

Board of Vocational Nursing and Psychiatric Technicians

2014 Sunset Review Report



**Submitted to the Senate Committee
on Business, Professions & Economic Development and the Assembly
Committee on Business, Professions & Consumer Protection**

California Board of Vocational Nursing and Psychiatric Technicians

Board Members

Todd D' Braunstein, PT, President
John Vertido, LVN Educator, Vice-President
Vivien Avella, Public Member
Tammy Endozo, LVN
Samantha James-Perez, PT
Jessica Leavitt, Public Member
Eric Mah, Public Member
Andrew Moreno, Public Member
Donna Norton, LVN
Susan Rubin, Public Member

Executive Officer

Teresa Bello-Jones, J.D., M.S.N., R.N.

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Board of Vocational Nursing and Psychiatric Technicians

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

Section 1

Background and Description of the Board and Regulated Professions

A. Mission, History and Function of the Board

The California Board of Vocational Nursing and Psychiatric Technicians (Board) protects the consumer from unprofessional and unsafe licensed vocational nurses (LVNs) and psychiatric technicians (PTs). Public protection is the highest priority of the Board in exercising its licensing, regulatory and disciplinary functions.

To protect the public, the Board:

- Assesses the need for more authority to further enhance protection of the public and, when evident, develops legislation and adopts regulations to that end;
- Enforces the Board's authority governing LVNs and PTs by taking swift and lawful disciplinary action against incompetent and unsafe licensees;
- Methodically assesses the causes of case aging and systematically removes them with assistance from the Department of Consumer Affairs (DCA), Office of the Attorney General (AG), and Office of Administrative Hearings (OAH);
- Develops and implements education and practice standards for the vocational nursing (VN) and PT educational programs;
- Enforces specific regulations pertaining to the approval of the VN and PT programs;
- Establishes the minimum requirements for examination and licensure; and
- Maintains a connection with stakeholders through transparent actions.

Established in 1951 (VN Program) and 1959 (PT Program), the Board is responsible for administering the laws related to the education, practice and discipline of LVNs and PTs. The PT Certification Program was placed under this Board's jurisdiction due to the unique mental health and nursing care functions performed by PTs.

In 1970, the PT Certification Program was changed to a licensure program based upon the passage of Senate Bill (SB) 298. To convert from a certification program to a licensure program, the law specified that Certified PTs would be made eligible for licensure (i.e., grandfathered) upon renewal of their certificate. In addition, any person, including persons employed in State Hospitals for the mentally ill and developmentally disabled, was made eligible for licensure upon evidence that he/she performed PT services specified in Business & Professions (B&P) Code, Section 4502, of not less than two years employment within the previous five years prior to January 1, 1970. Thereafter, the applicants for a PT license were required to comply with specific education and experience requirements and pass the licensure examination.

In 1998, the name of the Board was changed to the Board of Vocational Nursing and Psychiatric Technicians.

In 2007, due to a legislative mishap, the Assembly adjourned without taking up SB 797 which contained the statutory language required to extend the sunset date for the Board and three other licensing boards within the DCA. As a result, the Board became a Bureau operating under DCA for six months from July 1, 2008 through December 31, 2008. Two legislative bills were signed into law to re-establish the board [i.e., SB 797 and Assembly Bill (AB) 1545] effective January 1, 2009.

The Board oversees two distinct licensure programs, each with separate statutes, regulations, budget authority, curriculum requirements, examinations, and staff. The Board has no authority to grant degrees.

The Board regulates the practice of approximately 129,515 LVNs and 13,469 PTs, the largest groups of LVNs and PTs in the nation. The Board also approves 182 VN Programs and 17 PT Programs in the State of California.

B. Board Composition

The Board is composed of eleven members with a public member majority (i.e., 6 public members and 5 professional members). Nine members are appointed by the Governor, one by the Speaker of the Assembly and one by the Senate Pro Tempore. Six members of the Board constitute a quorum for transaction of business at any meeting.

Board members serve a critical role as policy and decision makers in disciplinary hearings, proposed disciplinary actions, approval of programs, program survey visits, follow up reports on programs, revocation of program approvals, examination development, contracts, budget issues, legislation, and regulatory proposals.

C. Committees of the Board

Committees serve as an essential component of the full Board to address specific issues referred by the public or recommended by staff. The committees are composed of 2-3 Board Members who are charged with gathering public input; exploring alternative approaches to issues; analyzing any data collected; and making a recommendation to the full Board.

Executive Committee – Created to develop policies and make recommendations to the full Board on matters regarding attendance and standards of conduct for 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 Administrative Law Judges (ALJ), and to review and revise the Disciplinary Guidelines for use by the Attorney General's (AG) Office, Office of Administrative Hearings (OAH), 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.

Past budgetary problems required fee increases. To avert this, the Board minimized costs in this area (and others) and committee meetings are currently not convened. Issues requiring Board action are brought before the full board at a scheduled Board Meeting. In September 2014, the Board created a two member Enforcement Task Force to research case aging strategies and make recommendations for changes.

Table 1a. Board Member Attendance – Fiscal Years (FY) 2010/11 Through 2013/14			
FY 2010/11			
Kevin Baucom		Date Appointed: September 14, 2007	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	Yes
Ling-Ling Chang		Date Appointed: February 12, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes 9/15 No 9/16
Board Meeting	February 23-25, 2011	Los Angeles, CA	No 2/23 Yes 2/24-25
Board Meeting	May 19-20, 2011	Oakland, CA	Yes
Todd D’Braunstein		Date Appointed: September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	Yes
Victor King		Date Appointed: February 15, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	No 5/19 Yes 5/20
Jessica Leavitt		Date Appointed: March 19, 2009	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes 2/23-24 No 2/25
Board Meeting	May 19-20, 2011	Oakland, CA	Yes

Eric Mah		Date Appointed: October 6, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	N/A
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	Yes
Mark Stanfield			
Mark Stanfield		Date Appointed: May 18, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	No
John Vertido			
John Vertido		Date Appointed: September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 15-16, 2010	Los Angeles, CA	Yes
Board Meeting	February 23-25, 2011	Los Angeles, CA	Yes
Board Meeting	May 19-20, 2011	Oakland, CA	Yes
FY 2011/12			
Kevin Baucom		Date Appointed: September 14, 2007	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes
Ling-Ling Chang			
Ling-Ling Chang		Date Appointed: February 12, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes 11/9 No 11/10
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes 2/22-23 No 2/24
Board Meeting	May 10-11, 2012	Ontario, CA	Yes
Todd D'Braunstein			
Todd D'Braunstein		Date Appointed: September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes

Victor King		Date Appointed: February 15, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes
Jessica Leavitt			
Date Appointed:		March 19, 2009	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes 5/10 No 5/11
Eric Mah			
Date Appointed:		October 6, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes 9/8 No 9/9
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes
Mark Stanfield			
Date Appointed:		May 18, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes
John Vertido			
Date Appointed:		September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 8-9, 2011	Los Angeles, CA	Yes
Board Meeting	November 9-10, 2011	San Diego, CA	Yes
Board Meeting	February 22-24, 2012	Los Angeles, CA	Yes
Board Meeting	May 10-11, 2012	Ontario, CA	Yes

FY 2012/13

Ling-Ling Chang			
		Date Appointed:	February 12, 2010
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes 9/5 No 9/6
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes 11/8 No 11/9
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes 5/9 No 5/10
Todd D'Braunstein			
		Date Appointed:	September 15, 2005
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes
Victor King			
		Date Appointed:	February 15, 2010
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	No 9/5 Yes 9/6
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes
Jessica Leavitt			
		Date Appointed:	March 19, 2009
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes
Eric Mah			
		Date Appointed:	October 6, 2010
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	No 5/9 Yes 5/10

Mark Stanfield		Date Appointed: May 18, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes 2/20-21 No 2/22
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes
John Vertido			
Date Appointed:		September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 5-6, 2012	Los Angeles, CA	Yes
Board Meeting	November 8-9, 2012	Sacramento, CA	Yes
Board Meeting	February 20-22, 2013	Los Angeles, CA	Yes
Board Meeting	May 9-10, 2013	Milpitas, CA	Yes
FY 2013/14			
Eduardo Angeles		Date Appointed: September 30, 2013	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	No 11/21 Yes 11/22
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Vivien Avella			
Date Appointed:		September 30, 2013	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Ling-Ling Chang			
Date Appointed:		February 12, 2010	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	No
Board Meeting – Teleconference	October 21, 2013	Various	N/A
Board Meeting	November 21-22, 2013	Sacramento, CA	N/A
Board Meeting	February 26-28, 2014	Los Angeles, CA	N/A
Board Meeting	May 15-16, 2014	Sacramento, CA	N/A

Todd D'Braunstein			
		Date Appointed:	September 15, 2005
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	Yes
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Tammy Endozo			
		Date Appointed:	September 30, 2013
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	No 2/26 Yes 2/27-28
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Samantha James-Perez			
		Date Appointed:	September 30, 2013
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Jessica Leavitt			
		Date Appointed:	March 19, 2009
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	Yes
Board Meeting – Teleconference	October 21, 2013	Various	No
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Eric Mah			
		Date Appointed:	October 6, 2010
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	No
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes 11/21 No 11/22
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes

Andrew Moreno		Date Appointed: July 11, 2013	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	Yes
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Donna Norton			
Donna Norton		Date Appointed: January 28, 2014	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	N/A
Board Meeting	November 21-22, 2013	Sacramento, CA	N/A
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
Susan Rubin			
Susan Rubin		Date Appointed: December 18, 2013	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	N/A
Board Meeting – Teleconference	October 21, 2013	Various	N/A
Board Meeting	November 21-22, 2013	Sacramento, CA	N/A
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes
John Vertido			
John Vertido		Date Appointed: September 15, 2005	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	September 12-13, 2013	Los Angeles, CA	Yes
Board Meeting – Teleconference	October 21, 2013	Various	Yes
Board Meeting	November 21-22, 2013	Sacramento, CA	Yes
Board Meeting	February 26-28, 2014	Los Angeles, CA	Yes
Board Meeting	May 15-16, 2014	Sacramento, CA	Yes

Table 1b. Board/Committee Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Current Members					
Vivien Avella	9/20/2013	N/A	6/1/2016	Governor	Public
Todd D'Braunstein	9/15/2005	2/16/2010; 6/2/2012	6/1/2016	Governor	PT
Tammy Endozo	9/30/2013	N/A	6/1/2015	Governor	LVN
Samantha James-Perez	9/30/2013	N/A	6/1/2015	Governor	PT
Jessica Leavitt	3/19/2009	6/1/2012	6/1/2016	Senate Rules Committee	Public
Eric Mah	10/6/2010	6/1/2012	6/1/2016	Speaker of Assembly	Public
Andrew Moreno	7/11/2013	N/A	6/1/2017	Governor	Public
Donna Norton	1/28/2014	N/A	6/1/2016	Governor	LVN
Susan Rubin	12/18/2013	N/A	6/1/2017	Governor	Public
John Vertido	9/15/2005	2/13/2010; 6/2/2012	6/1/2016	Governor	LVN Educator
(Vacant)	N/A	N/A	6/1/2015	Governor	Public
Former Members – FY 2010/11 through 10/31/14					
Eduardo Angeles*	9/30/2013	N/A	6/1/2015*	Governor	Public
Kevin Baucom	9/14/2007	2/11/2010	6/1/2012	Governor	PT
Ling-Ling Chang	2/12/2010	N/A	9/29/2013	Governor	Public
Victor King	2/15/2010	N/A	6/1/2013	Governor	Public
Mark Stanfield	5/18/2010	N/A	6/1/2013	Governor	LVN

*Resigned on 9/3/14.

On June 1, 2013, there were six vacant board member positions resulting in the lack of a quorum. Although a new appointment was made by the Governor on July 11, 2013, a Board Meeting was held on September 13, 2013, in Los Angeles, California, with less than a quorum of the full Board due to one Board Member's absence at the meeting. Disciplinary hearings were delegated to the ALJ assigned to preside over the proceedings. The Board Members convened as a committee and agenda items were considered. However, ratification of the recommendations from the meeting was required by a quorum of the Board to become official. On September 30, 2013, the Governor appointed four new Board Members leaving only two vacant Board Member positions. A Special Board Meeting was held on October 21, 2013, to consider ratification of the recommendations from the September 2013 Board Meeting.

Additionally, without a quorum, the Board was unable to process mail ballots and take action on disciplinary matters. When the Board lost its quorum in June 2013, there were 23 disciplinary cases pending Board consideration and action. Cases accumulated while new Board Members were appointed and given orientation and training prior to considering cases. On November 1, 2013, the full Board resumed processing of 58 disciplinary cases

Pursuant to Government Code Sections 11517 and 11521, the Board must take action on Proposed Decisions and Petitions for Reconsideration within prescribed timeframes. If the Board fails to take action on a case within those timeframes, it loses its authority to act. Proposed Decisions received from the ALJs become the final decisions and Petitions for Reconsideration are denied by operation of law. During the period that the Board was without a quorum, it lost its authority to act on twenty cases. However, from June 1 through November 1, 2013, through its delegation of authority to the Executive Officer, the Board was able to adopt twenty-three stipulated settlements for surrender of license.

D. Professions Regulated

Licensed Vocational Nurses provide basic nursing care to clients under the direction of a licensed physician or registered nurse. While the LVN is not an independent practitioner, there is no requirement that a registered nurse or physician be present on the premises during the performance of duties.

The LVN utilizes scientific and technical expertise and manual skills to provide nursing care to assigned patients. Such knowledge and expertise is acquired by completion of an approved VN program or the equivalent as determined by the Board. Duties within the scope of practice of an LVN typically include, but are not limited to, provision of basic hygienic and nursing care; basic assessment of body systems, including measurement of temperature, pulse, respirations, and blood pressure, and documentation of findings; performance of prescribed medical treatments; nursing interventions; observation and documentation of patient responses to treatments and interventions; participation in the development of nursing care plans; administration and documentation of prescribed medications; assessment and documentation of patient responses to administered medications; supervision of certified nurse assistants and other unlicensed personnel; administration of prescribed skin tests and reading the patient's immune system response to the testing agent; administration of prescribed immunizations; patient education; and performance of intravenous therapy (IV) and/or blood withdrawal (BW).

Specific post licensure certification is required by the Board for the performance of IV and/or BW.

The LVN is employed in the following types of facilities:

- Skilled Nursing or Long Term Care Facilities.
- Home Health Care Services.
- General Medical and Surgical (Acute Care) Hospitals.
- Outpatient (Ambulatory) Care Clinics.
- Physicians' Offices.
- Correctional Facilities.
- Employment Services.
- Community Care Facilities for the Elderly.
- Residential Mental Health Facilities.
- Psychiatric & Substance Abuse Hospitals.
- Elementary and Secondary Schools.

Upon completion of additional specialized training within their scope of practice, LVNs may also be employed in specialty care areas such as Surgery Centers, Intravenous Therapy Teams,

Critical Care Units, Telemetry Units, Hemodialysis Units, Gastroenterology Laboratories and Genitourinary Laboratories. They may also be hired to teach VN students (in accordance with the VN Practice Act), certified nursing assistants, home health aides, or other allied health personnel.

[Note: In states other than California and Texas, the LVN is known as a licensed “practical” nurse (LPN)].

Psychiatric Technicians provide care for clients diagnosed with mental disorders or developmental disabilities under the direction of a physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professional personnel. Such knowledge and expertise is acquired by means of the completion of an approved PT program or the equivalent as determined by the Board. While the PT is not an independent practitioner, there is no statutory or regulatory requirement that the aforementioned professionals be present during the performance of duties.

The PT utilizes scientific and technical expertise and manual skills to provide care and training for clients with mental disorders and developmental disabilities. Duties within the scope of practice of a PT typically include, but are not limited to, provision of basic hygienic, grooming and nursing care; measurement of temperature, pulse, respirations and blood pressure; basic physical assessment; documentation of client assessment data; performance of prescribed medical treatments; participation with the interdisciplinary team in the development, implementation and evaluation of a plan of care that is based upon client need; basic nursing interventions consistent with the needs of the client; observation and documentation of client responses to prescribed treatments and interventions; administration and documentation of prescribed medications; supervision of pre-licensed or unlicensed personnel; administration of prescribed skin tests and reading the client’s immune system response to the testing agent; performance of therapeutic interventions, relative to crisis intervention and management; behavioral management techniques; crisis intervention; sensory and perceptual development; client social and vocational training and education; and the facilitation of individual and group therapeutic activities.

Specific post licensure certification is required for the performance of BW.

The PT is employed in the following types of facilities:

- Hospitals: State, Local, and Private.
- Outpatient Mental Health Care Centers.
- Residential Care Facilities.
- Offices of Mental Health Practitioners.
- Correctional Facilities.
- Psychiatric Emergency Assessment & Treatment Teams.
- Public and Private Chemical Dependency Treatment Centers.
- Sheltered Workshops & Vocational Training Centers.
- Respite Care Teams.
- Group Counseling Services.

Currently, there is only one other state, Colorado, that has a PT licensure program. However, it differs from California’s licensure program. Colorado issues a separate license to eligible candidates in two specialty areas: care of clients with developmental disabilities and a license in

the care of clients with mental disorders. Pursuant to Colorado's mandatory PT practice act, no one may practice as a PT in Colorado without holding a valid Colorado license.

