



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: January 25, 2016

TO: Board Members

FROM: John Brooks  
Acting Executive Officer

A handwritten signature in black ink, appearing to read "John Brooks".

SUBJECT: Board Member Administrative Procedure Manual

Background:

Attached for your review is a proposed Board of Vocational Nursing and Psychiatric Technicians (Board), Board Member Administrative Procedure Manual. Board staff used other Department of Consumer Affairs Boards' administrative procedure manuals as a guide to draft this manual.

The procedure manual will be provided to Board Members as a ready reference of important laws, regulations, DCA policies and Board policies to guide the actions of Board members, and ensure effectiveness and efficiency.

Action Requested:

Review and possible consideration to adopt the Board Member Administrative Procedure Manual.

2016

**BOARD MEMBER ADMINISTRATIVE  
PROCEDURE MANUAL**



**Board of Vocational Nursing  
and  
Psychiatric Technicians**

# **MEMBERS OF THE BOARD**

**TODD D'BRAUNSTEIN, PT Member/Board President**

**SAMANTHA JAMES-PEREZ, PT Member/Board Vice-President**

**VIVIEN AVELLA, Public Member**

**BERNICE BASS DE MARTINEZ, Public Member**

**TAMMY ENDOZO, LVN Member**

**ERIC MAH, Public Member**

**ANDREW MORENO, Public Member**

**DONNA NORTON, LVN Member**

**SUSAN RUBIN, Public Member**

**JOHN VERTIDO, LVN/Educator Member**

**VACANT, Public Member**

# Board of Vocational Nursing and Psychiatric Technicians Board Member Administrative Procedure Manual

---

## Table of Contents

Chapter 1: INTRODUCTION.....	5
Mission.....	5
Vision.....	5
Overview.....	5
Composition.....	5
Chapter 2: BOARD MEETING PROCEDURES.....	6
Frequency of Meetings.....	6
Board Member Attendance at Board Meetings.....	6
Board Member Participation.....	6
Public Notice/Information at Board Meetings.....	6
Quorum.....	6
Notice of Meetings.....	6
Record of Board Meetings.....	6
Audio/Video Recording.....	7
Meeting Rules.....	7
Chapter 3: TRAVEL & SALARY POLICIES / PROCEDURES.....	8
Travel Approval.....	8
Travel Arrangements.....	8
Out-of-State Travel.....	8
Travel Claims.....	8
Salary Per Diem.....	8
Travel Reimbursement and Payment of Salary Per Diem.....	9
Chapter 4: OTHER POLICIES / PROCEDURES.....	10
Appointment of Executive Officer.....	10
Strategic Plan.....	10
Improper/Unprofessional Board Member Conduct.....	10
Removal of Board Members.....	10
Resignation of Board Members.....	10
Officers of the Board.....	10
Officer Vacancies.....	10
Access to Board Files and Records.....	10
Communications with Other Organizations/Individuals.....	10
Board Staff.....	11
Board Administration.....	11
Examination Preparation.....	11
Correspondence.....	11
Ethics Training.....	11
Sexual Harassment Prevention Training.....	11
Contact with Licensees.....	11
Contact with Complainant/Respondent.....	11
Gifts from Applicants or Licensees of the Board.....	12
Conflict of Interest.....	12
Performance Appraisal of the Executive Officer	
Board Member Orientation Training.....	12

Chapter 5: DUTIES OF THE BOARD PRESIDENT AND VICE-PRESIDENT.....	13
Board President.....	13
Vice-President.....	13
Chapter 6: EXECUTIVE OFFICER.....	14
Appointment.....	14
Role.....	14
Recruitment.....	14
Selection.....	14
Chapter 7: BOARD COMMITTEES.....	15
Standing Committees.....	15
Committee Appointments.....	15
Report of Committee Meetings.....	15

PROPOSED

# CHAPTER 1: INTRODUCTION

## **Mission**

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.

## **Vision**

To ensure 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.

