

BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS

2009 ANNUAL REPORT



February 1, 2010

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I. HIGHLIGHTS

- A. Retroactive Fingerprinting Implemented** – On January 9, 2009, the Office of Administrative Law (OAL) approved the Board’s emergency regulations to implement retroactive fingerprinting effective April 1, 2009.

Board records indicate that about 55,000 licensees need to be fingerprinted. These individuals were licensed prior to January 1, 1998. Although the fingerprint requirement was reestablished by the Board on July 1, 1996, after a 15 year lapse, only new applicants for licensure were required to submit their fingerprint records to the Department of Justice (DOJ), and out-of-state applicants were required to also submit their fingerprint records to the Federal Bureau of Investigation (FBI). The Board began requiring all applicants for licensure to submit both DOJ and FBI fingerprints beginning January 1, 1998. Unfortunately, at that point in time, the Board did not have the regulatory authority or the resources to pursue retroactive fingerprinting of all licensees.

From April 1, 2009 through December 31, 2009, the Board processed over 24,000 fingerprint documents (e.g., DOJ Clearance Reports, FBI Clearance Reports, RAP Sheets, Fingerprint Rejection Notices, etc.). Of that group, 1,025 enforcement cases were opened against licensees with prior convictions.

B. Fee Changes Implemented or Underway

1. Initial License, Renewal & Delinquent Renewal Fees – On January 9, 2009, the OAL also approved the Board’s emergency regulations to implement a fee increase effective July 1, 2009. The fee change was needed to ensure that sufficient funds and staff resources were available to implement retroactive fingerprinting. Specifically, the regulatory proposal changed the following fees:

	<u>VN Program</u>	<u>PT Program</u>
➤ Initial Licenses	From \$120 to \$150	From \$200 to \$300
➤ Biennial License Renewals	From \$120 to \$150	From \$200 to \$300
➤ Delinquent Renewals	From \$60 to \$75	From \$100 to \$150

2. Examination & Dishonored Check Fees – On December 1, 2009, the Board filed a Notice of Proposed Changes to increase the examination, retake, and dishonored check fees effective July 1, 2010. The fee changes are needed to ensure that sufficient funds and staff resources are available to address the increased workload in the Licensing Division. The regulation hearing was held on January 27, 2010. The regulation will be submitted for Board Member approval at the February 18, 2010 Board Meeting in Los Angeles. Specifically, the regulatory proposal will change the following fees:

	<u>VN Program</u>	<u>PT Program</u>
➤ Examination Applications	From \$75 to \$150	From \$100 to \$150
➤ Retake Applications	From \$75 to \$150	From \$100 to \$150
➤ Dishonored Checks	From \$10 to \$25	From \$10 to \$25

C. Budget Change Proposals (BCPs)

1. Retroactive Fingerprinting BCP – From Fiscal Year (FY) 2009/10 through FY 2012/13, the Board was given approval to hire 15.5 staff to address the increased workload related to retroactive fingerprinting. The positions were approved in stages over four fiscal years and by FY 2012/13 only 6 permanent staff positions will remain. All other positions are limited term and will expire on June 30, 2012.
2. Licensing Division BCP – On January 8, 2010, the Governor’s Budget was released and the Board received tentative approval to hire 4.0 staff beginning in FY 2010/11 to address the increased workload in the Licensing Division. The staff positions and funds identified in the BCP must be approved by the Legislature and signed by the Governor for FY 2010/11.
3. Consumer Protection Enforcement Initiative – Departmental BCP 1A – On January 8, 2010, the Governor’s Budget was released and the Department of Consumer Affairs (DCA) received tentative approval to hire 138.5 staff to address the enforcement backlogs and improve investigative processing times for various health care boards. The positions are approved in stages over the next two fiscal years. Of the 138.5 positions, the Board received approval for 15.5 positions (i.e., 13.0 VN positions and 2.5 PT positions). The staff positions and funds identified in this BCP must be approved by the Legislature and signed by the Governor for BY 2010/11.
4. Consumer Protection Enforcement Initiative – Departmental BCP 1B – On January 8, 2010, the Governor’s Budget was released and the DCA received tentative approval to redirect existing iLicensing Project funds and received a budget augmentation beginning in FY 2011/12 through FY 2014/15 to support the procurement, solution and implementation of an integrated licensing and enforcement system. According to the DCA Budget Office, the Board’s contribution to this project will be \$391,000 [i.e., \$352,000 (VN) and \$39,000 (PT)] over four fiscal years.

D. Consolidation Proposals – On January 16, 2009, Governor Arnold Schwarzenegger released his “Roadmap for More Efficient Government” which identified 18 ways to consolidate, eliminate and reorganize government to streamline responsibilities, improve efficiency and save billions of dollars. Part of his proposal was to consolidate the VN Program with the Board of Registered Nursing and consolidate the PT Program with the newly proposed Board of Mental Health. At the June 15, 2009 Senate Hearing on Consolidation/Elimination, the Committee voted against both consolidation proposals.

E. Consumer Protection Enforcement Initiative (CPEI) – In 2009, various media articles reported that most DCA health care boards were taking over three years to complete the investigations and take appropriate disciplinary actions against licensees. As a result, the Governor directed the State and Consumer Services Agency (SCSA) to conduct an internal review of all the health care board’s

enforcement programs and the DCA Division of Investigation. The SCSA and DCA found that most of the health care boards face significant complaint investigation backlogs and processing delays. The Governor charged the DCA Director, Brian Stiger, with reforming the current enforcement process for the health care boards.

The DCA moved quickly to implement the CPEI (formerly the Enforcement Model). A departmental BCP was requested for FY 2010/11. Specific DCA health care boards will receive additional staff including non-sworn investigators to address the enforcement backlogs and improve investigative processing times. A separate departmental BCP was submitted to request a state-of-the-art integrated database to support licensing and enforcement, replacing the current Applicant Tracking System and the Consumer Affairs System

In conjunction with this effort, the DCA established a new position, Deputy Director of Enforcement & Compliance, to assess each board's enforcement program and to ensure continuous improvements. The DCA is developing enforcement performance measures to determine the effectiveness of efforts to streamline enforcement processes, reduce backlogs and achieve the overall goal to process complaints within 12-18 months. In addition, the DCA is pursuing extensive statutory changes to make the enforcement processes more efficient. Senate Bill 294 (Negrete-McLeod) will address the statutory mandates for these changes. The bill will be known as the Consumer Health Care Enforcement Reform Act.

