

Agenda Item #9.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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



DATE: February 24, 2014

TO: Board Members

FROM: Teresa Bello-Jones
Executive Officer

SUBJECT: **Review of 2014 Strategic Plan**

Attached is the Board of Vocational Nursing and Psychiatric Technicians' Draft 2014 Strategic Plan.

Attachment: 2014 Strategic Plan

State of California
Department of Consumer Affairs

**Board of Vocational Nursing and
Psychiatric Technicians**

2014 Strategic Plan



February 26, 2014

Teresa Bello-Jones, Executive Officer
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
(916) 263-7845
www.bvnpt.ca.gov

BOARD MEMBERS

Todd D'Braunstein, PT Member
Board President

Eric Mah, Public Member
Board Vice President

Eduardo Angeles, Public Member

Vivien Avella, Public Member

Tammy Endozo, LVN Member

Samantha James-Perez, PT Member

Jessica Leavitt, Public Member

Andrew Moreno, Public Member

Donna Norton, LVN Member

Susan Rubin, Public Member

John Vertido, LVN/Educator Member

TABLE OF CONTENTS

Executive Summary	1
Mission Statement	2
Core Beliefs	2
Agency Description	3
Goals & Objectives	5
A. Enforcement	6
B. Legislation and Regulation	7
C. Education	8
D. Administration	9
E. Examinations and Licensing	10
F. Automation	11
Resource Assumption	12
Financial and Staff Position Information	13

EXECUTIVE SUMMARY

The California Board of Vocational Nursing and Psychiatric Technicians (Board) was established in 1951 (Vocational Nursing Program) and 1959 (Psychiatric Technician Program) to regulate and enforce the laws related to the practice of licensed vocational nurses (LVNs) and psychiatric technicians (PTs).

Public protection is the Board's highest priority in exercising its licensing, regulatory and disciplinary functions. Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Assembly Bill 269, Chapter 107, Statutes of 2002).

To ensure that it effectively meets its mandate to protect the public interest, the Board:

- Annually reviews and revises its Strategic Plan to ensure that the Board's highest priority of public protection is present in all regulatory functions;
- Actively enforces regulations governing the practice of LVNs and PTs, including standards of practice in accordance with established professional standards;
- Develops pertinent statutory or regulatory changes that benefit public protection;
- Ensures that only qualified persons are LVNs and PTs by establishing minimum requirements for licensure and by ensuring psychometrically sound and legally defensible licensure examinations;
- Utilizes creative solutions to mitigate enormous and increasing workload;
- Vigorously ensures that VN and PT programs are in compliance with the requirements of Articles 5 of the Vocational Nursing and Psychiatric Technicians Rules and Regulations;
- Engages the attention of consumers, licensees and other interested parties for the purpose of informing them about our consumer protection priority;
- Establishes meaningful partnerships with our constituents through Board meetings, public forums, legislative hearings, and public speaking at our programs or other consumer organizations.
- Enhances a dynamic work environment that encourages and supports employee success, which in turn benefits the consumers and facilitates staff growth and achievement.

MISSION STATEMENT

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. Toward 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.

CORE BELIEFS

The Board believes:

- Consumer protection is its highest priority.
- Discipline of applicants and licensees who endanger the health and safety of the consumer is swift and ensures due process.
- LVNs and PTs are integral members of the health care delivery system.
- An active leadership role in evaluating trends and shaping the development of educational and professional standards promotes the Board's success in protecting the public and preparing licensees for safe and ethical practice.
- Our licensure examinations must be regularly evaluated to ensure their legal defensibility and psychometric soundness for accurate measurement of entry-level competencies.
- Continuous education and outreach to consumers increases awareness of their rights and of the significant roles performed by LVNs and PTs in California's health care.
- Investment in staff development and training, as our budget permits, provides the skills necessary for successful interaction with our diverse constituency and serves the public interest.
- Dynamic and visionary leadership promotes best practices and improves organizational processes.
- The partnership with the Department of Consumer Affairs (DCA), Executive and Legislative branches of government, other state agencies, the health care community, and consumers solidifies the Board's reputation as effective, transparent and cooperative in all efforts to protect the consumer.

AGENCY DESCRIPTION

The Senate Interim Committee on Nurse Problems was appointed by the Legislature in 1950 to study the shortage of nurses and problems with nursing education and licensure. As a result of the Committee's study, Senate Bill 1625 was introduced in 1951. This bill provided for licensure and regulation of LVNs and the appointment of a Board of Vocational Nurse Examiners.

In 1959, the Psychiatric Technicians Law was enacted and provided for a voluntary "certification program" for PTs. Responsibility for the program was placed with the Board of Vocational Nurse Examiners. The PT program was placed under this Board's jurisdiction due to the unique mental health and nursing care functions performed by PTs for the treatment of clients with mental disorders and developmental disabilities.

