



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



EXECUTIVE COMMITTEE MEETING MINUTES

September 16, 2022

**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 Designee
Ms. Wood, Chief, Enforcement Division
Mr. Gardner, Probation Manager, Enforcement Division
Ms. Brown, Licensing Division Manager
Mr. Hall, Licensing Supervisor
Ms. DeYoung, Acting Supervising Nursing Education
Consultant
Ms. Pires, Legislation and Regulations Specialist
Ms. Ball, Board Administration Analyst

DCA Staff Present:

Mr. Swenson, Board General Counsel
Ms. Schieldge, Board Regulatory Counsel

1. Call to Order – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:06 pm.

Committee members introduced themselves. Ms. Yamaguchi, Executive Officer (EO), introduced Board staff. Mr. Swenson, Board General Counsel, introduced himself.

2. Operations Report – Ms. Yamaguchi, Executive Officer.

Ms. Yamaguchi shared with the committee that the Board is going through a higher-than-normal personnel turnover across all divisions. Filling some of the positions are currently taking longer than usual, but we are working towards filling these positions in the coming months. The Office of Administrative Law

(OAL) has approved and adopted the Board's fee schedule regulatory package. Effective September 21, 2022, the Board is authorized to collect revenue based on the increased fee structure. Staff has begun to assess the Board's office footprint to better streamline our existing space for teleworking and offering hoteling stations onsite for those individuals.

Committee Discussion: None.

3. Enforcement Division Report – Ms. Wood, Chief, Enforcement Division

Ms. Wood reported to the committee that the enforcement trend of decreasing case aging continues. There has been a spike in cases received due to a large number of cases received from NURSIS; approximately 50 cases. This will increase workload to about 940 cases. The Board is working to hire a new special investigator for our investigation unit which will assist in lowering Division of Investigation costs and also working toward reclassifying positions within our Licensee and Applicant Case Review Unit (LACRU), which will save approximately \$1,000 per month per position.

At the request of Dr. Mountain, Ms. Wood shared that the Public Service Announcement (PSA) will be filmed at Sacramento City College. Casting is slated to be students, Board Members, and licensees. The PSA filming is scheduled for an afternoon in mid-October. The Department of Consumer Affairs (DCA) Office of Public Affairs will be filming and editing. Board staff is confident that the PSA will be ready for Board approval at the November Board Meeting.

Committee Discussion: Dr. Mountain requested an update on the PSA.

4. Education Division Report – Ms. DeYoung, Acting Supervising Nursing Education Consultant.

Ms. DeYoung updated the committee with the following statistics:

- Number of programs: 156
 - VN Programs: 144
 - PT Programs: 12
 - # Overall programs with provisional approval: 6
 - 59% private
 - 28% community colleges
 - 13% adult schools or ROP
- Total proposed programs: 12 active

The Education Division just completed the 2-day director forum earlier in the week. The turn out was great and Ms. DeYoung thanked each division and the EO for joining and presenting during the forum.

Per the New School Program Approval Process regulatory proposal, the Education tab on the Board's website has been updated with the Procedure for Approval of new programs and continuing program approval. This update was

also shared during the forum. One stakeholder meeting and three online training sessions have been scheduled, beginning in October. The sessions will assist prospective programs interested in applying to be a new program. Also scheduled for October is an online Director's meeting to share an overview of the continuing program approval application and Q&A session.

The Education Division continues to work toward filling the two limited term Nursing Education (NEC) positions, an Associate Governmental Program Analyst (AGPA) position and the Program Technician (PT) vacancy.

Committee Discussion: None.

5. Licensing Report – Ms. Brown, Licensing Division Manager.

Ms. Brown updated the committee that Licensing continues to see high staff turnover and is prioritizing filling positions as they become vacant. Licensing staff have done a great job working as a team and the processing times have remained within the performance measures. Additionally, the assist rate on telephone calls remains at 90% or above.

Management will be meeting with staff on Monday to share FAQ's and other resources in anticipation of an increase in calls and inquiries regarding the fee increase.

Committee Discussion: None.

6. Legislation and Regulations – Ms. Pires, Legislative and Regulations Specialist, and Ms. Yamaguchi, Executive Officer.

a. Update on Regulations Packages

Ms. Pires shared that the fee schedule regulatory package was approved by OAL on Friday, September 9, 2022. Board staff proceeded immediately, with outreach on Wednesday, September 14 including email notification to our subscriber list serv and updates to the public website. Additionally, updates have been shared on the Board's social media accounts. Testing continues to be conducted on the updates to the BreZE system where the dollar amounts are charged for the applications. Implementation of these new fees will be September 21, 2022.