F. Executive Orders

1. Furlough Fridays (FY 2008/09) – On December 19, 2008, the Governor issued Executive Order S-16-08 which required state agencies to implement furloughs of state employees for two days per month regardless of funding source from February 9, 2009 through June 30, 2009. Beginning in March, 2009, the furlough requirements were changed to self-directed furlough days that could be used for equivalent time off based upon the operational needs of the agency. This resulted in a 9.23% reduction in pay for applicable employees.
2. 15% Reduction in Operating Equipment & Expenses (OE&E) – On June 8, 2009, the Governor issued Executive Order S-09-09 which required all state agencies to disencumber funding for any contract entered into after March 1, 2009. Exemption requests were required to retain any of those contracts. On June 29, 2009, all state agencies were required to develop a plan to reduce their OE&E by 15% for FY 2009/10. On August 3, 2009, the Department of Finance approved the Board's proposed reduction plan.
3. Furlough Fridays (FY 2009/10) – On July 1, 2009, the Governor issued Executive Order S-09-12 which requires state agencies to close their offices for three Fridays every month through June 30, 2010. This resulted in a 13.85% reduction in pay for applicable state employees.
4. Retired Annuitants (RAs) – On September 9, 2009, the DCA boards/bureaus were required to request an exemption to continue utilization of their respective RA positions. The Board's exemption request to retain its thirteen (13) RA staff

members was approved by DCA and the Department of Finance. RAs can only work 960 hours in a fiscal year. This equates to about 4 months full-time or about 2 days per week if spread out over a one year period.

5. 5% Salary Savings – On January 8, 2010, the Governor issued Executive Order S-01-10 which requires state agencies to take immediate steps to achieve an additional 5% salary savings in FY 2009/10. In addition, state agencies must continue the additional 5% salary savings in FY 2010/11.

G. Legislative Actions

1. AB 48: Bureau for Private Postsecondary Education (BPPE) – This bill establishes the BPPE in the DCA as a successor agency to the former bureau. This bill also repeals the California Private Postsecondary Education Act of 2009 on January 1, 2016. This bill was chaptered by the Secretary of State on October 11, 2009.
 2. AB 1416: Permissive Site Visits – As introduced, this bill would have authorized the Board to conduct school inspections by means of a visit, review of specified school documents, or both, as determined by the Board. Currently, the Board is mandated to conduct site visits for all new schools that seek initial accreditation. This bill would have made such visits discretionary. Due to opposition raised by one professional organization, the author opted to drop this proposal on August 26, 2009. The Board is currently seeking a new author for this legislative proposal.
 3. SB 821: Interim Permits – This bill contains a myriad of additions and amendments to the Business and Professions (B&P) Code for the DCA boards and bureaus. In regards to the Board, this bill specifies that the application for an interim permit must be submitted no later than 4 months after completion of a board-accredited program, and limits the use of the permit to 9 months, as specified in Sections 2872.2 (VN) and 4510.1 (PT). This bill was chaptered by the Secretary of State on October 11, 2009 (Chapter 307, Statutes of 2009).
- 6. Office Space** – On April 1, 2009, the Board’s request to lease additional office for the 15.5 staff approved to implement retroactive fingerprinting was approved. The Board set up temporary work areas at the Capitol Oaks Building, in Suite 250. The Board continues to work with the staff from DCA’s Facilities & Space Planning and the Department of General Services’ (DGS) Real Estate Services Division (RESA) to install modular furniture.

On January 20, 2010, the Board was advised that DCA is working with DGS RESA to lease additional office space for all of the additional staff approved to implement the CPEI effective July 1, 2010.

7. **Regulatory Actions** – As mentioned previously, on January 9, 2009, the OAL approved the Board’s Emergency Regulatory Action to require submission of fingerprints and the disclosure of any conviction as a condition of license renewal or

reactivation. Related licensing and renewal fees were also increased to cover the staffing costs and enforcement activities associated with these requirements.

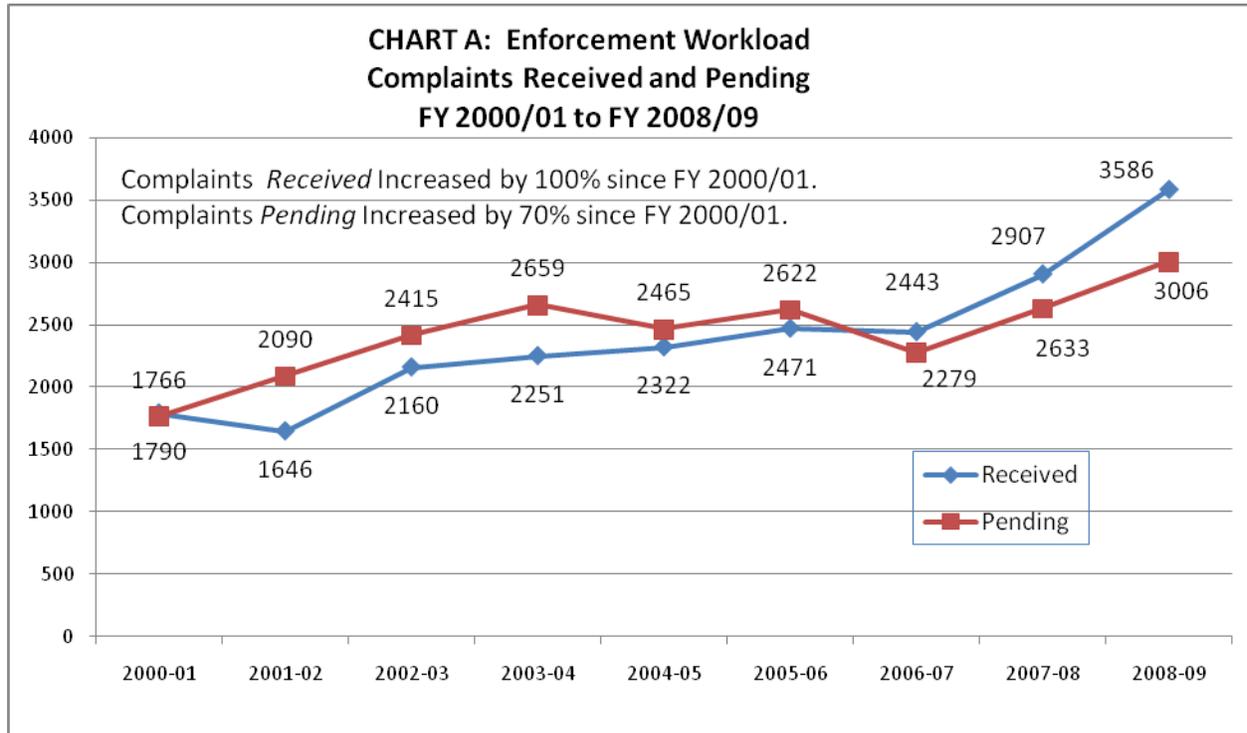
Pursuant to the OAL's emergency regulation procedures, the Board was required to prepare a certificate of compliance to make the emergency regulations permanent. This entailed submitting the regulations through the regular rulemaking process including a 45-day notice and comment period. The regulatory proposal included additions and amendments as follows:

- Response to Board Inquiry – Added Sections 2504.1 (VN) and 2564.1 (PT) to specify that licensees must respond to the Board's request for criminal information within 30 days. Failure of a licensee to respond or provide accurate information may be grounds for disciplinary action.
- Fingerprint and Disclosure Requirements for Renewal of License – Amended Sections 2517.5 (VN) and 2575.5 (PT) to specify the retroactive fingerprinting requirement for anyone licensed prior to January 1, 1998. These sections also required licensees, as a condition of renewal, to: disclose on the renewal forms denial of license or discipline by another licensing authority; and prior convictions or violations of the law excluding traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.
- Fee Change – Amended Sections 2537 (VN) and 2590 (PT) to specify the initial license, license renewal and delinquent license fee increases.
- Inactive Licenses – Amended Sections 2540.6 (VN) and 2592.6 (PT) to clarify that applicable licensees must comply with the retroactive fingerprint requirements to reactivate an inactive license.

On June 30, 2009, the Board completed the final regulatory activities to make the emergency regulations permanent, which entailed filing a Certificate of Compliance and resubmitting the regulations through the regular rulemaking process. On August 11, 2009, OAL approved the regulatory action. This regulatory action was filed with the Secretary of State's Office on August 11, 2009, and became effective upon filing.

II. ENFORCEMENT DIVISION

A. Workload Increase & Resultant Backlogs – Chart A shows the increase in the enforcement workload for the past nine years (i.e., FY 2000/01 through 2008/09). The number of complaints “received” increased by 100% and the number of complaints “pending (as of June 30th)” increased by 70%. The Board continues to address existing backlogs to reduce case aging.



B. Complaints – Table #1 shows the number of complaints by “calendar year” (not fiscal year*). In 2009, the Board received 4,375 complaints.

Table #1: Complaints Received	2005	2006	2007	2008	2009
Vocational Nurses:					
Applicant Complaints	945	1,070	1,125	1,417	1,483
Regular Complaints	1,005	974	1,132	1,311	2,146
VN Total:	1,950	2,044	2,257	2,728	3,629
Psychiatric Technicians:					
Applicant Complaints	161	132	132	160	204
Regular Complaints	305	277	246	265	542
PT Total:	466	409	378	425	746
Grand Total:	2,416*	2,453*	2,635*	3,153*	4,375*

*The amounts shown in this table reflect statistics for each “calendar year”. The amounts shown in Chart A reflect “fiscal year” statistics (not calendar year data). Therefore, these figures will not match exactly.

C. Disciplinary Actions – The Board took the following disciplinary actions against Licensed Vocational Nurses (LVNs) and PTs in 2009:

Table #2: Disciplinary Actions	LVNs		PTs		Totals	
	2008	2009	2008	2009	2008	2009
Revocations	66	101	18	21	84	122
Suspensions	1	0	1	0	2	0
Probation	75	75	15	23	90	98
Voluntary Surrender	17	13	0	6	17	19
Reinstatement Granted	6	12	0	3	6	15
Reinstatement Denied	5	7	2	2	7	9
Early Termination & Modification of Probation Granted	1	1	0	0	1	1
Early Termination & Modification of Probation Denied	1	0	0	0	1	0
Licenses Denied (In-house)	29	10	4	6	33	16
Licenses Denied (Adjudicated)	1	11	1	2	2	13
Advisement Letters	927	830	127	147	1054	977
Probation Compliance Meetings	83	87	23	25	106	112
Citations and Fines	204	169	29	37	233	206
# Ordered to Pay Cost Recovery	72	82	12	32	84	114
Total Actions:	1,488	1,398	232	304	1,720	1,702
Total Cost Recovery Ordered	\$326,515	\$382,509	\$41,814	\$143,770	\$368,330	\$526,279

D. Citation and Fine Program – The Board issued a total of 206 citations in 2009. Of that total, 169 were issued to VNs, and 37 were issued to PTs. The dollar amount assessed in fines was \$78,361 and \$13,152 respectively; and the dollar amount collected in fines was \$80,098 and \$16,071 respectively (some fines collected during 2009 were payments for fines assessed in prior years). Licensees are informed they may not renew VN or PT licenses until all fines are paid in full. Citations were issued for a variety of violations including unprofessional conduct, unlicensed activity, failure to disclose a conviction on the application for licensure, and falsification of continuing education hours.

E. Criminal Conviction Reporting

1. Fingerprint Program – The Board requires all applicants, prior to licensure, to submit fingerprints to obtain a criminal history report from the DOJ and the FBI. Interim permits, temporary licenses, and actual licenses are only issued upon receipt of a clearance report from the DOJ.