During the 1968 legislative session, Senate Bill 298 established a "licensure program" for PTs beginning January 1, 1970. Current certificate holders and any person performing PT services for at least two years within the previous five years prior to January 1, 1970, were granted licensure. Thereafter, all applicants for a PT license were required to complete an accredited PT program and pass the licensure examination.

In 1971, the name of the Board was changed to the Board of Vocational Nurse and Psychiatric Technician Examiners. In 1998, the name was changed to the Board of Vocational Nursing and Psychiatric Technicians. These two distinct licensure programs are under the oversight of one Board, with each program having its own statutes and regulations, budget authority, curriculum requirements, examinations, and staff.

In 1988, emergency legislation required the Board to issue a "restricted VN license" (one time only) to medical technical assistants (MTAs) employed by the Department of Corrections and the Department of the Youth Authority. The holder of a restricted VN license can be employed only by those two agencies. To obtain a non-restricted license, the MTA was required to pass the licensing examination administered by the Board. This is no longer valid as it was for one time only, as stated above.

In 2007, due to a legislative mishap, the Assembly adjourned without considering SB 797 which contained the statutory language required to extend the sunset date for the Board and three other licensing boards within the DCA. As a result, the Board became a Bureau operating under DCA for six months from July 1, 2008 through December 31, 2008. Two legislative bills were signed into law to re-establish the board (i.e., SB 797 and AB 1545) and became effective January 1, 2009.

In 2011, SB 539 (Price), extended the operation and authority of the Board until January 1, 2016.

The Board currently regulates the practice of approximately 127,299 LVNs and 13,305 PTs, the largest groups of LVNs and PTs in the nation. The Board also approves 179 VN Programs and 16 PT Programs.

Board members serve a critical role as the policy and final decision makers in reinstatement hearings, proposed disciplinary actions, approval of new schools, school survey visits, follow up reports on programs, examination development, contracts, budget issues, legislation, and regulatory proposals.

The Board is composed of 11 members: two LVNs; two PTs; one registered nurse educator or LVN educator; and six public members that meet four times each year. At present, there are no vacant positions.

Six members of the board constitute a quorum for transaction of business at any meeting and to take action on any pending disciplinary actions via mail ballots.

DRAFT

GOALS & OBJECTIVES

To achieve its mission, the Board established six major goals to realize within the next three to five years. Due to the Board's preparation of Sunset Review and implementation of BreEZe, some of these goals may take longer to accomplish.

- A. **Enforcement** – The Board will enforce its consumer protection priority through timely execution of its investigative and disciplinary powers and by achieving the expressed intent of the Vocational Nursing Practice Act and the Psychiatric Technicians Law. This is an ongoing goal.
- B. **Legislation & Regulation** – The Board will propose and support legislation that strengthens its consumer protection priority by hastening the Board's ability to act and enhancing the Board's regulatory power and assuring budgetary integrity. This is an ongoing goal.
- C. **Education** – The Board will ensure consumer protection throughout our programs by assuring that education requirements are in concert with current practice. The Board will complete review of all proposed programs as staffing permits.
- D. **Administration** – The Board will uphold and achieve the Board's consumer protection through vigilant oversight of its programs, creative problem solving, visionary leadership, and maintaining important partnerships with DCA and prominent entities/persons. This is an ongoing goal.
- E. **Examinations and Licensing** – The Board assures consumer protection by the development and administration of legally defensible and psychometrically sound licensure examinations consistent with current practice for LVNs and PTs. This is an ongoing goal.
- F. **Automation** – The Board will promote public protection through automated systems to serve licensees, consumers, staff, and Board members through use of electronic devices when resources permit. BreEZe is scheduled for Board implementation during 2014.

A. ENFORCEMENT

The Board will uphold and achieve the Board's consumer protection responsibilities through vigilant oversight of its programs, creative problem solving, leadership, and by maintaining important partnerships with DCA and influential entities/persons. This is an ongoing goal.

Objectives:

1. Prioritize actions in order of importance based on the criticality and nature of complaint.
2. Investigate complaints in an objective, timely and cost-effective manner.
3. Take administrative and disciplinary action as warranted by law and by the timelines prescribed.
4. Strengthen collaborative relationships with other State and law enforcement agencies to enhance our field investigations.
5. Collaborate with the Office of the Attorney General, Office of Administrative Hearings, and DCA to establish mutual goals for efficiency, effectiveness, and expeditious processing of actions.
6. Utilize innovative disciplinary techniques designed to protect the public from unprofessional, incompetent and negligent practitioners.
7. Ensure disciplinary information is reported to the Healthcare Integrity and Protection Data Bank as required by federal regulations, and on the Board's Web page.
8. Expand the Board's Expert Witness Program by recruiting and training additional experts to review enforcement cases, provide quality expert opinions, and testify at administrative hearings.
9. Seek and utilize creative solutions to mitigate enormous and increasing workload.
10. Establish procedures for actions based on managerial analysis and assessment.
11. Provide staff training to enhance their knowledge, skills, and abilities in this specialty.