The 2023 Rulemaking Calendar has been drafted and is pending Legal Counsel review. There are currently five priority packages listed on the calendar; final prioritization will be determined by the Board.

b. BVNPT Bill Tracking

Ms. Yamaguchi shared the bill's staff has watched, including:

- AB 1237: This bill will require boards to waive the renewal fees for licensees who are called to active duty. This will have a revenue loss for DCA boards and is still on the Governor's desk.
- SB 1436: This is the Respiratory Care Board's (RCB) Sunset Bill, which includes goals and directives for training guidelines of LVN's to provide scope specific care for patients on mechanical vents and other respiratory functions. It is likely RCB will not be ready to work with us until later next year, but it is the intention of the Board to work internally to prepare for when RCB is ready to work together to implement this bill.
- SB 994: This bill is more involved and intensive for the Board. Staff will need to begin this work in the next month of so.

These bills are still on the Governor's desk, but it is highly unlikely that either of them will be vetoed.

Committee Discussion: None.

7. Discuss Future Board Meeting Logistics – Ms. Yamaguchi, Executive Officer.

Ms. Yamaguchi asked the Committee; do we want to make certain that the November meeting is a virtual or WebEx only meeting? And do we want to schedule only the business meeting on Friday, or schedule a training or informational day on the day prior (Thursday) which would also be virtual? She continued, though the discussion in August was not as robust as it was sought to be, it was determined that members would prefer to meet virtually in November and preferably in-person in February, if there was an either/or option for the two.

Committee Discussion: Dr. Mountain agreed that this sounds reasonable and continued to ask if there was a date for the February meeting? Ms. Yamaguchi shared approximate dates of February 16 & 17 or February 9 & 10, 2023. Dr. Mountain requested that it not be a holiday weekend for those that must travel.

The logistics for the February meeting were discussed, whether the meeting would be hosted in Sacramento or Los Angeles. Mr. Dierking does not mind the travel but would remain sensitive to other members' needs. As observed, travel is not as easy for all. The discussion continued to point out the merits of cost savings, based solely on staff travel, resulting in Sacramento being the preferred location at this time.

Mr. Dierking asked about the three Governor appointee vacant seats on the Board. Ms. Yamaguchi shared that with the most recent resignation, she did reach out to the Governor's office and found out that they are actively working to appoint new members. Dr. Mountain brought up that the Board may have new members by early next year. It should be considered to have a training day at the

May 2023 meeting, which would be valuable for new members and current members alike.

Ms. Yamaguchi confirmed with the Committee, that a virtual business meeting only in November, an in-person meeting in February and consider training/development for the May meeting.

8. Next Board Meeting

- a. September – Special Board Meeting Closed Session Thursday, September 22, 2022 via WebEx

Ms. Yamaguchi reminded the committee that we must have six members to meet quorum, and this meeting is to specifically take action on the closed session items. If the Board cannot take action due to lack of quorum, the decisions will default. Ms. Wood confirmed that the decisions will default without further action now.

- b. November – Board Meeting, Friday, November 18, 2022 via WebEx

This item was discussed previously and not reiterated.

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

- a. Ballots

Ms. Yamaguchi updated the Committee that Board Members are for the most part, turning in their completed ballots timely. There have been no changes in the pattern of voting by any member.

Ms. Yamaguchi continued to discuss additional member accountability items, including, committee structures. The recent Board Member resignation left the Legislative and Regulations Committee with only one member. It is best practice to appoint a new member to this committee to ensure that motions can be made through the committee to the full board. Mr. Dierking offered to serve as an interim member, if necessary. Committee members are appointed by Board Chair; therefore, this action can be taken at anytime a new member is approved by the Chair. In addition, Ms. Yamaguchi shared attendance issues with another member of a separate committee, and currently seeks counsel on replacing this committee appointment as well. Dr. Mountain requested that more communication be made with the member to determine this issue prior to replacing them on the committee. Staff was instructed to reach out and get more information before making a final decision. Ms. Yamaguchi will handle both replacements.

10. Executive Officer Review Due – Ms. Yamaguchi, Executive Officer.

Dr. Mountain expressed her concerns with the last review, due to the number of new members and Mr. Dierking agreed.

Ms. Yamaguchi shared that DCA would like all boards to submit a review annually, each fall. The Board regained its appointment authority earlier this year, and it is important for the board to get back on the regular cycle. Dr. Mountain requested that DCA assist in the review process. Mr. Swenson advised that the Board President reach out to the contact at HQ to make the initial contact and discuss the logistics.

11. Next Executive Committee Meeting: TBD October 2022.

The next Executive Committee Meeting has been scheduled for Thursday, October 20, 2022 from 2:00pm – 4:00pm or upon the completion of business.

12. Suggestions for Future Agenda Items.

Dr. Mountain would like to discuss what education is necessary; once the vacancies are filled. (New member training and orientation) She continued to share that more information about the Enforcement packets that are voted on are a great topic, to walk through how to identify the important things and how your vote affects the outcome. Ms. Yamaguchi recommended, how to read/review the NEC reports too.

