



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**Board of Vocational Nursing and Psychiatric Technicians**  
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DATE: May 14, 2015  
TO: Board Members  
FROM:   
Carol Northrup, Manager  
Licensing and Administrative Services Division  
SUBJECT: Legislative Report

Listed below are the key bills that the Board is following.

**AB 12 STATE GOVERNMENT: ADMINISTRATIVE REGULATIONS: REVIEW  
AUTHOR: COOLEY (D); CO AUTHORS: CHANG (R), DALY (D), WILK (R)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 12/01/2014  
**AMENDED:** 04/22/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Existing law authorizes various state entities to adopt, amend or repeal regulations for various specified purposes.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. A Department or board within an agency shall notify that agency of revisions to regulations it proposes to make at least 90 days prior to a public noticed hearing, and at least 90 days prior to adoption, amendment, or repeal of the regulations.

**STATUS:**

05/13/2015 In Assembly Committee on Appropriations suspense file.

**AB 85 OPEN MEETINGS  
AUTHOR: WILK (R)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** Yes  
**INTRODUCED:** 01/06/2015  
**AMENDED:** 04/15/2015  
**DISPOSITION:** Pending

**SUMMARY:**

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions. This bill would specify that the definition of a "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body that consists of three or more individuals.

This bill would take effect immediately as an urgency statute.

**STATUS:**

04/22/2015 In Assembly Committee on Appropriations suspense file.

**AB 178 BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
AUTHORS: BONILLA (D); CO AUTHOR: HILL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** Yes  
**INTRODUCED:** 01/26/2015  
**AMENDED:** 05/04/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Existing law requires the Executive Officer (EO) be a licensed vocational nurse (VN), registered nurse (RN), or psychiatric technician (PT). This bill would remove the requirement that the EO be a licensed VN, RN, or PT.

Existing law authorizes the Department of Consumer Affairs (DCA) Director to investigate the work of the boards within DCA. This bill would require the Director to appoint an enforcement program monitor no later than October 1, 2015, to monitor and evaluate the VN and PT system for a period of no more than two years, submit a report of findings and conclusions to the Legislature, the Department, and the board by April 1, 2016, subsequent reports by October 1, 2016, and February 1, 2017, and a final report by August 1, 2017. The bill would also require the department's internal audit unit to review the board's staffing resources needs and requirements, and require the director to provide the Legislature with a copy of the review no later than October 1, 2016. This bill would repeal these provisions on January 1, 2018.

This bill would take effect immediately as an urgency statute.

**STATUS:**

05/05/2015 Re-referred to Committee on Appropriations.

**AB 611                      CONTROLLED SUBSTANCES:      PRESCRIPTIONS:      REPORTING**  
**AUTHOR: DAHLE (R)**

**FISCAL COMMITTEE:**    Yes  
**URGENCY CLAUSE:**    No  
**INTRODUCED:**        02/24/2015  
**AMENDED:**            04/15/2015  
**DISPOSITION:**        Pending

**SUMMARY:**

Authorizes an individual designated by a board, bureau, or program within DCA to investigate a holder of a professional license to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. This bill would, upon approval of the application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee. Additionally, the bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

**STATUS:**

04/21/2015                      In Committee.    Set, first hearing.    Hearing canceled at the request of author.

**AB 750                      BUSINESS AND PROFESSIONS: LICENSES**  
**AUTHOR: LOW (D)**

**FISCAL COMMITTEE:**    Yes  
**URGENCY CLAUSE:**    No  
**INTRODUCED:**        02/25/2015  
**AMENDED:**            04/16/2015  
**DISPOSITION:**        Pending

**SUMMARY:**

Authorizes any of the boards, bureaus, commissions, or programs within the department to establish by regulation a system of a retired category of license for persons who are not actively engaged in the practice of their profession or vacation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. This bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

**STATUS:**

04/29/2015

In Assembly Committee on Appropriations suspense file.

**AB 840 NURSES AND CERTIFIED NURSE ASSISTANTS: OVERTIME  
AUTHOR: RIDLEY-THOMAS S (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/26/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Commencing January 1, 2017, this bill prohibits mandatory overtime for an RN, LVN or a Certified Nursing Assistant (CNA) employed in state hospitals and facilities, except when the nurse or CNA is participating in a surgical procedure and the procedure is still in progress or has not been completed and when an unanticipated and non-recurring catastrophic event has occurred and results in such a large number of patients in need of immediate medical treatment in which the facility is incapable of providing sufficient nurses or CNAs to attend to the patients without resorting to mandatory overtime. This bill would authorize a nurse or CNA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds of discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the nurse or CNA.

**STATUS:**

04/29/2015

In committee; Set first hearing. Referred to Appropriations.

**AB 923 RESPIRATORY CARE PRACTITIONERS  
AUTHOR: STEINORTH (R)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/26/2015  
**AMENDED:** 04/06/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Relates to causes for discipline under the Respiratory Care Practice Act, which includes among those causes the commission of an act of neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult.

