



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**Board of Vocational Nursing and Psychiatric Technicians**  
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# Agenda Item #10.



DATE: August 3, 2015

TO: Board Members

FROM: Carol Northrup  
Licensing and Administrative Services Division Manager

SUBJECT: Legislative Report

Listed below are key bills the Board is following:

**AB12 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January 1, 2018, review that agency's regulations, identify any that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.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:**

Pending Senate Committee on Appropriations.

**AB85 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 multi-member advisory body that consists of three or more individuals.

**STATUS:**

Pending Senate Committee on Appropriations.

**AB178 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:** 06/24/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Existing law, the Vocational Nursing (VN) Practice Act and Psychiatric Technicians (PT) Law, provides for the licensure and regulation of VNs and PTs by the Board of Vocational Nursing and Psychiatric Technicians, and requires the Board, among other things, to appoint an executive officer (EO). Existing law repeals that requirement on January 1, 2016. Existing law requires the EO to be a licensed vocational nurse (LVN), registered nurse (RN), or PT. This bill would extend the repeal date requiring the board to appoint an EO to January 1, 2018. The bill would remove the requirement that the EO be a 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.

**STATUS:**

Pending Senate Committee on Appropriations.

**AB179 HEALING ARTS  
AUTHOR: BONILLA (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 01/26/2015  
**AMENDED:** 06/30/2015  
**DISPOSITION:** Pending

**SUMMARY:**

Existing law establishes the Vocational Nursing (VN) and Psychiatric Technicians (PT) Fund in the State Treasury, and establishes the VN Account and the PT Examiners Account within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians (Board), to collect specified fees and fines related to the Board's licensure and regulation of PTs, and prohibits the Board from charging expenses for these activities from any other source.

This bill, beginning July 1, 2016, would remove that prohibition, abolish the VN Account and the PT Examiners Account, and specify that all money in the VN and PT fund shall be used to carry out the VN Practice Act and the PTs Law.

**STATUS:**

Pending Senate Committee on Appropriations.

**AB611 CONTROLLED SUBSTANCES: PRESCRIPTIONS: REPORTING  
AUTHOR: DAHLE (R)**

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

**SUMMARY:**

This bill authorizes an individual designated by a board, bureau, or program within DCA 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:**

Two year bill – held in Assembly Business and Professions Committee.

**AB750 BUSINESS AND PROFESSIONS: LICENSES  
AUTHOR: LOW (D)**

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

**SUMMARY:**

This bill authorizes any of the boards, bureaus, commissions, or programs within DCA 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:**

Held in Assembly Committee on Appropriations.

**AB840 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 when an unanticipated catastrophic event has occurred and results in such a large number of patients in need of immediate medical treatment, as specified. 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:**

Pending Senate Committee on Public Employment and Retirement.

**AB923      RESPIRATORY CARE PRACTITIONERS  
AUTHOR: STEINORTH (R)**

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

**SUMMARY:**

The Respiratory Care Practice Act authorizes the Board to deny, suspend, or take other actions against a license for a conviction of sexual misconduct or any crime involving bodily injury sexual misconduct. The board may also take action against a respiratory care practitioner who is charged with unprofessional conduct which includes repeated acts of direct or indirectly inappropriate or unsafe respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or monitoring techniques, and violation of any provisions for which the board may order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license.

This bill 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 and the provision of false statements or information on any form provided by the Board or to any person representing the board during an investigation, probation monitoring compliance check, or any other enforcement-related check.

**STATUS:**

Two year bill – pending Assembly Committee on Business and Professions.

**AB1060      PROFESSIONS AND VOCATIONS: CANCER CLINICAL TRIALS  
AUTHOR: BONILLA (D)**

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

**AMENDED:** 06/17/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill would have required boards under DCA, upon suspension or revocation of a license, to provide the ex-licensee with certain information regarding rehabilitation, reinstatement or reduction of penalty via first class mail and by electronic means.

**STATUS:**

This bill was amended to an unrelated Board issue, and will no longer be tracked by the Board.

**AB1165 VOCATIONAL NURSING: SECONDARY AND POST-SECONDARY  
EDUCATION  
AUTHOR: RIDLEY-THOMAS S (D)**

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

**SUMMARY:**

This bill provides that the Board has the sole responsibility to assess and recommend approval for schools of vocational nursing and psychiatric technician education programs in the state. This bill also 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.

**STATUS:**

Two year bill – pending Assembly Committee on Business and Professions.

**AB1351 DEFERRED ENTRY OF JUDGMENT: PRETRIAL DIVERSION  
AUTHOR: EGGMAN (D); CO AUTHOR: HALL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**AMENDED:** 06/01/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill changes the deferred entry of judgment program into a pretrial diversion program. Allows qualification if there is no prior conviction for any offense involving controlled substances other than the offenses qualifying for the diversion, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted

dangerous drugs or other than a violation that qualifies for the program and the defendant has no prior conviction, in previous years, for a violent felony.

**STATUS:**

Pending Senate Committee on Appropriations.

**AB1352 DEFERRED ENTRY OF JUDGMENT: WITHDRAWAL OF PLEA  
AUTHOR: EGGMAN (D); CO AUTHOR: HALL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/27/2015  
**AMENDED:** 05/19/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill would require a court to allow a defendant who was granted deferred entry of judgment, after pleading guilty or nolo contendere to the charged offense, to withdraw his or her plea of not guilty, and would require the court to dismiss the complaint, if the defendant performed satisfactorily during the deferred entry of judgment period, and the plea may result in the denial or loss of employment, benefit, license, or certificate, or subject to adverse immigration consequences. The bill would also require the development of a related form to allow the defendant to make this attestation.

**STATUS:**

Pending Senate Committee on Appropriations.

**SB390 HOME HEALTH AGENCIES: SKILLED NURSING SERVICES  
AUTHOR: BATES (R)**

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

**SUMMARY:**

This bill 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 VN Practice Act. This bill also prohibits RNs or LVNs 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.

**STATUS:**

Two year bill – pending Assembly Committee on Health; April 22, 2015 set for second hearing. Hearing canceled at request of author.

**SB466 NURSING: BOARD OF REGISTERED NURSING  
AUTHOR: HILL (D)**

**FISCAL COMMITTEE:** Yes  
**URGENCY CLAUSE:** No  
**INTRODUCED:** 02/25/2015  
**AMENDED:** 06/18/2015  
**DISPOSITION:** Pending

**SUMMARY:**

This bill requires the DCA Director to appoint an enforcement monitor to the Board of Registered Nursing (BRN). This bill also requires the BRN 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. Additionally, this bill requires BRN to promulgate regulations requiring schools seeking approval to have an acceptance process in place.

**STATUS:**

Pending Assembly Committee on Business and Professions.

**SB779 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 increases the minimum number of hours of required direct care per patient in skilled nursing facilities from 3.2 to 4.1. This bill also requires the State Department of Public Health to develop staff-to-patient ratios that convert the direct-care hours requirement into staffing ratios.

**STATUS:**

Held in Senate Committee on Appropriations.

**SB780 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 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 provides that 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.

**STATUS:**

Pending Assembly Committee on Public Employees, Retirement and Social Security.