



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/2WSqpAJUdFg>

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: Friday, August 20, 2021

BOARD MEMBERS

PRESENT:

Dr. Mountain, President, Education Member
Mr. Dierking, Vice President (Senate Appointee)
Ms. Brown, Public Member (Joined in Progress)
Mr. Hill, Psychiatric Technician Member
Mr. Maxey, Public Member (Assembly Appointee)
Ms. Rooks, Licensed Vocational Nurse Member
Ms. Turner, Public Member

**BOARD MEMBERS
ABSENT:**

Ms. Carpenter, Public Member (Excused)

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Wood, Enforcement Chief
Ms. Cordeiro, Supervising Nursing Education Consultant
Ms. Brown, Licensing Manager
Ms. delaRosa, Nursing Education Consultant
Ms. DeYoung, Nursing Education Consultant
Dr. Fairchild, Nursing Education Consultant
Ms. Gomez, Nursing Education Consultant
Ms. Maracino, Education Analyst
Dr. McLeod, Nursing Education Consultant
Ms. Pires, Legislation and Regulations Specialist
Mr. Prouty, Discipline Unit Manager
Ms. Saavedra, Budget Analyst
Ms. Silverman, Nursing Education Consultant

DCA STAFF PRESENT:

Ms. Munoz, DCA Budget Manager
Mr. Nishimine, DCA Budgets
Mr. Swenson, Board General Counsel
Ms. Tatayon, Board Regulations Counsel

Agenda Item 1 **Call to Order, Roll Call and Establishment of Quorum**
[\(0:24-6:19\)](#)

Board President Dr. Mountain called the meeting to order at 9:01 a.m., Friday, August 20, 2021, via WebEx. Dr. Mountain took attendance of Board Members by roll call, excused Ms. Carpenter's absence, and confirmed quorum. Ms. Brown was not present when Dr. Mountain took attendance but joined the meeting in progress.

Agenda Item 2 **Introduction of Board Staff**
[\(6:20-7:35\)](#)

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

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

A. Meeting Minutes for May 21, 2021 – Review and Approval.
[\(7:36-9:20\)](#)

Motion: Approve the minutes from May 21, 2021, if no errors or omissions.
Moved/Seconded: Ms. Turner/Ms. Rooks

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

Motion carried.

Board Discussion: None
Public Comment: None

B. Meeting Minutes for June 17, 2021 – Review and Approval.
[\(9:21-10:37\)](#)

Board Discussion: None
Public Comment: None

Motion: Approve the minutes from June 17, 2021, if no errors or omissions.
Moved/Seconded: Ms. Turner/Mr. Hill

Member Name	Vote
Dr. Mountain	YES

Mr. Dierking	YES
Ms. Carpenter	ABSENT
Mr. Maxey	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	ABSENT

Motion carried.

Agenda Item 4 Fiscal Budgets

[\(15:17-35:29\)](#)

Ms. Munoz, DCA Budget Manager, provided information to the Board Members regarding the Board's Fiscal Month 11 (FM 11) projections and the current Fund Condition. Mr. Nishimine, DCA Budget Office, discussed potential insolvency, the proposed program and licensee fee increases, and cost recovery.

Board Discussion: None

Public Comment: None

Agenda Item 5 Education

A. Education Division Report – Ms. Cordeiro. [\(35:30-39:19\)](#)

I. Review and approval of Executive Officer program decisions. [\(39:20-41:20\)](#)

Board Discussion: [\(40:50-41:18\)](#)

Public Comment: None

Motion: To approve the Executive Officer's program decisions.

Moved/Seconded: Mr. Maxey/Mr. Dierking

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

Motion carried.

B. Education Committee Report – Dr. Mountain. [\(41:23-43:07\)](#)

Board Discussion: None

Public Comment: None

Motion: Adopt the NECs recommendations for post COVID teaching modalities.
Moved: From Education and Practice Committee

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

Motion carried.