13. Adjournment.

The open meeting adjourned at 3:01 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President



EXECUTIVE COMMITTEE MEETING MINUTES

October 21, 2022

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
Mr. Gardner, Probation Manager, Enforcement Division
Ms. Brown, Licensing Division Manager
Mr. Hall, Licensing Supervisor
Mr. Birkman, Licensing Supervisor
Ms. Pires, Legislation and Regulations Specialist
Ms. Ball, Board Administration Analyst
Ms. DeCristofaro, HR Analyst

DCA Staff Present:

Mr. Swenson, Board General Counsel

1. Call to Order – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:00 pm.

Committee members introduced themselves. Ms. Yamaguchi introduced board staff. Mr. Swenson, Board General Counsel, introduced himself.

2. Operations Report – Mr. Ito, Assistant Executive Officer.

Mr. Ito introduced himself and gave a brief background of his career leading up to his new position as Assistant Executive Officer of the BVNPT. He continued by reporting on the budget, office security, and the board records retention.

Mr. Ito shared that the fee increase regulation was approved by the Office of Administrative Law on September 9, 2022 and that this increase took effect on September 21, 2022. This increase is projected to bring in an additional \$6.5 million annually. This revenue is expected to correct the current structural imbalance of the Board's budget. Correcting this imbalance will allow the board to continue its mission of consumer protection without having to make decisions based on budget restraints.

Mr. Ito shared that the Board is currently occupying four (4) suites in the office building. However, if a percentage of staff continue to telework, management is considering consolidating space for additional cost savings which will allow the Board's resources to be used more responsibly.

Mr. Ito shared that the Board was broken into on September 29, 2022. Nothing of significance was taken, however, the security system failed, not sounding until the intruder was already in the office and was able to flee. The Board is in the process of replacing the current alarm system. In the 2019 risk assessment report, the need for an updated system was identified. However, the Board opted to accept this risk due to budget constraints. In light of this intrusion and the structural imbalance having been addressed, staff will be moving forward with a new alarm system for greater security.

Mr. Ito shared a high-level overview of what the records retention schedule is and its importance. He reported that he has been working with Rebecca Ball on the updated schedule and that the new report is expected to be submitted to DCA by the end of the month, ahead of the current schedule's November expiration.

Committee Discussion: None.

3. Enforcement Division Report – Ms. Wood, Chief, Enforcement Division

Ms. Wood shared that the Division recently received 40 complaints in one day, temporarily increasing their case numbers, but is confident that they will be handled timely to return to under 900 cases shortly. She provided an update on the Mental Health PSA; the video was shot and may be ready by the November Board meeting for Board vote to review discuss and take action on.

Committee Discussion: None.

4. Education Division Report – Ms. DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung shared current program statistics: 156 programs; 12 are PT programs; 6 hold provisional approval; 16 are adult schools; 4 are ROP's; 44 are community colleges; 94 are private schools. She continued to share that 12 proposed programs have been assigned to NEC's and that all are LVN programs. These proposed programs are expected to have Board action on their applications by February 2023.

Ms. DeYoung shared that NECs continue to communicate with the directors of programs that are still negatively impacted by the pandemic due to loss of clinical sites; there are 23 programs that are still impacted and are in need of an alternative modality to complete clinical hours.

Ms. DeYoung continued with an update on the initial approval of new schools or programs. She shared that the Education Division hosted a public stakeholder meeting via WebEx on Thursday, October 6, 2022 to discuss the new regulations for the VN and PT program application process as well as the continued program approval and affiliate program processes. This webinar had 74 total attendees, not including board staff. Additionally, the Division hosted an online training session on October 13, 2022 for all program directors of all approved VN and PT programs. The purpose of this session was to assist and educate the programs on the continued program approval application submission and their request for continued approval. There was a total of 118 attendees for this training, this number also does not include board staff. She continued to update the committee that there are three (3) additional online training sessions scheduled during the next month. These sessions are for the purpose of assisting proposed program administrators and staff to be able to prepare the documentation for the new school or program application submission. The first of these sessions was hosted on October 20, 2022 with 56 attendees, not including board staff.

Ms. DeYoung gave a staffing update, which included the announcement that one (1) of the new NEC positions has been filled; the applicant accepted the offer and will start on October 24, 2022. The second new NEC & AGPA positions and the existing program technician position are still vacant while staff works to fill these positions.

To close, Ms. DeYoung shared that the Division hosted their Fall 2022 online Directors Forum September 14th and 15th with 61 attendees on day one and 65 attendees on day two.

Committee Discussion: Dr. Mountain commented on the positive response (through attendee numbers) to the online trainings and informational sessions.