Kansas offers a mental health technician license. Arkansas stopped licensing PTs in 1995 when the last of its PT education programs closed. However, those who were already licensed are allowed to renew their licenses and continue practicing. Also, through the "endorsement" process, the Arkansas Board continues to issue licenses to individuals holding PT licenses from California or Kansas.

The Board was contacted by representatives of the Oregon Board of Nursing and Washington State Nursing Care Quality Assurance Commission for information in establishing a licensed psychiatric technician licensure program. There is no further requested action to date.

E. Practice Act vs. Title Act

Generally, a "practice" act or law specifically defines and restricts certain activities or practices to only those persons who have obtained state approval. In contrast, a "title" act or law restricts the use of designated titles by persons who have obtained state approval.

The VN Practice Act and the PT Law can be characterized as *both practice acts and title acts*. Specifically, the VN Practice Act and the PT Law explicitly provide for the protection and restricted use of their respective occupational titles. In addition, the PT Law defines PT practice and expressly restricts performance of those services to licensed PTs.

F. Strategic Planning

The Board's Strategic Plan is reviewed annually to determine progress in meeting goals and identify the strategic issues and trends impacting the Board and the professions it regulates. Successful achievement of the Board's strategic planning goals is measured by completion of applicable objectives and accomplishment of goals. Feedback from consumer surveys, licensees, consumer groups, program directors, professional organizations, and staff input are data used.

G. Legislative Actions

The following legislative actions were submitted and/or enacted during the past four years:

1. Bill Number: SB 1172 (Negrete-McLeod), Chapter 517, Statutes of 2010

Subject Matter: Cease Practice Authority for Positive Drug Screens While on Probation

Sections Affected: Added Sections 315.2 and 3115.4 to the Business and Professions Code (B&P Code).

Effective Date: January 1, 2011

Summary of Action: This provision allows healing arts boards to order a licensee to cease practice immediately if the licensee tests positive for any prohibited substance while on probation or in diversion. A cease practice order shall not constitute disciplinary actions. Furthermore, the healing arts boards may adopt regulations for major violations or when the board orders a licensee to undergo a clinical diagnostic evaluation.

2. Bill Number: AB 2500 (Hagman) Chapter 389, Statutes of 2010

Subject Matter: Military Service Renewal Exemptions
Sections Affected: Amended Section 114 of the B&P Code.
Effective Date: January 1, 2011

Summary of Action: This provision authorizes a professional licensee whose license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if those requirements are satisfied, unless the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty.

3. Bill Number: AB 2130 (Huber), Chapter 670, Statutes of 2010

Subject Matter: Sunset Review and Deregulation of Profession
Sections Affected: Amended Section 22 and Repealed Section 101.1 and Division 1.2 of the B&P Code.
Effective Date: January 1, 2011

Summary of Action: This provision specifies that if a board/bureau is sunsetted, its regulatory program cannot be administered by the Department of Consumer Affairs (DCA) as a bureau as was done in the past. In effect, if a board/bureau is sunsetted, this results in the total deregulation of the profession as of the specified repeal date.

4. Bill Number: AB 2699 (Bass), Chapter 270, Statutes of 2010

Subject Matter: Temporary Licensure Exemption for Out-of-State Licensed Healthcare Practitioners Participating in Free Healthcare Events
Sections Affected: Added Sections 900 and 901 to the B&P Code
Effective Date: January 1, 2011

Summary of Action: This provision, until January 1, 2014, temporarily exempts out-of-state licensed healthcare practitioners from California licensure requirements while participating in a free healthcare event in this state sponsored by an approved nonprofit organization. The bill requires the sponsoring entity and all participating out-of-state healthcare practitioners to register in advance with the appropriate licensing boards, pay a temporary license fee, and comply with California law during the event. This provision was extended to January 1, 2018.

5. Bill Number: SB 539 (Price), Chapter 338, Statutes of 2011

Subject Matter: Extension of the Board's Sunset Date; Mandatory Reporting Requirements; Permissive Site Visits; Terminology Changed "Accredit" to "Approve."
Sections Affected: Amended Sections 2841, 2859, 2862, 2866, 2872.2, 2873, 2878.1, 2880, 2881, 2881.1, 2882, 2883, 4501, 4503, 4510.1, 4511, 4511.2, 4521.2, 4530, 4531, and 4532; and repealed and amended Section 2847 of the B&P Code.
Effective Date: January 1, 2012

Summary of Action: This provision specifies that employers of LVNs and PTs must also report resignation for cause, as defined, and would require employment agencies or nursing registries to report to the Board the rejection from assignment of an LVN or PT. Additionally, it allows the Board to inspect or review all VN and PT programs for purposes of approval or to determine compliance with prescribed standards. It provides the Board with discretionary

authority to conduct a site survey visit and/or have the program complete a program record survey form. This provision also requires the Board to change its terminology that the Board “approves” rather than “accredits” VN and PT Programs.

6. Bill Number: SB 541 (Price), Chapter 339, Statutes of 2011

Subject Matter: Expert Consultant Contracts

Sections Affected: Added Section 40 to the B&P Code.

Effective Date: September 26, 2011

Summary of Action: This provision authorizes the DCA boards/bureaus to enter into an agreement with an expert consultant to provide enforcement and examination assistance, subject to the standards regarding personal service contracts. The board must establish policies and procedures for the selection and use of expert consultants. Additionally, an agreement must be established with each expert consultant

7. Bill Number: 1588 (Atkins) Chapter 742, Statutes of 2012

Subject Matter: Reservist Licensees

Sections Affected: Added Section 114.3 to the B&P Code

Effective Date: January 1, 2013

Summary of Action: This provision requires boards within the DCA to waive renewal fees, continuing education, and other renewal requirements as determined by the board, of any licensee or registrant who is a reservist called to active duty as a member of the Military Reserve or the California National Guard if certain requirements are met. It also requires a licensee or registrant to meet certain renewal requirements within a specified period after discharge and prior to engaging in activity requiring a license.

8. Bill Number: AB 1904 (Block, Butler, and Cook) Chapter 399, Statutes of 2012

Subject Matter: Military Spouses

Sections Affected: Added Section 115.5 to the B&P Code.

Effective Date: January 1, 2013

Summary of Action: This provision relates to the issuance of reciprocal licenses, regulated by the DCA, in certain fields. It also requires a board within the department to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and who is married to or in a legal union with an active duty member of the armed forces of the United States who is assigned to a duty station in the state under official active duty military orders.

9. Bill Number: AB 2570 (Hill) Chapter 564, Statutes of 2012

Subject Matter: Licensees: Settlement Agreements

Sections Affected: Added Section 143.5 to the B&P Code

Effective Date: January 1, 2013

Summary of Action: This provision prohibits a licensee who is regulated by the DCA or various boards, bureaus, or programs from including a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program. It also authorizes any entity

within the department to adopt related regulations exempting such agreements for causes of action.

10. Bill Number: AB 1028 (Patterson) Chapter 301, Statutes of 2013

Subject Matter: Interim Permits

Sections Affected: Amended Section 2872.2 of the B&P Code

Effective Date: January 1, 2014

Summary of Action: This provision authorizes the Board to accept an application for an interim permit (IP) at the same time an applicant submits an application for licensure. It also requires the Board to issue an IP to the applicant within 60 days of receiving a completed application.

11. Bill Number: AB 186 (Maienschein) Chapter 640, Statutes of 2014

Subject Matter: Military Spouses; Temporary Licenses

Sections Affected: Added Section 115.6 to the B&P Code

Effective Date: January 1, 2015

Summary of Action: This provision authorizes the Board to issue a temporary license to an applicant who holds a current, active, and unrestricted license in another jurisdiction, and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the armed forces of the United States who is assigned to a duty station in California under official active duty military orders. A temporary license issued pursuant to this provision expires 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the Board, whichever occurs first.

12. Bill Number: AB 2102 (Ting) Chapter 420, Statutes of 2014

Subject Matter: Licensees: Data Collection

Sections Affected: Amended Section 2717 of, and Added Sections 2852.5, 3518.1, 3770.1, and 4506 to, the B&P Code

Effective Date: January 1, 2015

Summary of Action: This provision requires the Board to collect and report specific demographic data relating to its licensees, subject to a licensee's discretion to report his or her race or ethnicity, to the Office of Statewide Health Planning and Development. The Board is required to collect this data at least biennially, at the times of both issuing an initial license and issuing a renewal license.

H. Regulatory Actions

The Board annually reviews its regulations within the California Code of Regulations (CCR), Title 16, for clarity, consistency, necessity, non-duplication, and authority. As such, the following regulatory changes were enacted by the Board during the past four years or are currently underway:

1. Subject Matter: Consumer Protection Enforcement Initiative

Sections Affected: CCR 2503, 2509, 2518.8, 2524.1, 2524.5 (VN); and 2563, 2568, 2576.8, 2579.11, 2579.20 (PT)

Effective Date: June 3, 2012

Summary of Action: These regulations delegate to the Board's Executive Officer the authority to approve settlement agreements for the revocation, surrender, or interim suspension of a license. They also require an applicant for a VN or PT license to undergo an evaluation and/or examination if it appears the applicant may be unable to practice due to mental and/or physical illness. Additionally, the regulations specify the disciplinary action to be taken against a person who is required to register as a sex offender and specifies when the provision does not apply. Further, these regulations specify additional acts that constitute unprofessional conduct as follows:

- 1) In a civil settlement agreement, including or permitting to be included provisions prohibiting a party in the dispute from contacting, cooperating with, or filing a complaint with the Board, or requiring another party to the dispute to attempt to withdraw any complaint filed with the Board;
- 2) Failure to provide to the Board lawfully requested documents under the licensee's control, within the specified timeframe;
- 3) Failure to cooperate and participate in any Board investigation, as long as such action does not infringe upon the licensee's constitutional or statutory privileges;
- 4) Failure of a licensee to notify the Board within the specified timeframe of felony charges or indictment, arrest, conviction, or disciplinary action by another licensing entity;
- 5) Failure to comply with a court ordered subpoena to release records.

2. Subject Matter: Temporary Licensure Exemption for Out-of-State Licensed Healthcare Practitioners in Free Healthcare Events

Sections Affected: CCR 2557, 2557.1, 2557.2, 2557.3 (VN); and 2595, 2595.1, 2595.2, and 2595.3 (PT)
Effective Date: September 29, 2012

Summary of Action: These regulations implement SB 2699 (Bass, Chapter 270, Statutes of 2010) which temporarily exempts, until January 1, 2014, out-of-state licensed healthcare practitioners from California licensure requirements while participating in a free healthcare event in this State sponsored by an approved nonprofit organization. This provision was extended to January 1, 2018.

3. Subject Matter: Disciplinary Guidelines and Uniform Standards

Sections Affected: CCR 2524 (VN) and 2579.10 (PT)
Effective Date: December 29, 2012

Summary of Action: These regulations revise the Board's Disciplinary Guidelines (Guidelines) and incorporated by reference the "Uniform Standards Related to Substance Abuse" (Standards) as revised on June 20, 2011. Revisions include the following:

- 1) Clarify that aggravating factors may provide a basis for deviation from the Guidelines and better explain the factors to consider when disciplining a licensee.
- 2) Specify when the Standards apply and create a rebuttable presumption that a licensee is a substance-abusing licensee for purposes of Penal Code Section 315 if the conduct found to be a violation of the Board's laws involves the use of drugs, alcohol, or both. If the licensee is a substance abuser, the Standards apply unless the licensee establishes that, in his or

her particular case, public protection can be satisfied with a modification or omission of a specific standard.

- 3) Require that a proposed decision issued pursuant to the adjudicative provisions of the Administrative Procedure Act, wherein a licensee is found to have engaged in any act of sexual misconduct, as specified, must contain an order revoking the license. It further provides that the order of revocation may not be stayed.

4. Subject Matter: Accredited versus Approved Terminology

Sections Affected: CCR 2502, 2516, 2525, 2526, 2526.1, 2527, 2529, 2530, 2535 (VN) and 2562, 2575, 2580, 2581, 2581.1, 2582, 2584, 2585, 2885.1 (PT)
Effective Date: October 1, 2013

Summary of Action: These regulations implement SB 539 (Price, Chapter 338, Statutes of 2011) which requires the Board to use the term “approve” rather than “accredit” relative to the VN and PT programs it regulates.

5. Subject Matter: Employer Mandatory Reporting Requirements

Sections Affected: CCR 2520.5, 2523.2 (VN) and 2577.6, 2579.4 (PT)
Effective Date: January 1, 2014

Summary of Action: These regulations specify that mandatory reporting requirements include employment agencies and nursing registries and include them within the definition of “employer.” The regulations require employment agencies and nursing registries to report a licensee who is rejected from assignment at a health facility or home health care due to acts that are cause for suspension or termination.

6. Subject Matter: Permissive Site Visits

Sections Affected: CCR 2526(c), 2526(f) (VN) and 2581(c), 2581(f) (PT)
Effective Date: October 1, 2014

Summary of Action: These regulations implement SB 539 regarding permissive site visits which authorized the Board to determine the compliance of VN and PT programs with prescribed education requirements and professional standards based on an onsite inspection or an analysis of submitted program documentation that is satisfactory to the Board.

7. Subject Matter: Disclosure Requirements for Renewal of License

Sections Affected: CCR 2517 (VN) and 2575.5 (PT)
Effective Date: Rulemaking File Pending.

Summary of Action: The proposed amendments will increase the reportable traffic infraction fine amount from \$300 to \$1000. The final rulemaking file is pending approval by the Office of Administrative Law.

8. Subject Matter: Waiver of Renewal Requirements

Sections Affected: CCR 2537.2 (VN) and 2590.2 (PT)
Effective Date: Rulemaking File Pending.

Summary of Action: These proposed regulations implement AB 1588 (Atkins, Chapter 742, Statutes of 2012) which enacted B&P Code section 114.3. The legislation requires the Board to waive the license renewal requirements for any licensee who is called to active duty as a member of the United States Armed Forces or the California National Guard.

9. Subject Matter: Provisional Approval

Sections Affected: CCR 2526.1(d), 2526.1(e), 2530(l) (VN) and 2581.1(d), 2581.1(e), and 2585(l) (PT)

Effective Date: Rulemaking File Pending.

Summary of Action: These proposed regulations specify that any program holding a provisional approval may not admit new classes without prior approval by the Board and adds that it is grounds for revocation of approval if a program fails to correct violations or if additional violations are committed during the provisional period.

I. Major Studies

The following are listed because of their assistance to the Board in identifying and analyzing issues and their impact.

1. Occupational Analysis

The Board is authorized to issue licenses to eligible candidates who demonstrate possession of the minimal level of competence required for safe and effective practice upon entry into the VN or PT professions. The licensure examination is the method by which such competence is demonstrated and measured.

Vocational Nursing Program

The examination administered for VN licensure is the National Council Licensure Examination for Practical Nurses (NCLEX/PN®). The Board is able to accomplish this through its membership with the National Council of State Boards of Nursing, Inc. (NCSBN). Since October 1, 2002, the NCSBN contracted with Pearson VUE to develop and administer the NCLEX/PN®.

The Board reviews items on the NCLEX/PN® to ensure compliance with the VN Practice Act and the VN scope of professional practice in California.

The construction of the NCLEX/PN® is guided by the NCLEX/PN® Test Plan. The NCLEX/PN® Test Plan is based on findings from the NCSBN's analysis of the professional practice of VNs as identified in the Licensed Practical Nurse (LPN)/VN Practice Analysis. A new occupational analysis is conducted by NCSBN every three (3) years. The most recent occupational analysis was conducted in 2012 and the report of findings published in May 2013.

The primary purpose of the practice analysis is identification of tasks commonly performed by LVNs in all practice settings; the importance and frequency of task performance in professional practice; and the knowledge required to perform those tasks safely and competently. Additionally, there is commitment to include diversity of the population.

Information from that study is used to evaluate the validity of the test plan and to identify required revisions. The resulting test plan serves as the blueprint for development of all subsequent NCLEX/PN® licensure examinations.

The 2012 analysis identified changes in the professional practice of LVNs. As a result, a new test plan was approved by the NCSBN Delegate Assembly and implemented effective April 1, 2014.

The Board held Director Forums in northern and southern California to notify all VN programs of the new test plan and its changes. In addition, the programs were given information during Board Meetings and on the Board's website and were referred to the NCSBN's website where information was available.

Psychiatric Technician Program

The Board develops and administers its own California Psychiatric Technician Licensure Examination (PTLE). To ensure the preparation of psychometrically sound and legally defensible examinations, the Board contracts with the DCA Office of Professional Examination Services (OPES) for the development of the PTLE.

The OPES conducts a detailed research study of PT practice every five to seven years. The last PT occupational analysis was completed in 2007.

The primary purpose of the practice analysis is the same as mentioned above for the VN licensure examination.

Information from the occupational analysis is used to evaluate the validity of the examination outline (consistency with current professional practice). The resulting test plan serves as the blueprint that guides the development of all subsequent licensure examinations.

The Board contracted with the OPES to conduct a new analysis and began its research in 2012. A report regarding the PT Occupational Analysis and Validation is scheduled for presentation by OPES and adoption by the Board in February 2015.

J. National Associations

The Board is a voting member of the NCSBN since October 1986. Founded March 15, 1978, the NCSBN is an independent not-for-profit organization whose purpose is to provide an organization through which boards of nursing act and counsel together on matters of common interest and concern affecting the public health, safety and welfare, including the development of licensing examinations in nursing. The NCSBN serves as the collective voice of nursing regulation in the United States (U.S.) and its territories.

