



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Board of Vocational Nursing and Psychiatric Technicians
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MEMORANDUM

DATE	November 5, 2021
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Executive Officer’s Report: November 2021

Status of BVNPT

We have a new Board Member, Ms. Adrienne Luce. Please join the staff and me in giving her a warm welcome.

As California continues to make progress in fighting COVID, all state departments have embarked on a testing program for state employees. All employees must either verify their vaccination, or report for mandatory weekly testing. We continue to require face coverings. The Department of Consumer Affairs launched their testing program several weeks ago. They are testing at the DCA headquarters each Thursday, and all of the managers from the DCA and the Boards and Bureaus are taking turns in helping to run the sessions. So far, it seems that the DCA community is doing a solid and efficient job in this. In addition, all the DCA entities are submitting weekly updates to headquarters.

With regard to staffing, I am delighted to announce that we now have a Chief over the Licensing and Administrative Services Division, who will provide leadership and coordination to that side of the house, similar to the structure of the Enforcement Division.

The Chief’s name is Candace Raney, and I think many of you will recognize the name from her prior service with the Board. We are so pleased to have her professionalism and intelligence back with us.

Department of Consumer Affairs Updates

The Department’s Assistant Deputy Director for Board and Bureau Relations, Brianna Miller will provide a brief update from the Department, and answer any Board member questions about DCA.

Budget and Finance

Please see the two attached Fund Condition reports. The first represents the Board’s condition absent the increase in fees that was discussed and approved at the August

2021 meeting, and includes the fees for the educational programs authorized by Chapter 632 of the Statutes of 2021 (AB 1536, Assembly Committee on Business and Professions) (AB 1536). The second report illustrates the Board's condition with the fee increases.

The two reports give the Board the necessary context for discussion and possible action on our fee increase rulemaking and implementation of AB 1536. This is an important discussion. The DCA Budget and Fiscal team and our General and Regulatory Counsels will provide information at the Board meeting. As part of the discussion, Counsel will present information regarding Board Members' fiduciary responsibility.

Implementation of AB 1536

AB 1536 reauthorizes the BVNPT until December 31, 2024. Among its provisions it:

1. Restores the Board's authority to select an executive officer, provided that the executive officer in office at the time may remain in the position until the executive officer resigns or the BVNPT selects a new executive officer.
2. Requires the BVNPT to delegate the authority to issue default decisions and stipulated surrenders of licenses to its executive officer.
3. Establishes a fee schedule of \$5,000 for the initial application, \$15,000 for the final approval, and \$5,000 for continuing approval every four years.
4. Requires applicants and licensees to provide the BVNPT a physical mailing address.
5. Requires applicants and licensees to provide the board an electronic mail address by July 1, 2022, and unless an applicant specifies in writing a preference for regular mail, requires the BVNPT to direct all license-related correspondence to applicants and licensees using the electronic mail address on file.
6. Makes technical, conforming, and updating changes

Most critically, the bill directs us to recreate the process for approving new prelicensure training programs and eliminate the wait list. To ensure swift progress, the Board is allowed to implement changes described in Bulletins and Emergency Regulations, with more permanent rulemaking taking place at a future date. Staff drafted the first three bulletins, to be reviewed and hopefully approved at this meeting.

The staff started the initial steps to implement the new processes through BreZze, the website, and cashiering to ensure that these functions are operational January 1, 2022. The next major step is the Board's review and approval of Bulletin #1, Processing Applications for Approval of New School Programs in 2022, and Bulletin #2, New Fees for Education Programs (Items 7A1 and 7A2 on the agenda). Bulletin #3, Definitions and Clarifications for New School Approvals is in progress and will be posted before the Board meeting. The drafts of the first two bulletins were posted on our website last month and sent to Board members. These Bulletins encapsulate the discussion and work over the past year involving staff, stakeholders, Counsel, and the Board.

Following the review of the Bulletins, the Board will review the other pertinent documents for the 2022 New Program Approval cycle. The entire oeuvre is included in the agenda packet.

