



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
Special Board Meeting Minutes**

<https://www.youtube.com/watch?v=4ne390XQQLY>

Please note: If you hover over the time stamp under the agenda item and press the Ctrl key on your keyboard, it will take you to the exact place in the webcast to hear the Board conversation.

DATE: Thursday, June 17, 2021

EXECUTIVE ORDER: Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency -- (Executive Order N-29-20, March 17, 2020, paragraph 11.)

BOARD MEMBERS

PRESENT: Dr. Mountain, President, Education Member
Mr. Dierking, Vice President, Public Member (Senate)
Ms. Brown, Public Member
Ms. Carpenter, Public Member
Mr. Hill, Psychiatric Technician Member
Mr. Maxey, Public Member (Assembly)
Ms. Rooks, Licensed Vocational Nurse Member
Ms. Rubalcava, Psychiatric Technician Member
Ms. Turner, Public Member

STAFF PRESENT: Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Wood, Enforcement Chief
Ms. Clayworth, Nursing Education Consultant
Ms. DeYoung, Lead Nursing Education Consultant
Dr. Fairchild, Nursing Education Consultant
Ms. Nunez, Education Technician
Ms. Pires, Legislation and Regulations Specialist
Ms. Saavedra, Budget Analyst
Ms. Shuman, Nursing Education Consultant

DCA STAFF PRESENT: Mr. Swenson, Board General Counsel
Ms. Tatayon, Board Regulatory Counsel

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Agenda Item 1 **Call to Order, Roll Call and Establishment of Quorum**
[\(0:05-4:24\)](#)

Board President Dr. Mountain called the meeting to order at 2:04 p.m., Thursday, June 17, 2021 via WebEx. Dr. Mountain took attendance of Board Members by roll call and confirmed quorum.

Agenda Item 2 **Introduction of Board Staff**
[\(4:25-5:07\)](#)

Executive Officer, Elaine Yamaguchi, introduced board staff and DCA Legal counsel.

Agenda Item 3 **Board President's Remarks**
[\(5:08-5:17\)](#)

Agenda Item 4 **Legislative and Regulations**
[\(5:18-1:47:45\)](#)

a) Regulatory Packages (Recommendation and Possible Action)

- 1) Update and Possible Action: [AB 2138](#) (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Vocational Nurses; **Modified Proposed Text for Board vote.** [\(1:31:30-1:35:17\)](#)

Motion: To approve the modified proposed text of AB 2138 by the full board coming out of the Legislation and Regulatory Committee.

Board Discussion: None

Public Comment: None

Moved: From Legislation and Regulatory Committee

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	YES

The Motion Carried.

- 2) Update and Possible Action: Program Pass Rate Standards for Vocational Nursing Programs; **Modified Proposed Text for Board vote.** [\(1:35:20-1:39:29\)](#)

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Board Discussion: None

Public comment: None

Motion: Accept the recommended modified proposed text coming out of the Legislation and Regulatory Committee for Program Pass Rate Standards for Vocational Nursing Programs.

Moved: From Legislation and Regulatory Committee

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	YES

The Motion Carried.

3) Update, Discussion on Necessity, and Possible Action: Program Pass Rate Standards for Schools for the Preparation of Psychiatric Technicians; **Modified Proposed Text for Board vote.** [\(1:39:31-1:43:36\)](#)

Board Discussion: None

Public Comment: None

Motion: Accept the recommended modified proposed text coming out of the Legislation and Regulatory Committee for Program Pass Rate Standards for Psychiatric Technicians Programs.

Moved: From Legislation and Regulatory Committee

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	YES

The Motion Carried.

- b) **AB 1273 (Rodriguez) (Recommendation and Possible Action)**
Committee Analyses. [\(1:43:36-1:47:38\)](#)

Board Discussion: None

Public Comment: None

Motion: To move the bill to the full board to adopt a formal position.

Moved: From Legislation and Regulatory Committee

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	YES

The motion carried.

- c) **Proposed Pilot Program Draft Legislative Language to create Section 2880.1 of the California Business and Professions Code (Recommendation and Possible Action)** [\(8:19-51:33\)](#)

Board Discussion: [\(12:22-12:49\)](#), [\(13:51-14:16\)](#), [\(15:21-28:51\)](#), [\(32:12-34:01\)](#), [\(34:43-48:20\)](#)

Public Comment: [\(30:11-32:09\)](#)

Motion:

1. Approve the concepts described in the Program Concepts as set forth in Attachment 1 to the Memorandum dated June 11, 2021 which is part of the Special Meeting Materials for Agenda Item 4.c;
2. Authorize the Executive Officer, in consultation with the Executive Committee, to negotiate this proposal with legislative staff in order to develop bill language to effectuate those concepts;
3. Reaffirm that implementation of the pilot program and/or any other processes for improving the program approval process is contingent upon statutory authority to assess fees for the work that the Board provides to the educational programs and recognize that if the legislature is not inclined to approve the fees, the Board must move forward with a new program approval process that is vetted through the Board and stakeholders; and

4. Direct staff to take those actions reasonably necessary to develop bill language to effectuate the Program Concepts, to study the potential effects of any proposed bill language, and to assess its fiscal and budgetary impact through consultation with the Department’s Budget Office to include consultation on the potential need for a third party fee study on the proposed school fees.

Moved: Mr. Dierking; Seconded: Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	YES

The Motion Carried

- d) **Proposed School Fees policy to create Section 2880.XX of the California Business and Professions Code (Recommendation and Possible Action)**
[\(53:00-1:31:29\)](#)

Board Discussion: [\(1:03:24-1:13:13\)](#), [\(1:13:26-1:16:33\)](#), [\(1:18:33-1:31:29\)](#)

Public Comment: [\(1:16:34-1:18:32\)](#)

Motion: Refer the concepts for proposed school fee policy to the Executive Committee to review and authorize it to act on behalf of the Board.

Moved: Ms. Carpenter; Seconded: Ms. Rubalcava

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	YES
Mr. Maxey	ABSTAIN
Ms. Rubalcava	YES
Ms. Turner	NO
Ms. Rooks	ABSTAIN
Mr. Hill	YES
Ms. Brown	NO

The Motion Carried

Agenda Item 5
[\(1:47:55-1:48:33\)](#)

Public Comment on Items Not on the Agenda

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Public Comment: None

Agenda Item 6
[\(1:48:38-1:49:18\)](#)

Suggestions for Future Agenda Items

Board Discussion: None

Public comment: None

Agenda Item 7
[\(1:49:19-1:49:35\)](#)

Adjournment
Dr. Mountain adjourned the meeting at 3:53 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President