



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/KNKxX9-KayI>

**DATE:** Friday, August 12, 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. Luce, Public Member  
Mr. Maxey, Public Member (left in progress)  
Ms. Nieblas, Public Member

**STAFF PRESENT:**

Ms. Yamaguchi, Executive Officer  
Ms. Wood, Enforcement Chief  
Ms. DeYoung, Acting 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. Maracino, Education Analyst  
Ms. Pires, Legislation and Regulations Specialist  
Mr. Prouty, Discipline Unit Manager  
Mr. Gardner, Probation Unit Manager  
Ms. Lee, LACRU Manager  
Mr. Hall, Licensing Supervisor  
Ms. Ball, Administration Analyst  
Ms. DeCristofaro, Personnel Liaison, HR  
Ms. Dano, Discipline Unit Analyst  
Mr. Clark, Enforcement Technician  
Mr. Ruiz, Enforcement Technician

**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 9:00 a.m. Dr. Mountain shared procedures for proper conduct of the virtual (WebEx) meeting. Dr. Mountain took attendance of Board members by roll call and quorum was established.

**Agenda Item 2                      Introduction of Board Staff**

Ms. Yamaguchi introduced Board staff. Mr. Swenson, DCA Legal Counsel introduced himself.

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

Meeting Minutes for May 20, 2022 – Review and Approval.

Motion: Approve the minutes from May 20, 2022, if no errors or omissions.  
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	Absent
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Luce	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes
Ms. Rooks	Absent

Motion carried unanimously.

**Agenda Item 4                      Fiscal Budgets - Updates**

**A. Fund Condition and Budget Updates**

Mr. Loyd, Budget Analyst from the Department of Consumer Affairs (DCA) Budget Office provided an update on the Board’s revenue and expenditures and fund condition; reviewing and providing short explanations of the data shared on the resources provided in the meeting packet.

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

**Agenda Item 5                      Education – Reports, Recommendations, and Possible Actions**

A. Education Division Report – Ms. DeYoung.

Ms. DeYoung offered to answer any questions Board members may have regarding the report provided in their meeting packet. She continued by providing an update to the report included in the meeting packet, specifically, relating to the new school programs. At the time the report was written only six (6) programs had submitted their completed applications, but as of the date of this meeting, all nine (9) have submitted their completed application packets and are working with their assigned NEC. Ms. DeYoung finished by recognizing the former SNEC, Marie Cordeiro, who recently retired, thanking her for her work at the Board and wishing her well.

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

- I. Review and Approval of Executive Officer Program Decisions, Reports from April 19, 2022 to June 28, 2022.

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

Motion: Approve and adopt the Executive Officer Program Decisions from the date, April 19, 2022 to June 28, 2022.  
Moved/Seconded: Mr. Maxey/Ms. Luce.

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

Motion carried unanimously.

B. Request to Admit Students.

- I. 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.

Ms. Ibarra, program director was present and shared an overview of the request.

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

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

Motion carried unanimously.

**Board Discussion:** None.

**Public Comment:** None.

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

Ms. dela Rosa brought to the attention of the Board a typographical error in the report, on page 2 under staff recommendations; item 2, the type of class was for a part-time class, not a fulltime class as written.

Ms. Muthaiya, program director thanked Ms. dela Rosa for her support.

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

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

Motion carried unanimously.

**Board Discussion:** None.

**Public Comment:** None.

C. Reconsideration of Provisional Approval.

- I. Southeast California College, Vocational Nursing Program, Ms. dela Rosa, Nursing Education Consultant.

Ms. dela Rosa did not have additional information to add to the report; however, she did congratulate the program on achieving a 100% on their most recent report.

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

Moved/Seconded: Mr. Dierking/Mr. Hill

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

Motion carried unanimously.

**Board Discussion:** None.

**Public Comment:** None.

D. Consideration of Rescinding Pattern of Admission.

Dr. Mountain announced that this item has been removed from the agenda.

E. Consideration of Placement on Provisional Approval.

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

Dr. Fairchild did not have any additional information to add to the report included in the meeting packet.

Ms. Pacheco, program director, thanked Dr. Fairchild for the communications and shared that the recommendations that have been made will be implemented as it is related to accepting students into the program. Other issues regarding students delaying taking their exams is something she continues to work on by assisting students in whatever way possible and encouraging students to take their exam timely. Ms. Pacheco continued to share other things she has implemented to better prepare students for the NCLEX. She thanked the Board and shared that she will continue to do what she can do and work with Dr. Fairchild to increase and make more consistent their pass rates.

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

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

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

Motion carried unanimously.

**Board Discussion:** Dr. Mountain asked Ms. Pacheco if they are using Mountain Measurement to track what questions are giving students problems. This can be useful to be able to see what trends to focus on. Ms. Pacheco accepted this recommendation, and shared additional ways she is actively working with students.