B. LEGISLATION AND REGULATION

The Board will propose and support legislation that strengthens its consumer protection priority by hastening the Board's ability to act and enhancing the Board's regulatory power and assuring budgetary integrity.

Objectives:

1. Regulatory Proposals – Exercise the Board's authority [Business and Professions Code sections 2854 (VN) and 4504 (PT)] to adopt, amend, or repeal the following regulations:
 - a. Permissive Site Visits – Implement regulations authorizing the Board to conduct an inspection or review of an approved program prior to graduation of the initial class. The goal is to implement these regulations during 2014.
 - b. Waiver of Renewal Requirements for Licensees on Active Duty – Implement regulations to waive the renewal requirements for a licensee, including renewal fees, continuing education, and other requirements determined by the Board, if the licensee is serving on active duty in the Armed Forces or California National Guard. The goal is to implement these regulations during 2014.
 - c. Disclosure Requirements for Renewal of License – Adopt and implement regulations to increase the level of reportable infraction fine amounts, at the time of license renewal, from \$300 to \$500. The goal is to obtain approval from the Office of Administrative Law during 2014 to implement these regulations.

C. EDUCATION

The Board will maintain quality standards of education and licensure. Additionally, the Board will ensure that the educational requirements for licensed vocational nurses and psychiatric technicians are consistent with current practice and enhance the health, safety, and welfare of California consumers. Due to the Board's preparation for Sunset Review and implementation of BreZE, some of these objectives may not be achieved.

Objectives:

1. Interpret VN and PT statutes and regulations for programs, health care practitioners, educators, consumers, governmental agencies, and other interested parties.
2. Facilitate development and administration of VN and PT licensure examinations that are consistent with current practice, established psychometric standards, and existing statutes and regulations.
3. Continue to evaluate and refine Education Division processes to improve efficiency, eliminate redundancy, and maximize utilization of available human and physical resources.
4. Continue to optimize and expand the use of information technology for data collection and analysis relative to the education and practice of LVNs and PTs.
5. Implement effective strategies to assist VN and PT programs in the development, implementation, and maintenance of quality programs.
6. Educate program directors relative to Board expectations and responsibilities specified in the statutes and regulations.
7. Conduct stakeholder surveys to identify significant trends and issues that significantly impact the education, practice, supply, and employability of LVNs and PTs by November 30, 2014.
8. Propose revisions of existing VN and PT regulatory language to address the following:
 - a. **Provisional Approval**
 1. Admission of Additional Students.
 2. Reapplication for Approval after Revocation.
 - b. **Curriculum Hours**
 1. Instructor–student ratio for theory classes in VN and PT programs.
 2. Number of clinical hours in satellite facilities for VN and PT programs.
 3. Number of clinical hours in skills laboratory for VN and PT programs.

D. ADMINISTRATION

The Board will uphold and achieve the Board's consumer protection responsibilities through vigilant oversight of its programs, creative problem solving, visionary leadership, and by maintaining important partnerships with DCA and influential entities/persons. This is an ongoing goal.

Objectives:

1. Assure that the consumer protection priority of the Board is in the forefront of Board programs and activities.
2. As resources permit, promote general consumer education/patient rights awareness and consumer protection through brochures, licensees, web site, and professional association activities.
3. Evaluate the Strategic Plan annually and develop representative and attainable goals and objectives.
4. Identify, develop, and implement the best practices for meeting our goals and staff implementation of effective procedures.
5. Evaluate and follow-up on the Board's performance of its regulatory functions through the use of targeted surveys, and feedback from professional, health care, and consumer organizations.
6. Continue to follow-up with the DCA Office of Human Resources and other agencies to keep the need for filling the vacant NEC positions in their sight.
7. Network with DCA and other agencies to discern trends in the future of health care.
8. Maintain communication with the Senate Business, Professions & Economic Development Committee consultants and members, and likewise, with Assembly Members, to alert them of Board issues and progress and to remain abreast of legislative priorities.

E. EXAMINATIONS AND LICENSING

The Board will continually ensure the licensure of safe and competent practitioners by establishing minimum entry-level requirements for licensure, and ensuring that licensure examinations are legally defensible, psychometrically sound, and consistent with current practice for LVNs and PTs. This is an ongoing goal.