Applicants are also required to self-certify on a “Record of Conviction (ROC)” form if they have a conviction history. In 2009, 1,483 VN applicants and 204 PT applicants with criminal convictions were referred to the Enforcement Division by the Board’s Licensing Division for review. During that same time period, the Board received and reviewed criminal history reports (i.e., RAP Sheets from the DOJ and the FBI) indicating prior convictions for 1,598 VN and

379 PT applicants. The ROC data and RAP Sheet data do not match exactly as an applicant could have multiple RAP Sheets, the Board receives RAP Sheets from applicants who decide not to file an application, and for various other reasons.

2. **Report of Criminal Convictions on License Renewals** – In 2009, 238 licensees (161 LVNs; and 77 PTs) reported they had been convicted of a criminal offense during the two years immediately preceding their license renewal date. At present, 38 licensees were issued warning letters; 129 cases are pending criminal conviction documents and additional information from the licensees; 9 cases were transmitted to the Attorney General's (AG's) Office for formal discipline; and 9 cases resulted in a citation and fine being issued. 53 cases (33 LVN and 20 PT) were closed because the convictions were not substantially related to the license or other reasons.
 3. **Retroactive Fingerprinting** – On April 1, 2009, the Board implemented retroactive fingerprinting for anyone licensed prior to January 1, 1998. In 2009, the Board received 1,025 criminal history reports (777 LVNs; and 248 PTs) against licensees who require retroactive fingerprinting. At present, 75 licensees were issued warning letters; 567 cases are pending criminal conviction documents and additional information from the licensees; 2 cases were transmitted to the Attorney General's (AG's) Office for formal discipline; and 4 cases resulted in a citation and fine being issued. 377 cases (266 LVN and 111 PT) were closed because the convictions were not substantially related to the license or other reasons.
- F. Probation Monitoring Program** – A total of 228 licensees (179 LVN and 49 PT) are on probation including 29 probationers (22 LVNs and 7 PT) whose probation terms are on tolled status. During 2009, 112 probation meetings (87 VN and 25 PT) were conducted. Over the year, 25 licensees (22 LVNs and 3 PTs) were found to be out of compliance with the terms and conditions of probation, and the cases were forwarded to the AG's Office for initiation of revocation proceedings. During 2009, 19 probationers' licenses (13 LVNs and 6 PTs) were revoked or their probation extended for violation of probation (some cases were transmitted to the AG's Office in prior years).
- G. Authority to Issue and Enforce Subpoenas** – On October 19, 2009, the Board's Executive Officer and the Enforcement Division Chief attended an Administrative Subpoena Training to obtain authority to issue and enforce subpoenas. The Director of DCA must delegate this authority to the Board. In addition to the training, the Board must prepare a subpoena and have it reviewed and approved by the Board's Staff Counsel before authority is delegated by the Director. The Board anticipates that this delegation will be complete in early 2010.
- H. Substance Abuse Coordination Committee (SACC)** – On November 16, 2009, the SACC adopted sixteen uniform standards for substance-abusing healing arts licensees as required by Senate Bill 1441 (Chapter 548, Statutes of 2008). The SACC was tasked with developing these standards by January 1, 2010.

The SACC was comprised of the Executive Officers of all healing arts boards, the Director of DCA and the State Medical Director of the Department of Drug and Alcohol Programs. The Board's Executive Officer was a member of the SACC and attended several meetings throughout the year. Additionally, a work group was established to assist the SACC. Marilyn Kimble, Probation Monitor, participated as a member of the work group and also attended several group and SACC meetings throughout the year.

The Director of DCA has encouraged the boards to promptly implement those standards that do not require legislation or regulatory changes. He also requested that the boards develop proposed statutory and/or regulatory changes, as needed, to fully implement the standards.

III. EDUCATION DIVISION

A. **Accredited Programs** – Currently, 209 VN Programs and 16 PT Programs are accredited and approved by the Board. Table #3 delineates the 50% growth in the number of VN Programs and a 7% growth in the number of PT Programs accredited by the Board over the past 5.5 years.

Programs	Actual FY 04/05	Actual FY 05/06	Actual FY 06/07	Actual FY 07/08	Actual FY 08/09	Current FY thru 12/31/09	% Change from 04/05
VN	139	174	195	203	210	209	50%
PT	15	15	15	16	17	16	7%
Totals:	154	198	210	219	227	225	46%

Table #4 details the progressive growth in the number of “new and additional” student admissions requested and approved by the Board for admission to its VN and PT Programs statewide.

VN Programs	Actual FY 04/05	Actual FY 05/06	Actual FY 06/07	Actual FY 07/08	Actual FY 08/09	Current FY thru 12/31/09
New Students	600	1,218	671	533	264	60
Additional Student Admissions for Existing Programs	1,488	1,427	864	3,269	3,885	2,192
Total # of <u>New & Additional</u> Student Admissions	2,088	2,645	1,535	3,802	4,149	2,252
PT Programs	Actual FY 04/05	Actual FY 05/06	Actual FY 06/07	Actual FY 07/08	Actual FY 08/09	Current FY thru 12/31/09
New Students	30	0	0	30	30	0
Additional Student Admissions for Existing Programs	0	0	45	15	30	100
Total # of <u>New & Additional</u> Student Admissions	30	0	45	45	60	100

B. New Programs Approved to Commence Initial Classes

VN Programs

1. Community Enhancement Services College, Los Angeles – February 2009
2. Sierra Pacific College, Redlands – January 2009
3. Southern California Medical College, Bakersfield – June 2009
4. St. Jude Healthcare Education Center, Glendale – January 2009
5. United Education International College, Chula Vista – August 2009
6. West Coast Ultrasound Institute, Ontario – January 2009

PT Programs

1. Healthcare Career College, Concord – February 2009

C. Program Closures

VN Programs

1. ATC College of Nursing, Oakland – May 2009
2. California Career College, West Los Angeles – August 2009
3. Career Colleges of America, San Bernardino – August 2009
4. Excel Vocational Center, San Pedro – April 2009
5. Sierra College, Rocklin – January 2009