**Public Comment:** None.

**Agenda Item 6. Executive Officer's Report – Ms. Yamaguchi**

Ms. Yamaguchi has no additional information to add to the report included in the meeting packet.

**A. Executive Committee Report.**

Dr. Mountain had no additional information to share that was not already included in the Executive Officer Report included in the meeting packet.

**B. Future Board Meeting Logistics.**

Ms. Yamaguchi shared that the Executive Committee has discussed meeting logistics recently, that given the authorization to meet virtually, as we are now, or in-person, as we did in May, the Committee wanted to bring the concept to the full Board to discuss. What would members like to see in terms of meeting in-person and virtually? If in-person, are their specific topics related to member training should be presented during those training and development days? There are three (3) future meeting, as of now, with these options, November, February, and May. While meeting virtually does save a tremendous amount of money, there is a certain amount of value to get together in person to do more member development in addition to the business meeting. Ms. Yamaguchi opened the conversation to members to share what they would like to see for the remainder of this fiscal year.

**Board Discussion:** Ms. Carpenter shared that the in person meeting in May was valuable being able to get to know each other face-to-face. Suggests an alternate meeting schedule with in-person and virtual.

Mr. Hill agreed with Ms. Carpenter that alternating meeting types would help balance time and costs; the relationship building that happens at the in-person meetings is not replaceable, but it allows the Board to remain fiscally responsible.

Ms. Luce added that she values the cost savings and would like to also take into consideration the transmission rates and to move forward cautiously to prevent the spread of disease.

Ms. Nieblas agreed with Ms. Luce; in LA County they are also on alert for monkey pox.

Ms. Yamaguchi reminded members that as mentioned earlier, per DCA protocol, when meeting in person staff make certain to follow current health and safety guidelines but does agree that there is always a level of risk and caution is warranted. She continued to remind members that there are three (3) meetings that will fall under the current guidelines and would like to hear from members what information or topics they would like to see or hear about via trainings or panels. She continued to share examples of types of trainings and discussions that have been successful or requested in the past for newer members to

consider. Ms. Yamaguchi asked directly if any member had strong feelings about November or February being in-person and that the current legislation does allow for the option of a hybrid meeting offering both to members attending the same meeting.

Dr. Mountain agreed that one of the meetings should be in-person and that the hybrid option sounds ideal.

Ms. Nieblas commented that since there is an election in February, that would be more ideal for the in-person meeting.

**Public Comment:** None.

**Agenda Item 7      Update from DCA – MaryKate Cruz-Jones, Specialist,  
Department of Consumer Affairs**

This item was taken out of order and was presented following agenda item 1.

Ms. Cruz-Jones gave an update on behalf of the DCA Executive Office, sharing that the Governor signed Senate Bill (SB) 189 on June 30, 2022 which reinstates until July 1, 2023 the remote meeting provisions of the Bagley-Keene Open Meeting Act that were in place during the pandemic and that these changes took effect immediately upon signing. DCA requests that all boards and bureaus continue to host the type of meeting that best suits the needs of the Board, while also considering cost and public participation. As such, DCA is requesting to track these details for all meetings, no matter what platform is used. She continued to share that this tracking will assist legislatively, since this is not a permanent change. In-person meetings are still required to follow State and Local public health guidelines. She continued that the inaugural report of the Enlighten: Licensing report has been published to create innovative solutions to licensing's processes across all boards and bureaus. The next Enlighten project will commence soon. Ms. Cruz-Jones concluded by sharing DCA Executive staffing updates and that there is a delay in processing travel claims due to new fiscal year implementation.

**Board Discussion:** None.

**Public Comment:** None.

**Agenda Item 8      Licensing and Evaluations – Report, Recommendations and  
Possible Actions.**

A. Licensing Division Report – Ms. Brown.

Ms. Brown shared that there are no updates to the Licensing Division Report that was included in meeting materials, and she is happy to answer any questions members may have.

**Board Discussion:** None.

**Public Comment:** None.



**Agenda Item 9 Legislative and Regulations – Report Recommendations, and Possible Actions.**

A. Committee Report – Ms. Carpenter, Chairperson

Ms. Carpenter shared that the committee minutes from the August 4, 2022 meeting were included in the meeting packet. At that meeting, the committee moved to refer the proposed amended language to Business and Professions Code (BPC) sections 2881.2(d) and 4531.1(d) to the full Board. Additionally, the meeting packet contains a memorandum from Executive Officer Yamaguchi dated July 26 providing a summary and background of the proposed technical amendment, which is brought to the full Board for a vote.

- I. Discussion and possible action to amend BPC sections 2881.2 (d) and 4531.1 (d).

Mr. Swenson reiterated that his matter came before the Board from the committee with a motion and a second, therefore this topic may be discussed at this time.