Current NCSBN membership is comprised of boards of nursing in 50 U.S. states, District of Columbia, and 4 U.S. territories (American Samoa, Guam, Northern Mariana Islands, and the Virgin Islands) and 21 organizations are associate members.

As a condition of membership, state boards of nursing are required to agree to use one or more NCSBN licensing examinations and execute an agreement.

K. National Committees, Workshops, Task Forces, etc.

In the past, Board representatives attended numerous national member meetings and provided input. Board representatives also served on national committees including the NCSBN Examination Committee, NCSBN Item Review Committee, Council on Licensure, Enforcement and Regulations (CLEAR) and their committees. However, California's poor economic condition in the last four years, reduced the amount of out-of-state travel approved by the State. The Board's compliance with Governor Brown's Executive Order B-06-11 regarding mission critical travel resulted in the Board's ceasing most travel. Nevertheless, the Board maintains communications and provides input through telephonic and electronic means including webcasts and conference calls.

L. State Associations and Professional Organizations

The Board works cooperatively to address issues related to the education and practice of LVNs and PTs with state associations and professional organizations. Those organizations include the California Vocational Nurse Educators (CVNE), Licensed Vocational Nurses League (LVNL), California Association of Psychiatric Technicians (CAPT), and California Association of Psychiatric Technician Educators (CAPTE).

Section 2

Performance Measures and Customer Satisfaction Surveys

A. Licensing Performance Measures

Pursuant to Executive Order B-13-11, the Governor ordered the Department of Finance (DOF) to create a plan for modifying the budget process to increase efficiency and focus on accomplishing program goals. DCA was one of four departments identified to participate in the performance based budgeting pilot program. The DCA created a special display for the Governor's FY 13-14 Budget to illustrate what a performance based budget might look like using the DCA's enforcement performance measures.

One of DCA's goals during 2013 was to establish licensing measures and set program specific targets for those measures. The DCA used the same licensing metrics tracked during the their Licensing for Job Creation Initiative in 2010 as follows:

- 1. Average Days to Application Approval (complete application)** – This is the timeframe from receipt of the licensure application by the Board to the time the application is approved for examination eligibility or license issuance. This includes all applications that are complete and require no additional information/documentation from the applicant. This is a weighted average.
- 2. Average Days to Application Approval (incomplete application)** – This is the timeframe from receipt of the licensure application by the Board to the time the application is approved for examination eligibility or license issuance. This includes all applications that are incomplete

and require additional information/documentation from the applicant. This is a weighted average.

In April 2013, DCA generated reports from the DCA Applicant Tracking System (ATS) to extract licensing performance data with the intent to establish benchmark cycle times for each program. Based on the data collected, the Board's Licensing Performance Targets for both the VN and PT Programs were established as follows:

Table 2. Licensing Performance Targets		
Fiscal Year	Average Days to Application Approval for Completed Applications	Average Days to Application Approval for Incomplete Applications
2013/14	84	236
2014/15	70	200

The Board is meeting these targets.

The DCA indicated that actual licensing performance data will not be displayed in the Governor's Budget this year but it will display licensing targets.

B. Enforcement Performance Measures

The following eight performance measures (PM) were developed by the Department of Consumer Affairs (DCA) to determine the effectiveness of efforts to streamline enforcement processes, reduce backlogs, and achieve the overall goal to process complaints within 12-18 months.

PM 1: Volume – Number of complaints received.

PM 2: Intake Cycle Time – Average number of days to complete complaint intake.

PM 3: Intake & Investigation Cycle Time – Average number of days to complete closed cases not resulting in formal discipline.

PM 4: Formal Discipline Cycle Time – Average number of days to complete cases resulting in formal discipline.

PM 5: Efficiency (Cost) – Average cost of intake and investigation for complaints not resulting in formal discipline.

PM 6: Customer Satisfaction – Consumer satisfaction with the service received during the enforcement process.

PM 7: Probation Intake Cycle Time – Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.

PM 8: Probation Violation Response Cycle Time – Average number of days from the time a violation is reported to a program to the time the assigned probation monitor responds.

The Board consistently met all targets except PM 4, Formal Discipline. Unfortunately, the Board does not anticipate meeting the PM 4 target without improvements to the segments of the enforcement process handled by other agencies (i.e. Attorney General's Office and Office of Administrative Hearings). The Board is working collaboratively with the Attorney Generals' Office and the Office of Administrative Hearings to improve efficiency.

Please see Attachment A for the Board's quarterly and annual PM reports for the past four FYs as published on the DCA web site.

C. Customer Satisfaction Surveys

The Board routinely distributes Customer Service Surveys at its public counter and at Board Meetings. The respondents are asked to rate the Board's services regarding specific performance categories. The rating scale ranged from Very Satisfied, Satisfied, Marginally Satisfied, Dissatisfied and Very Dissatisfied.

In FY 2013/14, survey results indicated that 90% were either very satisfied or satisfied with the Board's performance. A total of 259 surveys were received that year. See Attachment B for results of surveys and comments received for the past 4 FYs.

Section 3 Fiscal and Staff

A. Fund Conditions

The Board is a "special fund agency" that is totally self-supporting. The Board oversees two distinct licensure programs (i.e., Vocational Nursing Program and Psychiatric Technicians Program). Each program has its own statutes and regulations, budget authority, curriculum requirements, examinations, and staff.

The Board derives all of its revenue from its applicants and licensees through the collection of examination, licensing and renewal fees. The Board's main sources of revenue are from the following fee categories:

- Application
- Re-Examination
- Initial License
- Biennial Renewal
- Delinquent Renewal

Pursuant to B&P Code, section 128.5, the statutory reserve requirements for the DCA and most of its boards/bureaus specify that:

"Notwithstanding any other provision of law, if at the end of any fiscal year, ... the Board of Vocational Nursing and Psychiatric Technicians, or the ... has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years."

Current budget projections indicate that the VN Program's fund reserve will remain solvent past FY 2020/21. The PT Program's fund reserve will be exhausted by FY 2017/18. A statutory amendment is required within the next 1-2 years to ensure the solvency of the PT Program.

On February 13, 2012, the Board approved a merger of the VN and PT Programs' funds as an alternative to a statutory amendment to raise the PT Program's fee ranges. According to the DCA Budget Office, if the VN Fund and PT Fund are merged through a statutory amendment effective July 1, 2016, the combined funds delay a deficit and the need to increase fees for 3-4 years. Additionally, the fund merger would allow the Board to evaluate actual operational costs and factor in combined reversions of both the VN and PT programs to assess the fee increases fairly for each profession.

There have been no general fund loans since the Board's last Sunset Review.

Table 3a. Fund Condition (VN Program)							(Dollars in Thousands)						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15*	FY 2015/16*							
Beginning Balance	6,573	8,611	9,103	10,068	10,646	11,904							
Revenues and Transfers	9,554	9,901	10,172	10,307	10,289	10,297							
Total Revenue	\$9,554	\$9,901	\$10,172	\$10,307	\$10,289	\$10,297							
Budget Authority	11,631	11,217	10,135	10,655	10,647	11,953							
Expenditures	7,518	9,534	9,432	9,729	9,031	9,330							
Loans to General Fund	0	0	0	0	0	0							
Accrued Interest, Loans to General Fund	0	0	0	0	0	0							
Loans Repaid From General Fund	0	0	0	0	0	0							
Fund Balance	\$8,609	\$8,978	\$9,844	\$10,646	\$11,904	\$12,871							
Months in Reserve	10.8	11.4	12.1	14.1	15.3	16.0							
*Projected													

Table 3b. Fund Condition (PT Program)							(Dollars in Thousands)						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15*	FY 2015/16*							
Beginning Balance	1,959	1,978	1,847	1,617	1,480	1,147							
Revenues and Transfers	1,709	1,730	1,686	1,743	1,749	1,748							
Total Revenue	\$1,709	\$1,730	\$1,686	\$1,743	\$1,749	\$1,748							
Budget Authority	2,760	2,553	2,162	2,190	1,479	1,097							
Expenditures	2,735	1,803	2,004	1,880	2,082	2,135							
Loans to General Fund	0	0	0	0	0	0							
Accrued Interest, Loans to General Fund	0	0	0	0	0	0							
Loans Repaid From General Fund	0	0	0	0	0	0							
Fund Balance	\$1,933	\$1,905	\$1,529	\$1,480	\$1,147	\$760							
Months in Reserve	12.9	11.4	9.8	8.5	6.4	4.2							
*Projected													

B. Expenditures

The Board's "Expenditure by Program Component" reveals that the majority of the Board's costs are related to enforcement.

Table 4a. Expenditures by Program Component (VN Program)							(Dollars in Thousands)	
	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	1,435	2,856	1,614	4,019	1,505	4,166	1,851	3,457
Licensing/Exam	1,436	544	1,750	725	1,575	748	1,966	736
Administration*	319	84	308	97	320	110	386	108
DCA Pro Rata	0	1,021	0	1,168	0	1,116	0	1,350
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$3,190	\$4,505	\$3,675	\$6,009	\$3,400	\$6,140	\$4,203	\$5,651

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

Table 4b. Expenditures by Program Component (PT Program)							(Dollars in Thousands)	
	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	436	545	406	704	619	748	567	714
Licensing/Exam	240	227	208	175	181	172	161	132
Administration*	54	14	54	23	83	39	77	39
DCA Pro Rata	0	183	0	199	0	186	0	206
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$730	\$969	\$668	\$1,101	\$883	\$1,145	\$805	\$1,091

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

C. License Renewal Cycles & History of Fee Changes

The last fee change occurred on October 1, 2010. The statutory fee ranges are cited in the B&P Code Sections 3895 (VN) and 4548 (PT) and the specific fee amounts currently charged are cited in the CCR, Title 16, Sections 2537 (VN) and 2590 (PT). Both the VN and PT Programs are at the statutory maximums allowed by law for their main sources of revenue. No further fee increases can be implemented until the statutory fee ranges are raised. Licensees are required to renew their licenses every two years.

Table 5a. Fee Schedule and Revenue (VN Program)							(Dollars in Thousands)
Fee	Current Fee Amount	Statutory Ranges	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue
Application	\$150*	\$75 - \$150	1,421	1,634	2	2	14.73%
Re-Examination	\$150*	\$75 - \$150	741	814	782	816	7.97%
Initial License	\$150*	\$100 - \$150	1,378	1,133	1,039	1,194	11.67%
Biennial Renewal**	\$155*	\$100 - \$150	5,611	5,911	6,637	6,509	63.57%
Delinquency	\$75*	\$50 - \$75	121	130	135	61	0.59%
Interim Permit	\$40	\$40 - \$50	0	0	0	6	0.06%
Duplicate License	\$25	\$25 - \$50	21	24	27	29	0.29%
Endorsement	\$75	\$75 - \$100	99	95	101	107	1.05%
Continuing Education Provider	\$200	No Range	6	8	10	7	0.07%

* These fee categories are at the statutory maximums allowed by law. No further fee increases can be implemented until the fee ranges are raised.

**Vocational Nurse Education Fund – Although the Board’s renewal fee is \$150, the Board is required to collect an additional \$5.00 at the time of license renewal from its LVNs (i.e., \$155) to fund VN scholarships.

Table 5b. Fee Schedule and Revenue (PT Program)							(Dollars in Thousands)
Fee	Current Fee Amount	Statutory Ranges	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue
Application	\$150*	\$100 - \$150	86	85	78	88	5.10%
Re-Examination	\$150*	\$100 - \$150	30	42	34	35	2.02%
Initial License	\$300*	\$200 - \$300	157	156	148	171	9.96%
Biennial Renewal	\$300*	\$200 - \$300	1,376	1,397	1,383	1,405	81.88%
Delinquency	\$150*	\$100 - \$150	20	19	18	14	0.83%
Interim Permit	\$20	\$20 - \$50	0	0	0	0	0
Duplicate License	\$20	\$20 - \$50	2	2	2	2	0.14%
Endorsement	\$20	\$20 - \$50	0	0	0	0	0
Continuing Education Provider	\$150*	\$150 - \$200	1	1	1	1	0.07%
Blood Withdrawal Certification**	\$20	\$20 - \$50	0	1	0	0	0.01%
Blood Withdrawal Provider	\$150	\$150	0	0	1	0	0.01%

* These fee categories are at the statutory maximums allowed by law. No further fee increases can be implemented until the fee ranges are raised.

**Post-licensure certification in blood withdrawal for PTs began in 1999.

D. Budget Change Proposals (BCPs)

1. Licensing Division Budget Change Proposal (BCP) – Effective July 1, 2010, the Board received approval to hire 4.0 staff beginning in FY 2010/11 to address the increased workload in the Licensing Division. On August 31, 2010, former Governor Schwarzenegger ordered a State Hiring Freeze and the positions could not be filled until a Freeze Exemption Request was approved, effective November 1, 2011.
2. Departmental BCP: Consumer Protection Enforcement Initiative (CPEI) – Effective July 1, 2010, the Board received approval to hire 15.5 staff (i.e., 13.0 VN positions and 2.5 PT positions) to create an Investigations Unit within the Board. The Investigations Unit would be comprised of 2 supervising special investigators and 10 special investigators (non-sworn). On August 31, 2010, former Governor Schwarzenegger ordered a State Hiring Freeze and the positions could not be filled until FY 2011/12.
3. Departmental BCP: BreEZe Realignment – The DCA decided to abandon the iLicensing Project that was underway in 2009 to replace the department's existing licensing and enforcement database systems and moved forward with the BreEZe Project. DCA indicated that the CPEI relies on advanced workflow capabilities and cross-entity external system communications that the current system technology and iLicensing Project could not provide. Therefore, a departmental BCP was approved in FY 2010/11 to redirect iLicensing funding authority to BreEZe. Beginning in FY 2011/12 and ongoing, an augmentation was approved to support the procurement, solution and implementation of the integrated BreEZe licensing and enforcement system.
4. Departmental BCP: CPEI – The DCA submitted a departmental BCP to extend the limited term positions authorized for CPEI. The Board had 3.5 limited term analyst positions which could not be filled due to the State Hiring Freeze. DCA requested an extension for 2 more years (ending 9/1/2014). The BCP was denied. Therefore, the limited term positions were never filled and expired on September 30, 2012.
5. Department BCP: Credit Card Processing for Online Renewals – The DCA submitted a departmental BCP requesting authorization to implement an "interim" DCA Online License Renewal Project until the BreEZe Information Technology project is operational. The Board must pay 2% of the credit card payment transactions (\$3-\$4.50 for VN renewals and \$6-\$9.00 for PT renewals). The licensee must pay a \$1 convenience fee. The Board implemented Online Renewals on December 27, 2011.
6. Fund Merger BCP – In July 2012, the Board submitted a BCP requesting the merger of the VN & PT Programs' funds. The BCP was denied in September 2012 because budget projections indicated that the PT Program's fund condition was expected to remain solvent through FY 2015/16 and an increase was not needed at that time. Additionally, the Board was advised that merger of the funds should be achieved through a statutory proposal rather than a BCP.
7. Licensing Division Legislative BCP - In August 2013, the Board submitted a BCP to request one Staff Services Analyst position to implement AB 1028, Chapter 301, Statutes of 2013, relative to Interim Permits which would increase the number of Interim Permit applications

received by the Board. The BCP was denied in September 2013 due to the Board's high vacancy rate at that time.

8. Enforcement Division BCP – On July 28, 2014, the Board submitted a BCP requesting 5 additional positions (i.e., 2 Special Investigators; 1 Staff Services Analyst; and 2 Office Technicians) in the Enforcement Division. The BCP was denied in September 2014 because it failed to meet the criteria specified in BL 14-05 which limited BCPs for the 2015/16 Budget to specific criteria.
9. Education Division BCP – On July 28 2014, the Board submitted a BCP requesting 2 additional (i.e., 2 Associate Governmental Program Analyst) positions in the Education Division. The BCP was denied in September 2014 because it failed to meet the criteria specified in BL 14-05 which limited BCPs for the 2015/16 Budget to specific criteria.

E. Staffing Issues

The following issues negatively impacted the Board's ability to quickly fill its positions resulting in backlogs and loss of productivity.

1. Vacancies & State Hiring Freeze – Effective August 31, 2010, former Governor Schwarzenegger ordered a State Hiring Freeze. As a result, the Board could not fill its vacant positions including 19.5 new positions that were effective July 1, 2010 (15.5 new positions authorized for CPEI and 4 new positions authorized for the Licensing Division). At that time, the Board had 32 out of 84 positions vacant equating to a 38% vacancy rate.

On February 24, 2011, Governor Brown issued Executive Order B-3-11 which reaffirmed the hiring freeze with an option to request freeze exemptions. The Board could only fill its vacant positions by obtaining approval via a Freeze Exemption Request (FER) or by hiring individuals that currently work at boards/bureaus/divisions within the DCA. On November 1, 2011, the Board was advised that the Department of Finance (DOF) approved the DCA's Operational Efficiency Plan. Hiring freeze exemption requests would no longer need to be submitted to DOF for approval but would still need to be submitted to the Business, Consumer Services, and Housing Agency (BCSHA) for approval. The Board received approval for the following exemption requests and immediately began recruitment to fill the positions:

Table 6. Freeze Exemption Requests Approved		
#Positions	Position Classifications	Date Approved
2.0	Enforcement: Supervising Special Investigator I	6/10/2011
6.0	Enforcement: Special Investigators	6/10/2011
2.0	Education: Nursing Education Consultants (NECs)	6/10/2011
2.0	Education: NECs	10/20/2011
3.0	Licensing: Office Technicians (Approved by Agency Only)	11/1/2011
15.0		

On November 22, 2012, DCA announced that the hiring freeze was lifted for DCA and freeze exemption requests were no longer needed. The Board immediately began recruitment to fill all of its vacancies. At that time, the Board had 15 positions vacant for a 22% vacancy rate.