D. School Survey Visits for Initial and Continued Accreditation

Initial Accreditation for VN Programs

1. American Career College, Ontario – November 2009
2. California Career Institute, Garden Grove – August 2009
3. Career Care Institute, Moreno Valley – September 30, 2009
4. Eastern Sierra College Center, Bishop – May 2009
5. Info Tech Career College, Bellflower – July 2009
6. Joseph's School of Nursing, Lancaster – February 2009
7. Kaplan College, Sacramento – September 2009
8. Kaplan College, Stockton – September 2009
9. Oxman College, San Francisco – May 2009
10. Palladium Technical Academy, El Monte – February 2009
11. Salinas Adult School, Salinas – August 2009
12. Solano College of Nursing, Vallejo – July 2009
13. Valley College of Medical Careers, West Hills – May 2009

Continued Accreditation for VN Programs

1. Allied Medical & Health Services, Glendale – February 2009
2. Antelope Valley Medical College, Lancaster – August 2009
3. Bakersfield Adult School, Bakersfield – May 2009
4. Bakersfield College Bakersfield – May 2009
5. Beaumont Adult School, Beaumont – May 2009
6. Career Care Institute, Ventura – September 2009
7. Career Colleges of America, Los Angeles – October 2009
8. Central Nursing College, Los Angeles – May 2009
9. Cerro Coso College, Ridgecrest - May 2009

10. Citrus College, Glendora – May 2009
11. College of Nursing and Technology, Los Angeles – September 2009
12. Everest College, Anaheim – May 2009
13. Feather River college, Fall River Mills – January 2009
14. Feather River College, Quincy – January 2009
15. Gavilan College, Gilroy – September 2009
16. Glendale Career College, Glendale – November 2009
17. Hacienda La Puente Adult Education, La Puente – September 2009
18. Hartnell College, Salinas – January 2009
19. Institute of Technology, Redding – October 2009
20. Kaiser/Concorde Career College, North Hollywood – November 2009
21. Long Beach City College, Long Beach – May 2009
22. Merced College, Merced – November 2009
23. Mira Costa College, Oceanside – November 2009
24. Mission College, Santa Clara – February 2009
25. Modesto Junior College, Modesto – May 2009
26. Nightingale School of Nursing, San Leandro – January 2009.
27. Preferred College of Nursing, Carson – September 2009
28. Rio Hondo College, Whittier – November 2009
29. San Joaquin Valley College, Visalia – January 2009
30. Santa Barbara City College, Santa Barbara – September 2009
31. Southwestern College, Otay – May 2009
32. Unitek College, Fremont – February 2009
33. Unitek College, Santa Clara – November 2009
34. WestMed College, San Jose – February 2009
35. Yuba College, Yuba City – May 2009
36. YWCA – Los Angeles Job Corps, Los Angeles – October 2009

Initial Accreditation for PT Programs

1. Gurnick Academy of Medical Arts, Concord – May, 2009

Continued Accreditation for PT Programs

1. California Nurses Educational institute, Inc, Cathedral City – January 2009
2. Cypress College, Cypress – January 2009
3. Yuba College, Yuba City – May 2009
4. Hacienda La Puente Valley Adult Education, La Puente – September 2009

E. Placement on Provisional Accreditation

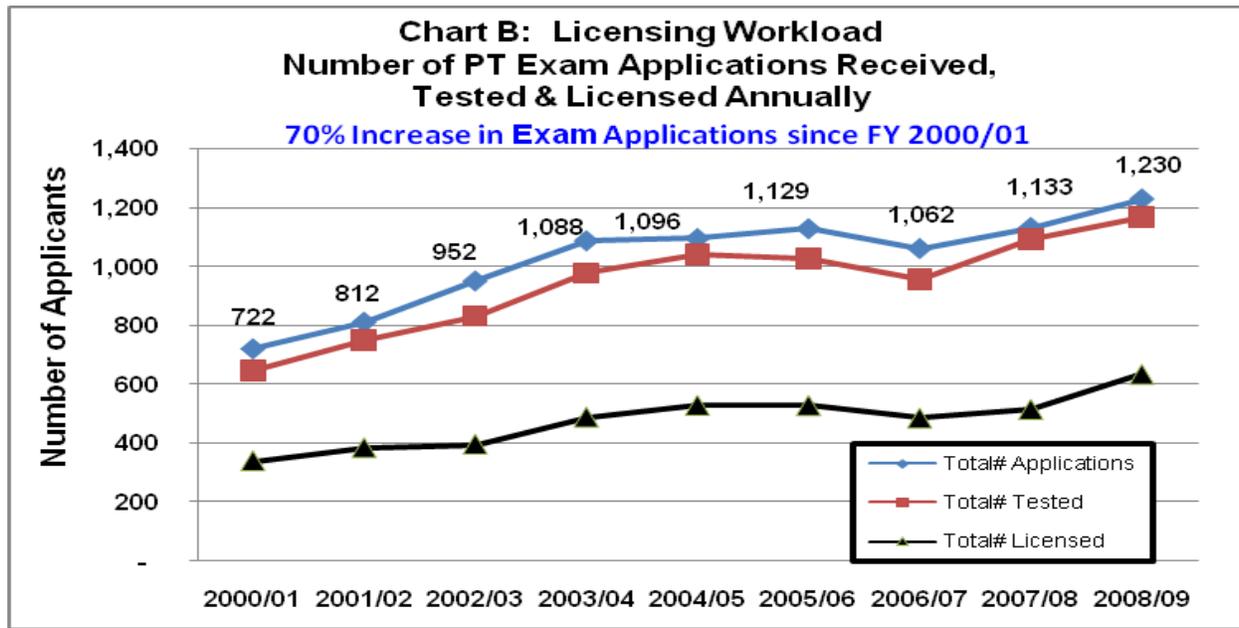
VN Programs

1. Anderson Medical Career College, North Hollywood – October 2009
2. Career Development Institute, Los Angeles – October 2009
3. CSI Career College, Vacaville – May 2009
4. Northwest College, West Covina – May 2009
5. Summit Career College – October 2009r 2008

IV. LICENSING DIVISION

A. PT Program

1. Workload Increases – Chart B shows the increase in the PT Program’s licensing workload for the past nine years (i.e., FY 2000/01 through FY 2008/09). The number of examination applications received annually increased by 70%.