Ms. Schieldge advised that while this item does have a motion and second from the committee, the Board will need discussion and action. These amendments came as a recommendation of the Office of Administrative Law.

Motion: To accept the recommendation of the Legislative and Regulations Committee to accept the clean-up language as recommended by the Office of Administrative Law.

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

Motion carried unanimously.

**Board Discussion:** None.

**Public Comment:** None.

II. Discussion and possible action to amend SB 994 (Jones)  
Vocational nursing: direction of naturopathic doctors.

Ms. Carpenter shared that the resource in the meeting packet for this agenda item contains six (6) proposed amendments to SB 994 that have been submitted to the Naturopathic Medicine Committee. Ms. Carpenter shared a few key points of the proposed amendments. She continued to clarify that due to time constraints with the legislative session calendar, these proposed amendments were unable to be put before the full Board prior to submission.

Ms. Yamaguchi shared that these proposed amendments should allow the Board to administer this bill safely, which is a top priority. She also shared that these amendments are not in print yet, therefore it is unknown whether the Senator's office or any of the Committees made changes. However, it is a good faith assumption that these amendments will go through. The spirit of the proposed amendments put forth is to ensure clarity of the reporting and supervision relationship(s) between LVNs and the Naturopaths. Ms. Yamaguchi continued to share that staff would have preferred to bring these proposed amendments to the full Board prior to submission, as mentioned, the timeline precluded the opportunity, however, in May the Board did authorize staff to discuss concerns with the author(s) and make certain the bill was implementable.

Ms. Schieldge shared additional high-level overviews of the proposed amendments, pointing out specific concerns raised at the May meeting and how or where they are addressed in the proposed amendments.

Motion: To approve and ratify the proposed amendments as set forth in the meeting materials for agenda item 9.A.II

Motioned/Seconded: Ms. Carpenter/Mr. Hill

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

Motion carried unanimously.

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

B. Bill Tracking – Ms. Yamaguchi.

I. [SB 1436](#) (Roth) as amended, Respiratory therapy.

Ms. Yamaguchi shared that SB 1436, the Respiratory Care Board (RCB) sunset bill, will set forth language that sets out the conditions for an LVN to provide care to patients needing respiratory care, most importantly mechanical ventilators. This has been a topic of conversation between the two boards historically, and as written, this bill will start a good path forward. Staff will work with RCB for training guidelines, et al. This bill is expected to move through the house and to the Governor's desk to be signed without any delays.

II. [AB 1662](#) (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

Ms. Yamaguchi shared that AB 1662, sets out new conditions for an applicant to request a "pre-screening" to determine if they could be licensed, directly affecting all DCA Boards. As such, all boards agree that this would have a negative effect on the boards. The bill has been heard in committee and moved to the suspense file. It is likely this bill will not move forward this year.

C. Rulemaking Update – Ms. Pires.

I. Fee Schedule – Rulemaking Amending California Code of Regulations (CCR) Title 16, Sections 2537, 2537.1, 2590, and 2590.1.

Ms. Pires updated the Board that this package was submitted to the Office of Administrative Law on July 28, 2022. At the advice of Counsel, an inquiry was recently sent to the office, however, no status or response has been received as of the time of this update.

Ms. Schieldge continued the update by sharing that due to budget deficiencies, the urgency to adopt a fee increase has increased since the conception of this package; therefore, a request to be effective on filing has also been filed. If the Office of Administrative Law has no issues with the proposal, the fee increase will be effective as soon as possible, which could mean as soon as September instead of January, which was the original target/scheduled date. The structural imbalance issue of the budget justifies the request to be effective upon filing.

**Board Discussion:** None.

**Public Comment:** None

II. [AB 1536](#) (Committee on Business and Professions, Chapter 632, Statutes of 2021): New School Program Approval Process -- Emergency Rulemaking Amending CCR, Title 16, Sections 2525, 2526, 2580, and 2581 and Adopting CCR, Title 16, Sections 2537.2 and 2590.2.

Ms. Pires shared that the emergency rulemaking for the new school program approval process was approved by the Office of Administrative Law on June 27, 2022. This emergency regulation is effective though June 27, 2023. Ms. Pires deferred the conversation to Ms. Schieldge to discuss the proposed method to move forward given the emergency rulemaking does not allot the Board ample time to conduct stakeholder outreach.

Ms. Schieldge shared that it has been discussed previously the desire to conduct outreach to the regulated community. However, given the expiration of the emergency authority, it is now recommended that the Board proceed with the regular rulemaking process to allot additional time for outreach and public comment. She continued to give an overview of why the emergency authority (1 year) is not ample time to ensure proper outreach for a seamless transition.

Ms. Yamaguchi added that there are a number of already planned events, such as a director's forum, over the next few months that are parallel to what is necessary for this package but agrees with and seconds the recommendation by Counsel Schieldge; that continuing with the regular rulemaking would offer the most value in the interest of transparency to our regulated community.