## **Overview**

The Board was established in 1951, in 1959 merged with the Psychiatric Technician program to become the California Board of Vocational Nursing and Psychiatric Technicians. The jurisdiction of the Board is mandated by the Vocational Nursing Practice Act, Business and Professions (B&P) Code, Division 2, Chapter 6.5, Sections 2840-2895.5, and Psychiatric Technicians Law, B&P Code, Division 2, Chapter 10, Sections 4500-4548, which are implemented and enforced by the Board.

To achieve this mandate, the Board:

- Establishes the minimum requirements for examination and licensure.
- Establishes educational standards for the accreditation of Vocational Nursing (VN) and Psychiatric Technicians (PT) schools in California.
- Adopts regulations to clarify the performance, practice and disciplinary standards for its licensees.
- Enforces the regulations governing the continued accreditation of VN & PT schools in California.
- Enforces the regulations governing LVNs and PTs by taking appropriate disciplinary action against incompetent or unsafe licensees efficiently and effectively.

## **Composition**

The Board is composed of eleven members with a public member majority (i.e., 6 public members and 5 licensed members). Nine members are appointed by the Governor, one by the Speaker of the Assembly and one by the Senate Rules Committee. No member shall serve more than two consecutive full terms. One term is four years. Board Members serve in non-salaried positions, but are paid \$100 per diem for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

This procedure manual is provided to Board Members as a ready reference of important laws, regulations, Department policies and Board policies to guide the actions of Board Members, and ensure effectiveness and efficiency.

## **CHAPTER 2: BOARD MEETING PROCEDURES**

### **Frequency of Meetings**

#### ***Business and Professions Code sections 2926 and 2927***

The Board typically meets four times annually to make policy decisions, make decisions on disciplinary matters, and review committee recommendations. Special or emergency meetings may be held as indicated in its bylaws.

The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the attending public and licensees.

### **Board Member Attendance at Board Meetings**

Board Members are expected to attend each Board and assigned Committee Meeting in their entirety. The entirety of a meeting shall mean from the date and time of the beginning of the meeting as set forth on the official agenda for said meeting until the official adjournment of the meeting. A Board Member shall notify the Board President or Executive Officer as soon as possible when he or she is unable to attend a scheduled Board or Committee Meeting, and asked to be excused from the meeting for a specific reason.

### **Board Member Participation**

Any two "unexcused" absences in a calendar year, will result in the Executive Committee's evaluation and recommendation to the Governor or appointing authority for removal from the Board.

Each Board Member should participate in Board discussions and deliberations to the fullest extent of his or her knowledge.

### **Public Notice/Information at Board Meetings**

#### ***Government Code section 1120 et. seq.; Business & Professions Code section 2927.5***

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of state bodies. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda. Any general discussion of examinations or disciplinary procedures shall be held in public.

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, discuss pending litigation, and review personnel issues where a public discussion would compromise the integrity of these subjects. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

### **Quorum**

#### ***Business & Professions Code section 2927***

Six members of the Board constitute a quorum for the transaction of business. The concurrence of a majority who are present and voting at a meeting shall be necessary to constitute an act or decision of the Board.

### **Notice of Meetings**

#### ***Government Code section 11125***

As mandated by the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) must be sent to persons who have requested to receive such notices and posted on the Board's Web site at least 10 calendar days in advance of the meeting. The notice must include a staff person's name, work address and work telephone number to provide further information prior to the meeting.

### **Record of Board Meetings**

#### ***Board Policy***

The minutes are a summary, not a transcript, of each Board Meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board Meeting. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

**Audio/Video Recording*****Government Code section 11124.1 et. seq. and Board Policy***

The meeting may be audio/video recorded, and/or broadcast live via the Internet. Recordings may be disposed of upon Board approval of the minutes; broadcasts may be available in perpetuity.

**Meeting Rules*****Board Policy***

The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

PROPOSED

## **CHAPTER 3: TRAVEL & SALARY POLICIES / PROCEDURES**

### **Travel Approval**

#### ***Board Policy***

Board Members shall have prior approval from the Board President for all travel except for regularly scheduled Board and committee meetings to which the Board Member is assigned.

The Board President and the Executive Officer must use the Board's annual budget and Department's Travel Guidelines when considering travel requests.

