

**TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICANS
DEPARTMENT OF CONSUMER AFFAIRS**

PROPOSED LANGUAGE

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend Sections 2525, 2526, in Article 5 and Adopt Section 2537.2 in Article 6 of Chapter 1 of Division 25 of Title 16 of the California Code of Regulations and Amend Sections 2580, 2581, in Article 5 and Adopt Section 2590.2 in Article 6 of Chapter 2 of Division 25 of Title 16 of the California Code of Regulations, as follows:

Chapter 1. Vocational Nurses

Article 5. Schools of Vocational Nursing

§ 2525. ~~Approved Schools of Nursing. Definitions.~~

~~(See Section 2502(c) of this Chapter.)~~

As used in this Article, unless the context otherwise requires:

(a) “Affiliated with an approved school or program” as used in Code section 2881.2(b)(2)(B)(i) means any school or program that has a formal collaborative agreement with an approved school or program, as defined in section 2881 of the Code, that controls its academic policies and curriculum, and where the school or program agrees to utilize the policies and curriculum of the approved school or program.

(b) “Institution” means a postsecondary school or educational program offering courses of instruction in vocational nursing.

(c) “Approval Process” as used in section 2881.2(a) of the Code means the process by which a school or educational program may seek approval to become an approved school of vocational nursing from the Board.

(d) “Cohort” or “class” means a group of students intended for enrollment in an approved school or program of vocational nursing.

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(e) “Faculty” means persons specifically appointed as Director, Assistant Director, Instructor, Additional Faculty, Teacher Assistant, or other persons who have the qualifications to teach as specified in section 2529.

(f) “Good cause shown” means any of the following:

(1) Death of an immediate family member for any individual applicant, or officer, manager, or director of any applicant. Documentation, such as a copy of the death certificate, must be submitted.

(2) Catastrophic illness, contagious disease, or major traumatic injury to any individual applicant, or officer, manager, or director of any applicant or their immediate family member (spouse, child, or parent). Documentation, such as an original letter on letterhead from the physician, which includes the date(s), nature of the illness, and the physician's signature, must be submitted.

(3) Natural disaster (earthquake, flood, fire, etc.) in the applicant's physical or office location.

(4) Service of any individual applicant, or officer, manager, or director of any applicant on extended active duty with the Armed Forces of the United States. Documentation, such as copies of current Leave and Earnings Statements or military orders, must be submitted.

(g) “Letter of Intent” as used in Code section 2881.2(a)(1)(A) means the document describing the school's or educational program's preliminary plan to submit an initial application for Board approval of a vocational nursing program in compliance with the requirements of this Article and Article 4 (commencing with section 2880) of Chapter 6.5 of Division 2 of the Code.

(h) “Reasonable costs for providing oversight and review” shall include the Board's total staff time in dollar value costs allocated to each task performed in the approval process and in providing oversight and review of an institution, including actual costs to the Board for salaries, wages, and other staff benefits paid as part of the application review and to assess continuing compliance with this Article, and any travel expenses incurred by staff and paid by the Board in conducting site visits, inspections, or reviews of an institution.

Note: Authority cited: Sections 2854 and 2881.2 Business and Professions Code. Reference: Section 2881.2, Business and Professions Code.

§ 2526. Procedure for Approval.

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(a) To begin the approval process, the institution shall apply submit a completed Letter of Intent meeting the requirements of this section to the Board for approval. A completed Letter of Intent shall include a completed "Letter of Intent to Submit Application for Initial Approval of New School or Program – Vocational Nursing," Form 55M-1 (New 04/2022), which is hereby incorporated by reference, and written narrative statements and documentation shall be prepared by the director and that shall include:

(1) Philosophy of the program. This is a document that outlines an educational program's values, ethics, and beliefs ("philosophy"). Examples of concepts generally found in a program's philosophy include humanity, society, health, wellness, illness, education, teaching and learning.

(2) Conceptual framework. This is a document that guides the overall structure of the curriculum and reflects the philosophy of the program.

(3) Terminal objectives to indicate expected student outcomes upon successful completion of the program. This includes measurable criteria regarding the student's successful completion of progressive components of the program, e.g., completion of course, term, or semester. Concepts generally found within terminal objectives include successful completion of program hours and/or objectives, passing the examination set forth in section 2510, and being able to perform as a competent entry level vocational nurse.

