely.

Ms. Yamaguchi shared that RCB held a meeting earlier in the month where they shared their current, board approved, legislative concepts. She went on to share a high-level overview of the concepts and how staff plan to proceed as bill language evolves.

Ms. Pires shared that staff is on track and following the 2023 rulemaking calendar as approved by the board. The program approval process certificate of compliance, which is the bookend to the emergency rulemaking last spring, has been accepted and the permanent filing is due June 27th. This public comment period began March 10 and concludes April 26. To date, no public comment has been received. This is right on schedule.

Ms. Pires continued to share that the disciplinary guideline package from the enforcement division is in the production phase; this package was sent to regulatory counsel for review in mid-February.

Ms. DeYoung shared an update on the package for Article 5 revisions. The NECs will be working their way through the entire article and may or may not include the IV blood withdrawal. The education division is eager to begin this package.

Committee Discussion:

Dr. Mountain asked to confirm that the statute language in question was that which outlines the waiver for community colleges to not pay the \$5000 fee. Ms. Pires confirmed. Dr. Mountain continued sharing that having worked for so long with community colleges, budget is a major concern and without the waiver schools may potentially close programs. Ms. Yamaguchi shared that at this time, the board has not been notified of the exact concerns but should know more once the public comment period closes.

Dr. Mountain expressed her agreement with staff paying close attention and responding proactively to the RCB bill(s), as needed.

Ms. DeYoung shared her concerns with some of the language that is likely to lead to licensee confusion and potential enforcement issues.

8. Board Schedule – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi thanked members for a successful training day in March, highlighting the conversations that were had that will help staff develop future training days. She shared that staff is considering offering a more in-depth, in-office training on a more individual-style basis for members in the future.

Ms. Yamaguchi shared that staff does recommend that the next board meeting, May 18-19, move to a one (1) day business meeting on Friday May 19th. She shared that NCSBN has requested up to two (2) hours for their presentation.

Dr. Mountain commented that she looks forward to the NCSBN presentation, even if it does elongate the usual time for a one (1) day business meeting.

The next board meeting is scheduled for May 19, 2023 via WebEx.

9. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared the member vote log for the last half of 2022 and the current year. She confirmed that a quorum of members is voting, and staff is happy with the current involvement of members.

Ms. Yamaguchi shared the proposed committee assignments based on member requests. The committee discussed details about the assignments and committees with Ms. Yamaguchi.

Motion: move to approve the committee assignments as proposed.
Both members approve this motion. Motion carried.

10. Next Executive Committee Meeting: TBD April 2023.

The next Executive Committee Meeting is scheduled for April 13, 2023 from 2:00 – 4:00 pm or until the completion of business.

11. Suggestions for Future Agenda Items.

Ms. Yamaguchi suggested that she and Dr. Mountain share an overview of the NCSBN conference they are attending at the end of March.

12. Adjournment.

Dr. Mountain adjourned this meeting at 3:07 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President



EXECUTIVE COMMITTEE MEETING MINUTES

April 13, 2023

**2535 Capitol Oaks Drive
Sacramento, CA 95833
via WebEx Webinar**

**Board Members
Present:**

Dr. Mountain, Board President, Chair
Mr. Dierking, Board Vice President

Staff Present:

Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer
Ms. Wood, Chief, Enforcement Division
Ms. DeYoung, Supervising Nursing Education Consultant
Ms. Brown, Licensing Division Manager
Ms. Pires, Legislative and Regulations Specialist
Mr. Birkman, Licensing Supervisor
Mr. Hall, Licensing Supervisor
Mr. Prouty, Discipline Unit Manager
Ms. DeCristofaro, Personnel Liaison
Ms. Ball, Board Administration Analyst

DCA Staff Present:

Mr. Swenson, Board General Counsel
Ms. Schiedge, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:03 pm.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Mr. Swenson and Ms. Schiedge introduced themselves.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito opened with thanking the executive committee members for their hard work and service.

He then shared an update on the special project regarding the lease and space planning efficiency and potential cost savings. He concluded with an update on the records management special project. This project has commenced, and an analyst has started ordering boxes of files from storage to review and work toward completely digitizing the boards records. This project is projected to save money and create more efficient business processes for the board.

Committee Discussion:

Dr. Mountain thanked Mr. Ito for his work on the special projects shared.

4. Enforcement Division Report – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood shared that Operation Nightingale, an FBI operation investigating schools in other states issuing potentially fraudulent transcripts, continues to submit cases to the division. These submissions have increased the pending case numbers to over 1000 cases, but staff has successfully brought the case load back down to under a thousand.

Ms. Wood shared that staff expects to present the disciplinary guidelines to the enforcement committee for approval to move the package to the full board by the next meeting to continue moving the package through the regulatory process.

Ms. Wood finished her update by sharing that the committee is also working on a new public service announcement about substance abuse. This topic was deemed most appropriate, given recent decisions and orders received. Once the committee approves this script, it will also move to the full board for final approval.

Committee Discussion:

Dr. Mountain thanked Ms. Wood for her work and shared that she appreciated the focus on substance abuse.

5. Education Division Update – Beth DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung shared that there are now 165 approved schools/programs.

The Spring 2023 Directors' Forum will be hosted via WebEx on May 3rd as a full day forum. Two representatives from NCSBN and our board president, Dr. Mountain, are confirmed as presenters. She thanked Dr. Mountain for agreeing to speak.

Ms. DeYoung shared that initial applications for approval of new programs have been received including thirteen (13) VN programs that have submitted their letter of intent (eleven (11) are private programs and two (2) are community colleges). One (1) of these thirteen has already been approved. Of these programs, eight (8) have been assigned to an NEC for processing.