C. Reconsideration of Provisional Approval.

I. **University of Antelope Valley, Vocational Nursing Program, Ms. delaRosa, Nursing Education Consultant.** [\(43:08-46:00\)](#)

1. Deny the Program's request for reconsideration of provisional approval.
2. Extend the Program's provisional approval for a period of two years beginning August 16, 2021 and issue a certificate accordingly.
3. Comply with all program requirements.

Board Discussion: None

Public Comment: [\(45:00-45:34\)](#)

Motion: Accept the NEC's report and adopt the recommendations.
Moved/Seconded: Mr. Hill/Mr. Dierking

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

Motion carried.

D. Request to Admit Students.

I. **Premiere College, Vocational Nursing Program, Dr. Fairchild, Nursing Education Consultant.** [\(46:01-47:35\)](#)

1. Approve the Program's request to admit a full-time evening class of 30 students commencing on September 13, 2021, graduating on December 17, 2022.
2. Place the Program on the February 2022 Board agenda for reconsideration of provisional approval.
3. Comply with all program requirements.

Board Discussion: None

Public Comments: [\(46:38-47:13\)](#)

Motion: Accept the NEC report and adopt the recommendations.

Moved/Seconded: Mr. Maxey /Ms. Turner

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

Motion carried.

II. **Southeast Career College, Vocational Nursing Program, Ms. delaRosa, Nursing Education Consultant.** [\(41:36-48:47\)](#)

1. Approve the Program's request to admit a full-time day class of 22 students to commence on September 20, 2021, with an expected graduation date of September 26, 2022.
2. Comply with all program requirements.

Board Discussion: None

Public Discussion: None

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Ms. Turner/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	ABSENT
Mr. Maxey	YES

Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES
Ms. Brown	ABSENT

Motion carried.

E. Consideration of Provisional Approval.

I. North West College – Riverside, Vocational Nursing Program, Dr. McLeod, Nursing Education Consultant. [\(48:53-50:39\)](#)

1. Grant the Program full approval for a period of four years beginning August 20,2021, through August 20, 2025, and issue a certificate accordingly.
2. Comply with all program requirements.

Board Discussion: None

Public Discussion: [\(49:35-50:15\)](#)

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Mr. Hill/Ms. Rooks

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

Motion carried.

F. Consideration of Placement of Provisional Approval.

I. Cypress College, Psychiatric Technician Program, Dr. McLeod, Nursing Education Consultant. [\(50:43-52:20\)](#)

1. Place the Program on provisional approval for a two-year period starting August 20, 2021 and issue a certificate accordingly.
2. Require the program to submit an action plan to improve their first-time tester pass rate by October 20, 2021.
3. Comply with all program requirements.

Board Discussion: None

Public Comments: [\(51:20-51:53\)](#)

Motion: Approve the NEC's report and adopt the recommendations.

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Moved/Seconded: Ms. Rooks/Mr. Hill

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

Motion carried.

II. Healthcare Career College, Vocational Nursing Program, Ms. delaRosa, Nursing Education Consultant. [\(52:21-54:29\)](#)

1. Place the Healthcare Career College, Vocational Nursing Program on provisional approval for the two-year period beginning August 20, 2021; and issue a certificate accordingly.
2. Comply with all program requirements.

Board Discussion: None

Public Comment: None

Motion: Approve the NEC's report and adopt the recommendations:

Moved/Seconded: Mr. Hill/Mr. Maxey

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

Motion carried.

Agenda Item 6

Executive Officer's Report - Ms. Yamaguchi.

