



Board of Vocational Nursing and Psychiatric Technicians
 2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945
 P (916) 263-7800 | F (916) 263-7855 | www.bvnpt.ca.gov
 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR



ENFORCEMENT COMMITTEE MEETING MINUTES

January 16, 2024

Via WebEx

Time: 3PM –3:24PM

Board Members Present Via Teleconference:

Mr. Ken Maxey, Public Member, Chair
 Ms. Lessie Moore, PT, Licensee Member

Staff Present Via Teleconference:

Ms. Yamaguchi, Executive Officer
 Mr. Mark Ito, Assistant Executive Officer
 Ms. Wood, Enforcement Division Chief
 Mr. Swenson, DCA Legal Counsel
 Ms. Archibald, Enforcement Manager
 Mr. Prouty, Enforcement Manager
 Ms. Higashi, Supervising Special Investigator
 Mr. Weiler, Probation Manager

1. Call to Order and Introduction of Committee Members (00:05): Mr. Maxey called the meeting to order.
2. Roundtable with Enforcement Managers (00:30)
 - a. Statistics Review of each unit within the Division (00:41)
 - i. Intake and Enhanced Unit
 1. **Ms. Archibald** provided stats and updates for Intake and Enhanced Screening (00:48)
 - ii. Licensee Applicant Case Review Unit
 1. **Ms. Wood** provided stats and updates for Licensing Application, Complaint & Review (02:05)
 - iii. Special Investigations
 1. **Ms. Higashi** provided stats and updates for the Special Investigation Unit (02:52)
 - iv. Division of Investigation
 1. **Ms. Wood** provided stats and updates for Division of Investigation (03:30)
 2. **Mr. Maxey** asked if there is a PSA for Botox
 3. **Mr. Wood** replied no.
 4. **Ms. Moore** wants PSA on Botox.

5. **Ms. Wood** will put something together that encompasses all of the precedential decisions.
 - v. Discipline
 1. **Mr. Prouty** provided stats and updates for Discipline Unit (05:57)
 - vi. Probation
 1. **Mr. Weiler** provided stats and updates for Probation Unit (07:24)
 - vii. Petition Hearings
 1. **Ms. Wood** provided stats for Petition hearings (8:40)
 - viii. Enforcement Division
 1. **Ms. Wood** provided stats for Enforcement Division and discussed manager training for Strength Finders. The committee is ok with moving forward with training. There will be some costs that will be reported later (9:37)

3. Continuing Education Audit (11:30)
 - a. **Mr. Ito** went over the Continuing Education Audit. Mr. Ito is meeting with staff to work on the process and audit system in Breeze. Mr. Ito will work with other Boards to find the most efficient method. Licensing Division will fill vacancies for CE auditing.
 - b. **Ms. Moore** asked if probationers were audited first.
 - c. **Mr. Ito** We are going to get the process up and started again and the probationers will be the first.
 - d. **Ms. Moore** asked how the other folks will be mainstreamed into audit.
 - e. **Mr. Ito** replied that once we get probationers audited, the plan is to randomly audit a percentage of our other licensees per month. Other boards do 2-3% and some up to 5-10%. We're going to determine the percentage based on our workload.

4. Nightingale update (15:23)
 - a. **Ms. Wood** went over the Nightingale update. Nightingale cases are schools targeted by the FBI that were determined to be giving out fraudulent transcripts and diplomas. We have a potential of 144 licensees and applicants that are part of that. We have closed approximately 126 cases. We currently have 18 cases open and pending investigation. Some of which are waiting for other states and these cases we can take reciprocal discipline if deemed appropriate.
 - b. **Mr. Maxey** asked if we have provided support to the closed 126 cases. Were they aware of this?
 - c. **Ms. Wood** responded. A lot of it was closed without contacting the licensee because we were able to confirm validity of transcripts and graduation. Ms. Wood believes most ended up on a list from taking

courses for CE and/or purchasing transcripts for courses that bridges them to an RN program.

- d. **Mr. Maxey** reiterated his question of what support we provided to the 126 because they had to spend money on courses.
 - e. **Ms. Wood** stated that many of them were not scammed out of funds and some of them did graduate appropriately. Education Division is working on PSA about searching appropriately licensed programs to ensure they are not scammed.
5. Applicants licensed without an Enforcement review (19:30)
- a. **Ms. Wood** provided that we had five applicants who were licensed without an enforcement review. Two are at Attorney General's Office that will end up in mail vote for a Decision and Order. One of them has an open investigation with the Division Of Investigation.
 - b. **Mr. Maxey** asked Mr. Swenson if this will create more work at our end or if Attorney General's Office will handle most work?
 - c. **Mr. Swenson** explained that most of the work will be done by the Attorney General's Office and the Board will review the Proposed Decisions or Stipulated Settlements. Mr. Swenson advised that generally speaking Attorney General represents the Executive Officer (Complainant) so most of the work will be done there.
6. Regulatory Updates (21:28)
- a. Disciplinary Guidelines
Ms. Wood stated that Ms. Schieldge completed her portion of work on the disciplinary guidelines rulemaking package and she is waiting on the budget office to do a few more things before we move forward.
7. Suggestions for Future Agenda Items (21:54)
- a. **Ms. Moore** wanted suggestions for grace period from when a licensee misses a deadline to repond to a Default by a day or two.
 - b. **Mr. Prouty** responded to provide background information. No one has ever received a Default because they were late by a day or two. When we issue the accusation, they have 14 days to respond by regulation, but we provide them 30 as a courtesy. And even then, when a default package is prepared and gets it to us, most of the licensees have not reponded in the upwards of 2 months. So it's not a matter of just missing the deadline by a couple of days. They have ample opportunity and even after the Default is issued, they had an opportunity to submit motion to vacate or petition for reconsideration.
8. Schedule next Enforcement Committee Meeting (24:12)
- a. 3/5/2024 – 3 p.m.

9. Adjournment (25:21) – 3:24 p.m.

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. Towards 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.