(4) Curriculum objectives Feasibility Narrative. This means a description of the type of school or program being proposed, the total cost to the student to complete the program (including tuition, all fees, uniforms, materials, etc.) the intended start date, and the projected size of the first class.

(5) Course outlines Title and General Description of Each Course. The institution shall provide the name(s) of each course and a corresponding general course description. The course description shall describe the subject matter of the course and the educational objectives of each course.

(6) Course objectives. Clinical Facility Placement List. A list of the clinical facilities that are intended to be utilized for learning experiences. The institution shall submit a completed "Intent for Clinical Facility Placement," Form 55M-3 (New 04/2022), which is hereby incorporated by reference, for each health care facility that agrees to provide clinical placement for students of the proposed school or program.

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~~(7) Instructional Plan- Student Services List. A list of resources for provision of counseling and tutoring services for students and corresponding contact information (e.g., primary contact name, telephone number, mailing and/or email address).~~

~~(8) Evaluation methodology for curriculum Geographic Narrative. This means a description of the geographic area and community to be served by the proposed school or program (e.g., demographics, numbers of health facilities in the area in need of nursing, or potential future growth of the community).~~

~~(9) Faculty who meet the qualifications set forth in Section 2529.~~

~~(10) Clinical Facilities.~~

~~(11) Evaluation methodology for clinical facilities.~~

~~(12) Admission criteria.~~

~~(13) Screening and selection criteria.~~

~~(14) Number of students.~~

~~(A) A school may admit alternate students in each new class to replace students who may drop out.~~

~~(B) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.~~

~~(C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.~~

~~(D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.~~

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~~(E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.~~

~~(15) Evaluation methodology for student progress.~~

~~(16) List of resources for provision of counseling and tutoring services for students.~~

~~(17) Student policies:~~

~~(A) Credit granting.~~

~~(B) Attendance.~~

~~(C) Grievance.~~

~~(18) Organizational chart.~~

~~(19) Proposed starting date.~~

~~(20) Evidence of program resources to include, but not be limited to:~~

~~(A) Description of the geographic area and community to be served by the proposed program;~~

~~(B) Clinical affiliations available for student clinical experience; and~~

~~(C) Existing nursing programs with which clinical affiliations are shared.~~

(b) The institution shall provide separate responses, including the provision of any applicable documents, to each item requested in subsection (a). The institution shall clearly identify their responses by placing the name of the institution at the top of each page that is provided and then using a simple naming convention that, at a minimum, links each response to the number and subject matter of the request in subsection (a).

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and provides the date of the response or document (e.g., “1. Philosophy of the program. 2/2/2022.”)

(c) Upon receipt of a completed Letter of Intent, the Board shall send written notice to the institution acknowledging receipt, informing the institution of the next steps in the approval process in accordance with section 2881.2 of the Code, and providing an estimated wait time until active assignment to a nursing education consultant. Within 60 days of the date of written notice by the Board of active assignment of a nursing education consultant, the institution shall submit a completed initial application for approval, which includes all of the following: (1) a completed “Application for Approval of New School or Program of Vocational Nursing, Form 55M-2 (New 04/2022) which is hereby incorporated by reference; (2) a completed “Clinical Facility Verification Form – VN,” Form 55M-3A (New 04/2022) for each applicable health care facility, which is hereby incorporated by reference; (3) a completed “Vocational Nursing or Psychiatric Technician Program Curriculum Content - Instructional Plan,” Form 55M-2W (New 04/2022), which is hereby incorporated by reference; (4) a completed “Summary of Instructional Plan Program Hours Vocational Nursing Program,” Form 55M-2E (New 04/2022), which is hereby incorporated by reference; (5) “Verification of Faculty Qualifications Form,” Form 55M-10 (New 04/2022) for each faculty member as described in section 2529, which is hereby incorporated by reference; and, (6) the nonrefundable initial application fee required by section 2537.2.