2. Examination Administration – Psychological Services (PSI), the Board’s testing vendor for the PT Licensure Examination, added a new testing center in San Francisco, California in August 2009. The center is an addition to the existing thirteen (13) California locations. PSI will be assessing the activity at this location to determine if it will be permanent.
3. Examination Development – The Board contracted with the DCA, Office of Professional Examination Services (OPES) for the period of July 1, 2008, through June 30, 2010, for examination development services for the PT Licensure Examination. The following examination development activities occurred in 2009:
 - a. Examination Administration Meeting – On February 3, 2009, the Board convened a meeting with the OPES. The purpose of the meeting was to address critical issues relative to the production of statistical reports of candidates’ performance on the California PT Licensure Examination Program.
 - b. Program Survey – In February 2009, the Board conducted a survey of all PT Programs. Programs were canvassed relative to the following areas: Numbers of program graduates; Changes in the population of applicants; Changes in student population; Technological innovations; Changes in

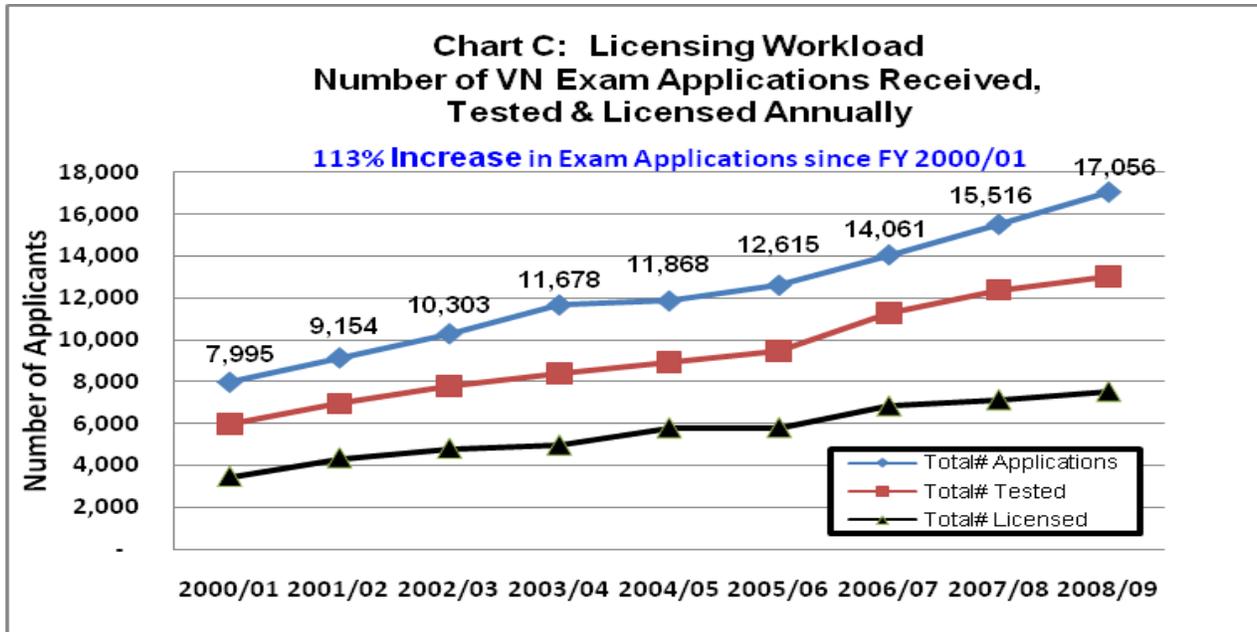
professional practice; and Trends in healthcare. Data from the study assists the Board in the development of future examination programs. Additionally, this information assists the Board in addressing pertinent issues related to examination, licensure, and practice.

- c. Planning Meeting – On March 24, 2009, the Board convened the Annual PT Planning Meeting with the OPES. The purpose of the meeting was the review and analysis of the PT Licensure Examination program and the development of additional program requirements. Additionally, a schedule for finalization and dissemination of quarterly statistical reports to all programs was established.
 - d. Examination Administration Reports – In June 2009, accurate statistical reports relative to the performance of program candidates on the California PT Licensure Examination were finalized. On June 17, 2009, the Board disseminated a Rank of Schools Report to each program electronically. Additionally, each Program Summary by Content Area Report specific to each program was disseminated. On September 30, 2009, the Board disseminated a Rank of Schools Report to each program electronically. Additionally, each Program Summary by Content Area Report specific to each program was disseminated.
 - e. Item Development & Committee of Content Experts Conferences – The Board, in conjunction with OPES, convened the following conferences:
 - An **Item Review Conference** was convened from February 9, 2009 through February 11, 2009. The primary conference objective was the development of sufficient quality examination items consistent with the needs of the PT Licensure Examination Item Bank to facilitate publication of new examination items in January 2010. Conference participants included eight (8) Subject Matter Experts from education and practice arenas.
 - A **Committee of Content Experts Conference** was convened from April 20, 2009 through April 24, 2009. The purpose of the conference was selection and finalization of examination items for new PT Licensure Examinations. Conference participants included three (3) Subject Matter Experts from education and practice arenas.
4. Examination Statistics – Table #5 shows a total of 1,123 candidates sat for the PT Licensure Examination in 2009. **The pass percentage rate for first-time applicants was 81%.** The PT Licensure Examination Statistics for 2009 are as follows:

Table #5: Applicant Category	PT Candidates Tested	Pass	Fail
First-Time Applicants	673	544	129
Repeat Applicants	450	184	266
Totals:	1,123	728	395

B. VN Program

1. Workload Increases – Chart C shows the increase in the VN Program’s licensing workload for the past nine years (i.e., FY 2000/01 through FY 2008/09). The number of examination applications received annually increased by 113%.



2. Examination Administration -- The Board contracts with the National Council of State Boards of Nursing (NCSBN) for the development and administration of the VN licensure examination, the NCLEX-PN®. As the number of NCLEX® candidates’ increases, Pearson VUE, NCSBN’s testing vendor, continues to assess capacity needs at the Pearson Professional Centers where the NCLEX® examinations are given.

To meet demand, Pearson VUE has expanded testing capacity by adding testing centers in San Dimas and Sacramento, California, and by increasing the number of computers at the San Jose, California site. Additionally, the center located in Yokohama, Japan will be relocated to Osaka, Japan in December 2009, and will be expanding from seven (7) to ten (10) computers.