### **Travel Arrangements**

#### ***Board Policy***

Board Members should attempt to make their own travel arrangements, including air, rental car and lodging. All travel must be booked using the Department of General Services' Statewide Travel Program, CalTravel Store at [www.caltravelstore.com](http://www.caltravelstore.com). Each Board Member will work with a specified member of the administrative team to establish a travel booking profile.

### **Out-of-State Travel**

#### ***State Administrative Manual section 700 et seq.***

All out-of-state travel for persons representing the Board must be approved by the Board President and is ultimately controlled and approved by the Governor. Once approved for out-of-state travel, Board Members will be reimbursed actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses according to current reimbursement rates. Travel prior to approval by the Governor restricts the member's ability to represent the Board, and is at the individual Board Member's own risk and reimbursement may be denied.

### **Travel Claims**

#### ***State Administrative Manual section 700 et seq.***

All expenses are claimed using the CalATERS (California Automated Travel Expense Reimbursement System) Global." Each Board Member will work with a designated member of the administrative team to set up a CalATERS Global account and designate a specified member of the administrative team as an authorized "preparer/submitter."

The Board Member shall provide travel-related receipts and other necessary documentation to said "preparer/submitter" within 30 days of travel and/or work. After the expense claim has been prepared by the designated "preparer/submitter," the claim will be reviewed and approved by the designated approver and submitted to the travel unit for processing. Expenses for travel claims submitted after the end-of-fiscal-year deadline may not be reimbursed.

The Department's travel unit uses internet websites to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized and an address included.

### **Salary Per Diem**

#### ***Business and Professions Code Section 103***

Compensation, salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by Business and Professions Code section 103. In relevant part, this section provides for the payment of salary per diem for Board Members "for each day actually spent in the discharge of official duties" and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties." Fractions of an eight-hour day may be accumulated and per diem shall be claimed only for each eight hours actually spent in the discharge of official duties.

## **Travel Reimbursement and Payment of Salary Per Diem**

The following general guidelines must be adhered to in the payment of salary per diem or reimbursement for travel:

Attendance at events such as hearings, conferences or meetings other than official Board or committee meetings are to be approved in advance by the Board President and the Executive Officer. Board Members attending meetings or events to perform a substantial official service are paid per diem and reimbursed for travel-related expenses.

The term "day actually spent in the discharge of official duties" means such time as is expended from the commencement of a Board meeting or committee meeting to the conclusion of that meeting. Where it is necessary for a Board Member to leave early from a meeting, the Board President shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

Unless it is an unanticipated emergency, Board Members must get prior approval from the board President to leave a meeting early. Because the Board only meets four times a year, Board Members are expected to make every effort to stay for the duration of the meeting and make their travel arrangements accordingly.

For Board specified work, Board Members are compensated for actual time spent performing work authorized by the Board President. That work includes, but is not limited to, authorized attendance at events, meetings, hearings or conferences; or policy and case review activities. Compensation for preparatory time is paid when eight hours is accrued.

No public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

Board Members must submit time sheet summary forms for actual work performed outside a Board Meeting in order to be compensated.

## **CHAPTER 4: OTHER POLICIES / PROCEDURES**

### **Appointment of Executive Officer**

#### ***Business and Professions Code sections 107, 2933***

The Board appoints an Executive Officer exempt from civil service.

Specific instructions for the Executive Officer from the Board Members regarding implementing policy matters shall be coordinated through the Board President.

### **Strategic Plan**

The Board meets at least annually to review, evaluate and update its strategic plan. The strategic plan shall include a mission statement, a vision statement and strategies to achieve goals, objectives and critical success factors for each Board program. The plan will be re-evaluated and updated each year.

### **Improper/Unprofessional Board Member Conduct**

#### ***Board Policy***

A member may be censured by the Board if the Board determines that he/she has acted in an inappropriate manner while conducting Board business.

### **Removal of Board Members**

#### ***Business & Professions Code section 7005***

The Governor has the power to remove from office at any time any member of any board appointed by him or her for continued neglect of duties required by law, or for incompetence or unprofessional or dishonorable conduct. The Governor also may remove from office a Board Member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

### **Resignation of Board Members**

#### ***Government Code section 1750***

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the Department, the Board President and the Executive Officer.