(d) Within 30 days of the date the Board receives an initial application for approval, the Board shall provide written notice regarding whether the application is complete or what additional documents or fees are required to make the application complete. The written notice shall also specify that the institution has 60 days from the date of the Board’s written notice (“60-day submission period”) to provide the missing information and the consequences of failing to submit the required fee or information as specified in section 2881.2 of the Code. If requested by the institution prior to the expiration of the 60-day submission period, the Board may provide an institution with an additional 30 days to complete its application for good cause shown as specified in section 2525.

~~(b)-(e)~~ An institution may commence a new vocational nursing program upon Board approval.

~~(e)(f)~~ A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

~~(d)(g)~~ Approval will be granted by the Board when a vocational nursing program demonstrates that it meets all requirements as set forth in this Chapter and in Chapter 6.5, Division 2 of the Business and Professions Code and that no grounds for denial exist

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pursuant to this Chapter or section 480 of the Code.

(1) Within six months from the date the Board receives the completed initial application, the Board shall provide written notice to the institution of the action taken on the application in accordance with section 2881.2 of the Code and the effective date of that action.

(2) The written notice shall also include all of the following, as applicable:

(A) an invoice detailing the reasonable costs incurred by the Board in the approval process for the institution,

(B) if the Board proposes to approve the application, that the Board's approval is contingent upon payment of the final approval fee specified in the invoice and calculated in accordance with the provisions in section 2537.2,

(C) the deadline for providing the final approval fee in response to the Board's request in accordance with section 2881.3 of the Code; and

(D) if approved, the consequences for failing to respond and provide the fee in accordance with the provisions of section 2881.3 of the Code.

(h) If, after the submission of any application required by this section, but prior to the Board's decision to approve or deny an approval or continuing approval, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Board in writing. For the purposes of this section, a change in circumstance is "material" if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

~~(e)~~(i) The approval period shall be for a term of four years and shall expire at 12 midnight four years from the date of issuance by the Board unless the Board grants an extension continuing approval or the approval period is extended as provided in this section. Provided that a completed application for continuing approval as set forth in subsection (j) is received by the Board prior to the expiration date of the approval, a current approval shall be automatically extended until the Board has acted upon the application in accordance with subsection (j). An institution that fails to apply for continuing approval prior to the expiration date of its approval period must apply as a new applicant in accordance with this section and section 2881.3 of the Code if they seek to again offer a course of instruction in vocational nursing as an approved school of vocational nursing.

(1) An ~~extension~~ Continuing approval may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all

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requirements as set forth in this Chapter and in Chapter 6.5, Division 2 of the Business and Professions Code and that no grounds for denial exist pursuant to this Chapter or section 480 of the Code.

(2) ~~The extension~~ Continuing approval may be granted for a period not to exceed four years.

~~(f)(j)~~ (j) Six months prior to the date of approval expiration, a program may apply for ~~continued~~continuing approval ~~based upon submission of documentation satisfactory to the Board pursuant to Section 2526 (a).~~ by submitting a completed application for continuing approval to the Board, which includes all of the following:

(1) a completed "Continuing Approval Application for a Vocational Nursing School or Program," (Form 55M-15, New 04/2022), which is hereby incorporated by reference;

(2) "Clinical Facility Verification Form - VN," Form 55M-3A (New 04/2022), which is hereby incorporated by reference, for each applicable health care facility;

(3) "Vocational Nursing or Psychiatric Technician Program Curriculum Content - Instructional Plan," Form 55M-2W (New 04/2022), which is hereby incorporated by reference;

(4) a completed "Verification of Faculty Qualifications Form," Form 55M-10 (New 04/2022), which is hereby incorporated by reference, for each faculty member as described in section 2529;

(5) a completed "Summary of Instructional Plan Program Hours Vocational Nursing Program" Form 55M-2E (New 04/2022), which is hereby incorporated by reference; and,

(6) the application fee of \$5,000, which may be reduced in accordance with the procedures set forth in section 2537.2 and this section. A subsequent inspection or review may be conducted by a Board representative.

(A) Within 60 days of the date the Board receives a completed continuing approval application, the Board shall provide written notice regarding whether the application is complete or what additional information, documents or fees are required to make the application complete. For an institution that fails to submit a completed application, the institution shall be advised that the required information must be submitted within 30 days of the date of the written notice and that failure to submit a completed application prior to the expiration date of the approval will render the institution ineligible for continuing approval.