[\(54:30\)](#)

- A. Sunset Hearing Legislative Update. [\(55:03-1:01:54\)](#)

Board Discussion: [\(59:15-1:01:51\)](#)

Public Comment: None

- B. Report from the NCSBN Annual Meeting. [\(1:01:55-1:05:00\)](#)

Board Discussion: [\(1:03:55-1:04:50\)](#)

Public Comment: None

C. Executive Committee Report – Dr. Mountain. [\(1:05:07-1:05:48\)](#)

Board Discussion: [\(1:05:29-1:05:46\)](#)

Public Comment: None

Agenda Item 7 **Update from DCA – Ms. Brianna Miller.**
[\(1:05:50-1:12:20\)](#)

Board Discussion: None

Public Comment: None

Agenda Item 8 **Licensing and Evaluations**

A. Licensing Division Report – Ms. Brown. [\(1:12:50-1:13:18\)](#)

Board Discussion: None

Public Comment: None

B. Licensing Committee Report – Dr. Mountain [\(1:13:30-1:13:37\)](#)

Board Discussion: None

Public Comment: None

Agenda Item 9 **Legislation and Regulations**

A. Committee Report – Mr. Dierking. [\(1:13:40\)](#)

I. Rulemaking Update and Possible Action Related to Regulatory Text.

- a. AB 2138 (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Vocational Nurses. [\(1:14:06-1:14:20\)](#)
- b. AB 2138 (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Psychiatric Technicians. [\(1:14:21-1:14:28\)](#)
- c. Program Pass Rate Standards for Vocational Nursing Programs. [\(1:14:29-1:14:39\)](#)
- d. Program Pass Rate Standards for Schools for the Preparation of Psychiatric Technicians. [\(1:14:40-1:14:43\)](#)

- e. Fee Schedule. [\(1:14:44-1:24:00\)](#)

Note: by unanimous consent the Board advanced Item 9.B. Discussion and Possible Action to Amend Regulations Relating to Fees, etc. to be taken-up immediately after Item 9.A.I.e. Fee Schedule. [\(1:21:30-1:24:15\)](#)

- II. AB 1536 (Committee on Business and Professions) Update
Committee analyses. [\(2:13:03-2:15:17\)](#)

Note: the Board returned to Item 9.A.II. after having advanced and taken-up Item 9.B. Discussion and Possible Action to Amend Regulations Relating to Fees, etc.

Board Discussion: None

Public Comment: None

B. SB 1480 (Hill, Chapter 571, Statutes of 2018) Discussion and Possible Action to Amend Regulations Relating to Fees for Licensure Application, Examination, and Renewal and Approval and Renewal of Providers of Courses in Continuing Education, Intravenous Therapy and Blood Withdrawal – Ms. Yamaguchi.

- I. Discussion and possible action regarding amendment to Section 2537 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing) to increase the fees for application for licensure, examination for licensure, and renewal of licensure. [\(1:24:17-1:53:25\)](#)

Motion: To increase the fees for application for licensure, examination for licensure, and renewal of licensure relating to Vocational Nurses to the full amount permitted by statute (made by Mr. Dierking and seconded by Mr. Hill).

Board Discussion: [\(1:26:28-1:50:27\)](#)

Ms. Rooks asked if the Board has not had a fee increase in five years.

Ms. Yamaguchi stated that January 1, 2019 was the last fee increase and that depending on the final motion, it could take several years before this fee increase takes effect.

Ms. Rooks asked why the maximum fee allowed is needed so soon after projections were completed just a few years ago.

Ms. Yamaguchi stated that the original projection was meant to last five years. She explained that the maximum fee increase is needed to avoid insolvency because, in 2019, the school fees were postponed, and the Office of the Attorney General (OAG) fees increased dramatically by over 30 percent. She added that there was a miscalculation in the way the department assesses the pro rata charge, and the initial fee assessment did not include the percentage of revenue that goes directly to the Department of Consumer Affairs via the pro rata charge. Ms. Yamaguchi continued that

a structural imbalance was discovered in 2018, and without the school fees, the Board could be insolvent as early as 2022. The school fees were needed, and the amount projected is substantially lower than what is needed short term. She stated that the longer-term fiscal structure of the Board depends on the applicant, licensee, and the continuing education provider fees with the numbers from the Board's Budget Unit showing that an immediate change is needed in the next couple of years. She stated that the Board needs to invest in a third-party fee structure study to examine the longer-term fiscal health and address assumptions that are unknown. She added that this is an expensive study to contract.

Ms. Rooks agreed that it would be helpful to the Board to have some actuary help and thanked Ms. Yamaguchi.