5. Licensing Report – Ms. Brown, Licensing Division Manager.

Ms. Brown shared that two (2) of the licensing technician positions were filled and those new staff's training is well underway. Two (2) additional offers have been made; the Division now has two (2) positions vacant and hope to get the positions posted in the next few weeks.

She continued to share that in addition to the break-in reported by AEO Ito, licensing staff was also contacted to participate in sting operations about a bribery for licensure scam. The Office of Investigations conducted the investigation and the suspect has been taken into custody.

Committee Discussion: Dr. Mountain was taken aback by the allegations. Mr. Dierking commended Board staff for handling the situation appropriately.

6. Legislation and Regulations – Ms. Pires, Legislative and Regulations Specialist and Ms. Yamaguchi, Executive Officer.

a. Implementation of SB 994 (Jones)

Ms. Pires shared that SB 994 was signed into law on Sept 28, 2022, and soon after being Chaptered, it was brought to the attention of board staff that there were several resources that should be drafted and approved as soon as possible; including a memorandum of understanding, a model written supervision protocol, a board statement regarding SB 994 – Overview and a board statement and FAQ to LVN's.

Ms. Yamaguchi shared a high-level overview of the MOU and the model written supervision protocol. These documents were not shared as they are a work in progress with Counsel. These documents were only briefly discussed on an informational basis to the Executive Committee members.

Ms. Pires continued by sharing additional information on the Board statement regarding SB 994-Overview. This document is intended to be a resource for all stakeholders interested in these new provisions of our practice act. The FAQ is more granular as a resource for LVN's to ensure they are made aware of what to expect of the relationship if/when looking at jobs under supervision of ND's. Ms. Yamaguchi shared that staff will also be working on outreach to the schools and programs to ensure they are also properly informed if/when ND's contact them.

b. 2023 Rulemaking Calendar

Ms. Pires shared that this document is being shared for review and as informational to the committee this calendar is still pending work with legal to make it more final for board discussion and possible action. The calendar is expected to be on the next board meeting agenda and due to its current draft state, a motion will need to come off the floor at the meeting and not from this committee.

Mr. Swenson noted for the record that the draft MOU and draft model written supervision protocol were not published and reviewed during this discussion. They have not been distributed to the majority of members and are not public documents. The two (2) overview/FAQ documents and the rulemaking calendar were published to WebEx and discussed.

Committee Discussion: Mr. Dierking thanked staff for their attention to these details as Naturopathic doctors begin supervising LVN's. Dr. Mountain shared the same sentiment.

7. Board Schedule – Ms. Yamaguchi, Executive Officer.

Ms. Yamaguchi shared a draft calendar of Board Meeting dates for 2023 and 2024. This draft is for review and possible recommendation to the full board. She shared that staff determined the most appropriate dates and reiterated the recent discussions regarding the upcoming meetings.

Motion: To move the drafted Meeting Calendar for 2023 – 2024 to the full board for discussion and possible action.

Moved/Seconded: Mr. Dierking/Dr. Mountain.

Ms. Yamaguchi shared information about the special presentation that is on the November Board Meeting agenda. It will be a presentation to share with the board for review and consideration. Ms. DeYoung went into a high-level overview of the details of the presentation – a pilot program for bringing an LVN class to more rural areas.

Dr. Mountain commented on similar issues mentioned in the overview of the presentation that she has heard of at other schools and is very intrigued by the concept. She asked some questions that Ms. DeYoung and Ms. Yamaguchi responded to appropriately regarding potential regulations and how to potentially move forward if the pilot program is approved and successful.

Ms. Yamaguchi continued to update the Committee that the February Board Meeting will be scheduled to be a two (2) day meeting with a training and development day leading into the business meeting. Staff will prepare a concept list of topics for the training and development day to build up the schedule of events. She welcomes any ideas from members at any time. She reminded the Committee that February is also the board elections and will also include a discussion for committee assignments.

Dr. Mountain suggested that a “how to navigate discipline packets” would be a welcome topic, for both new members and veteran members because they are full of legal terminology and can be overwhelming.

Mr. Swenson agrees that this is a great idea, as there have been changes to the process since the last training was held.

8. Board Member Accountability

Ms. Yamaguchi shared that there have been no changes to the voting pattern. Members continue to be responsive to voting.

Ms. Yamaguchi gave an update on the previous conversation about committee member attendance issues; all issues have been addressed. Committees will not need to meet for the next couple months allowing board staff time to work with scheduling issues.

9. Next Executive Committee Meeting

The next Executive Committee Meeting has been scheduled for Friday, December 2, 2022 from 2:00pm – 4:00pm or upon the completion of business.

10. Suggestions for Future Agenda Items.

Dr. Mountain requested an end of year wrap-up; where the board was, where it is currently, and what the future looks like. Ms. Yamaguchi agreed.

11. Adjournment.

The open meeting adjourned at approximately 3:00 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President