Although the Hiring Freeze was lifted, the Board continued to experience difficulty reducing its vacancy rate due to staff turnover and a lengthy recruitment and hiring process. During November and December 2012, 10 employees transferred to other agencies, 1 employee retired, and two employees transferred to other positions within the Board. This resulted in 13 positions vacated during a two month period alone.

The Board's ability to quickly fill positions is hindered by the lengthy recruitment process in which the Board has minimal control. It can take an average of 4-6 months to recruit and hire employees. If there is any delay in the process, it can take an additional 4-6 months to fill a position. The following summarizes those timeframes:

- 1-2 weeks - Process personnel documents and obtain approval from the DCA Office of Human Resources (OHR);
- 2 weeks - Advertise the position;
- 1-2 weeks - Obtain the certification list and applications from OHR;
- 2-4 weeks - Screen applications and schedule interviews;
- 1-2 weeks – Conduct reference checks and review of official personnel files;
- 2-6 weeks – Obtain fingerprints and results of DOJ criminal background check;
- 2-4 weeks – Make a firm offer and reach appointment date.

In September 2012, the Board submitted a request to the DCA OHR to re-class a Management Services Technician position to a Staff Services Analyst/Personnel Liaison position to improve the Board's ability to timely recruit and fill positions and process personnel related documents in a timely manner. The reclassification was approved on April 17, 2013 and recruitment to fill the position began immediately. The position was filled effective July 31, 2013.

The Board continues to make every effort to fill its vacancies. As of October 31, 2014, there are 9 positions vacant out of 67.9 total positions. This equates to a 13% vacancy rate which is a 25% improvement since the Hiring Freeze.

2. **Furlough Fridays** - On July 28, 2010, former Governor Schwarzenegger issued Executive Order S-12-10 which required state agencies to implement furloughs of state employees for three days per month regardless of funding source from August 1, 2010 through October 31, 2010. This resulted in a 13.85% reduction in pay for applicable state employees.
3. **4.62% Pay Reductions** – Beginning November 2, 2010, via bargaining union contract agreements, the mandatory furlough requirements were reduced to one self-directed day per month ending October 31, 2011. This resulted in a 4.62% reduction in pay for applicable employees.
4. **5% Salary Savings & Workforce Reduction** – On January 8, 2010, the former Governor issued Executive Order S-01-10 which required state agencies to ensure an additional 5% salary savings in FY 2010/11. On October 28, 2010, the Board was advised that the 5% Salary Savings was converted to a 5% workforce cap that required permanent staff reductions in FY 2011/12. The final impact was as follows:

- FY 2010/11 – The Board submitted its proposed reduction plan totaling \$197,000 (VN) and \$40,000 (PT). The Board used the salaries from the unfilled CPEI investigator positions [i.e., 4 investigators (VN) and 1 investigator (PT)] to meet the salary savings quotas for both the VN and PT Programs.
- FY 2011/12 – The Board had to identify “permanent” positions to cut to meet the 5% workforce cap in FY 2011/12. On August 3, 2011, the DCA Budget Office indicated that \$27,505 (VN) and \$38,870 (PT) were the final amounts required for the workforce cap. The Board submitted its Workforce Cap Plan to reflect the permanent loss of .50 Special Investigator positions (VN) and a .75 loss of special investigator position (PT) in FY 2011/12.

5. **0.5% Budget Reductions Directed by the Department of Finance Pursuant to Executive Order B-3-11** – On 8/2/2011, the DCA Budget Office advised that DOF directed state agencies to make permanent budget reductions to its FY 2011/12 expenditure authority. The Board was required to identify line items to meet the DOF/DCA targeted goals of \$63,567 (VN) and \$14,439 (PT). On November 1, 2011, DOF approved the permanent reductions and delegated freeze exemption review and approval to the BCSHA.

6. **Budget Letter (BL) 12-03** – On March 12, 2012, BL 12-03 was issued directing departments to eliminate budgeted salary savings and allocate that amount to accurately reflect how state operation funds are being expended. On March 27, 2012, the Board was asked by the DCA to analyze its authorized positions and identify, for elimination, positions that have historically been held vacant. The Board’s budgeted salary savings for the VN program is 3.0 positions and .8 position for the PT program.

On April 17, 2012, the Board was notified by the DCA Budget Office that the DOF approved a plan for the Board to achieve a reduction of 3.8 positions effective fiscal year (FY) 2012/13.

7. **Retention of Mission Critical Retired Annuitant (RA) Positions** - On July 10, 2012, the DCA notified the Board that the State must eliminate, by September 1, 2012, all RA positions that are not mission critical. The Board was required to submit justifications to retain its eleven RA positions. The justifications were submitted to the BCSHA for approval. A total of eight RA positions were approved: 2 NECs (Education Division); 1 Management Services Technician (Enforcement Division); 1 Office Technician (Enforcement Division); 4 Office Technician (Licensing Division). All RA positions except the two NEC RA positions in the Education Division expired on December 31, 2012. All other RAs were separated from service by August 31, 2012.

8. **NEC Recruitment & Retention** – Although nurses are in great demand in the private sector as well as other State agencies, the Board’s NEC positions are hard to fill. The Board experienced a critical shortage in the NEC classification that dates as early as 2007. That shortage began with a bargaining agreement that resulted in salary adjustments for registered nurses assigned to Bargaining Group 17. Primarily, those nurses are employed in State hospitals, correctional facilities, and agencies providing oversight of those facilities. No adjustment was made in the salaries of the NEC classification, Bargaining Group 21.

That agreement resulted in a critical pay inequity in which NECs are paid a lesser salary than registered nurses with less education and experience. NECS are required to minimally possess a Masters' degree in nursing or a related field. Additionally, NECs are required to have extensive professional experience in the areas of clinical practice, teaching, curriculum development and instruction, and administration. However, the NEC salary was no longer commensurate with those qualifications. As a result, many NECs resigned or transferred to higher paying jobs within and outside of State service.

In November 2007, and again in June 2010, the Board and the Board of Registered Nursing submitted a formal request to the Department of Personnel Administration (DPA) to obtain a pay differential for its current and future NECs. Due to the State's budget deficit, the first request was returned without consideration. On June 2011, former DCA Director Brian Stiger advised the Board's President that DPA considers the pay differential a bargaining unit issue and, therefore, the request submitted in June 2010 was denied.

From 2009 through 2013, 80% of the Board's NEC positions were vacant. That prolonged shortage severely impeded the Board's ability to timely and consistently respond to existing and proposed educational programs, consumer requests for clarification of the VN and PT scopes of practice, and other critical issues.

During 2014, the Board was able to fill 3 of its 4 vacant NEC positions. Interviews of additional eligible candidates will continue until all vacancies are filled.

- 9. Overtime** – Since March 2011 when overtime was reinstated, Board staff have volunteered to work overtime on a regular basis to attempt to eliminate and prevent backlogs. However, the use of overtime is not a permanent solution to the Board's staffing situation as it increases the risk of experiencing burn-out resulting in reduced productivity. Overtime hours worked during the past 4 FYs are as follows:

FY 10/11: 1,447 (equivalent to approximately .7 position).

FY 11/12: 5,816 (equivalent to approximately 2.8 positions).

FY 12/13: 6,836 (equivalent to approximately 3.3 positions).

FY 13/14: 9,127 (equivalent to approximately 4.4 positions).

F. Staff Development

Training is an integral part of staff development. The Board utilizes DCA's Strategic and Organizational Leadership and Individual Development (SOLID) office to provide many of the courses that help staff develop the knowledge, skills and abilities they need to be successful. Outside providers are used when courses are not available through SOLID.

The Board ensures that all staff complete mandated training such as Sexual Harassment Prevention, Privacy and Security, Basic Supervision, etc.

Section 4 Licensing Program

A. Education and Experience Requirements

1. Licensed Vocational Nurses

Applicants for VN licensure in California must meet all of the following requirements:

- Minimum age - 17 years of age;
- Completion of the 12th grade or its equivalent;
- Completion of either the education, or the experience, or any combination of both the education and experience, equivalent to that acquired in an approved school of vocational nursing via one of the four methods of qualifying for licensure described below;
- Successful completion of the NCLEX/PN® or the National League for Nursing (NLN) State Board Test Pool Examination for Practical Nurses (SBTPE);
- Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) fingerprint clearance to ensure that the applicant has committed no act which, if committed by an LVN, would be grounds for disciplinary action;
- B&P Code Section 30 requires all applicants to provide the Board with a social security number or tax identification number prior to issuance of a license or license renewal.
- The initial license fee must be submitted after meeting all of the above requirements.

There are **four** different methods to qualify for licensure as an LVN in California. All applicants for licensure under Section 2873 of the B&P Code must meet the requirements of one of the following qualification methods:

- Graduation from an approved program of VN in California;
- Completion of 51 months of paid general duty bedside nursing experience consisting of a minimum of 48 months of medical/surgical nursing, 1.5 months of maternity nursing, and 1.5 months of pediatric nursing; and completion of a course in pharmacology that includes no less than 54 theory hours of content. (Applicants with formal nursing education may submit official transcripts for a determination of possible credit in lieu of paid bedside nursing);
- Completion of at least 12 months of verified active duty bedside patient care in the medical corps of any branch of the Armed Forces of the United States; proof of completion of a basic course of nursing while in the armed forces; and proof that service has been honorable; or
- Graduation from an out-of-state accredited school of practical/vocational nursing, provided that the course completed is substantially equivalent to a California approved VN program.

The specific educational requirements vary depending on the method by which the applicant has chosen to qualify. Applicants may qualify either by education, experience, or a combination of education and experience. Work experience must be verified by a registered nurse or supervisor for LVN applicants.

2. Psychiatric Technicians

Applicants for licensure as a PT in California must meet all of the following requirements:

- Minimum age - 18 years of age;
- Completion of the 12th grade or its equivalent;
- Completion of either the education, or a combination of both education and experience, equivalent to that acquired in an approved program for PTs via one of the three methods of qualifying for licensure described below;
- Successful completion of the California PT Licensure Examination;
- DOJ and FBI fingerprint clearance to ensure that the applicant has committed no act which, if committed by a PT, would be grounds for disciplinary action;
- B&P Code Section 30 requires all applicants to provide the Board with a social security or tax identification number prior to issuance of a license or license renewal.
- The initial license fee must be submitted after meeting all of the above requirements.

There are **three** different methods to qualify for licensure by examination as a PT in California. All applicants for licensure under Section 4511 of the Business and Professions Code must meet the requirements of one of the following qualification methods:

- Graduation from an approved PT Program in California;
- Completion of 576 hours of theory hours, including a 54-hour course in pharmacology, and 954 hours of supervised clinical experience. Paid work experience may be substituted for supervised clinical experience; or
- Completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an accredited school in the care of the developmentally disabled client; one year of verified full time paid work experience, including at least six months in a military clinical facility caring for clients with mental disorders and at least six months in a military or civilian clinical facility caring for clients with developmental disabilities.

The specific educational requirements vary depending on the method by which the applicant has chosen to qualify. Applicants may qualify either by education, or by a combination of education and experience. Work experience must be verified by a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professional personnel.

3. Criminal History and/or Past Disciplinary Actions

The Board requires all applicants, prior to licensure, to submit fingerprints to obtain a criminal history report from the DOJ and FBI. If convictions are reported, interim permits, temporary licenses, and licenses are only issued upon receipt of a clearance report from the DOJ and FBI or approval from the Board's Enforcement Division. Additionally, applicants are required to self-certify on a "Record of Conviction" form whether or not they have a criminal history or prior disciplinary action in this or any other state in the United States or other country.

On April 1, 2009, the Board implemented retroactive fingerprinting for anyone licensed prior to January 1, 1998. Board records indicated that about 55,000 licensees needed to be fingerprinted. The majority of retroactive fingerprints were collected between April 1, 2009 and June 30, 2011 (i.e., two renewal cycles). Licensees who did not submit fingerprints and were required to do so, were unable to renew their license on active status until fingerprints are submitted. Licensees are also required to self-certify on their license renewal application whether or not they were convicted of a crime or if disciplinary action was taken in this state or any other state in the United States or other country since their last renewal.

Court documents, police reports and certified records of disciplinary actions are obtained and reviewed to determine whether a license should be denied or disciplined. Additionally, an applicant's or a licensee's full explanation of the conviction(s) is requested and reviewed to determine the appropriate course of action. Falsification of information provided on any application constitutes grounds for denial or revocation of a license.

Out-of-state applicants submit the same application as California residents which includes a Record of Conviction form and fingerprints for both DOJ and FBI criminal reports. An applicant licensed out-of-state must also submit a verification of licensure form which must be received by the Board directly from the applicant's state board of nursing. The verification must include information regarding disciplinary action, if any. In addition, the Board checks the NCSBN's database (NURSIS) as a secondary source to verify out-of-state licensure information for applicants.

The Board receives subsequent arrest and/or conviction reports from the DOJ for all applicants and licensees. Currently, the Board sends "no longer interested" (NLI) notifications to the DOJ on a regular basis via fax or mail. Once the Board converts to the BreEZe system, the NLI process will be automated.

4. Military Education & Experience

The Board has authority to consider United States military education, training, and experience for licensing or credentialing requirements, including college credit equivalency. Any person who served on active duty in the medical corps of any of the armed forces may qualify for licensure provided he/she:

- Has no less than an aggregate of 12 months in rendering bedside patient care;
- Completed the basic course of instruction in nursing required by his or her particular branch of the armed forces;
- Served in the armed forces under honorable conditions, or whose general discharge was under honorable conditions;
- Submits proof that he/she possesses the necessary qualifications, as set forth in his or her service records;
- Passes the licensure examination; and
- Passes a criminal background check.

Military applicants must submit the following documentation:

1. Application forms;
2. Record of military service form;

3. Proof of completion of a basic course in nursing in the armed forces;
4. Military performance evaluations while assigned to a military hospital verifying 12 months inpatient bedside patient care;
5. Military service evaluation forms;
6. Verification of discharge (DD214), if applicable; and
7. Fingerprints.

Currently, the Board does not track applicants for licensure who are veterans. However, the Board is in the process of revising its forms to obtain the information from applicants and anticipates beginning to manually track that information in January 2015. The Board uses the DCA Consumer Affairs System (CAS) to track applicants who use military education, training and experience towards meeting the licensure requirements. Once the Board converts to the new BreZE system, tracking of all applications from these individuals will be automated.

During FY 2013/14, the Board received and approved 17 applications for expedited licensure pursuant to B&P Code Section 115.5.

5. Reciprocity with Other States

A VN applicant who is already licensed by a similar VN/PN board in another state is eligible for licensure *without examination* provided that the applicant meets all of the requirements for licensure and:

- ✓ Presents satisfactory proof of a current and valid license as an LVN or Licensed Practical Nurse, or in an equivalent capacity, by another state, a territory of the United States, or a foreign country;
- ✓ Took the NLN State Board Test Pool Examination for Practical Nurses or the NCLEX/PN® and passed said examination with a score equal to or above the minimum passing score required by the Board for said exam; and

A VN applicant who is already licensed by a similar board in another country is required to meet the same criteria as any other applicant.

A PT applicant who is already licensed by a similar board in another state is eligible for licensure *without examination* provided that the applicant meets all of the requirements for licensure and:

- ✓ Presents satisfactory proof of a current and valid license as a PT in that state; and
- ✓ Took the "California" PT Licensure Examination and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination. (Note: Arkansas administered the California constructed licensure examination to its PT applicants.)

Only one other state, Colorado, licenses PTs similar to California. There is no national examination.

6. Verification of Information Provided by Applicant

The Board relies on a combination of documents supplied by the applicants and several primary source documents submitted by third parties. The third party documents include official transcripts, examination documents, criminal background information, out of state applications, employment verification, and licensure information.

To ensure the accuracy of documents submitted by applicants, the Board requires primary source documents. All transcripts must be certified documents submitted from the issuing institution. Primary source documentation also assists the Board in determining if the applicant has been truthful in the application process when the documentation submitted is compared to the information the applicant has provided on the application form. To avoid the potential submission of fraudulent documents, the Board does not accept school transcripts from the applicant.

Transcripts received in a foreign language must have a certified English-language translation completed either by the school or by an independent professional translator who is not related to the applicant.

The Board uses the NCSBN database (NURSYS) for applicants who are applying for a license by endorsement. NURSYS is a comprehensive electronic information system that includes the collection and storage of a nurse's personal information, licensing information, disciplinary information and license verifications. NURSYS is the only national database for verification of nurse licensure, discipline and practice privileges for LVNs.

As a condition of renewal, licensees must answer a question on the renewal application which asks the licensee if he/she has subsequent convictions and/or disciplinary actions since his/her last renewal. Additionally, the Board receives subsequent arrest/conviction reports from the DOJ for applicants and licensees.