Ms. Turner asked why the Board needs a vote about a fee increase that is effective in the future, for example, in 2024. She inquired if the Board could wait until 2022, with the help of the actuary report, to assess the situation.

Ms. Yamaguchi explained that the income needs to be projected now cannot be based on whether a future Board will be asked to take this action. She added that it takes at least a year to move through the regulatory process. She concluded that if a fee increase takes effect January 1, 2023, which is the recommendation of the Budget Unit, the Board is already behind schedule.

Ms. Turner asked Ms. Yamaguchi if the Board has the authority to raise these fees to the maximum.

Ms. Yamaguchi clarified that the Board has the statutory authority and that it would be the Board's responsibility, and role, to take that action.

Mr. Swenson added that the action would be to implement the statutory authority through the development of regulations. The Board has the power at this point to authorize the increase in fees for the rulemaking process but there would have to be regulations in place to move the fee to the maximum amount allowed by statute if that is what the Board decides to do, which is the recommended action.

Ms. Turner asked whether there was already an investigation and a report to reduce expenses before deciding to increase fees. She also asked whether the duties of the Office of the Attorney General should be transferred back to the Board Members and if it might result in a significant cost reduction.

Ms. Yamaguchi further explained that the process of transferring of petition hearings to the OAG should have resulted in minimal cost savings. The increased OAG costs are a result of increased OAG fees. Additionally, over the past three and a half years, enforcement staff has made significant progress in addressing and eliminating an enormous backlog and moving cases through the system. At some point the cost may be reduced but given the payment and billing structures for both the Division of Investigations and the OAG, it is difficult to project billing in Budget Year two or Budget

Year three. The invoices currently paid are based on work that was done in 2019 and 2020. It is less than fiscally prudent to project savings or project future savings.

Ms. Turner clarified that she is referring to taking back the responsibility of the disciplinary hearings that were transferred to the OAG and transferring that work back to the Board. From the cost standpoint, the OAG's hourly rate is \$100, and a Board Member's hourly rate is about \$11 for that work versus what the OAG's Office charges by the hour. By now the Board should have an idea on average, from month to month, how much the OAG charges for the work that the Board should be doing.

Mr. Swenson explained that there are two different sets of cases. Discipline cases have traditionally been handled by the AOG and heard by administrative law judges at the Office of Administrative Hearings (OAH). The proposed decisions are written and acted upon by the Board through the balloting process. These discipline cases are the bulk of the enforcement work and the enforcement attorney fees. Petitioner hearings are an entirely separate set of cases. Those are the cases that were formerly heard during a full day of the multi-day Board meeting. They involve petitions for reinstatement or petitions for modification or early termination of probation. The change in process applied to petitioner cases and not to discipline cases. Action to return the petitioner hearings back to the Board will not result in a change to discipline cases.

Ms. Turner thanked Mr. Swenson for the clarification as she was referring to the petitioner cases. Ms. Turner asked if there was a transfer of duties to help eliminate the backlog on petitioner cases and the cost involved. Ms. Turner asked for those numbers and the whether there would be an impact or reduction if those duties are returned to the Board. She stated that she believed that procedure was to be temporary to reduce the backlog and not permanent. She asked if there wouldn't be a savings if the petitioner hearings were returned to the Board.

Ms. Yamaguchi stated that returning the petitioner hearing process to the Board would increase costs because of the costs that Mr. Swenson explained. The transfer of petition hearings to the OAH was a cost and time savings effort to timely address the unacceptable backlog.

Ms. Turner acknowledged that she didn't want to spend any more time on this subject and stated that the training would be an opportunity to go into more details.

Ms. Yamaguchi thanked Ms. Turner and confirmed that the Board's Enforcement Committee will discuss this moving forward.

Public Comment: None

Note: a roll call vote was taken on the pending motion. The vote was later recalled to permit Ms. Brown, who had been present for the discussion of the item but had been unable to vote due to technical difficulties, to cast a vote on the motion.