3. Examination Statistics – Table #6 shows a total of 13,787 candidates sat for the VN Licensure Examination in 2009. **The pass percentage rate for first-time applicants was 70%.** The NCLEX-PN® Licensure Examination Statistics for 2009 are as follows:

Table #6: Applicant Category	VN Candidates Tested	Pass	Fail
First-Time Applicants	8,795	6,188	2,607
Repeat Applicants	4,992	1,431	3,561
Totals:	13,787	7,619	6,168

V. CONSUMER OUTREACH

- A. Customer Service Surveys** -- In 2009, the Board distributed and/or mailed out approximately 2,000 Customer Service Surveys (i.e., distributed at Board Meeting and at the Board's Public Counter; and e-mailed to the Board's Accredited Schools and to Examination Result recipients). Approximately 256 survey responses were received. A summary of the survey results revealed that 87% of the respondents were either *very satisfied* or *satisfied* with the Board's performance; 6% were *marginally satisfied* with the Board's performance; and 7% were either *dissatisfied* or *very dissatisfied* with the Board's performance.
- B. Director Forums** – On September 8 and September 16, 2009, the Board presented Director Forums in Sacramento and Los Angeles respectively. The forums provided directors and faculty of VN and PT programs information about legislation, use of predictor tests, online theory courses for vocational nurse and PT students, screening and selection criteria, student retention, and management of difficult, disruptive, and disrespectful students. Forum attendance included 285 directors, instructors, and administrators.
- C. Newsletter** – The Board published its annual newsletter, PRN, on December 21, 2009, and is available on the Board's web site.
- D. Stakeholder Survey** – On December 7, 2009, the Board e-mailed surveys to all VN and PT programs. The purpose of the survey was to determine what challenges LVNs and PTs may face in education and practice within the next five years as well as to identify possible problems encountered by new graduates of VN and PT programs and their employers. This information will also be used to assist in improving the effectiveness and efficiency of the Board.
1. VN Program Respondents – Responses were received from 45% of the accredited and approved VN Programs. Respondents represented programs based in community colleges, adult schools, and private institutions. Respondents reported the following variables have greatly impacted the focus and content of their programs.
 - a. Economic decline.
 - b. Decline in funds for educational programs, scholarships, grants, etc.
 - c. Increase in size of the applicant pool.
 - d. Decrease in level of academic preparation of the applicant pool.
 - e. Performance of program graduates on the NCLEX/PN®.
 - f. Increase in numbers of VN and RN programs.
 - g. Lack of quality instructors.
 - h. Decline in client census.
 - i. Loss of clinical sites and closure of doors to LVNs.

Respondents report that the increasing number of Registered Nursing (RN) and VN Programs has resulted in a loss of available clinical rotations. As a result, programs have sought clinical rotations that are up to 200 miles from the school.

For some rotations, respondents report that students are required to stay in hotels for periods of time.

Employers of new graduates report deficits are most frequently identified in the following areas.

- ✓ Professionalism.
- ✓ Critical Thinking.
- ✓ Assessment Skills.
- ✓ Basic Math and Drug Calculations.
- ✓ Documentation.
- ✓ Medical Terminology.
- ✓ Customer Service Skills.
- ✓ Intravenous Therapy and Blood Withdrawal Certification.

2. PT Program Respondents – Responses were received from 25% of the accredited and approved PT Programs. All respondents represented programs based in community colleges. Respondents reported their programs have been deeply impacted by the current economic condition. Deep budget cuts have forced directors to decline enrollment. Students have been forced to drop out of programs due to the lack of funding and wages. Some agencies hiring PTs have temporarily suspended hiring due to declining revenue. Additionally, all programs report that the increasing number of RN and VN programs has resulted in a loss of available clinical rotations.

All respondents reported that the majority of their graduates have found employment. Graduates report the most frequent problem encountered in employment is a lack of familiarization with the culture of the agency and frequent resistance from established workers.

Employers of new graduates report deficits are most frequently identified in the following areas.

- a. Professionalism.
- b. Critical Thinking.
- c. Assessment Skills.
- d. Basic Math and Drug Calculations.
- e. Documentation.

VI. ADMINISTRATIVE & LIAISON ACTIVITIES

A. Board Meetings – Six (6) Board Meetings were held in 2009.

- February 18 – 20, 2009 San Diego, CA
- March 23, 2009 Telephone Conference
- April 2, 2009 Telephone Conference
- May 21 – 22, 2009 Burlingame, CA
- September 16, 2009* Los Angeles, CA
- October 7, 2009 Los Angeles, CA

*Due to a meeting notice error, the Regular Board Meeting scheduled for September 17, 2009 was cancelled and rescheduled to October 7, 2009. However, the Disciplinary Hearings scheduled for September 16, 2009 were conducted as the matter was delegated to the Administrative Law Judge (Board Members were not present).

B. Board Members -- The following Board Member actions occurred:

1. Reappointment of Executive Officer – On February 19, 2009, the Board voted unanimously to reappoint Teresa Bello-Jones as Executive Officer. The reappointment was required by statute due to the Board's temporary transition to a bureau from July 1, 2008 through December 31, 2008.
2. Election of 2009 Officers – On February 20, 2009, John P. Vertido, Licensed Vocational Nurse/Educator, was elected as President of the Board and Todd D'Braunstein, PT, was elected Vice President of the Board.
3. Appointments – On March 20, 2009, Jessica Leavitt of Oakland was appointed to the Board as a Public Member.
4. Departures – On October 8, 2009, Martin Mariscal resigned from the Board.
5. Vacancies -- There are now five (5) board member positions vacant. They are:
 - Two (2) LVN member positions
 - Three (3) Public Member positions

C. Liaison Activities & National Committees

1. National Council of State Boards of Nursing (NCSBN) Examination Committee Meeting – On January 20-22, 2009, Cheryl Anderson, Nursing Education Consultant (NEC), attended a NCSBN Examination Committee meeting in Chicago, Illinois. The Committee's charge is to provide general oversight of NCLEX[®] examination processes to ensure consistency with the examination needs of Member Boards. That includes, but is not limited to the following components: Item Development; Examination Security; Psychometrics; Examination Administration; Quality Assurance; Approve Subject Matter Experts; and Recommend test plans to the Delegate Assembly.