During the 2021 Sunset Review hearings, our Board, the Board of Registered Nursing (BRN), and the Bureau for Private Postsecondary Education (BPPE) were asked about redundancy in school oversight and regulatory functions among the three DCA entities and with national accrediting entities. This concern, based on some similar descriptions of key functions, and with the goal of increased efficiency and lowered costs, was communicated to the BVNPT, the BRN and the BPPE. We started meeting this summer to prepare information that will clarify the different roles and foci and discuss the parameters of accreditation. These will be important factors for both BRN's and BPPE's Sunset Review next year, and our own in 2024.

2022-2024 Board Calendar

The Board is statutorily required to meet at least twice each year. Since 2018, we have met quarterly for regular business meetings and convened Special Meetings for urgent business. To date, we have not had any of these meetings fail to achieve quorum.

A draft calendar is attached for the Board's review and possible approval. Once approved, the dates will be posted to the website. Please note that aside from February 2022, the calendar allots three days for each Board Meeting, based on the assumption that we resume a normal meeting pattern by May 2022. All three days will not necessarily be needed for each instance, but for the sake of planning, please pencil in these dates once the calendar is approved. We also included approximate dates for committee meetings for a thorough picture of the ongoing calendar.

Historically, the Board alternated between meeting at the DCA Headquarters in Sacramento and at a venue in Southern California to maximize the Board's public accessibility around the state.

During the past two years, the BVNPT met via Web Ex and/or Microsoft Teams with the following results:

1. Successful Directors' Forums with the NECs showing increased participation and satisfaction.
2. The initial petitioner hearings were not entirely successful, with a 38 percent reduction in the number of petitioners heard at a given meeting. This exacerbated the already problematic backlog, and the Board graciously chose to delegate the petitioner hearings directly to OAH.
3. Efficient Board meetings but without the added training and team building activities that require an in-person meeting.
4. Increased stakeholder access and participation
5. Saved approximately \$20,000 per each meeting ordinarily convened in Southern California.
6. All committee meetings except the Education and Practice Committee convened efficiently and with great flexibility online during the past two years.

Prior to the Pandemic, the Board was able to meet via teleconference, provided that all Board Members were located at a publicly accessible and noticed location. Our meetings were usually webcast as well. During the pandemic, the Governor's Executive Order permitted us to meet via teleconference or WebEx, if meetings were accessible to

the public and properly noticed, but did not require the posted locations of the Board Members, nor require their locations to be open to the public. This exemption is extended through January 31, 2022 by Chapter 361 of the Statutes of 2021 (AB 361, Robert Rivas), urgency legislation regarding open meetings for state and local governmental agencies.

It is not yet clear whether more permanent changes in the Bagley-Keene Open Meeting Act will be discussed and approved in the coming year, but the Board and the Committees could meet virtually using the pre-COVID rules.

California Business and Professions Code Section 2846 states:

The board at its first meeting after appointment, and annually thereafter at its first meeting in each year, shall elect from its members a president, vice president, and such other officers as it may deem necessary. The officers of the board shall hold their respective positions during its pleasure.

The February 2022 Board meeting will begin with the annual election of the Board President and Vice President, facilitated by Board Counsel. The Committee Structure information and the Assignment Request form will be sent with the February Board agenda packet, and the Executive Committee will make Committee assignments at their first meeting. Committee assignments, per Board action at the February 2021 meeting, are for two years.

Recommendations

1. Review and approve the BVNPT calendar for 2022-2024.
2. Provide the Executive Officer with direction on the Board's preferences regarding meeting frequency, venues and modes.

National Council of State Boards of Nursing (NCSBN)

The National Council of State Boards of Nursing (NCSBN) continues to convene biweekly online briefing meetings for the Executive Officers of all jurisdictions. These updates have included the development of the Next Generation NCLEX, the rebuilding of the testing capacity around the country, and similar issues that confront all nursing boards.

Generally, NCSBN convenes two business meetings each year, and offers many training and networking opportunities. The calendared events are added to our Board calendar for reference.

Final Comments

I hope that you and yours remain safe and healthy. Please don't hesitate to call or email with any questions or suggestions, or if you need help with anything.

Candace Raney and her Administration team will assist you if you have any questions or concerns regarding reimbursement or other Board paperwork. You can email Candace directly at Candace.Raney@dca.ca.gov

Looking forward to the meeting.