(B) Within 90 days of the date the Board provides written notice to the institution that its continuing approval application is complete, the Board shall act to approve,

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grant provisional approval in accordance with section 2526.1, or notify the institution that the application is denied and provide the effective date of such actions. The written notice shall also include the following:

1. A fee payment statement detailing the reasonable costs incurred by the Board in processing the continuing approval application and providing oversight and review of the institution calculated in accordance with section 2537.2; and

2. If the costs incurred by the Board are less than initially required to be paid upon submission of the application or the institution qualifies for a fee reduction based upon a reduction in state funding as provided in subsection (d) of section 2881.2 of the Code, a statement detailing the refund that will be provided and the anticipated date when the refund will be issued.

(g)(k) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

(l) To obtain or maintain Board approval, an applicant or approved school of vocational nursing shall meet the following alternate student criteria if the institution elects to admit alternate students to its programs:

(1) A school may admit alternate students in each new class to replace students who may drop out.

(2) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.

(3) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.

(4) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.

(5) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.

Note: Authority cited: Sections 2854 and 2881.2, Business and Professions Code.
Reference: Sections 2866, 2880, 2881, 2881.2, 2881.3 and 2883, Business and Professions Code.

Article 6. Revenue

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§ 2537.2. Prelicensure Education Provider Fees.

Pursuant to section 2881.2 of the Code, the following fees are established:

(a) The initial application fee for any applicant for approval of a new school or program of vocational nursing is five thousand dollars (\$5,000).

(b) The final approval fee for any applicant for approval of a new school or program of vocational nursing is fifteen thousand dollars (\$15,000), unless the institution is entitled to a decrease in fees as provided in subsections (c) or (d), in which case the final approval fee shall be calculated as provided in those subsections.

(c) The final approval fee for any applicant for approval of a new school or program of vocational nursing providing documentation of the criteria of 2881.2(b)(2)(B) of the Code, is five thousand dollars (\$5,000). Documentation shall include a signed and dated copy of the formal collaborative agreement between the applicant institution and an approved school or program that is in good standing, showing the applicant institution agrees to utilize the curriculum and policies of the approved school or program. For the purposes of this section “in good standing” means the approved school or program has a current and active approval with no provisional approval.

(d) In accordance with section 2526, the Board shall provide each institution an itemized invoice that shows the initial determination by the Board of the reasonable costs for providing oversight and review of an institution expressed in a total dollar value number. If the total dollar value number for the Board’s reasonable costs is less than the amount set forth in subsection (b), then the final approval fee shall be reduced to that total value number and reflected in the invoice provided to the institution pursuant to section 2526.

(e) Unless the Board makes an initial determination that the continuing approval fee should be decreased in accordance with subsections (f) or (g) after receiving the application for continuing approval, the fee submitted with any continuing approval application required by section 2526 shall be five thousand dollars (\$5,000).

(f) The continuing approval fee for any approved school or program of vocational nursing which provides documentation with the continuing approval application in subsection (j) of section 2526 for reduction in state funding resulting in reduced enrollment capacity is two thousand five hundred dollars (\$2,500).

(1) Documentation required for proof of reduction in state funding must be provided with the continuing approval application in section 2526 and include a copy of the school or program’s class rosters for the current semester or term, and the previous

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three consecutive semesters or terms, which demonstrate a cumulative decline in enrollment of more than 10 percent.

(2) Failure to provide the required documentation of reduction in state funding shall result in the continuing approval fee of five thousand dollars (\$5,000) to be assessed unless the applicant also qualifies for a reduction in accordance with subsection (g).

(g) Within 30 days of the date the Board receives a completed continuing approval application as provided in section 2526, the Board shall provide each institution a fee payment statement that shows the Board's initial determination of the reasonable costs for providing oversight and review of an institution expressed in a total dollar value number. If the total dollar value number for the Board's reasonable costs is less than the amount set forth in subsection (e), then the continuing approval fee shall be reduced to that total value number. If the continuing approval fee is reduced, then the institution shall be notified of the refund for the overpayment that will be provided in accordance with section 2526.

Note: Authority cited: Section 2854 and 2881.2 Business and Professions Code. Reference: Section 2881.2, Business and Professions Code.

Chapter 2. Psychiatric Technicians

Article 5. Schools for Preparation of Psychiatric Technicians

§ 2580. Definitions.