B. Examination Requirements

1. Vocational Nursing

The NCLEX/PN® is a computer-adaptive examination that is administered by appointment on a daily basis. There are no filing deadlines, and candidates are allowed to schedule their own appointment to test year-round.

Examination Administration

The NCLEX/PN® is administered on a daily basis, up to three times a day, six days a week. A failing candidate may retake the examination a maximum of eight times a year, but not more often than once every 45 days. The NCLEX is a written examination administered by computer using a methodology called "Computer-adaptive" testing.

With computer-adaptive testing, the computer selects each question based on the candidate's response to the previous questions. Once the minimum number of questions are administered, testing stops when the candidate's performance is demonstrated as being either

above or below the passing standard. Depending on the candidate's pattern of correct and incorrect answers, candidates will be administered varying numbers of questions.

Candidates are allowed a maximum of 5 hours to complete the examination. All candidates complete a minimum of 85 questions. The maximum number of questions a candidate may be given to determine passing/failing performance is 205.

The NCLEX/PN® is administered at over 240 testing centers throughout the United States and 45 "International" testing centers. Candidates may schedule their examination at the testing center of their choice. Currently there are 22 testing centers in California (see Attachment C).

2. Psychiatric Technician Program

The PTLE is a computer-administered test for PTs. There are no filing deadlines and candidates are allowed to schedule their own appointments to test year-round.

Examination Administration

The PTLE is administered on a daily basis by appointment six days a week. A first-time failing candidate may retake the examination after one month; a repeat failing candidate may retake the examination every six months. Candidates are allowed a maximum of 4 hours to complete the 240 item multiple-choice examination.

The PTLE is administered by Psychological Services, LLC (PSI). Candidates may schedule their examination at the testing center of their choice. Currently there are 18 testing centers in California (see Attachment D).

C. Average Processing Times

The average processing time to determine examination eligibility is about 60 days for VN applicants and 35 days for PT applicants. The difference in the total average days between the VN and PT applicants is based upon the volume of applications received for each program. The Board receives approximately 18,000 VN applications and 1,100 PT applications annually.

Applicants are responsible for scheduling their own appointment to test. VN applicants have up to 6 months, from the date their application is approved, to register for the test with the applicable testing service. When the applicant registers for the examination, he/she can select a test date within a 6 month period from the registration date. Therefore, VN applicants have up to 12 months to actually complete the examination. The PT applicants have up to 12 months to register and complete the examination from the date their application is approved.

The examinations are scored by the test vendors (Pearson Vue for VNs and PSI for PTs) and the applicable score reports are mailed to the Board on a daily basis. The Board conducts a final review of the applicant's qualifications for licensure and mails the examination results to the applicants. Upon receipt of the examination results, the applicant must then submit an initial license fee before a license can be issued.

In addition, B&P Code, Section 480, specifies that the board may deny a license on the grounds that the applicant has been convicted of a crime that is substantially related to the qualifications,

functions or duties of the profession for which the application is made. As previously mentioned, all applicants for licensure must undergo fingerprint record checks from the DOJ and the FBI. The examination results for applicants with criminal convictions may be delayed pending enforcement review if the applicant is required to submit certified court documents and police reports relative to his/her conviction history. Also, initial licensure may be delayed pending receipt of the DOJ criminal history clearance report.

D. Licensing Backlog & Reduction Plan

In July 2013, the VN Program's Licensing Division experienced a backlog that was over 10 weeks old. An application over 8 weeks old is considered backlogged based on the Board's established processing timelines. The Board received numerous complaints.

Although the Board was experiencing a high vacancy rate (28%) at that time, the Board developed a plan to reduce the backlog. The first goal was to fill the vacant Staff Services Manager position in the Licensing Division and to fill other licensing vacancies. The DCA was very helpful in expediting personnel processes. The Board filled the Manager position in August 2013. Secondly, the Board redirected staff from other areas to focus on the backlog and work overtime with the goal to eliminate the backlog of applications from Board approved programs by October 31, 2013. That goal was achieved. Lastly, the Board continued its efforts to eliminate the backlog of applications filed under equivalent education and/or experience with a goal to eliminate the backlog by December 31, 2013. The Board was unable to achieve that goal until March 2014. Since that time, the Board has not experienced another licensing backlog.

The Board is acutely aware that the ability to quickly license individuals has a direct impact on the State's economy in general and, more importantly, the nursing shortage and requisite client/patient care.

E. Continuing Education & Competency Requirements

The Board requires 30 hours of continuing education (CE) every two years as a means to assure that its licensees receive current information about new concepts, procedures and practices relative to their respective scopes of practice.

The Board accepts CE courses for LVNs and PTs from nursing agencies or organizations from California or other states. In addition, the Board approves providers who wish to offer CE specifically for LVNs and PTs. The provider pays a fee that is submitted with the approval application for the first class. Once approved, the provider may offer as many classes as he/she wishes within a two-year period.

The Board verifies CE by checking the validity of individual provider names and numbers with the agency who grants the provider status. In addition, random CE audits are performed on licensees monthly and individual audits are conducted if a problem of false information becomes apparent to the Board. Licensees are required to maintain CE information for a period of four years for audit purposes. This allows the Board an opportunity to check not only CE compliance for the most recent renewal period, but for the prior period as well.

The Board completed 4,456 audits over the past 4 fiscal years. Eighty percent of the total licensees audited were found in compliance of the CE requirement. Licensees who do not comply

with the CE requirement or with the audit are referred to the Enforcement Division for consideration of a citation and fine.

Table 7. Continuing Education Audits							
Fiscal Year	LVN	PT	Total Audits	LVN Closed (No Violation)	PT Closed (No Violation)	Total Closed (No Violation)	% In Compliance
2010/11	1,176	226	1,402	978	180	1,158	90%
2011/12	1,211	248	1,459	887	177	1,064	80%
2012/13	685	156	841*	622	123	745	90%
2013/14	624	130	754*	486	100	586	80%
Grand Totals	3,696	760	4,456	2,973	580	3,553	80%

*During FY 2012/13 & 2013/14, Board staff assigned to conduct CE audits was redirected to assist in other areas of the Licensing Division in an effort to eliminate and/or prevent backlogs. Consequently, less audits were conducted during those FYs.

F. Temporary Licenses

Pursuant to B&P Code Section 2867.6 and Section 4510, a temporary certificate may be issued to an applicant who graduated from a California approved VN or PT Program after receiving the results of having passed the examination and upon receipt of the initial license fee.

Table 8. Licensee Population					
		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Vocational Nurse	Active	95,049	98,659	97,257	101,200
	Out-of-State	4,386	4,376	3,765	3,884
	Out-of-Country	66	56	56	53
	Delinquent	25,588	29,779	33,173	24,378
Psychiatric Technician	Active	10,828	10,939	10,774	10,876
	Out-of-State	194	196	170	163
	Out-of-Country	2	2	2	4
	Delinquent	2,506	2,930	3,101	2,426

Table 9a. Licensing Data by Type (VN Program)											
	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate
FY 2011/12	(Exam)	10,948	8,179	1,256	n/a	1,119	317	802	n/a	n/a	52
	(License)	7,589	7,669	0	7,669	**	**	**	n/a	n/a	4
	(Renewal)	39,404	39,341	n/a	39,341	**	**	**	n/a	n/a	5**
FY 2012/13	(Exam)	10,618	6,643	1,731	n/a	2,193	807	1,386	n/a	n/a	70
	(License)	6,924	6,031	0	6,031	**	**	**	n/a	n/a	7
	(Renewal)	42,424	40,258	n/a	40,258	**	**	**	n/a	n/a	6**
FY 2013/14	(Exam)	9,681	8,071	3,252	n/a	1,051	273	778	n/a	n/a	43
	(License)	7,881	8,746	0	8,746	14	N/A	N/A	n/a	n/a	2
	(Renewal)	43,390	42,543	n/a	42,543	206	N/A	N/A	n/a	n/a	6**

* The Board did not track pending initial license applications or pending renewals at closing of the 2011/12 & 2012/13 Fiscal Years
 ** Online renewals are not included in the cycle time for renewal applications due to limitations in the BreEZe reporting system.

Table 9b. Licensing Data by Type (PT Program)

	Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control	Within Board control	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate
FY 2011/12	(Exam)	601	20	26	n/a	0	0	0	n/a	n/a	24
	(License)	525	514	0	514	**	**	**	n/a	n/a	5
	(Renewal)	4,658	4,648	n/a	4,648	**	**	**	n/a	n/a	5**
FY 2012/13	(Exam)	523	247	11	n/a	140	0	140	n/a	n/a	52
	(License)	494	443	0	443	**	**	**	n/a	n/a	5
	(Renewal)	4,609	4,363	n/a	4,363	**	**	**	n/a	n/a	5**
FY 2013/14	(Exam)	587	261	74	n/a	3	0	3	n/a	n/a	16
	(License)	566	561	0	561	2	n/a	n/a	n/a	n/a	3
	(Renewal)	4,684	4,658	n/a	4,658	4	n/a	n/a	n/a	n/a	6**

* The Board did not track pending initial license fees or renewals at closing of the 2011/12 & 2012/13 Fiscal Years.

** Online renewals are not included in the cycle time for renewal applications due to limitations in the BreEZe reporting system.

Table 10a. Total Licensing Data (VN Program)

	FY 2011/12	FY 2012/13	FY 2013/14
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	18,537	17,542	17,562
Initial License/Initial Exam Applications Approved	15,848	12,674	16,817
Initial License/Initial Exam Applications Closed	1,256	1,731	3,252
License Issued	7,669	6,031	8,746
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	1,119	2,193	1,271
Pending Applications (outside of board control)	317	807	273
Pending Applications (within the board control)	802	1,386	778
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	52	70	43
Average Days to Application Approval (incomplete applications)*	n/a	n/a	n/a
Average Days to Application Approval (complete applications)*	n/a	n/a	n/a
License Renewal Data:			
License Renewed	39,341	40,258	42,543

*Not tracked.

Table 10b. Total Licensing Data (PT Program)			
	FY 2011/12	FY 2012/13	FY 2013/14
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	1,126	1,017	1,153
Initial License/Initial Exam Applications Approved	534	690	822
Initial License/Initial Exam Applications Closed	26	11	74
License Issued	514	443	561
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	0	140	9
Pending Applications (outside of board control)	0	0	0
Pending Applications (within the board control)	0	140	3
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	23.65	51.89	15.74
Average Days to Application Approval (incomplete applications)*	n/a	n/a	n/a
Average Days to Application Approval (complete applications)*	n/a	n/a	n/a
License Renewal Data:			
License Renewed	4,648	4,363	4,658
*Not tracked.			

G. Examinations Pass Rates

In FY 2013/14, the examination pass rates for first-time program graduates of Board approved VN programs was 74% in comparison to the national pass rate of 86%.

California is the only state which allows applicants to qualify for the examination based on a variety of methods (e.g., work experience, military experience, etc.). All other states require their applicants to graduate from an “accredited” U.S. or foreign nursing school.

The table below reflects the average annual pass rate for all first time VN and PT applicants (i.e., school graduates and non-school graduates).

Table 11a. Examination Data (VN Program)		
California Examination (include multiple language) if any: N/A		
National Examination (include multiple language) if any:		
	License Type	Vocational Nursing
	Exam Title	NCLEX-PN
FY 2010/11	# of 1 st Time Candidates	9463
	Pass %	73%
FY 2011/12	# of 1 st Time Candidates	8225
	Pass %	72%
FY 2012/13	# of 1 st Time Candidates	7911
	Pass %	70%
FY 2013/14	# of 1 st time Candidates	8337
	Pass %	71%
Date of Last Occupational Analysis (OA)		2012
Name of OA Developer		NCSBN
Target OA Date		2015

The examination pass rate for the PT Program in FY 2013/14 was 83% and there is no national examination administered for this profession.

Table 11b. Examination Data (PT Program)		
California Examination (include multiple language) if any:		
	License Type	Psychiatric Technician
	Exam Title	CAPTLE
FY 2010/11	# of 1 st Time Candidates	530
	Pass %	80%
FY 2011/12	# of 1 st Time Candidates	568
	Pass %	80%
FY 2012/13	# of 1 st Time Candidates	479
	Pass %	84%
FY 2013/14	# of 1 st time Candidates	576
	Pass %	83%
Date of Last Occupational Analysis (OA)		2014
Name of OA Developer		OPES
Target OA Date		2019
National Examination (include multiple language) if any: N/A		

H. Vocational Nurse Education Fund

SB 358 (Figueroa) was chaptered on October 1, 2003. This statute established the Vocational Nurse Educational Fund (VNEF) within the Health Professions Education Foundation (HPEF), effective July 1, 2004.

Under the Office of Statewide Health Planning and Development, the HPEF is responsible for dissemination of information and awarding scholarships and loans to eligible candidates. All individuals eligible for admission to any VN Program are eligible to apply for funding. The HPEF offers scholarship and loan repayment assistance as follows:

Table 12. Vocational Nursing Education Fund	
Educational Assistance	Maximum Amount Awarded Per Year
Vocational Nurse Scholarship	\$4,000
LVN - to ADN Scholarship	\$8,000
LVN Loan Repayment	\$6,000

The HPEF is funded by a \$5.00 assessment collected at the time of VN license renewal and by donations. Table 13 summarizes the scholarships distributed and the ethnic breakdown of scholarships awarded. According to HPEF, from 2011 through 2013, VN scholarship awards have totaled \$232,000.

Table 13. VN Scholarship Distribution						
Administrative Base	2011	2012	2013	2014	TOTAL	
Applications Received	54	46	69	D A T A	169	
Applications Reviewed	28	19	52		99	
Scholarships Awarded	20	13*	25		58	
% Awarded:	71.4%	68.4%	48.1%		58.6%	
Total Awarded:	\$80,000	\$52,000*	\$100,000		\$232,000	
Gender of Recipients	2011	2012	2013	N O T	TOTAL	
Female	20	12	22		54	
Male	0	1	3		4	
Totals:	20	13	25		58	
Ethnic Breakdown of Recipients	2011	2012	2013	A V A I L A B L E	TOTAL & %	
African American	4	6	8		18	31%
Asian American/Pacific Islander	1	1	3		5	9%
Caucasian	3	1	7		11	19%
Hispanic/Latino American	6	5	7		18	31%
Native American	0	0	0		0	0%
Other	6	0	0		6	10%
Totals:	20	13	25		58	100%

*During 2012, two awardees declined scholarships. The gender and ethnicity were not specified. Therefore, the number of awardees receiving scholarships totaled 11; the actual scholarship amount disbursed totaled \$44,000.

Table 14 summarizes the Licensed Vocational Nurse to Associate Degree Nursing Scholarship funds distributed under the Program and the gender and ethnic breakdown of scholarship recipients. According to HPEF, from 2011 through 2013, VN scholarship awards have totaled \$92,996.

Table 14. LVN TO ADN Scholarship Distribution						
Administrative Base	2011	2012	2013	2014	TOTAL	
Applications Received	39	26	23	D A T A	88	
Applications Reviewed	25	4	20		49	
Scholarships Awarded	7	4	2*		13	
% Awarded:	28%	100%	10%		26.53%	
Total Awarded:	\$44,996	\$32,000*	\$16,000		\$92,996	
Gender of Recipients	2011	2012	2013	N O T	TOTAL	
Female	6	4	2		12	
Male	1	0	0		1	
Totals:	7	4	2		13	
Ethnic Breakdown of Recipients	2011	2012	2013	A V A I L A B L E	TOTAL & %	
African American	2	2	0		4	31%
Asian American/Pacific Islander	2	0	0		2	15%
Caucasian	1	1	1		3	23%
Hispanic/Latino American	2	0	1		3	23%
Native American	0	0	0		0	0%
Other	0	1	0		1	8%
Totals:	7	4	2	13	100%	

*During 2013, three scholarships were awarded: one awardee declined the scholarship. Therefore, the number of awardees receiving scholarships totaled 2; actual scholarship amount disbursed totaled \$16,000.

Table 15 summarizes the Licensed Vocational Nurse Loan Repayment funds distributed under the Program and the gender and ethnic breakdown of awardees. According to HPEF, from 2011 through 2013, VN scholarship awards have totaled \$211,608.

TABLE 15. LVN Loan Repayment Distribution						
Administrative Base	2011	2012	2013	2014	TOTAL	
Applications Received	11	22	23	D A T A	56	
Applications Reviewed	5	9	14		28	
Scholarships Awarded	4	8	11		23	
% Awarded:	80%	88.9%	78.6%		82.1%	
Total Awarded:	\$24,000	\$124,000	\$63,608		\$211,608	
Gender of Recipients	2011	2012	2013	N O T	TOTAL	
Female	2	6	7		15	
Male	2	2	4		8	
Totals:	4	8	11		23	
Ethnic Breakdown of Recipients	2011	2012	2013	A V A I L A B L E	TOTAL & %	
African American	1	0	2		3	13.0%
Asian American/Pacific Islander	0	1	3		4	17%
Caucasian	1	3	2		6	26%
Hispanic/Latino American	2	4	4		10	44%
Native American	0	0	0		0	0%
Other	0	0	0		0	0%
Totals:	4	8	11	23	100%	

More information regarding the HPEF program is available at www.healthprofessions.ca.gov.