### **Election of Officers**

#### ***Board Policy***

The Board shall elect annually a President and Vice President from among its members. Elections for the offices of President and Vice President shall be conducted at the last scheduled Board meeting of the year. The newly elected President and Vice President shall assume duties January 1st.

### **Officer Vacancies**

#### ***Board Policy***

If the office of the President becomes vacant, the Vice President assumes the office of the President on an interim basis and until election of officers at the next scheduled Board meeting.

### **Access to Board Files and Records**

#### ***Board Policy***

No Board Member may access a licensee, applicant or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

### **Communications with Other Organizations/Individuals**

#### ***Board Policy***

The Executive Officer, his or her designee or the Board President serve as spokesperson to the media or to any individual or organization on Board actions, policies or any communication that is deemed sensitive or controversial. Any Board Member who is contacted by any of the above should immediately inform the Board

President or Executive Officer of the contact. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Executive Officers office.

## **Board Staff**

### ***Board Policy***

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, all authority and responsibility for management of the civil service staff is delegated to the Executive Officer. Board Members shall not intervene or become involved in specific day-to-day Board office operations. However, the Board must hold the Executive Officer accountable for supervising all day-to-day operations.

## **Board Administration**

Board Members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer under the supervision of the Board President.

## **Examination Preparation**

### ***Board Policy***

Board Members shall not perform any function of examination development for the Board or the Department during their term as Board Members.

## **Correspondence**

### ***Board Policy***

Originals of any correspondence received by Board Members regarding official Board business must be maintained in the Board's office files. Correspondence must be given to the Executive Officer.

## **Ethics Training**

### ***Government Code section 11146 et seq.***

Board Members are required to receive an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, members may either complete the interactive training on the website of the Office of the Attorney General, which can be found at [oag.ca.gov/ethics](http://oag.ca.gov/ethics). A Board administrative team member will coordinate with each Board Member to ensure timely compliance.

## **Sexual Harassment Prevention Training**

### ***Department Policy EEO 12-01***

Board Members are required to undergo sexual harassment prevention training and education once every two years. A Board administrative team member will coordinate with each Board Member to ensure timely completion.

## **Contact with Licensees**

### ***Board Policy***

Board Members must not intervene on behalf of a licensee for any reason; they should forward all contacts or inquiries to the Executive Officer or Board staff.

## **Contact with Complainant/Respondent**

Board Members must not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee. If a Board Member is contacted by a complainant/respondent or his/her attorney, he/she should refer the individual to the Executive Officer or Board staff.

## **Gifts from Applicants, Registrants, or Licensees of the Board**

### ***Board Policy***

Gifts of any kind to Board Members from applicants, registrants or licensees of the Board are not permitted.

## **Conflict of Interest**

### ***Government Code section 87100***

No Board Member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Any Board Member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board Member who feels he/she is entering into a situation where there is a potential for conflict of interest should immediately consult the Executive Officer or Board President.

## **Performance Appraisal of the Executive Officer**

### ***Memo OHR 2/14/13; Government Code section 11126(a) and Board Policy***

The Board evaluates its Executive Officer on an annual basis. Approximately two months before the meeting, the Assistant Executive Officer will direct that all Board Members receive a copy of the evaluation form with instruction to complete their evaluations individually and forward them directly to the Board President. The Board President will review all evaluations and collate the ratings and comments, for all Board Members to review.

Each year, the matter of the Executive Officer evaluation will be placed on the agenda. The Board Members will meet first in closed session to determine what action, if any, needs to be taken. The Board Members will then meet with the Executive Officer to discuss the appraisal. Further actions will be taken in accordance with the Open Meetings Act.

### ***Government Code section 11126***

Matters relating to the performance of the Executive Officer are discussed by the Board in closed session unless the Executive Officer requests that it be discussed in open session.

## **Board Member Orientation Training**

### ***B&P Code Section 453***

Every newly appointed Board Member shall, within one year of assuming office, complete the training and orientation program offered by the Department regarding, among other things, his/her functions, responsibilities, and obligations as a Board Member.