To date, in 2023 there have been six (6) VN programs approved and the division is on track for at least ten (10) more to be approved in 2023, exceeding the ten (10) approved in 2022.

Ms. DeYoung shared that the three (3) vacancies in the division, consisting of two (2) limited-term NEC's and one (1) limited-term AGPA, are all expected to be filled by the end of April. At that time, the division will be fully staffed.

She concluded with sharing that the NEC team has begun working on revising Article 5 of the Board regulations for both VN and PT. This is a large undertaking, but the team is looking forward to the work.

Committee Discussion:

Dr. Mountain asked if there are any PT programs applying to start a new program, Ms. DeYoung confirmed that no PT programs have submitted a letter of intent.

6. Licensing Division Update – Shelley Brown, Licensing Division Manager.

Ms. Brown shared that a new licensing technician recently started, and the interviews that were conducted last month to fill other vacancies are moving along and we expect to make job offers shortly. One technician has accepted a promotion to the education division, so staff is working to fill this position as well. She continued to share that one of the equivalency analysts accepted a promotion; this position is planned to be posted soon to begin receiving applications.

Ms. Brown thanked the licensing supervisors for their research, efforts, and assistance on the records management project that Mr. Ito discussed earlier.

Committee Discussion: None.

7. Legislation and Regulations – Doris Pires, Legislative and Regulations Specialist & Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared that the 2023 legislative season has started. Staff presented the list of bills being watched to the legislation and regulations committee at their meeting earlier in the week. There are some interesting bills that have been introduced, however, one of the more interesting bills is like last year's AB 1733 (Quirk), which extended the waivers to the Bagley-Keene Open Meeting Act to allow for online meetings notice protocols to continue as they were during the pandemic. She shared that SB 544 (Laird), is an identical bill to the previous bill. Staff is in support of this bill. Mr. Swenson confirmed that because the board approved its support of the previous bill, and they are identical, it is not necessary to re-approve its support. This will allow staff to immediately proceed with advocacy.

Ms. Yamaguchi shared that by the next board meeting, every bill that is going to move forward will be identified. She continued with additional information about AB 1722 that included overviews of discussions regarding amendments that would ensure safe implementation of this bill. These amendments make the bill compliant with BVNPT's existing scope, which removes the need to present the bill to the board for a position.

Ms. Pires shared that the board is currently in a 45-day public comment period for the program approval process regulations package. To date, no public comment has been received and the public comment period closes April 26th. Ms. Schieldge added that this package was approved on an emergency status and as such, the regular rulemaking must be completed by June 28, 2023.

Ms. Yamaguchi shared that the board is due for Sunset in 2024, therefore the sunset report will be prepared over the next months. The last hearing handed the board many directives and mandates. She believes that the board will be triumphant in the progress made. She concluded by sharing an approximate timeline of how to best create this report, in the most streamlined process.

Committee Discussion:

Dr. Mountain shared her support of the school nursing bill and commented that she has heard of money that is being put forward to assist LVN's working in schools to assist with career advancement as an apprenticeship program.

Mr. Dierking asked how this program will be funded. Dr. Mountain has not seen the details but believes it may be a state grant.

Dr. Mountain agreed that so much work has been done and is also optimistic of the outcome of the board's sunset hearing.

8. Recap from NCSBN Conference - Dr. Mountain, Chair & Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared a high-level overview of the NCSBN conference that she and Dr. Mountain attended. Presentations and discussions at the conference included Operation Nightingale, new innovations in nursing education, and AI abilities to proctor testing for students in rural areas.

Mr. Dierking shared his appreciation for the national attention of Operation Nightingale, it is a very concerning issue. He shared that he believes that the OAL should consider preparing a uniform standard for these types of cases to ensure consistent hearings. He shared information he received regarding the nursing industry and the numbers of nurses leaving due to retirement or burnout. He believes these issues call for additional advocacy. Dr. Mountain thanked him for this information, she had not seen the article he referenced. She believes that this is an

issue that should be addressed as the nursing industry works to increase its numbers.

9. Board Schedule – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared that upon review of the necessary business before the board at the May meeting, the schedule has been updated to the original two (2) day meeting, May 18-19th. Both days will be hosted via WebEx. She concluded by sharing that the August meeting may have to be in-person, depending on the status of SB 544, discussed previously.

10. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared the 2023 Board Member vote log. There are no issues currently with members voting. She added that this data is some of the information that is included in the Sunset report.

11. Next Executive Committee Meeting: TBD June 2023.

Next Executive Committee Meeting is scheduled for June 1, 2023 from 2:00 – 4:00 pm or until the completion of business.

12. Suggestions for Future Agenda Items.

Mr. Dierking requested to continue receiving updates on Operation Nightingale and suggested a potential precedential decision on this topic. He continued to ask about the licensing committee structure with the resignation of Ms. Rooks, suggesting that the newly appointed member be assigned in her place. Ms. Yamaguchi agreed.

Dr. Mountain agreed with the comments Mr. Dierking made about Operation Nightingale and asked if there is anything the board can do to help the public and let them know about these schools and what to do to avoid fraudulent school programs. Mr. Swenson advised that in this case, the board would need to proceed cautiously in what is published. There are several privileges under the civil code that would apply. He followed with additional details that he was able to recall without research. This could be an option to consider. Any advisements the board creates will have to be carefully reviewed.

13. Adjournment.

Dr. Mountain adjourned this meeting at 3:05 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President