Section 5 Education Division

Another mechanism the Board utilizes to protect the California consumer is by ensuring that educational programs prepare applicants with the knowledge, skills, and abilities required for safe and competent practice upon entry into professional practice. The Board's Education Division is comprised of NECs who must possess a clear and active Registered Nurse license and a Master's Degree in Nursing or related field. Additionally, the NEC is required to have professional experience to enable them to analyze, respond to and evaluate complex education, practice, enforcement, legislative and regulatory issues. The NECs monitor and ensure that educational programs are compliant with Article 5 of the VN and PT regulations.

A. Approval of Vocational Nursing Programs

Pursuant to the CCR, Title 16, Division 25, Chapter 1, Article 5, institutions seeking approval for commencement of a VN program are required to submit a detailed proposal that demonstrates the application and integration of Anatomy & Physiology, Pharmacology, Communication, Nutrition, Normal Growth and Development, Nursing Theory, Nursing Care Skills, etc., into the clinical practice of the students. Objectives must be clearly written to measure when the above is accomplished. This integration and application must be accomplished for each new course and content area and reflected in subsequent clinical objectives the students must accomplish when caring for patients.

VN Programs must contain no less than 1530 hours or 50 semester units. Each program curriculum is required to include no less than 576 hours of theory instruction, including a minimum of 54 hours in Pharmacology, and no less than 954 hours of clinical instruction. The program curriculum must develop the knowledge, skills, and abilities required to care for patients of all ages in current health care settings. Further, the curriculum must include care of medical, surgical, obstetrical, and sick child clinical experience.

Programs are required to teach curriculum content in a sequence that results in students' progressive mastery of knowledge, skills, and abilities. In so doing, the program must utilize a variety of instructional methodologies and techniques necessary to maximize the learning abilities of enrolled students. The primary goal is the educational preparation and licensure of an individual who has the demonstrated ability to safely and competently provide complex technical and professional nursing care to adult and pediatric clients with medical/surgical, gynecological, obstetrical, and pediatric diseases and disorders in all practice settings.

Typically, each submitted proposal is between 500 to 2,500 pages in length. That proposal must include documents specified in Section 2526 of the B&P Code. This includes the following:

1. A **Philosophy** that clearly defines the nursing faculty beliefs on critical concepts required for development of the curriculum.
2. A **Conceptual Framework** that provides the blueprint and contains content threads required to build a sound curriculum. That curriculum is essential to the preparation of safe and competent nurses.

3. **Terminal Objectives** that define expected student outcomes upon successful completion of the program
4. **Curriculum Objectives** that are consistent with the philosophy and conceptual framework and identify broad competencies that are expected of students per level of the program.
5. **Course Outlines** and **Course Objectives** that specify essential elements within each individual course and reflect content progression and competencies consistent with the vocational nursing scope of practice.
6. An **Instructional Plan** that lays out all course theory and clinical objectives, content, clinical facilities and demonstrates progressive mastery of increasingly complex scientific content.
7. **Evaluation Methodologies** that ensure:
 - a) Consistent and accurate assessment of the following:
 1. Curriculum.
 2. Faculty.
 3. Clinical Facilities.
 4. Student Performance to Determine Need for Remediation or Termination.
 5. Overall Program Performance
 - b) Identification and implementation of required interventions.
 - c) Required follow-up actions.
8. **Faculty** who meet the requirements in Section 2529 of the B&P Code. Programs are required to employ Board-approved faculty that possess the knowledge, skills, and abilities required to provide instruction in a manner that maximizes students' ability to learn.
9. **Clinical Facilities** that provide clinical experiences consistent with the curriculum and meet requirements in Section 2534 of the B&P Code.

A thorough analysis of the submitted proposal is completed by the Board's Education Division. Deficiencies and required corrections are communicated to the program director both verbally and in writing. The director must correct deficiencies and submit written documents that demonstrate their correction. Upon receipt, the NEC is required to complete an additional analysis to determine compliance is confirmed.

Upon confirmation of compliance, the consultant prepares and presents a report of the proposed program. The Board renders a decision for approval to commence the proposed program and admission of the initial class or makes other recommendations.

B. Approval of Psychiatric Technician Programs

Pursuant to CCR, Title 16, Division 25, Chapter 2, Article 5, institutions seeking approval for commencement of a PT program are required to submit a detailed proposal that demonstrates the integration and application of didactic content into the clinical practice of enrolled students. In addition to Anatomy & Physiology, Pharmacology, Communication, Nursing Science Theory, Nursing Care Skills, Nutrition, Normal Growth and Development that are required for VN curricula, PT programs must also contain didactic and clinical curricular content in Psychology, Developmental Disabilities, and Mental Disorders. Objectives must be clearly written to measure

when the above is accomplished. This integration and application must be accomplished for each new course and content area and reflected in subsequent clinical objectives the students must accomplish when caring for patients.

Programs for the educational preparation of PTs are required to contain no less than 1530 hours or 50 semester units. Each program curriculum is required to include no less than 576 hours of theory instruction, including 54 theory hours in Pharmacology and no less than 954 hours of clinical instruction that includes care of clients with medical, surgical, and pediatric diseases and disorders, in addition to clients with mental disorders and developmental disabilities. The program curriculum must develop the knowledge, skills, and abilities required to care for clients of all ages in current health care settings.

As with VN programs, PT programs are required to teach curriculum content in a sequence that results in students' progressive mastery of complex scientific knowledge, skills, and abilities. The primary goal is the education and licensure of an individual who can safely provide complex technical and professional care as a PT to adult and pediatric clients with medical/surgical diseases and disorders, mental disorders, and developmental disabilities in all practice settings.

As with VN proposals, each submitted PT proposal is between 500 to 2500 pages in length. That proposal must include documents required by Section 2587 of the B&P Code and comply with curriculum developments specified previously (see Approval of VN Programs).

As with VN proposals, the Education Division completes a thorough analysis of the submitted proposal and communicates deficiencies and required corrections to the program director verbally and in writing. The director must correct identified deficiencies and submit written documents that demonstrate correction of all deficiencies. Upon receipt, the NEC is required to complete an additional analysis to determine compliance with regulatory requirements. This process is repeated until all required documents and materials are submitted and compliance has been confirmed.

Upon completion, the NEC prepares and presents a report relative to the proposed program. The Board renders decisions relative to commencement of the proposed program and admission of the initial class.

C. Approved Programs

There are a total of 199 (182 VN and 17 PT) approved and pre-approved programs by the Board. In addition, 48 (45 VN and 3 PT) proposed programs are awaiting review. That is a grand total of 247 programs.

Programs are reviewed every four years and, if in compliance and have no student or consumer complaints, the programs are approved for four years.

California Code of Regulations Sections 2526.1 (c) and 2581.1 (c) authorize the Board to place any program on provisional approval when the program does not comply with all regulatory requirements. If the program fails to meet all requirements at the end of the initial provisional approval period, the Board may extend provisional approval if the program demonstrates to the satisfaction of the Board a good faith effort to correct the deficiencies or revoke provisional approval.

Of the total programs, 88.4% are approved or preapproved programs; 11.6% are provisionally approved VN programs. Effective September 12, 2014, the number of VN programs on provisional approval totaled 25. Based on published examination statistics for Quarter 2, 2014, the average annual pass rate for provisionally approved VN programs was 54.29%. In comparison, average annual pass rate for approved VN programs was 76.86%.

The Education Division provides assistance to all programs for whom deficiencies have been identified. Prior to placement on provisional approval, problems negatively impacting student achievement and the development and implementation of effective strategies to achieve resolution are identified. After placement on provisional approval, the Education Division prepares and mails the official notice advising the program director of specific areas of noncompliance and requirements for correction, as specified by the Board. Additionally, NECs continue to provide assistance in identifying program elements that negatively impact student comprehension. Strategies are recommended to maximize student achievement.

On February 1, 2014, a backlog of 145 institutions (135 VN and 10 PT) requesting approval for commencement of VN and PT programs was identified. The Board authorized a moratorium on the analysis of new proposals until February 28, 2015. The Board took that action in light of the significant lack of resources and in the face of high demand for new programs.

Pursuant to the Board's decision, the review and analysis of newly proposed programs will not commence during the moratorium. As a result of the Board's decision, all proposals received after February 26, 2014 have been retained, in the order of receipt, for processing after the moratorium. All previously existing proposals where the applicant confirmed continued interest in program commencement remained in the queue for review by the Board.

Analysis of the remaining proposals in the queue and correspondence advising the submitting director of identified deficiencies and required corrections is projected to be completed by May 2015.

Tables 16 through 18 provide a breakdown of the programs approved by the Board and program distribution.

Table 16. Program Data		
	VN Program	PT Program
Total Approved Programs:	182	17
Private Schools	113	4
Community Colleges	40	12
Adult Schools	25	1
Regional Occupational Programs	4	0
Hospital-Based Programs	0	0
Note: The Board has applications pending for 45 VN Programs and 3 PT Programs .		

Table 17. Comparison of VN Program Distribution

Administrative Base	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14		FY 2014/15	
	#	%	#	%	#	%	#	%	#	%
Community College	45	21%	44	22%	44	23%	41	22%	40	22%
Adult Schools	31	15%	27	13%	26	13%	25	13%	25	14%
Regional Occupational	6	3%	6	3%	4	2%	4	2%	4	2%
Hospital Based	0	0%	0	0%	0	0%	0	0%	0	0%
Private	128	61%	126	62%	121	62%	118	63%	113	62%
TOTALS	210	100%	203	100%	195	100%	188	100%	181	100%

Table 18. Comparison of PT Program Distribution

Administrative Base	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14		FY 2014/15	
	#	%	#	%	#	%	#	%	#	%
Community College	12	75%	12	75%	12	70%	12	70%	12	70%
Adult Schools	2	13%	2	13%	2	12%	2	12%	2	12%
Regional Occupational.	0	0	0	0%	0	0%	0	0%	0	0%
Hospital Based	1	6%	1	6%	1	6%	1	6%	1	6%
Private	1	6%	1	6%	2	12%	2	12%	2	12%
TOTALS	16	100%	16	100%	17	100%	17	100%	17	100%

Table 19 details the progressive growth in the number of “new and additional” student admissions requested and approved by the Board for admission to its VN and PT Programs statewide.

Table 19. New & Additional Student Admissions

VN Programs	Actual FY 08/09	Actual FY 09/10	Actual FY 10/11	Actual FY 11/12	Actual FY 12/13	Actual FY 13/14
#Students Requested for “New” Programs	264	150	120	30	20	206
#Additional Students Requested for “Existing” Programs	3,885	4,694	7,087	6,290	6,418	7,9805
Total # of <u>New & Additional</u> Student Admissions	4,149	4,844	7,207	6,320	6,438	8,392
% Growth of <u>New & Additional</u> Student Admissions						121%
PT Programs	Actual FY 08/09	Actual FY 09/10	Actual FY 10/11	Actual FY 11/12	Actual FY 12/13	Actual FY 13/14
#Students Requested for “New” Programs	30	30	0	30	15	0
#Additional Students Requested for “Existing” Programs	30	100	225	180	636	180
Total # of <u>New & Additional</u> Student Admissions	60	130	225	240	651	180
% Growth of <u>New & Additional</u> Student Admissions					135%	

D. Provisional Approval

If new or continuing programs fail in their attempts to remain compliant with the VN or PT regulations, the Board has authority to place the programs on provisional approval. Areas of noncompliance include, but are not limited to: inadequate numbers of faculty to supervise students, inadequate numbers and types of clinical facilities to provide adequate clinical experience for students, failure to adhere to the instructional plan approved by the Board, failure to provide the minimum number of approved program hours, failure to include required content in the curriculum, failure to hold classes as scheduled and misrepresentation of information submitted to the Board or to student candidates regarding the program. The most frequent violation identified is failure to meet the minimum pass rate requirement.

Provisional approval may be imposed for a period not to exceed two years unless extended by the Board. Any program on provisional approval must stay within the Board's restrictions regarding admission of students.

When placed on provisional approval, a program receives written notification from the Board detailing specific areas of noncompliance and requirements for correction. The program's success in regaining regulatory compliance will result in reinstatement of full approval. The program's failure to correct deficiencies in a reasonable amount of time set by the Board will result in the loss of provisional approval and removal from the Board's list of approved programs. Loss of approval means that students prepared by the program are not eligible to take the licensure examination.

The ultimate goal of VN and PT programs is the education of eligible students to be successful on the respective licensure examination. Programs that are unable to consistently achieve this goal are not permitted to continue admitting students until improvements are made to the curriculum, teaching methodology, and student instructional process. The programs are held accountable for the standards they set for themselves in their application and for the failure of its students to pass the licensure examination.

E. Role of Bureau for Private Postsecondary Education in Program Approval

The Board works cooperatively with the BPPE in the approval and monitoring of VN and PT programs, and providers of continuing education that are operated in proprietary settings. In general, the BPPE reviews and approves areas of the school involving the physical institution, and areas of finance, including salaries and student tuition. The Board is authorized and approves the program curricula and areas directly related to the presentation and effectiveness of the curriculum and student achievement.

The Board notifies proprietary VN and PT programs seeking approval that approval by the BPPE is also required prior to commencement of the initial class. Additionally, the Board notifies the BPPE of the Board's consideration of the approval of new VN and PT programs, commencement of the initial class, and the date on which program approval will be considered. After each Board meeting, the Board notifies the BPPE of decisions rendered relative to these VN and PT programs and joint visits are coordinated, as needed. Such cooperation and collaboration ensure the protection of the consumer. A Memorandum of Understanding specifies premises and terms of the Board's agreement with the BPPE.

F. International Schools

The Board has no authority to approve international schools.

G. Program & Clinical Facility Surveys

The Board conducts surveys of its stakeholders including VN and PT schools and the clinical facilities used by the schools. The surveys elicit trends in the education and practice of LVNs and PTs. The surveys assist the Board in identification of challenges LVNs and PTs may face in education and practice within the next five years.

- **Program Surveys** - On November 22, 2013, the Board e-mailed surveys to 188 approved and preapproved VN and 17 PT programs based in community colleges, adult schools, and private institutions. Information relative to issues impacting the education and utilization of LVNs and PTs was collected. Numbers of program graduates; Projected applicant and student populations; Utilization of technological innovations in education and clinical practice; Trends in healthcare; Utilization of VNs and PTs in healthcare; Strategies to increase employability of VNs and PTs.
- **Clinical Facility Surveys** - On December 2, 2013, the Board disseminated surveys to 1,500 clinical facilities throughout the state. Information was requested relative to the following areas: Facility utilization of LVNs and PTs in healthcare; Identification of knowledge, skills, and abilities impacting utilization of LVNs and PTs; Problems LVNs and PTs are projected to face in practice within the next five (5) years; and Problems encountered by new graduates of VN and PT programs and their employers.

Employers of new graduates report deficits are most frequently identified in the following areas.

- a. Professional Conduct.
 - b. Critical Thinking.
 - c. Assessment Skills.
 - d. Basic Math and Drug Calculations.
 - e. Documentation.
 - f. Medical Terminology.
 - g. Communication Skills.
 - h. Intravenous Therapy and Blood Withdrawal Certification.
 - i. Knowledge of Hospice and Palliative Care.
 - j. Insufficient Training in Nursing Care.
- **Survey Results** – Responses were received from 87% of the approved and preapproved VN Programs and 25% of the PT Programs that are based in community colleges, adult schools, and private institutions. Respondents reported the following variables have greatly impacted the focus and content of their programs.
 - a. Overall economic decline, closure of businesses, etc. leading to unemployment of workers.
 - b. Increased applicant pool resulting from displaced workers seeking preparation for other employment.

- c. Continued nursing shortage.
- d. Increasing utilization of LVNs and PTs.
- e. Decline in public funding for educational programs, scholarships, grants, etc. resulting in the closure of several programs based in community colleges and adult schools.
- f. Declining academic preparation of applicant for careers in healthcare.
- g. Insufficient numbers of quality instructors.
- h. Decline in client census in acute medical/surgical and psychiatric clinical facilities.
- i. Increased employment of LVNs and PTs in correctional facilities.

Approved programs report that the increasing number of Registered Nursing (RN) and VN Programs has resulted in a loss of available clinical rotations. As a result, programs reported they have been forced to secure clinical rotations up to 100 miles from the school. For some rotations, students are required to stay in hotels for periods of time; however, the majority of their graduates found employment.

Additionally, respondents reported their programs have been deeply impacted by the economy and the closure of clinical facilities. Deep budget cuts forced directors to decrease enrollment. Students are forced to drop out of programs due to the lack of funding and wages. Programs are now seeking additional funding via grants and scholarships. Additionally, all programs report that the increasing number of RN and VN programs has resulted in a loss of available clinical rotations; however, they also reported an increase in available rotations in non-acute and community based care facilities. Increasing clinical utilization of correctional facilities was also reported.

Respondents reported that the majority of their graduates found employment. Graduates report the most frequent problem encountered in employment is a lack of familiarization with the culture of the agency and frequent resistance from established workers.