Objectives:

1. Fulfill the Board's contractual agreement with the National Council of State Boards of Nursing (NCSBN), Inc., to develop, implement, and evaluate the NCLEX/PN® for a legally defensible and psychometrically sound licensure examination.
2. Fulfill the Board's contractual agreement with the DCA Office of Professional Examination Services to develop, implement, and evaluate a legally defensible and psychometrically sound licensure examination.
3. Evaluate the licensing examination process for effectiveness, defensibility, and accessibility.
4. Evaluate the minimum qualifications for licensure to ensure that they remain relevant and consistent with the standard of practice; seek legislative amendments when necessary.
5. Educate VN and PT program directors relative to the examination application process.
6. Continue to utilize creative solutions to mitigate tremendous and increasing workload.
7. Maintain commitment to the timely review of school applications and issuance of licenses assure rapid entry into the workforce as soon as possible.

F. AUTOMATION

The Board will promote automated systems to serve licensees, consumers, staff, and Board members through the use of electronic devices when resources permit. Board implementation of BreEZe is scheduled during 2014. This is an ongoing goal.

Objectives:

1. Continuing Education (CE) – Continue placement of program information on our website. Include CE provider information on the Board's Intranet webpage to alert internal staff of inactive or unauthorized Continuing Education schools.
2. DCA BreEZe Project – Continue collaboration with the DCA, Office of Information Services to develop and implement BreEZe, to allow applications for licensure and renewal to be submitted via the Internet. The BreEZe system will provide the ability for online tracking of applications and renewals, address changes, and real-time licensee information. The BreEZe system will also provide an Electronic Data Management System to facilitate the conversion of paper records to electronic records.
3. Expansion of Online Forms – Continue to develop forms that can be filled out online.
4. Technological Enhancements – Use technology to enhance customer service for external and internal customers.

RESOURCE ASSUMPTIONS

These are current and future budget issues that could have a possible effect on the Board's resources.

Budget Year 2014/15 and Ongoing

- A. BreEZe Information Technology (IT) Project & Credit Card Processing Costs** – In 2009, the DCA decided to abandon the iLicensing Project that was underway to replace the department's existing licensing and enforcement database systems. A departmental BCP was approved in FY 2010/11 to redirect iLicensing funding authority to a new IT project called BreEZe. Beginning in FY 2011/12 and ongoing, an augmentation was approved to support the procurement, solution and implementation of the integrated BreEZe licensing and enforcement system. On April 5, 2011, the DCA reported that the bid proposal for BreEZe came in over the amount anticipated. DCA submitted another departmental BCP to fund this effort. In addition to expending extensive staff resources, the Board's current "overall" contribution to this project is projected to be approximately \$1,662,995 [\$1,492,875 (VN) and \$170,120 (PT)]. However, these costs are based on the initial IT report. Adjustments will not be made until a new IT report is issued and it is not known when that report will be available. The Board will be included in the second rollout or "Release 2" during implementation. Multiple delays occurred and Release 1 was implemented on October 8, 2013. Release 2 is tentatively scheduled for the Fall 2014. Due to these delays, the Board expects to see cost savings in this area during FY 2013/14 and possibly FY 2014/15.

Fiscal Year 2013-14

- A. Vacancies** – During the first half of the FY 2013-14, the Board continued to experience a high vacancy rate due to staff turnover and recruitment difficulties. On July 1, 2013, the vacancy rate was 28% (19 vacant authorized positions). The Board made a concerted effort to fill its vacancies and, since then, reduced its vacancy rate to 10% (7 vacant authorized positions). Due to this lower vacancy rate, the Board will experience less salary savings.

Additionally, the Board is attempting to fill all of its 10 temporary help positions and the 3.8 positions eliminated by Budget Letter (BL) 12-03. Of those 13.8 positions, 8.3 (60%) are currently vacant.

The Board's goal is to fill all of its vacancies by the end of FY 2013-14.

FINANCIAL & STAFF POSITION INFORMATION

The Board is a Special Fund agency. It derives all of its operating revenue from its licensees and applicants. No money is received from the General Fund. The following are summaries of the Board's budget information and staffing totals:

FINANCIAL INFORMATION

	VN Program			PT Program		
	2012/13 Budget	2013/14 Budget	2014/15 Gov. Budget	2012/13 Budget	2013/14 Budget	2014/15 Gov. Budget
Expenditures	\$9,373,000	\$10,398,000	\$10,398,000	\$1,991,000	\$2,123,000	\$2,123,000
Reimbursements	\$352,000	\$352,000	\$352,000	\$22,000	\$22,000	\$22,000
Internal Cost Recovery	\$37,000	\$37,000	\$37,000	\$0	\$0	\$0
Total Net Expenditures	\$9,762,000	\$10,787,000	\$10,787,000	\$2,013,000	\$2,145,000	\$2,145,000

STAFF POSITION INFORMATION

	VN Program			PT Program		
	2012/13 Budget	2013/14 Budget	2014/15 Gov. Budget	2012/13 Budget	2013/14 Budget	2014/15 Gov. Budget
Authorized Staff Positions	58.2	57.5	57.5	10.4	10.4	10.4