Moved/Seconded: Mr. Dierking/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	ABSENT
Mr. Maxey	YES
Ms. Turner	ABSTAIN
Ms. Rooks	ABSTAIN
Mr. Hill	YES
Ms. Brown	NOT RECORDED

Motion carried.

Note: this roll call vote was superseded through subsequent motion to recall the item to permit Ms. Brown to cast a vote and is included only to maintain a complete record of the meeting. When it was recalled, the motion carried by majority vote so recall of the motion did not change the outcome.

- II. Discussion and possible action regarding amendment to Section 2537.1 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing) to increase the fees for application for providers of courses of continuing education, intravenous therapy, and blood withdrawal and for renewal of approval for providers courses of continuing education, intravenous therapy, and blood withdrawal. [\(1:53:35-2:05:54\)](#)

Motion: To increase the fees for application for providers of courses of continuing education, intravenous therapy, and blood withdrawal and for renewal of approval for providers courses of continuing education, intravenous therapy, and blood withdrawal relating to Vocational Nurses to the full amount permitted by statute.

Note: a roll call vote was taken on the pending motion. The vote was later recalled to permit Ms. Brown, who had been present for the discussion of the item but had been unable to vote due to technical difficulties, to cast a vote on the motion.

Board Discussion: None

Public Comment: None

Moved/Seconded: Mr. Dierking/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	ABSENT
Mr. Maxey	YES
Ms. Turner	ABSTAIN
Ms. Rooks	ABSTAIN
Mr. Hill	YES

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Ms. Brown	NOT RECORDED
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Motion carried.

Note: this roll call vote was superseded through subsequent motion to recall the item to permit Ms. Brown to cast a vote and is included only to maintain a complete record of the meeting. When it was recalled, the motion carried by majority vote so recall of the motion did not change the outcome.

Motion: To recall the votes for items 9.B.I and 9.B.II to cast new votes for items 9.B. and 9.B.II. ([1:59:50-2:05:54](#))

Board Discussion: None

Public Comment: None

Moved/Seconded: Ms. Rooks/Mr. Dierking

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

Motion carried.

The Board reopened item 9.B.I for recall of roll call vote on motion.

Motion: To increase the fees for application for licensure, examination for licensure, and renewal of licensure relating to Vocational Nurses to the full amount permitted by statute.

Note: the motion was recalled for roll call vote. The vote upon recall superseded the prior vote on the motion.

Board Discussion: None

Public Comment: None

Moved/Seconded: Mr. Dierking/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Carpenter	ABSENT
Mr. Maxey	YES
Ms. Turner	ABSTAIN
Ms. Rooks	ABSTAIN
Mr. Hill	YES

Ms. Brown	YES
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Motion carried.

Note: this roll call vote superseded the prior roll call vote on the motion. When recalled, the motion once again carried by majority vote so recall of the motion did not change the outcome.

The Board reopened item 9.B.II for new motion and votes. [\(1:59:50-2:05:54\)](#)

Motion: To increase the fees for application for providers of courses of continuing education, intravenous therapy, and blood withdrawal and for renewal of approval for providers courses of continuing education, intravenous therapy, and blood withdrawal relating to Vocational Nurses to the full amount permitted by statute.

Note: the motion was recalled for roll call vote. The vote upon recall superseded the prior vote on the motion.

Board Discussion: None

Public Comment: None

Moved/Seconded: Mr. Dierking/Mr. Hill

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

Motion carried.

Note: this roll call vote superseded the prior roll call vote on the motion. When recalled, the motion once again carried by majority vote so recall of the motion did not change the outcome.

III. Discussion and possible action regarding amendment to Section 2590 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) to increase fees for application for licensure, examination for licensure, and renewal of licensure. [\(2:05:55-2:08:07\)](#)

Motion: To increase fees for application for licensure, examination for licensure, and renewal of licensure relating to Psychiatric Technicians to the full amount permitted by statute.

Board Discussion: None

Public Comment: None

Moved/Seconded: Mr. Dierking/Mr. Hill

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

Motion carried.