The Board continues to hold annual Director Forums with educators of VN and PT programs to discuss potential solutions and resources necessary for their implication. The availability of clinical sites continues to be a major topic of discussion. Educators reported that the lack of sufficient quality clinical sites severely hampers programs within public institutions, community colleges, adult schools, regional occupational centers, and hospital based programs. Without such sites, programs lack a critical resource necessary to provide required clinical experience for the enrolled student population. Directors report that numerous schools secure sites by providing financial incentives to clinical facility representatives. Allegedly, such incentives include payment of up to \$300 per student. Some programs have been unable to compete in this arena and have been forced to close. Unfortunately, some of these closed schools are programs with higher program performance statistics. Programs that are forced to seek clinical rotations more than 100 miles from the school result in escalated costs to students for travel, lodging and other related expenses. The Board does not have authority to intervene with financial incentives offered by programs to secure clinical placement or lengthy commutes for students. Programs are advised to factor in the additional time, travel and lodging expenses for clinical rotations in planning instructional calendars and program costs.

H. Other Education Division Activities

1. **Approval of Faculty and Facilities** -- New faculty and clinical facilities must be approved for each program prior to utilization to assure compliance with regulatory requirements. Approximately 200 faculty and facility applications are processed each month.
2. **Expert Witness Training** – The Education Division also provides expert witness training during the Enforcement Division’s workshops to orient and train subject matter experts (SMEs) who review the Board’s cases relative to licensee misconduct.
3. **Legislative Analysis** -- The NECs analyze legislation to determine its policy and fiscal impact to the Board.
4. **New Director Orientation** -- When applications to begin new VN and PT programs are received by the Board, an NEC is assigned to the applicant. The NEC approves the program director. Documents regarding what is required, sample formats and curriculum are sent to the Program Director. An orientation for the new director is conducted. The director is encouraged to bring faculty and administrators to the orientation. In most cases, the orientation is held prior to development of curriculum materials. This process greatly facilitates the program’s regulatory compliance.
5. **Scope of Practice** -- A great deal of NEC time is spent responding to inquiries from consumers, employers, licensees, and other state and national governmental agencies relative to LVN and PT scopes of practice. It is not within the Board’s authority to publish written guidelines related to scope of practice; therefore, each scope of practice question must be responded to individually. The NECs receive scope of practice questions via telephone, regular mail, electronic mail, facsimile, public counter, and through the Board’s webmaster.

The Education Division receives frequent requests to speak to groups to clarify the LVN and/or PT scope of practice. Due to the State’s mission critical travel restrictions, Board staff have not attended these events in recent years. However, conference calls have been held on numerous occasions with groups that have the necessary equipment.

6. **Enforcement Case Reviews** – The NECs are also required to assist with enforcement cases and analyze data pertaining to allegations of unprofessional conduct, incompetence, negligence, or other violations and recommend appropriate disciplinary actions. Their expertise and nursing judgment are critical to the Board’s enforcement process.

A. Enforcement Performance Targets/Expectations

As indicated in Section 2, targets and expectations for the enforcement program were set in 2010 by the Consumer Protection Enforcement Initiative. The CPEI introduced Performance Measures (PM) and set target cycle times for every stage of the enforcement process in an effort to streamline the enforcement process, and reduce backlogs. The Board's enforcement program has consistently met all of the target cycle times, with the exception of PM 4, the formal discipline measure. PM 4 measures the average number of days to complete the entire enforcement process for cases resulting in formal discipline, including intake and investigation by the Board and prosecution by the AG. The total target cycle time from receipt of the complaint to the effective date of the formal disciplinary action is 540 days. The Board's average cycle time for FY 2013/14 was 1,107.

On September 12, 2014, the Board established an Enforcement Task Force to focus on improving its formal case aging timelines. The Task Force members, along with Board staff, are reviewing the entire disciplinary process to identify possible changes that will ensure maximum efficiency and reduce case aging.

B. Statistical Data

All complaints received by the Board that are within its jurisdiction are referred for investigation. The majority of the complaints are investigated by in-house staff analysts who conduct "desk" investigations by gathering data and documents via written communication. Desk investigations do not include field work or interviews. Any investigation that requires field work, interviews, or service of subpoenas is referred to the Board's Investigation Unit or the DCA's Division of Investigation (DOI).

The number of complaints received by the Board continues to rise as shown in Chart A on page 55. The number of complaints received in FY 2013/14 was 5,789, the highest number ever received by the Board. The chart shows the enforcement workload for the past four years (i.e., Fiscal Year 2010/11 through 2013/14). The number of complaints "received" increased by 14% and the number of complaints "pending" decreased by 15%.

With mandatory reporting requirements, required self-disclosure of criminal convictions, increased consumer awareness of the complaint and disciplinary process, and the ability of consumers to file complaints on-line, the Board anticipates that the number of complaints received annually will continue to increase.

CHART A: Enforcement Workload - 2013/14
Fiscal Year 2010/11 through 2013/14

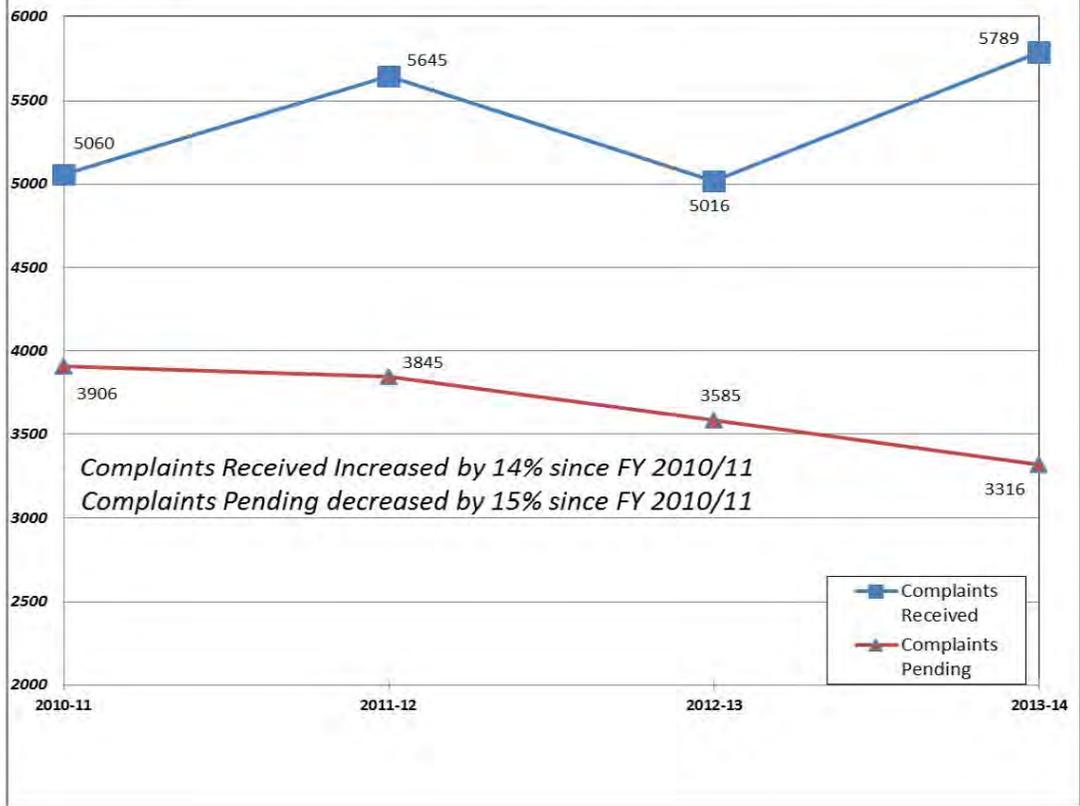


Table 20a. Enforcement Statistics			
	FY 2011/12	FY 2012/13	FY 2013/14
COMPLAINT			
Intake			
Received	5,648	5,024	5,794
Closed	0	0	0
Referred to INV	5,548	5,145	5,776
Average Time to Close	17	16	16
Pending (close of FY)	205	69	76
Source of Complaint			
Public	128	122	110
Licensee/Professional Groups*	0	0	0
Governmental Agencies	100	190	146
Mandatory Reporting	201	222	218
Other	0	2	9
Conviction / Arrest			
CONV Received	5,219	4,488	5,311
CONV Closed	0	0	0
Average Time to Close	18	17	18
CONV Pending (close of FY)	179	65	68
LICENSE DENIAL			
License Applications Denied	81	85	95
SOIs Filed	81	68	50
SOIs Withdrawn	1	3	7
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	555	617	574
ACCUSATION			
Accusations Filed	251	217	237
Accusations Withdrawn	4	2	4
Accusations Dismissed	2	2	4
Accusations Declined	8	9	15
Average Days Accusations	746	803	763
Pending (close of FY)	563	476	574
*Licensee/Professional Groups are captured in Mandatory Reporting data.			

Table 20b. Enforcement Statistics (continued)			
	FY 2011/12	FY 2012/13	FY 2013/14
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	132	215	166
Stipulations	61	98	91
Average Days to Complete	987	1,069	1,107
AG Cases Initiated	412	289	395
AG Cases Pending (close of FY)	623	525	574
Disciplinary Outcomes			
Revocation	82	156	115
Voluntary Surrender	36	48	57
Suspension	0	0	0
Probation with Suspension	3	1	3
Probation	40	63	54
Probationary License Issued	17	21	18
Licenses Denied (Adjudicated)	17	16	16
Other	36	43	27
Total Disciplinary Outcomes	231	348	290
PROBATION			
New Probationers	64	89	86
Probations Successfully Completed	54	38	38
Probationers (close of FY)	208	221	260
Petitions to Revoke Probation	18	13	14
Probations Revoked	18	18	13
Probations Modified	2	0	2
Probations Extended	0	2	3
Probationers Subject to Drug Testing	102	129	132
Drug Tests Ordered	1,915	2,140	3,256
Positive Drug Tests	259	313	260
Petition for Reinstatement Granted	7	15	11
DIVERSION: N/A			

Table 20c. Enforcement Statistics (continued)

	FY 2011/12	FY 2012/13	FY 2013/14
INVESTIGATION			
All Investigations			
First Assigned	5,548	5,145	5,776
Closed	5,260	5,298	6,253
Average days to close	291	249	249
Pending (close of FY)	3,845	3,585	3,316
Desk Investigations			
Closed	5,093	4,953	5,282
Average days to close	230	194	167
Pending (close of FY)	3,189	2,548	2,393
Non-Sworn Investigation			
Closed ^{*3}	53	259	527
Average days to close	384	510	579
Pending (close of FY)	515	977	904
Sworn Investigation			
Closed	114	86	56
Average days to close	666	783	968
Pending (close of FY)	141	60	19
COMPLIANCE ACTION			
ISO & TRO Issued	1	0	0
PC 23 Orders Requested	7	9	5
Other Suspension Orders	0	0	0
Public Letter of Reprimand	1	1	1
Cease & Desist/Warning	1,674	1,534	1,637
Referred for Diversion	n/a	n/a	n/a
Compel Examination	5	0	2
CITATION AND FINE			
Citations Issued	257	199	148
Average Days to Complete	362	364	463
Amount of Fines Assessed	\$128,299	\$117,856	\$102,487
Reduced, Withdrawn, Dismissed	22	19	18
Amount Collected	\$119,030	\$96,737	\$94,163
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	1	7

Table 21. Enforcement Case Aging						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
1 Year	72	88	113	59	332	28%
2 Years	95	137	208	173	613	53%
3 Years	21	29	65	71	186	16%
4 Years	11	6	7	7	31	3%
Over 4 Years	0	0	0	1	1	0%
Total Cases Closed	199	260	393	311	1,163	100%
Investigations (Average %)						
Closed Within:						
90 Days	1,092	1,796	2,307	2,724	7,919	35%
180 Days	1,566	1,335	1,097	1,091	5,089	22%
1 Year	1,522	1,116	942	732	4,312	19%
2 Years	917	683	658	633	2,891	13%
3 Years	347	430	348	411	1,536	7%
Over 3 Years	167	223	220	198	808	4%
Total Cases Closed	5,611	5,583	5,572	5,789	22,555	100%

As shown in Table 21, the Board closes 57% of its investigations in six months and 76% within one year. Seventy-four percent of the cases referred to the AG's office are completed within two years.

Data provided to the Board by the AG's Office illustrates some of the timeframes that are part of the process.

Table 22. AG Case Aging (VN Program)				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Case Received by AG To Pleading Transmitted to Board	116	147	174	126
Receipt of Notice of Defense to Hearing Date Request	48	36	53	56
Pleading Sent to Board to Settlement Sent to Board	320	241	272	297
Hearing Date Requested to Scheduled Date	209	213	221	213

Table 23. AG Case Aging (PT Program)

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Case Received by AG To Pleading Transmitted to Board	139	179	185	141
Receipt of Notice of Defense to Hearing Date Request	56	37	57	55
Pleading Sent to Board to Settlement Sent to Board	307	265	319	304
Hearing Date Requested to Scheduled Date	190	212	208	216

Cases transmitted to the AG’s Office seeking formal discipline of a license averaged 358 per year over the last 4 FYs which is a 49% increase over the previous 4 FYs which averaged 240 cases transmitted per year. Disciplinary outcomes have increased by 64% from 177 in FY 2010/11 to 290 in FY 2013/14.

The number of licensees placed on administrative probation continues to increase. Within the past two years, licensees on probation increased by 16% from 226 in FY 2011/12 to 263 in FY 2013/14. Subsequent discipline was initiated in twenty-nine cases in FY 2013/14. Twenty-eight 28 probationary licenses were either revoked or surrendered during this same time period. In two other cases, the probationary period was extended.

1. Case Prioritization

The Board’s Enforcement Division utilizes DCA’s *Complaint Prioritization Guidelines for Health Care Agencies* (August 2009). As outlined in these Guidelines, cases with potential for imminent harm to the public are the Board’s highest priority.

The Investigations Unit focuses on aged cases as a priority, after the high profile cases and those involving imminent threat to the public’s safety. The Unit also factors in the geographical locations of the cases. Unlike other Boards and Bureaus, this Board does not maintain any regional offices. All Board investigators are located in Sacramento. Since field investigations require statewide travel, staff strategize their field work to maximize efficiency. For instance, an investigator handling a high priority case in San Diego may also have a less complex case in the same area or same facility. If feasible, the investigator will investigate the lower priority case at the same time he/she is investigating the high priority case. This saves the investigator a second trip into the same area. In the end, the investigator works both effectively and efficiently.

2. Mandatory Reporting Requirements

The Board established mandatory reporting requirements in January 2004. Regulations to implement that provision were effective October 11, 2007. The regulations were subsequently amended effective January 1, 2014, which strengthened the reporting requirements.

If a VN or PT has knowledge that another licensee has committed any prohibited act, the VN or PT must report this information to the Board in writing and cooperate with the Board in furnishing information or assistance as may be required. Furthermore, employers (including employment agencies and nursing registries) are required to report to the Board the suspension or termination for cause, or resignation for cause, of any VN or PT in its employ. Employment agencies and nursing registries must also report to the Board the rejection from assignment of a VN or PT by a health facility or home health care provider due to acts that would be cause for suspension or termination. Suspension or termination for cause is defined as:

- (1) Use of controlled substances or alcohol to the extent that it impairs the licensee's ability to safely practice vocational nursing.
- (2) Unlawful sale of a controlled substance or other prescription items.
- (3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.
- (4) Falsification of medical records.
- (5) Gross negligence or incompetence.
- (6) Theft from patients or clients, other employees, or the employer.

The Board received more than 1,200 employer mandatory reporting complaints since the requirements were established in 2007.

3. Workload and Staffing

As illustrated in this report, the Enforcement Division continues to experience a steady increase in its workload. Reduced working hours due to required furloughs from July 2009 through October 2011 contributed to the build-up of the backlogs in the Division.

The last augmentation to Enforcement staffing occurred in FY 2010/11 when the Board received budget approval to hire investigative staff related to the CPEI. Although these positions were new to the Board, they did not alleviate the workload existing within the Division. Investigations that were or would be referred to the DCA's DOI became the direct responsibility of the Board's new investigative staff. The CPEI BCP included 3.5 limited term analysts to assist with investigations. However, due to the hiring freeze effective August 31, 2010, the positions were never filled and subsequently expired on September 30, 2012. No support staff, such as office technicians, was authorized to aid the work of these new field investigators.

Prior to the CPEI, the last permanent staffing increase for the Division was in FY 2009/10. The Board received approval to hire 15.5 staff allocated to the Enforcement and Licensing Divisions to address the increased workload related to retroactive fingerprinting. Of those positions, 9.5 were limited term and expired June 30, 2012. Only 4 of the 6 permanent positions were allocated to the Enforcement Division.

From July 2008 to December 2012 the Enforcement Division utilized the services of two retired annuitants (RA) to assist with the workload. Effective December 31, 2012, the Board was no longer able to employ RAs to assist with intake and other duties in the Enforcement Division.

Since March 2, 2011, the Board has used overtime to address backlogs. Enforcement Division staff volunteered to work overtime hours as shown below:

- 2,720 – FY 11/12 (Equals approximately 1 full-time position)
- 3,595 – FY 12/13 (Equals approximately 1.75 full-time positions)
- 4,264 – FY 13/14 (Equals approximately 2 full-time positions)

As indicated previously, the use of overtime is not a permanent solution to the staffing situation. Additionally, redirecting staff from other Divisions is not feasible because it would contribute to existing backlogs or create new backlogs in those Divisions. Staff would cease working overtime if there was any other way to alleviate their workload.

In spite of these barriers, the Division reduced the total number of pending complaints by 15% since FY 2010/11.

4. Investigations Unit

The Board continues its development of the Investigations Unit within the Enforcement Division. Since its inception on July 1, 2011, the Board drastically reduced the number of cases referred to the DOI. Only those cases that require sworn peace officers are referred to DOI, such as cases involving potential safety issues, complex cases involving multiple licensees, and those requiring a search warrant or potential arrest.