~~Approved Schools for Preparation of Psychiatric Technicians. [Repealed]~~

~~Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4530, 4531 and 4532, Business and Professions Code.~~

As used in this Article, unless the context otherwise requires:

(a) "Affiliated with an approved school or program" as used in code section 4531.1(b)(2)(B)(i) means any school or program that has a formal collaborative agreement with an approved school or program as defined in section 4531 of the Code, that controls its academic policies and curriculum, and where the school or program agrees to utilize the policies and curriculum of the approved school or program.

(b) "Institution" means a postsecondary school or educational program offering courses of instruction for the preparation of psychiatric technicians.

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(c) “Approval Process” as used in section 4531.1 of the Code means the process by which a school or educational program may seek approval to become an approved school for preparation of psychiatric technicians from the Board.

(d) “Cohort” or “class” means a group of students intended for enrollment in an approved school or program for preparation of psychiatric technicians.

(e) “Faculty” means persons specifically appointed as Director, Assistant Director, Instructor, Additional Faculty, Teacher Assistant, or other persons who have the qualifications to teach as specified in section 2584.

(f) “Good cause shown” means any of the following:

(1) Death of an immediate family member for any individual applicant, or officer, manager, or director of any applicant. Documentation, such as a copy of the death certificate, must be submitted.

(2) Catastrophic illness, contagious disease, or major traumatic injury to any for any individual applicant, or officer, manager, or director of any applicant or their immediate family member (spouse, child, or parent). Documentation, such as an original letter on letterhead from the physician, which includes the date(s), nature of the illness, and the physician's signature, must be submitted.

(3) Natural disaster (earthquake, flood, fire, etc.) in the applicant's physical or office location.

(4) Service of any individual applicant, or officer, manager, or director of any applicant on extended active duty with the Armed Forces of the United States. Documentation, such as copies of current Leave and Earnings Statements or military orders, must be submitted.

(g) “Letter of Intent” as used in Code section 4531.1(a)(1)(A) means the document describing the school's or educational program's preliminary plan to submit an initial application for Board approval of a school or program for preparation of psychiatric technicians in compliance with the requirements of this Article and Article 4 (commencing with Section 4530) of Chapter 10 of Division 2 of the Code.

(h) “Reasonable costs for providing oversight and review” shall include the Board's total staff time in dollar value costs allocated to each task performed in the approval process and in providing oversight and review of an institution, including actual costs to the Board for salaries, wages and other staff benefits paid as part of the application review and to assess continuing compliance with this Article, and any travel expenses incurred

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by staff and paid by the Board in conducting site visits, inspections, or reviews of an institution.

Note: Authority cited: Sections 4504 and 4531.1 Business and Professions Code.
Reference: Section 4531.1, Business and Professions Code.

§ 2581. Procedure for Approval.

(a) To begin the approval process, ~~T~~the institution shall apply submit a completed Letter of Intent meeting the requirements of this section to the Board for approval. A completed Letter of Intent shall include a completed “Letter of Intent to Submit Application for Initial Approval of New School or Program – Psychiatric Technician,” Form 56M-1 (New 04/2022), which is hereby incorporated by reference, and ~~W~~written narrative statements and documentation shall be prepared by the director and ~~that~~ shall include:

(1) Philosophy of the program. This is a document that outlines an educational program’s values, ethics, and beliefs (“philosophy”). Examples of concepts generally found in a program's philosophy include humanity, society, health, wellness, illness, education, teaching and learning.

(2) Conceptual framework. This is a document that guides the overall structure of the curriculum and reflects the philosophy of the program.

(3) Terminal objectives to indicate expected student outcomes upon successful completion of the program. This includes measurable criteria regarding the student’s successful completion of progressive components of the program, e.g., completion of course, term, or semester. Concepts generally found within terminal objectives include successful completion of program hours and/or objectives, passing examinations as described in section 2570, and being able to perform as a competent entry level psychiatric technician.

(4) ~~Curriculum objectives~~ Feasibility Narrative. This means a description of the type of school or program being proposed, the total cost to the student to complete the program (including tuition, all fees, uniforms, materials, etc.) the intended start date, and the projected size of the first class.