**Board Discussion:** None.

**Public Comment:** None.

## **Agenda Item 10    Enforcement – Report, Recommendations, and Possible Actions.**

### **A.    Enforcement Division Report.**

Ms. Wood shared that there are no updates to the Enforcement Division Report that was included in meeting materials, and she is happy to answer any questions members may have.

Ms. Wood continued to share that Enforcement recently met with the Division of Investigations (DOI) and they are working on a Memorandum of Understanding (MOU) to be able to keep lower-level cases internal to create more budget savings; each case costs between \$5,000-\$10,000 currently. Prior to this meeting, the division took back four (4) cases, a savings potential of \$20,000. Continuing with cost savings, Ms. Wood shared that some Staff Service Analyst (SSA) positions have been reclassified to Program Technician III's (PTIII) with a savings of \$12,000 per position per year. Additionally, a Staff Services Manager I position was moved and reclassified under the Special Investigations Unit creating a salary savings and allowing the Board to take on more cases from the DOI as mentioned previously.

Ms. Wood closed this report by providing an update on reinstatement hearings. Specifically, that 14 hearings are pending, 7 cases have a hearing date and 7 cases are waiting for a hearing date. She continued to share that it is taking an average of 138 days to have a petition heard. Since February 2021, 130 hearing have been completed; without this intervention, there would have been 35 hearings.

**Board Discussion:** None.

**Public Comment:** None.

B. Enforcement Committee Report.

In Mr. Maxey's absence, Ms. Wood shared that the Knowledge Transfer Plan, Outreach Plan, Strategic Plan Matrix, and Enforcement Division Overview, which were all provided in the meeting packets and continued to give high-level overviews of each resource.

- I. The Knowledge Transfer Plan is to meet the divisions strategic plan goals. This resource was created to articulate how the division will handle staff professional development to ensure the division has sufficiently trained staff to handle promotions and retirements.
- II. The Outreach Plan is one of the division's strategic plan goals. Specifically, the goal is to educate our licensees and applicants, so they do not end up with an enforcement case. The purpose is to ensure safety for the public by having LVN's and PT's not engaging in inappropriate behaviors.
- III. The Strategic Plan Matrix shows the Enforcement Division portion of the strategic plan, the division has been creating these documents to fulfill this. The documents prepared for the meeting's purpose are for the Board's review and approval. Specifically, the Knowledge Transfer Plan, the Outreach Plan, the Enforcement Division Overview, and the Board Member Enforcement Division Manual.
- IV. The Enforcement Division Overview is a document offering relevant information and key takeaways for Board staff to learn how the Division works. This will be provided to new staff to assist in their on-boarding training.
- V. The Board Member Enforcement Division Manual is an updated version of a previous document to provide training and education to the Board members, including the roles and responsibilities of Board members in the enforcement processes.
- VI. The Suicide Prevention Video update shared that the Enforcement Committee is requesting to move forward with producing the video based on the script submitted to the Board. If this script is approved by the Board the Enforcement Committee will move forward with working with DCA's Public Affairs Office to complete the video. Additionally, if approved, the video will be reviewed by the committee prior to publishing.

Mr. Swenson advised that items I-V do not need to be approved by the Board and can be finalized within committee. However, item VI, the Suicide Prevention Script

will need to have a motion and vote by the Board to move forward.

Motion: To approve the script for the Suicide Prevention Public Service Announcement as presented in the meeting materials.

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

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

Motion carried unanimously.

**Board Discussion:** Dr. Mountain shared that she believes that the Outreach Plan is going to be helpful for students who may not have a clear idea how enforcement works.

**Public Comment:** None.

#### **Agenda Item 11    Public Comment on Items Not on the Agenda.**

Ms. Yamaguchi gave recognition to the Board members for the efficiency of which today's business meeting was conducted; and recognition to all Board staff who do a great job every day. Dr. Mountain agreed with everything expressed.

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

Ms. Yamaguchi shared that she has been made aware of the need for a special meeting, specifically to have a closed session meeting to handle a disciplinary case. The timeline for this will be mid-September; communications will go out to determine the best date for all members to schedule the meeting.

Ms. Schiedge commented that considering the conversations during this meeting regarding the legislation with the Respiratory Care Board and Naturopathic Medicine Committee, there may be a need to analyze and discuss possible regulatory proposals to implement some of the provisions of the bill(s). This should be on the Board's radar because the Board will need to be able to give specific guidance to the regulated community about what is expected in these new relationships. Ms. Carpenter agreed with this assessment.

Board Meeting  
August 12, 2022

**Agenda Item 14 Adjourn Meeting.**

This meeting was adjourned at 10:43 a.m.

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

**Elaine Yamaguchi**  
Executive Officer

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

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