



ENFORCEMENT COMMITTEE MEETING MINUTES

May 2, 2023

Via WebEx

Time: 3:00PM- 3:30PM

Board Members

Present Via

Teleconference:

Mr. Maxey, Public Member, Chair
 Ms. Moore, Licensee Member

Staff Present

Via Teleconference:

Ms. Yamaguchi, Executive Officer
 Mr. Mark Ito, Assistant Executive Officer
 Ms. Wood, Enforcement Division Chief
 Mr. Swenson, DCA Legal Counsel
 Ms. Schieldge, DCA Regulations Counsel
 Ms. Higashi, Supervising Special Investigator
 Mr. Prouty, Discipline Unit Enforcement Manager
 Ms. Archibald, Intake and Enhanced Enforcement
 Manager

1. Call to Order and Introduction of Committee Members – Mr. Maxey called to order at 3:00 p.m.
2. Roundtable with Enforcement Managers (3:02-3:08)
 - a. Statistics Review
 - **Ms. Wood** provided stats and updates for Intake and Enhanced Screening
 - **Ms. Wood** provided stats and updates for Licensing Application, Complaint & Review
 - **Ms. Wood** provided stats and updates for the Special Investigation Unit
 - **Mr. Prouty** provided stats and updates for Discipline Unit
 - **Ms. Wood** provided stats and updates for Probation Unit
 - **Ms. Wood** provided stats and updates for Enforcement Division
 - **Ms. Wood** provided information on division staffing
 - **Ms. Wood** provided information on the Petitioner Hearings

3. Consideration of Rulemaking to Amend Disciplinary Guidelines
 - a. Discussion and Possible Action to Recommend to the Board Initiation of a Rulemaking to Amend Title 16, California Code of Regulations sections 2524 and 2579.10

Ms. Schieldge provided information about the disciplinary guidelines update, including going over the proposed text, the memo to the Board, and the overview of changes proposed to the Guidelines as set forth in the memo. These changes included information that the Disciplinary Guidelines had not been updated since 2011, and there had been changes to the law and regulations since 2011. **Ms. Schieldge** provided information that there had been other changes such as the criteria for the consideration of evidence in aggravation, rehabilitation and mitigation. **Ms. Schieldge** also discussed the necessity of adding Model Orders to the Guidelines to help ensure consistent and accurate implementation of the penalties ordered by the Board (e.g., to avoid a situation where the Board intends to order a condition precedent that a Respondent take and pass the licensing examination before a license issues, but the order is mistakenly written so that the license issues before successful completion of the examination).

Mr. Maxey asked if the Committee members could move the Disciplinary Guidelines to the full Board, and still be able to have discussion/make suggestions for changes.

Ms. Schieldge stated that the Committee members could do this, but that they would need to do it at the Board meeting.

Mr. Maxey stated he had no objections to this and asked if we needed a motion.

Ms. Schieldge stated that staff recommend if no changes are made to move "Motion A" as set forth in memo to the Committee.

Ms. Moore moved Motion A, which states:
Recommend to the full Board approval of the proposed regulatory text and incorporated guidelines for Sections 2524 and 2579.10 and submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received, and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as noticed for 16 CCR sections 2524 and 2579.10.

Mr. Maxey agreed and the Committee moved this proposal to the Board.

4. Legislative/Regulation Concepts (3:08-3:20)

a. License Retirement

Ms. Wood requested authority from the enforcement committee to begin looking at retiring licenses. Currently licensees do not have the option to update their license status as retired upon retirement. Therefore, the retired licensees wait for the license to become delinquent and cancelled. This will also give options to licensees with cognitive impairment to retire their licenses. In addition, retirement status will deter license frauds.

Mr. Maxey asked Ms. Moore if she had any concerns

Ms. Moore stated she did not and made a motion

Mr. Maxey accepted and permission was granted to allow the Enforcement Division to conduct research

b. Reporting Requirements

Ms. Wood also requested for approval to move forward on reporting requirements. We would like to review reporting requirements and to make changes. Nurses and facilities should report abuse in a timely manner. Currently, they report abuse after someone is served with an accusation. We would like to move through sooner.

Mr. Maxey asked Ms. Moore if she had any concerns

Ms. Moore stated she did not and made a motion

Mr. Maxey accepted and permission was granted to allow the Enforcement Division to conduct research

5. Outreach (3:20-3:25)

a. Substance Abuse in Nursing

i. Possible Action

Ms. Wood explained the goal of the PSA and asked for approval for the PSA script submitted to the committee. This approval would allow the Division to begin working on the PSA and recruiting Board members to participate in the PSA.

Mr. Maxey stated that this was very important work, and that reaching out to our licensees and the public would be very helpful.

Mr. Maxey stated that he supported the PSA, and that the support of the other Board members was also very important.

Ms. Moore made a motion

Mr. Maxey accepted, and permission was granted.

b. Next PSA

i. Licensees and the Enforcement Process

ii. Probation- Licensee's role and responsibilities

Ms. Wood discussed both potential PSA's and stated that depending on incoming complaint trends or other issues noted, these may change. It is important that we are flexible so that we can address issues as they arise. The Committee will be approving the scripts and kept in the loop should any changes be proposed.

Mr. Maxey stated that he appreciates the work of the Division, and that he felt that the PSA's were an important piece of the outreach work the Division is completing.

Ms. Moore agreed.

6. Suggestions for Future Agenda Items (28:21)

Mr. Maxey asked if Ms. Moore had any suggestions.

Ms. Moore stated as a new member, she did not have any at this time.

7. Schedule next Enforcement Committee Meeting August 1, 2023 at 3:00PM until completion.

8. Adjournment (34:00) – Mr. Maxey adjourned the meeting at 3:30PM

The mission of the California Board of Vocational Nursing and Psychiatric Technicians (Board) is to protect the public. Public protection is paramount to the Board and its highest priority in exercising its licensing, regulatory, and disciplinary functions. Towards this end, the Board ensures that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice, and by educating consumers of their rights.