(5) ~~Course outlines~~ Title and General Description of Each Course. The institution shall provide the name(s) of each course and a corresponding general course description. The course description shall describe the subject matter of the course and the educational objectives of each course.

(6) ~~Course objectives~~. Clinical Facility Placement List. A list of the clinical facilities that are intended to be utilized for learning experiences. The institution shall

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submit a completed “Intent for Clinical Facility Placement,” Form 55M-3 (New 04/2022), which is hereby incorporated by reference, for each health care facility that agrees to provide clinical placement for students of the proposed school or program.

~~(7) Instructional Plan- Student Services List. A list of resources for provision of counseling and tutoring services for students and corresponding contact information (e.g., primary contact name, telephone number, mailing and/or email address).~~

~~(8) Evaluation methodology for curriculum Geographic Narrative. This means a description of the geographic area and community to be served by the proposed school or program (e.g., demographics, numbers of health facilities in the area in need of psychiatric technician services, or potential future growth of the community).~~

~~(9) Faculty who meet the qualifications set forth in Section 2529.~~

~~(10) Clinical Facilities.~~

~~(11) Evaluation methodology for clinical facilities.~~

~~(12) Admission criteria.~~

~~(13) Screening and selection criteria.~~

~~(14) Number of students.~~

~~(A) A school may admit alternate students in each new class to replace students who may drop out.~~

~~(B) The number of alternate students admitted may not exceed 10% of the school’s Board-approved number of students per class.~~

~~(C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.~~

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~~(D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.~~

~~(E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.~~

~~(15) Evaluation methodology for student progress.~~

~~(16) Resources for provision of counseling and tutoring services for students.~~

~~(17) Student policies:~~

~~(A) Credit granting.~~

~~(B) Attendance.~~

~~(C) Grievance.~~

~~(18) Organizational chart.~~

~~(19) Proposed starting date.~~

~~(20) Evidence of program resources to include, but not be limited to:~~

~~(A) Description of the geographic area and community to be served by the proposed program;~~

~~(B) Clinical affiliations available for student clinical experience; and~~

~~(C) Existing nursing and psychiatric technician programs with which clinical affiliations are shared.~~

(b) The institution shall provide separate responses, including the provision of any applicable

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documents, to each item requested in subsection (a). The institution shall clearly identify their responses by placing the name of the institution at the top of each page that is provided and then using a simple naming convention that, at a minimum, links each response to the number and subject matter of the request in subsection (a), and provides the date of the response or document (e.g., “1. Philosophy of the program. 2/2/2022”).

(c) Upon receipt of a completed Letter of Intent, the Board shall send written notice to the institution acknowledging receipt, informing the institution of the next steps in the approval process in accordance with section 4531.1 of the Code, and providing an estimated wait time until active assignment to a nursing education consultant. Within 60 days of the date of written notice by the Board of active assignment of a nursing education consultant, the institution shall submit a completed initial application for approval, which includes all of the following: (1) a completed “Application for Approval of a New Psychiatric Technician School or Program,” Form 56M-2 (New 04/2022), which is hereby incorporated by reference; (2) a completed “Clinical Facility Verification Form – PT,” Form 56M-3A (New 04/2022) for each applicable health care facility, which is hereby incorporated by reference; (3) a completed “Vocational Nursing or Psychiatric Technician Program Curriculum Content - Instructional Plan” Form 55M-2W (New 04/2022), which is hereby incorporated by reference; (4) a completed “Summary of Instructional Plan Program Hours Psychiatric Technician Program,” Form 56M-2E (New 04/2022), which is hereby incorporated by reference; (5) “Verification of Faculty Qualifications,” Form 55M-10 (New 04/2022) for each faculty member as described in section 2584, which is hereby incorporated by reference; and, (6) the nonrefundable initial application fee required by section 2590.2.

(d) Within 30 days of the date the Board receives an initial application for approval, the Board shall provide written notice regarding whether the application is complete or what additional documents or fees are required to make the application complete. The written notice shall also specify that the institution has 60 days from the date of the Board’s written notice (“60-day submission period”) to provide the missing information and the consequences of failing to submit the required fee or information as specified in section 4531.1 of the Code. If requested by the institution prior to the expiration of the 60-day submission period, the Board may provide an institution with an additional 30 days to complete its application for good cause shown as specified in section 2580.

