

**THE BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board), has proposed modifications to the text of Vocational Nursing Rules and Regulations sections 2504.1, 2517.5 and 2537 and Psychiatric Technicians Rules and Regulations sections 2564.1, 2575.5 and 2590 of Division 25, of Title 16 of the California Code of Regulations, which were the subject of a regulatory hearing on May 12, 2009. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments postmarked May 23, 2009, and ending June 6, 2009, to the person indicated in this Notice.

***Please note:** Any written comments are to be restricted to the recent modifications as shown in the enclosed language. The Board is not required to respond to comments received in response to this notice on other aspects of the proposed regulations.*

Address written comments to:

Sophia Cornejo, AGPA
Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
(916) 263-7848

All written comments received (or postmarked) by June 6, 2009, which pertain to the modified text will be reviewed and responded to by Board staff as part of the compilation of the rulemaking file.

Dated: May 22, 2009

Sophia Cornejo, AGPA
Board of Vocational Nursing and
Psychiatric Technicians

Board of Vocational Nursing and Psychiatric Technicians

PROPOSED MODIFIED LANGUAGE May 15, 2009

Additions to the previously noticed text are noted in double underline, deletions are noted by ~~double strikeout~~.

VOCATIONAL NURSING REGULATIONS

(1) Amend Section 2504.1 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 1. General Provisions

2504.1. Response to Board Inquiry.

- (a) A licensee shall respond to any inquiry by the Board or its appointed representatives within 30 calendar days after service of the inquiry.
- (b) A licensee shall provide true and accurate information and responses.
- (c) A licensee shall provide all files, working papers and other records requested.
- (d) A licensee shall not take any action for the purpose of obstructing any Board inquiry, investigation, hearing or proceeding.

~~If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.~~

NOTE: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 144, 2847, 2854, 2875, 2878, and 2878.6, Business and Professions Code; and Section 11105, Penal Code.

(2) Amend Section 2517.5 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 4. Licenses

2517.5. Fingerprint and Disclosure Requirements for Renewal of License.

- (a) As a condition of renewal for a license that expires on or after April 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal

level criminal offender record information search conducted through the Department of Justice.

- (1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.
 - (2) A licensee shall certify when applying for renewal ~~on the renewal form~~ whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.
 - (3) This requirement is waived if the licensee is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.
 - (4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.
- (b) As a condition of renewal, a licensee shall disclose ~~on the renewal form~~ whether, ~~in the prior renewal cycle~~ since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.
- (c) ~~In addition,~~ As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country. ~~any disciplinary actions against his or her license.~~
- (d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.
- (e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

NOTE: Authority: Sections 144, 2841.1, 2854, Business and Professions Code. Reference: Sections 144, 2841.1, 2854, 2878, 2878.6, 2878.8, 2892.1, and 2892.3, Business and Professions Code; and Section 11105, Penal Code.

(3) Amend Section 2537 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 6. Revenue

2537. Fees.

The following fees are established:

- (a) The fee to be paid upon the filing of an application is seventy-five dollars (\$75).

- (b) The re-examination application fee (for any examination after the first) is seventy-five dollars (\$75).
- (c) The biennial renewal fee is one hundred twenty dollars (\$120). Effective July 1, 2009 ~~For licenses that expire on or after July 1, 2009,~~ the biennial renewal fee shall be one hundred fifty dollars (\$150). In addition, an assessment of five dollars (\$5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to section 2895.5 of the Code. If a license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.
- (d) The delinquency fee is sixty dollars (\$60). Effective July 1, 2009 ~~For licenses that expire on or after July 1, 2009,~~ the delinquency fee shall be seventy-five dollars (\$75).
- (e) The initial license fee is one hundred twenty dollars (\$120). Effective July 1, 2009, ~~The initial license fee on or after July 1, 2009,~~ shall be one hundred fifty dollars (\$150).
- (f) The interim permit fee is forty dollars (\$40).
- (g) The duplicate license fee is twenty-five dollars (\$25).
- (h) The endorsement fee is seventy-five dollars (\$75).
- (i) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ten dollars (\$10).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2867.5, 2895, 2892.1, 2895.1 and 2895.5, Business and Professions Code; and Section 6157, Government Code.