IV. Discussion and possible action regarding amendment to Section 2590.1 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) to increase the fees for application for providers of courses of continuing education, intravenous therapy, and blood withdrawal and for renewal of approval for providers courses of continuing education, intravenous therapy, and blood withdrawal. [\(2:08:16-2:12:46\)](#)

Motion: To increase the fees for application for providers of courses of continuing education, intravenous therapy, and blood withdrawal and for renewal of approval for providers courses of continuing education, intravenous therapy, and blood withdrawal relating to Psychiatric Technicians to the full amount permitted by statute (made by Mr. Dierking and seconded by Mr. Hill).

Board Discussion: [\(2:09:19-2:10:36\)](#), [\(2:10:46-2:11:33\)](#)

Ms. Rooks asked if there is a way to amend the motion as she feels she does not have enough information to say “yes” on the maximum fee increase. She acknowledged that there are new Board Members that don’t know the history on fees and asked if it was too late to amend the motion as Ms. Turner mentioned.

Mr. Swenson stated that the Board has voted and acted on the other items.

Ms. Rooks acknowledged that she knows it is too late for the other items, she was referring to this one item.

Mr. Swenson clarified that the other, prior items would no longer be germane to this pending item.

Board President Mountain asked if there were further comments from the Board.

Ms. Brown expressed her concerns that the Board is already in the position where it’s hindered these individuals from getting their license. She expressed that the black and brown communities have been disenfranchised tremendously and that higher fees put them further behind. She requested that her remarks be part of the meeting record.

Public Comment: None

Moved/Seconded: Mr. Dierking/Mr. Hill

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

Motion carried.

Note: the Board returned to Item 9.A.II. after having advanced and taken-up Item 9.B (see page 9 above). [\(2:13:03-2:15:17\)](#) The Board then proceeded to Item 9.C.

- C. AB 2138 (Chiu, Low, Chapter 995, Statutes of 2018) Discussion and Possible Action to Approve Modified Proposed Regulatory Text for Substantial Relationship and Rehabilitation Criteria – Ms. Yamaguchi. [\(2:17:05-2:18:27\)](#)
- I. Discussion and possible action regarding amendment to Section 2521 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing) to approve modified proposed regulatory text for substantial relationship criteria. [\(2:17:05-2:18:27\)](#)
- II. Discussion and possible action regarding amendment to Section 2578 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) to approve modified proposed regulatory text for substantial relationship criteria. [\(2:17:05-2:18:27\)](#)
- III. Discussion and possible action regarding amendment to Section 2522 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing) to approve modified proposed regulatory text for rehabilitation criteria. [\(2:17:05-2:18:27\)](#)
- IV. Discussion and possible action regarding amendment to Section 2579 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) to approve modified proposed regulatory text for rehabilitation criteria. [\(2:17:05-2:18:27\)](#)

Board Discussion: None

Public Comment: None

Agenda Item 10 Enforcement

- A. Enforcement Division Report – Ms. Wood. [\(2:18:28-2:20:15\)](#)

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Board Discussion: None
Public Comment: None

B. Enforcement Committee Report – Mr. Maxey. [\(2:20:18-2:39:02\)](#)

Board Discussion: [\(2:33:47-2:36:58\)](#)
Public Comment: [\(2:37:03-2:38:51\)](#)

Agenda Item 11 **Discussion on the Process and Procedures of Board Member Ballot Voting** – Ms. Wood, Mr. Prouty.
[\(2:39:07-2:46:34\)](#)

Board Discussion: [\(2:40:22-2:46:33\)](#)
Public Comment: None

Agenda Item 12 **Public Comment on Items Not on the Agenda** [\(2:47:32\)](#)

Board Discussion: None
Public Comment: None

Agenda Item 13 **Suggestions for Future Agenda Items** [\(2:47:57-2:48:30\)](#)

Board Discussion: None
Public Comment: None

Agenda Item 14 **Adjourn Meeting** [\(2:48:31-2:49:01\)](#)

Dr. Mountain adjourned the meeting at 12:05 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President