The bill also provides for licensure denial or suspension for a conviction of sexual misconduct. Relates to unsafe respiratory care, therapeutic regimens and diagnostic testing. Requires public notice of arrests.

**STATUS:**

04/21/2015

In Committee: Hearing postponed by the Committee.

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/26/2015  
**AMENDED:** 03/26/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Existing law requires the Board, upon suspension or revocation of a license, to provide the ex-licensuree with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

This bill would require the Board to provide that information through first-class mail and by email if the board has an email address on file for an ex-licensuree.

**STATUS:**

05/07/2015 In Senate. Read first time. To Committee on rules for assignment.

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**DISPOSITION:** Pending

**SUMMARY:**

The Board has the sole responsibility to assess and recommend approval for schools of vocational nursing and psychiatric technician education programs in the state. Requires the board to enter into a memorandum of understanding with the Bureau of Private Postsecondary Education to delineate the powers of the Board to review and approve schools of vocational nursing and psychiatric technicians.

The bill would subject all approved schools of vocational nursing and psychiatric technicians to specified fees for deposit into the Vocational Nursing and Psychiatric Technicians Fund.

- The fee for an initial approval of a school shall be \$5,000.
- The fee for continuing approval of a school established after January 1, 2016 shall be \$3,500.
- The processing fee for authorization of a substantive change to an approval of a school shall be \$500.

The bill would specify that only a nursing school approved by the Board may accept applications to its vocational nursing and psychiatric technician program and would make it unlawful for anyone to conduct a school of vocational nursing and psychiatric technicians unless the school has been approved by the Board. The bill would also deem it "unprofessional conduct" for a registered nurse, vocational nurse, or psychiatric technician to violate or attempt to violate, either directly or indirectly, or to assist or abet the violation of these provisions.

**STATUS:**

04/09/2015

In Committee. Set, first hearing. Hearing canceled at the request of the author.

**SB 390****HOME HEALTH AGENCIES: SKILLED NURSING SERVICES  
AUTHOR: BATES (R)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/25/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Requires registered nurses and licensed vocational nurses who provide skilled nursing services for a home health agency to perform their duties consistent with the Nursing Practice Act and the Vocational Nursing Practice Act. Prohibits registered nurses or licensed vocational nurses (LVN) who otherwise meet the qualifications from being required to have a minimum period of professional nursing experience prior to providing skilled nursing services for a home health agency, provided the LVN has successfully completed a skills and competency training program, administered by a licensed home health agency. That training shall include no less than 80 hours of clinical orientation, didactic, simulations, and hands-on-training in the patient's home.

**STATUS:**

04/14/2015

April 22, 2015 set for second hearing. Hearing canceled at request of author.

**SB 466****NURSING: BOARD OF REGISTERED NURSING  
AUTHOR: HILL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/25/2015  
**AMENDED:** 04/30/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill amends the Nursing Practice Act. Requires the Board of Registered Nursing to deny or revoke approval of a school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical and theoretical knowledge acquired through experience by using challenge examinations or other methods of evaluation. Requires regulations to requiring school seeking approval to have an acceptance process in place. Relates to acceptance of military coursework.

**STATUS:**

05/08/2015

Set for hearing May 18, 2015.

SB 622

**OPTOMETRY  
AUTHOR: HERNANDEZ (D)**

**FISCAL COMMITTEE:** No  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**AMENDED:** 04/09/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill was original introduced on February 27, 2015, as Vocational Nursing. The bill was amended in the Senate on April 9, 2015, as the Optometry Practice Act.

The bill as amended has no impact on the Board; therefore, the Board will no longer track.

SB 779

**SKILLED NURSING FACILITIES: STAFFING  
AUTHOR: HALL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**AMENDED:** 05/04/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill amends existing law which requires every skilled nursing facility to post information about staffing levels. Requires the State Department of Public Health to develop certain regulations and include a minimum staff-to-patient ratio that includes specific ratios for certified nurse assistants and licensed nurses that comply with specified requirements. Amends provisions of the Medi-Cal Long-Term Care Reimbursement Act concerning supplemental payments to skilled nursing facilities.

**STATUS:**

05/08/2015 Set for hearing May 18, 2015.

SB 780

**PSYCHIATRIC TECHNICIANS AND ASSISTANTS: OVERTIME  
AUTHOR: MENDOZA (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill would prohibit a psychiatric technician (PT) or psychiatric technician assistant (PTA) employed by the State in a specified type of facility from being compelled to work in excess of a regularly scheduled workweek or work shift, except under certain circumstances. The bill would authorize a PT or PTA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept those additional hours

would not constitute patient abandonment or neglect or be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the PT or PTA. The bill would require management and supervisors to consider employees in a specified order of priority in order to fulfill the additional staffing needs of a facility.

**STATUS:**

04/27/2015

Placed on Senate Appropriations suspense file.