(4) Amend Section 2540.6 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 7. Continuing Education

2540.6. Inactive Licenses.

- (a) A license will be placed on inactive status when the renewal fee is paid and continuing education requirements have not been met.
- (b) To reactivate an inactive license the licensee must submit proof of thirty hours of continuing education taken during the preceding two years and have furnished a full set of fingerprints as required by section 2517.5.

NOTE: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 144, 700, 701, 703, 704, 2854, 2875, 2878, and 2892.5, Business and Professions Code; and Section 11105, Penal Code.

PSYCHIATRIC TECHNICIAN REGULATIONS

(1) Amend Section 2564.1 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 2. Application for License

2564.1. Response to Board Inquiry.

- (a) A licensee shall respond to any inquiry by the Board or its appointed representatives within 30 calendar days after service of the inquiry.
- (b) A licensee shall provide true and accurate information and responses.
- (c) A licensee shall provide all files, working papers and other records requested.
- (d) A licensee shall not take any action for the purpose of obstructing any Board inquiry, investigation, hearing or proceeding.

~~If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.~~

NOTE: Authority cited: Sections 144, 4501.1, 4503, and 4504, Business and Professions Code. Reference: Sections 125.9, 144, 4503, 4510, 4511, 4521, 4521.2, and 4523, Business and Professions Code; and Section 11105, Penal Code.

(2) Amend Section 2575.5 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 4. Licenses

2575.5. Fingerprint and Disclosure Requirements for Renewal of License.

- (a) As a condition of renewal for a license that expires on or after April 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.
 - (1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.
 - (2) A licensee shall certify when applying for renewal ~~on the renewal form~~ whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.
 - (3) This requirement is waived if the licensee is renewed in an inactive status,

- or if the licensee is actively serving in the military outside the country.
- (4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.
- (b) As a condition of renewal, an applicant for renewal shall disclose ~~on the renewal form~~ whether, ~~in the prior renewal cycle~~ since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances.
- (c) ~~In addition,~~ As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country. ~~any disciplinary actions against his or her license.~~
- (d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.
- (e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

NOTE: Authority cited: Sections 144, 4501.1 and 4504, Business and Professions Code. Reference: Sections 144, 4503, 4515, 4521, 4521.6, 4544, and 4545, Business and Professions Code; and Section 11105, Penal Code.

(3) Amend Section 2590 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 6. Revenue

2590. Fees.

The following fees are established:

- (a) The fee to be paid upon the filing of an application is one hundred dollars (\$100).
- (b) The re-examination application fee (for any examination after the first) is one hundred dollars (\$100).
- (c) Effective July 1, 2009, For a license that expires on or after July 1, 2009 the biennial renewal fee is three hundred dollars (\$300). If the license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.

- (d) Effective July 1, 2009 ~~For a license that expires on or after July 1, 2009,~~ the delinquency fee is one hundred fifty dollars (\$150).
- (e) Effective July 1, 2009, ~~The~~ initial license fee ~~on or after July 1, 2009,~~ is three hundred dollars (\$300).
- (f) The interim permit fee is twenty dollars (\$20).
- (g) The duplicate license fee is twenty dollars (\$20).
- (h) The endorsement fee is twenty dollars (\$20).
- (i) The post-licensure certification in blood withdrawal fee is twenty dollars (\$20).
- (j) The biennial fee for renewal for a provider of an approved continuing education course or a course to meet the certification requirements for blood withdrawal is one hundred fifty dollars (\$150).
- (k) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ten dollars (\$10).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 152.6, 4544, 4545 and 4548, Business and Professions Code; and Section 6157, Government Code.

(4) Amend Section 2592.6 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:

Article 7. Continuing Education

2592.6. Inactive Licenses.

- (a) A license will be placed on inactive status when the renewal fee is paid and continuing education requirements have not been met.
- (b) To reactivate an inactive license the licensee must submit proof of thirty hours of continuing education taken during the preceding two years and have furnished a full set of fingerprints as required by section 2575.5.

NOTE: Authority cited: Sections 4501.1 and 4504, Business and Professions Code. Reference: Sections 144, 700, 701, 703, 704, 4503, 4517, and 4521, Business and Professions Code; and Section 11105, Penal Code.

(5/15/09)