2. Stanbridge College, VN Program Graduation – On February 27, 2009, John Vertido, Board President, presented a graduation speech to Stanbridge College, VN Program’s graduating class, at the Westin South Coast Plaza, Costa Mesa, CA.
3. Woodcreek High School – On March 26, 2009, John Vertido, Board President, gave a speech to high school students regarding nursing careers.
4. Licensed Vocational Nurses League of California (LVNLC) 56th Annual Convention – On April 22, 2009, John Vertido, Board President, represented the Board at this convention held in Sacramento, CA. Mr. Vertido’s Keynote Speech addressed the “Nursing Profession – Past, Present and Future.
5. California Vocational Nurse Educators Conferences – On April 25, 2009 and October 17, 2009, John Vertido, Board President, represented the Board at these conferences in Sacramento. Mr. Vertido’s speech updated the participants on the current status of bills moving through the legislature that affect the Board and an overview of the Board’s Licensing, Enforcement, Administrative and Education Divisions.
6. American College of Nursing, VN Program Graduation – On May 30, 2009, John Vertido, Board President, presented a graduation speech to American College of Nursing, VN Program’s graduating class at the Concord Hilton Hotel, Concord, CA.
7. Dinuba Adult School, VN Program Graduation – On June 5, 2009, John Vertido, Board President, presented a graduation speech to Dinuba Adult School, VN Program’s graduating class at Dinuba High School, Dinuba, CA.
8. Palo Verde College, Department of Nursing and Allied Health’s Fast Track VN Class Graduation – On July 16, 2009, John Vertido, Board President, presented a graduation speech to Palo Verde College, Department of Nursing and Allied Health’s Fast Track’s graduating class at Palo Verde College, Blythe, CA.
9. NCP College of Nursing, VN Program Graduation – On August 9, 2009, John Vertido, Board President, presented a graduation speech to NCP College of Nursing, VN Program’s graduating class at the Hilton Hotel, Oakland, CA.
10. Western Career College, VN Program Graduation – On October 3, 2009, John Vertido, Board President, presented a graduation speech to Western Career College, VN Program’s graduating class at Chabot College, Performing Arts Center, Hayward, CA.

D. Personnel Updates

1. Nursing Education Consultants – Effective February 5, 2010, all of the Board's five Nursing Education Consultant (NEC) positions are vacant. This equates to a 100% reduction in nursing staff. Due to the nursing shortage, nurses are in great demand and are able to obtain a much higher salary at other state agencies and in the private sector. In November 2007, the Board submitted a formal request to DCA to secure a recruitment and retention pay differential for its current and future NECs. Due to the State of California's ongoing budget deficit, all requests for pay differentials were tabled without further consideration. The Board is working with DCA OHR to research using other statewide nurse classifications or contracting out for nursing consultant services.

2. Retirements – In 2009, the following employees retired:
 - a. Linda Dolezal, Staff Information Systems Analyst – She retired on December 21, 2009. Ms. Dolezal worked for the Board for almost 19-1/2 years.

 - b. Ann Shuman, Supervising Nursing Education Consultant – She retired on October 31, 2009. Ms. Shuman worked for the Board for almost 22 years.

 - c. Kerry Kuepper, Associate Governmental Program Analyst – She retired on May 29, 2009. Ms. Kuepper worked for the Board for almost 3 years.

3. DCA Knowledge Management Project – On November 24, 2009, the DCA began spearheading a Knowledge Management Project to ensure that vital program knowledge is documented and uploaded to the new Knowledge Management Center on the DCA Intranet. Current projections indicate that over 40% of the DCA employees will be eligible to retire within the next five years. It is essential that policies and procedures be documented and uploaded to the Knowledge Management Center to ensure continuity of services.

4. VII. GENERAL STATISTICS

Table #7: Fast Facts	VN Program	PT Program	Totals
Budget Authority (FY 2009/10)	\$8,702,822	\$2,192,026	\$10,894,848
Staff Authority (FY 2009/10)	53.0	11.5	64.5
Total# of Licensees (eff. 1/1/2010) ¹	113,664	13,217	126,881

1-This figure includes active, inactive and delinquent licenses.

Table #8: Workload Activity	2008	2009	%Change
Telephone Calls Received ¹	163,816	106,248	-35%
Mail Received	64,264	74,672	+16%
Internet Inquiries	8,097	12,372	+53%
Website Hits ²	726,341	1,501,939	+107%

1-The Board converted to a new phone system in March 2009. As a result, consistent statistical data could not be captured for the entire year. This is a projection only.
 2-The number of website hits has increased due to the volume of online license verifications and the availability of various online forms (e.g., application and renewal forms).

Table #9: Licensing Workload	VN Program		PT Program	
	2008	2009	2008	2009
Public Counter Inquiries	2,544	2,784	427	488
Applications Evaluated and Processed	20,706	20,395	1,263	1,148
Applicants Approved to Test	14,177	14,160	1,174	803
Applicants Tested	12,843	13,774	1,091	1,123
Out-of-State License Applications Processed	688	503	0	0
Interim Permits Issued	32	8	0	0
Temporary Licenses Issued	880	844	44	77
Initial Licenses Issued	7,398	7,924	531	687
Licenses Renewed (in-house)	7,852	7,968	1,145	1,376
Intravenous Therapy and Blood Withdrawal Certificates Issued ¹	5,173	4,962	14	26
Continuing Education Course Providers Approved	29	45	4	3
Endorsements Processed	1,556	1,377	4	7
Continuing Education Audits Completed	820	1,270	205	265
Fingerprints Processed ²	16,633	31,650	1,086	3,787

Important Note: The data shown in this table reflect statistics for each "calendar year". The amounts shown in Charts B & C reflect "fiscal year" statistics (not calendar year data). Therefore, these figures will not match exactly.

1 – PTs are only allowed post-licensure certification in Blood Withdrawal.
 2 – Effective July 1, 2009, retroactive fingerprinting for licensees who were not fingerprinted prior to January 1, 1998, was implemented.

(2/1/2010)