Objectives of the program are to understand:

- Separate roles of the Executive Officer, the Board, Board Members, and Board staff,
- Conflicts of interest,
- Importance of completing and filing the annual Statement of Economic Interest Form 700 and taking mandatory training,
- Bagley-Keene Open Meeting Act,
- Board Member roles in the policy making process, and
- Discipline process and Board members' role as "judge."

## **CHAPTER 5: DUTIES OF THE BOARD PRESIDENT AND VICE PRESIDENT**

### **Board President**

It is the role of the President to:

- Preside at open/closed session Board meetings and official regulation hearings,
- Assure that agenda timeframes are followed,
- Appoint chairpersons of all committees, defines the responsibilities of the chairpersons, and make committee appointments,
- Serve as an ex-officio member of all standing committees,
- Assure that all Board Members adhere to all Board policies,
- Serve as delegate or alternate delegate to or appoint another Board Member to serve in such capacity,
- Represent the Board in communications relating to Board action or policy or designate another Board Member to represent him/her if necessary,
- Approve or disapprove Board members' travel other than regularly scheduled Board meetings; such approval shall not to be unreasonably withheld,
- Assume responsibilities usually vested in or customarily incident to the office of President and otherwise prescribed by law,
- Make decisions respecting emergency or urgent matters between meetings of the Board,
- Sign decisions and rulings of the Board and minutes after approval by the Board,
- Serve as liaison between the Board and Department's Deputy Director of Board Relations, and serve as immediate supervisor of the Executive Officer.

### **Vice-President**

The Vice-President is responsible for the Board treasury, and acts in the absence of the President. If the President is temporarily unable or unwilling to perform his or her duties as President, the Vice-President shall perform all of the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the President.

## **CHAPTER 6: EXECUTIVE OFFICER**

### **Appointment**

The Board appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board.

### **Role**

The Executive Officer is the Board's Chief Executive Officer. He or she implements the policies developed by the Board.

### **Recruitment**

The Board may institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It may also utilize proven equal employment opportunity and personnel recruitment procedures.

### **Selection**

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees and handle conflict resolution and complaint mediation. The Executive Officer must also demonstrate effective written and verbal communication skills and have knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets.

The selection of a new Executive Officer is included as an item of business, which must be included in a written agenda and transacted at a public meeting.

## CHAPTER 7: BOARD COMMITTEES

### Standing Committees

Committees serve as an essential component of the full Board to address specific issues referred by the public or recommended by staff. The present committee structure does not require a quorum because any decision of the committee must be voted on by the full Board to become policy. The committees are composed of two to three Board Members who are charged with gathering public input; exploring alternative approaches to issues; analyzing the data collected; and making a recommendation to the full Board.

The Board has four standing committees:

- **Executive Committee** – Created to develop policies and make recommendations to the full Board on matters regarding attendance and standards of conduct for the Board Members and issues regarding the Executive Officer.
- **Education and Practice Committee** – Created to solicit public input when addressing issues relative to approval, curriculum, education and practice requirements for LVNs and PTs.
- **Enforcement Committee** – Created to analyze enforcement issues and formulate recommendations for Board consideration, address specific recommendations of the Administrative Law Judges, and review and revise the Disciplinary Guidelines for proposed decisions and stipulated agreements for use by the Attorney General's Office, Office of Administrative Hearings, and staff.
- **Legislative Committee** – Created to review pending legislation impacting the Board and develop Board positions. Committee members, the Executive Officer and staff represent the Board at legislative hearings.

Internal organization of each committee is at the President's discretion except as specified in this manual. Committee meetings are generally held in conjunction with regularly scheduled Board meetings and are fully within the scope of the Open Meeting Act.

### Committee Appointments

The Board President determines committee composition, whether standing or ad hoc; however, committee members may make recommendations for new members.

Committee members' terms expire at the discretion of the Board President.

Ad hoc committees will be established by the Board as needed. Members and the chairperson will be appointed by the President. Ad hoc committees may include the appointment of non-Board Members.

### Report of Committee Meetings

Each committee chair provides a report to the full Board at its regularly scheduled Board meeting. The Board can approve the committee report with any and all of the recommendations contained in the report, or approve a portion of the report, and discuss certain items and vote on them separately.