~~(b)-(e)~~ An institution may commence a new psychiatric technician program upon Board approval.

~~(e)(f)~~ A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

~~(e)(g)~~ Approval will be granted by the Board when a psychiatric technician program demonstrates that it meets all requirements as set forth in this Chapter and in Chapter 10, Division 2, of the Business and Professions Code and that no grounds for denial exist pursuant to this Chapter or section 480 of the Code.

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(1) Within six months from the date the Board receives the completed initial application, the Board shall provide written notice to the institution of the action taken on the application in accordance with section 4531.1 of the Code and the effective date of that action.

(2) The written notice shall also include all of the following, as applicable:

(A) an invoice detailing the reasonable costs incurred by the Board in the approval process for the institution,

(B) if the Board proposes to approve the application, that the Board's approval is contingent upon payment of the final approval fee specified in the invoice and calculated in accordance with the provisions in section 2590.2,

(C) the deadline for providing the final approval fee in response to the Board's request in accordance with section 4531.1 of the Code; and

(D) if approved, the consequences for failing to respond and provide the fee in accordance with the provisions of section 4531.2 of the Code.

(h) If, after the submission of any application required by this section, but prior to the Board's decision to approve or deny an approval or continuing approval, there is any material change in circumstances affecting any information contained in the application or submitted by the institution in support of the application, the institution shall immediately inform the Board in writing. For the purposes of this section, a change in circumstance is "material" if, without the inclusion of the new or different information into the application, the information contained in or the supporting documentation to the application would be false, misleading, or incomplete.

~~(e)~~(i) The approval period shall be for a term of four years and shall expire at 12 midnight four years from the date of issuance by the Board unless the Board grants an extension continuing approval or the approval period is extended as provided in this section. Provided that a completed application for continuing approval as set forth in subsection (i) is received by the Board prior to the expiration date of the approval, a current approval shall be automatically extended until the Board has acted upon the application in accordance with subsection (i). An institution that fails to apply for continuing approval prior to the expiration date of its approval period must apply as a new applicant in accordance with this section and section 4531.2 of the Code if they seek to again offer a course of instruction as an approved school of psychiatric technicians.

(1)An extension Continuing approval may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements as set forth in this Chapter and in Chapter 10, Division 2 of the Business and Professions Code and that no grounds for denial exist pursuant to this Chapter or section 480 of the Code.

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(2) ~~The extension~~ Continuing approval may be granted for a period not to exceed four years.

~~(f)(j)~~ Six months prior to the date of approval expiration, a program may apply for continued/continuing approval based upon submission of documentation satisfactory to the Board pursuant to Section 2581 (a). by submitting a completed application for continuing approval to the Board, which includes all of the following:

(1) a completed "Continuing Approval Application for a Psychiatric Technician School or Program," (Form 56M-15, New 04/2022), which is hereby incorporated by reference;

(2) "Clinical Facility Verification Form - PT," Form 56M-3A (New 04/2022), which is hereby incorporated by reference, for each applicable health care facility;

(3) "Vocational Nursing or Psychiatric Technician Program Curriculum Content - Instructional Plan," Form 55M-2W (New 04/2022), which is hereby incorporated by reference;

(4) a completed "Verification of Faculty Qualifications Form," 55M-10 (New 04/2022), which is hereby incorporated by reference, for each faculty member as described in section 2584;

(5) a completed "Summary of Instructional Plan Program Hours Psychiatric Technician Program," Form 56M-2E (New 04/2022), which is hereby incorporated by reference; and,

(6) the application fee of \$5,000, which may be reduced in accordance with the procedures set forth in section 2590.2 and this section. A subsequent inspection or review may be conducted by a Board representative.

(A) Within 60 days of the date the Board receives a completed continuing approval application, the Board shall provide written notice regarding whether the application is complete or what additional information, documents or fees are required to make the application complete. For an institution that fails to submit a completed application, the institution shall be advised that the required information must be submitted within 30 days of the date of the written notice and that failure to submit a completed application prior to the expiration date of the approval will render the institution ineligible for continuing approval.

