



Board of Vocational Nursing and Psychiatric Technicians
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Table with 2 columns: Field (DATE, TO, FROM, SUBJECT) and Value (February 14, 2024, Board Members, Elaine Yamaguchi Executive Officer, Executive Officer's Report: February 2024)

Greetings, Board Members.

Welcome to 2024

This Board Meeting will be in-person in Sacramento on February 15 and 16. Staff has sent out some initial logistical information. Please be sure to make your travel arrangements soon.

On Thursday the 15th, the Board will meet for training and team building activities. The final schedule for these activities will be sent out separately.

Per Business and Professions Code 2846, as the first regular Board meeting of the calendar year, the Board must elect a President and Vice President. General Counsel Ken Swenson will preside over this process until the election process is complete. A background memo is attached. The election will be held on Friday at the beginning of the business meeting.

The Executive Committee will consider committee appointments at their first meeting. The Board has previously opted to serve two year terms on committees. Therefore, if any Board member is not appointed to a committee or would like to re-consider their assignment(s), please submit the Committee Assignment Request form, attached to this report.

Budget and Finance

We have attached the Board's most current Fund Condition report and have invited our colleagues from the DCA Budget Office to provide updates and answer questions, as well as report on the Governor's Budget.

Conversion of Licensing Function

The National Council of State Boards of Nursing (NCSBN) manages the Nursys database, which is the only national database for verification of nurse licensure, discipline and practice privileges for RNs and LPN/VNs licensed in participating state boards of nursing. This Board does not currently utilize this service.

The NCSBN Fraud Detection Committee as well as Standards Development Committee both have emphasized the importance of an electronically secure credentialed process for sending/receiving license verification between the state boards of nursing when a nurse applies for a license through endorsement. Nursys.com provides online verification for endorsement to a nurse requesting to practice in another state. At this writing, nearly every other Board, including our colleagues at the California Board of Registered Nursing, relies on Nursys for this function. The nurse gets access to a secure system to execute their part of the process and each board of nursing/state agency has a credentialed and private access to retrieve license verification directed towards their jurisdiction. This is done through the primary source equivalent Nursys.

Currently, BVNPT licensing staff provides the verification of California licensure to other states and jurisdictions efficiently and securely, but the team has been chronically understaffed over the past two years. The fee for this function is \$150, and we process approximately 2000-2500 requests each year, which provides something like \$300,00-375,000 in annual revenue.

While the loss of revenue is a concern, several factors mitigate the potential concerns. First, the Board may apply to NCSBN for multi-year funding to smooth the transition. Second, the Board's fiscal health is much more robust than it was two years ago. This shift will allow the licensing staff to catch up and evaluate its structure. We do not anticipate reducing the number of positions and welcome the added flexibility this would bring. Third, licensees would pay Nursys approximately \$30, a significant ease of financial burden on them.

**Staff recommends that the Board consider the following motions:**

- 1. To authorize management to work with NCSBN to convert the verification function from internal staff work to the Nursys system.**
- 2. To direct management to report on progress at a future Board meeting.**

**FBI Audit**

The Department of Justice has notified us that the Board is subject to an FBI audit in February 2024. This audit seeks to examine our processes regarding access to criminal offender record information (also known as CORI), and our information security. AEO Mark Ito and I have been preparing for this, with assistance from our Custodian of Records.

**Sunset Hearing**

The 2024 Sunset Report was submitted to the Legislature, and e-copies were sent to the Board. Please let us know if you would like a hard copy.

The Legislative Committees are in the process of reviewing and analyzing the submitted reports. They will prepare background papers for their members and will forward

questions and concerns to the Board in preparation for the hearing. If there are questions requiring an official written response from the Board, a special meeting to review and approve the response(s) may be called. Once we are notified of our hearing date, staff will send the information to the Board so that you may attend or monitor electronically.

### **Strategic Planning**

The Board's current Strategic Plan was approved in 2019 and set goals for 2020-2025. While initial progress had been promising, the COVID-19 pandemic halted progress in some areas, and fundamentally changed the environment of our work in other areas. Some of the divisions evaluated their progress in completing the goals, but the Board has not had the bandwidth to conduct a complete review and assessment.

Staff has had initial meetings with the planning consultants and will bring a "plan to plan" to the Board for discussion and possible action in the spring.

### **Federal Title IV Rulemaking**

The Federal Department of Education recently enacted a rule change that will likely have a significant impact on schools in BVNPT's jurisdiction. The Higher Education Act of 1965 governs the administration of federal higher education programs, and Title IV authorizes federal financial assistance for students.

Under BVNPT's laws and regulations, an LVN program must require a minimum of 1530 hours. The new regulations state that as of July 1, 2024, this minimum would become the maximum, and if a school's LVN program exceeds 1530, they lose eligibility for Title IV funding. A significant number of the current programs are well over 1530 hours.

The Board will need to consider possible solutions, including urgency legislation or emergency regulations.

**Staff recommends that the Board authorize the Executive Officer and staff to develop options to present for action at a future Board meeting.**

### **Board Meeting Logistics**

As a reminder, BVNPT may now resume meeting via teleconference and/or a hybridized format.

Some specifics:

- The portion of meetings required to be open must be visible and audible to the public at each teleconference location.
- At least one member of the state body, not just staff, must be present at each teleconference location.

- A majority of the members of the state body must be present at the **same** teleconference location. Additional members, more than the majority, may attend and participate from a remote location. For example, with a full 11-member board, 6 members must be present at the teleconference location. The remaining five members may attend and participate from one or more remote locations.
- A member attending from a remote location may count towards the majority if **both** of the following conditions are met:
  - Member has a need related to a physical or mental disability as defined in Government Codes 12926 and 12926.1
  - Member notifies the state body as soon as possible of the need to participate remotely.
- The board must approve the exception and request a general description of the circumstances for each meeting the member participates in remotely. It cannot be a generalized approval for remote participation without an end date. Exceptions must be granted on a meeting-by-meeting basis.
- If the teleconference option fails and cannot be restored, the state body shall end and reschedule the meeting with appropriate notice.
- Members participating remotely must disclose whether any other individuals over 18 are present in the same room and their general relationship with those individuals.
- Members must appear visible on camera during the open portion of the meeting. If unable to appear due to connectivity issues, members must announce the reason.

### **Closing**

Please don't hesitate to call or email with any questions or suggestions, or if you need help with anything.

We're looking forward to the meeting.