(B) Within 90 days of the date the Board provides written notice to the institution that its continuing approval application is complete, the Board shall act to approve, grant provisional approval in accordance with section 2581.1, or notify the institution that the application is denied and provide the effective date of such actions. The written notice shall also include the following:

1. A fee payment statement detailing the reasonable costs incurred by the

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Board in processing the continuing approval application and providing oversight and review of the institution calculated in accordance with section 2590.2; and,

2. if the costs incurred by the Board are less than initially required to be paid upon submission of the application or the institution qualifies for a fee reduction based upon a reduction in state funding as provided in subsection (d) of section 4531.1 of the Code, a statement detailing the refund that will be provided and the anticipated date when the refund will be issued.

(g)(k) A material misrepresentation of fact by a program for preparation of psychiatric technicians in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

(l) To obtain or maintain Board approval, an applicant or approved school or program for preparation of psychiatric technicians shall meet the following alternate student criteria if the institution elects to admit alternate students to its programs:

(1) A school may admit alternate students in each new class to replace students who may drop out.

(2) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.

(3) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.

(4) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.

(5) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.

Note: Authority cited: Sections 4504 and 4531.1, Business and Professions Code.
Reference: Sections 4511, 4515, 4530, 4531, 4531.1, 4531.2 and 4532, Business and Professions Code.

Article 6. Revenue

§ 2590.2. Prelicensure Education Provider Fees.

Pursuant to section 4531.1 of the Code, the following fees are established:

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(a) The initial application fee for any applicant for approval of a new school or program for preparation of psychiatric technicians is five thousand dollars (\$5,000).

(b) The final approval fee for any applicant for approval of a new school or program for preparation of psychiatric technicians is fifteen thousand dollars (\$15,000), unless the institution is entitled to a decrease in fees as provided in subsections (c) or (d), in which case the final approval fee shall be calculated as provided in those subsections.

(c) The final approval fee for any applicant for approval of a new school or program for preparation of psychiatric technicians providing documentation of the criteria of 4531.1(b)(2)(B)(i) of the Code, is five thousand dollars (\$5,000). Documentation shall include a signed and dated copy of the formal collaborative agreement between the applicant institution and an approved school or program that is in good standing, showing the applicant institution agrees to utilize the curriculum and policies of the approved school or program. For the purposes of this section “in good standing” means the approved school or program has a current and active approval with no provisional approval.

(d) In accordance with section 2581, the Board shall provide each institution an itemized invoice that shows the initial determination by the Board of the reasonable costs for providing oversight and review of an institution expressed in a total dollar value number. If the total dollar value number for the Board’s reasonable costs is less than the amount set forth in subsection (b), then the final approval fee shall be reduced to that total value number and reflected in the invoice provided to the institution pursuant to section 2581.

(e) Unless the Board makes an initial determination that the continuing approval fee should be decreased in accordance with subsections (f) or (g) after receiving the application for continuing approval, the fee submitted with any continuing approval application required by section 2581 shall be five thousand dollars (\$5,000).

(f) The continuing approval fee for any approved school or program of vocational nursing which provides documentation with the continuing approval application in subsection (i) of section 2581 for reduction in state funding resulting in reduced enrollment capacity is two thousand five hundred dollars (\$2,500).

(1) Documentation required for proof of reduction in state funding must be provided with the continuing approval application in section 2581 and include a copy of the school or program’s class rosters for the current semester or term, and the previous three consecutive semesters or terms, which demonstrate a cumulative decline in enrollment of more than 10 percent.

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(2) Failure to provide the required documentation of reduction in state funding shall result in the continuing approval fee of five thousand dollars (\$5,000) to be assessed unless the applicant also qualifies for a reduction in accordance with subsection (g).

(g) Within 30 days of the date the Board receives a completed continuing approval application as provided in section 2581, the Board shall provide each institution a fee payment statement that shows the Board's initial determination of the reasonable costs for providing oversight and review of an institution expressed in a total dollar value number. If the total dollar value number for the Board's reasonable costs is less than the amount set forth in subsection (e), then the continuing approval fee shall be reduced to that total value number. If the continuing approval fee is reduced, then the institution shall be notified of the refund for the overpayment that will be provided in accordance with section 2581.

Note: Authority cited: Sections 4504 and 4531.1 Business and Professions Code.
Reference: Section 4531.1, Business and Professions Code.

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