The Board's special investigators (SI) work primarily on complaints that require field investigation. There are nine SI's currently assigned to work cases in the Unit. A total of 927 cases are currently assigned to investigative staff. Each investigator carries a caseload of approximately 103 cases. Investigators travel approximately 30-40% of the time to conduct field work.

Board investigators have completed approximately 839 cases since the inception of the Unit. To date, 188 cases were referred to the Attorney General's Office for filing of an accusation. Of these cases, a total of 29 were fully adjudicated through the administrative process resulting in formal discipline for violations including gross negligence, abuse, drug diversion, fraud, and criminal convictions. Additionally, 25 licensees were issued citations based on the investigators' work. In FY 2011/12, supplemental investigations were conducted by the Board's investigative staff on 19 cases completed by DOI and, in FY 2012/13, 14 cases handled by DOI required additional investigation by Board investigators.

In June 2013, the Investigations Unit successfully investigated and filed a criminal case with a local District Attorney's (DA) office, resulting in the licensee being convicted of felony drug-related charges. In August 2013, a second case was filed with a DA's office, resulting in misdemeanor battery conviction. In January 2014, a third case was filed, resulting in felony drug and forgery charges against the licensee. At least three other cases have been referred to local DA's for possible criminal prosecutions and 16 others have been identified as having the potential for referral.

The Board has reached out to criminal justice agencies to conduct joint investigations and criminal prosecution of licensees. In August 2013, a Board investigator worked with the Los Angeles Police Department on a sexual assault case, resulting in the licensee's conviction. The Board also established a working relationship with the bureau of Medi-Cal Fraud and Elder Abuse. Presently BMFEA's special agents are working with Board investigators on specific cases involving elder/dependent adult abuse. Reaching out to work cooperatively with law enforcement enhances the Board's ability to act swiftly and fairly to protect our consumers.

As noted previously, each SI has a caseload of approximately 103 cases which is less than the caseload they carried of 125 cases or greater prior to FY 2013/14 when multiple vacancies existed in the Unit. The Board is focused on maintaining full staffing levels so that investigative staff can improve completion of timely investigations.

On July 28, 2014, the Board submitted a BCP to increase Enforcement Division staffing by 5 positions. On September 9, 2014, the DCA's Budget Office notified the Board that the BCPs were denied because they did not meet the criteria outlined in Budget Letter (BL) 14-05 which limits BCPs for the 2015/16 Budget to the following circumstances:

5. Improvement Plans

- a. **BCPs** – Additional positions are critical to the Board's ability to address workload, reduce case aging and meet the goals of CPEI. The Division will submit another BCP for additional staff in FY 2015/16. In the interim, the Division will seek the use of temporary staff to perform support functions, allowing the technicians, analysts and investigators to devote their full attention to their caseloads.
- b. **Review of Operations** - With a stable management team in place, a serious, in-depth review of operations is planned. The intent is to identify possible reorganization strategies that will improve the overall performance of the Division. Monthly case review meetings between managers, staff, the AG's Office and DOI will aid in identifying cases that are aging and help develop strategies to address problems.
- c. **Subpoena Authority** - The Director of DCA must delegate authority to serve administrative subpoenas to the Board. In order to obtain this delegated authority, attendance at an Administrative Subpoena Training session is required. In addition to the training, a sample subpoena must be reviewed and approved by the Board's Staff Counsel. The Executive Officer, Assistant Executive Officer and Enforcement Division Chief attended a training session on October 28, 2014. Once this authority is delegated to the Board the Investigations Unit will have an important tool to complete its investigations.

6. Reporting by Prosecuting Agencies/Clerks of the Courts

Pursuant to B&P Code Section 803.5(a), "The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of California... ..or other appropriate allied health Board... ..of any filings against a licensee of that board charging a felony immediately upon obtaining information that the defendant is a licensee of the board..."

In addition, pursuant to B&P Code Section 803.5(b), the clerk of the court in which a licensee is convicted of a crime is required to transmit a certified copy of the record of conviction to the board within 48 hours after the conviction.

The Board does not receive the reports outlined above.

7. Law Enforcement and Court Documents

Certified police and court documents are necessary to substantiate criminal violations committed by licensees and applicants and, if necessary, to support disciplinary proceedings conducted under Government Code Section 11500 et seq. (Administrative Procedure Act).

As far back as 2007, the Los Angeles County Sheriff's Department started charging the Board for copies of documents. At that time, the Board revised its standard request letters and had some success in obtaining reports without having to pay a fee. Most other agencies and the courts provided documents to the Board upon request without charging a fee.

However, beginning in 2012, most law enforcement agencies and courts, began charging the Board for copies and certification of arrest and/or conviction documents. As a result, the Board is incurring additional costs and processing timeframes have increased for cases where documents must be obtained through the use of a fee requisition from an average of 30-60 days to 60-90 days. To aid in the processing of these documents the Board established accounts with the courts in three (3) counties. The Board continues to struggle with paying fees to other county courts and law enforcement agencies that do not have the means to establish a billing system.

8. Unlicensed Activity

The Board investigates complaints alleging unlicensed activity and has authority to issue a citation and fine if the allegation is substantiated. Additionally, the Board can request criminal action for a misdemeanor charge against the individual.

The Board issued 18 citations during the past three FYs for unlicensed activity. Criminal cases regarding unlicensed activity are pending.

C. Citations and Fines

The Board uses cite and fine authority to address violations of the law or regulations that do not warrant formal disciplinary action.

Three classes of citations are used:

Class "A" – The violation is the failure of an employer to report to the Board, as specified in Section 2520.5, the suspension or termination for cause of a licensee. The fine range is up to \$10,000.

Class “B” – Includes minor and/or technical violations that do not require formal disciplinary action to ensure consumer safety. Examples of violations include patient abandonment; falsification of nursing notes; violations committed for personal/financial gain or fraud; minor or technical violations that continue for six months or more. The fine range is no less than \$1,001 and no more than \$2,500.

Class “C” – Issued when 1) the cited person has a history of two or more prior citations of a similar nature; 2) the citation involves a violation that has a substantial risk to the health and safety of another person; 3) the citation involves multiple violations that demonstrate a willful disregard of the law; and 4) the citation involves a violation perpetrated against an elder, disabled or dependent person. The fine may be no more than \$5,000.

The Board has authority to issue fines up to \$5,000 under specific circumstances.

A licensee who fails to comply with an uncontested citation or pay a fine in full cannot renew his or her license. The Board uses the Franchise Tax Board Intercept Program which allows the Board to intercept a tax refund as payment toward an outstanding fine. In addition, a licensee’s failure to comply with a citation’s order of abatement to complete requisite continuing education hours for license renewal is cause for the Board to change an active license status to inactive, thus ceasing all rights to practice until such time that the required continuing education is complete.

Types of Violations that are the Basis for Citation & Fine

As stated above, cite and fine is used for any violation of law or any regulation adopted by the Board and where there is no evidence that revocation or other formal disciplinary action is required to ensure consumer safety.

The 5 most common violations for which citations are issued are as follows:

- 1) Failure to comply with continuing education requirements.
- 2) Criminal convictions.
- 3) Unprofessional conduct.
- 4) Failure to disclose a conviction on an application for licensure or license renewal.
- 5) Failure to respond to Board inquiry regarding criminal history information.

Citation & Fine Appeals

Table 24. Citation Appeals (VN & PT)				
	2010/11	2011/12	2012/13	2013/14
ICR Only	29	16	13	5
Upheld	21	8	7	3
Modified	0	1	2	2
Dismissed	8	7	4	0
Pending	0	0	0	0
ICR to Admin Hearing	2	2	1	0
Upheld	2	1	0	0
Modified	0	0	0	0
Dismissed	0	1	1	0
Pending	0	0	0	0
Admin Hearing Only	32	28	16	13
Upheld	21	18	6	3
Modified	4	5	1	2
Dismissed	7	5	6	1
Pending	0	0	3	7
Total Appeals	63	46	30	18

Average Fine

Table 25a. VN Program			
	FY 2010/11	Quantity	Average Fine Amount
Total Fines Pre-Appeal	\$50,511	53	\$953
Total Fines Post-Appeal	\$37,660	53	\$711
	FY 2011/12		
Total Fines Pre-Appeal	\$30,863	42	\$735
Total Fines Post-Appeal	\$21,360	42	\$509
	FY 2012/13		
Total Fines Pre-Appeal	\$17,152	24	\$715
Total Fines Post-Appeal (7 appeals pending)	\$6,801	14	\$486
	FY 2013/14		
Total Fines Pre-Appeal	\$17,995	21	\$857
Total Fines Post-Appeal (10 appeals pending)	\$7,202	11	\$655

Table 25b. PT Program			
	FY 2010/11	Quantity	Average Fine Amount
Fines Pre-Appeal	\$3,471	10	\$347
Fines Post-Appeal	\$2,926	10	\$293
	FY 2011/12		
Fines Pre-Appeal	\$2,000	5	\$400
Fines Post-Appeal	\$850	5	\$170
	FY 2012/13		
Fines Pre-Appeal	\$3,050	6	\$508
Fines Post-Appeal	\$2,050	6	\$342
	FY 2013/14		
Fines Pre-Appeal	\$550	1	\$550
Fines Post-Appeal (1 appeal pending)	0	1	0

D. Cost Recovery

Pursuant to B&P Code, Section 125.3, all DCA boards have cost recovery authority. All enforcement cases referred to the AG's Office for the filing of an accusation have the "potential" for a cost recovery order. If the case goes to an administrative hearing, cost recovery may be awarded by an ALJ. The Board seeks cost recovery for all of its cases.

The Board's efforts to obtain cost recovery consist of cost certifications for the DOI. These DOI certifications are forwarded to the AG's Office, who also includes their cost certification and requests all costs to be ordered by the ALJ. If the Board is settling a case, the Board tries to include cost recovery in the stipulation. At this time no system is available to document the time the Board's field investigators spend on each case, which would allow internal investigation costs to be assessed. This function is expected to be available once the new BreZe system is operational.

If an ALJ orders cost recovery, it will be ordered in the final Decision. For individual's where the license is revoked but revocation is stayed and placed on probation, the individual is allowed to pay cost recovery in an approved payment plan that has been agreed upon between the individual and the Board's Probation Monitor.

In most cases a payment plan is approved by the Board and payments are scheduled. If payments are not received timely, the Board sends a *Demand for Payment* letter to the individual. If no response/payment is received within 30 days, then a second letter is sent to the individual. If no response/payment is received, then a third, final letter is sent requesting payment and notifying the individual that if no payment is received his/her file is sent to the Franchise Tax Board (FTB) for collection. If no response is received 30 days after this final letter, the current balance due is forwarded to the FTB for collection. At least 3 Demand for Payment letters are required, before the case is accepted by FTB. Once an account is assigned to the FTB, any tax refunds or lottery winnings due to the individual are intercepted and forwarded to the Board.

For individuals that are revoked and owe cost recovery, the language in the Decision may indicate the time required to pay. If payment is not received as required, the Demand for Payment process is initiated. If no response is received, the case is sent to FTB for collection.

The Board has 422 “active” cost recovery cases (VN/PT combined) and 344 “inactive” cost recovery cases (VN/PT combined). Active cases are those where costs are currently due and payable. Inactive cases are those where costs were ordered upon reinstatement of the license.

The following chart indicates how many and how much cost recovery was ordered for revocations, surrenders, and probationers:

Table 26. Cost Recovery Ordered					
	VN	Amount Ordered	PT	Amount Ordered	Total Amount Ordered
Revocations	308	\$1,429,587	87	\$392,317	\$1,821,904
Probations	518	\$1,871,887	167	\$542,319	\$2,414,206
Voluntary Surrenders	160	\$815,505	38	\$150,890	\$966,395

The Board does not seek cost recovery for the following cases:

Statement of Issues – The Board cannot seek cost recovery for applicants, only for licentiates per B&P 125.3.

Citation Appeals – The Board cannot seek cost recovery for citation appeals. If a citation is contested, the individual may request an Informal Conference Review with the Board or an administrative hearing with an ALJ. If a decision is made to either reduce or modify the citation, the individual will be notified and citation fine amount will be due. If payment is not received, then the individual’s license renewal is held until the citation is paid in full. If a citation is withdrawn or dismissed, there is no citation fine amount due.

Default Decisions - The Board cannot order cost recovery for cases which are categorized as “default decisions.” These decisions involve individuals that fail to file a Notice of Defense or fail to appear at his/her scheduled administrative hearing. Only an ALJ can award cost recovery unless a stipulated settlement is reached.

Table 27. Cost Recovery	(Dollars in Thousands)			
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Total Enforcement Expenditures	\$5,272	\$6,743	\$7,038	\$6,589
Potential Cases for Recovery *	92	87	139	134
Cases Recovery Ordered	83	86	131	125
Amount of Cost Recovery Ordered	\$467	\$425	\$485	\$522
Amount Collected	\$157	\$140	\$119	\$126
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.				

E. Franchise Tax Board Interception for Collection of Fines and Cost Recovery

A licensee who fails to pay an uncontested citation and fine cannot renew his or her license until the fine is paid-in-full. The Board uses the Franchise Tax Board (FTB) Intercept Program, which allows the Board to intercept a tax refund as payment toward an outstanding fine.

The Board also uses the FTB Intercept Program if an individual fails to pay ordered cost recovery. FTB establishes an account and intercepts any tax refunds or lottery winnings. The intercepted monies are sent to the Board. When the fine or cost recovery is paid in full, the account is closed.

F. Restitution

The Board has no authority to mandate restitution to consumers. However, a licensee placed on probation must adhere to any terms of criminal probation which may include a requirement to provide restitution.

Section 7

Public Information Policies

A. Internet Use to Keep Public Informed

The Board's internet website has been online since September 1997. The website provides comprehensive information regarding the education, licensure, practice and discipline of its licensees. The public can find information regarding Board Meetings, disciplinary hearings, regulatory hearings, important links, and other information:

On April 22, 2014, the Board requested assistance from the DCA Publications, Design, and Editing Division (PDED) to re-design its web site, brochures and newsletter. Due to the volume of requests that the PDED receives, the Board was placed on a waiting list. The Board anticipates beginning its work with the PDED in December 2014.

The Board has not established a retention schedule for the information it posts on the internet.

1. **Board Meeting Calendar** – The Board establishes an annual meeting calendar during its third Board Meeting of each calendar year. Historically, the third meeting of the year occurred in September. However, beginning in 2015, the meeting will occur in August. The calendar is posted on the internet immediately upon approval by the Board.
2. **Board Meeting Material** - The Board began posting Board Meeting agendas and material in February 2007. Agendas are posted at least 10 days prior to the meeting dates. Board Meeting material is posted within 1-2 days afterwards or as quickly as the material is available. Draft meeting minutes are posted when they are scheduled for Board consideration as part of the meeting material. Final meeting minutes are posted immediately after the Board adopts the minutes.

3. **Board Meeting Webcasts** – The Board began webcasting its Board Meetings in February 2011 and intends to continue to webcast as long as it is feasible.
4. **Brochures** – The Board developed five brochures dealing with patient care rights, the disciplinary and enforcement process, and helpful information for individuals who wish to hire LVNs or PTs in a home care setting.
5. **Online Consumer Information** – An online “License Lookup” system was implemented in April 2001, which enables consumers, employers and licensees to verify the status of an LVN or PT license 24-hours a day, 7 days a week.
6. **Online Business with Consumers & Licensees** – On January 28, 2011, the Board requested to be included in the “interim” DCA Online License Renewal Project that was implemented until the BreZE Information Technology Project is operational. The Board must pay 2% of the credit card payment transactions (\$3-\$4.50 for VN Renewals and \$6-\$9 for PT Renewals) and the licensee must pay a \$1 convenience fee. The credit card payment is strictly limited to license renewals that are paid for online. It cannot be used for any other payments. On December 27, 2011, the Board implemented the Online License Renewal Project.
7. **Online Application & License Information** – Licensure and renewal information, as well as address change requirements are available on the Board’s website. VN and PT application forms and other applicable forms are also available on the website.

Address changes are not accepted via email at this time, as the Board must have a written document bearing the licensee’s signature in order to change the address of record. However, a downloadable address change form is available for licensees and applicants to print and mail to the Board.

8. **Online Testing & Examination Services** – The Board does not offer online testing or examination services for initial licensure due to examination security issues. The Board must positively identify each examination applicant via photo and signature bearing identification, signature and fingerprint verification to ensure that the person taking the examination is, in fact, the applicant to which the license will be issued.

Section 8 Online Practice Issues

The practice of California LVNs and PTs does not occur on the Internet, therefore the Board has no plans to regulate internet business practices.

Section 9 Workforce Development and Job Creation

Economists estimate that the largest source of job growth currently and in the coming years will be in healthcare. By 2020, 4.2 million new healthcare jobs are expected. The U. S. Department of Labor and national workforce experts project a growth in healthcare employment and a shortage in the supply of competently trained nurses. The shortage in nursing is projected due to the population

growth, aging population, and increased aging among today's nurses. Such growth and shortage of available competent nurses is consistent with the critical shortage of nurses currently experienced and projected in California.

Nationally, the Bureau of Labor Statistics projects employment of LVNs to grow 25% between 2012 and 2022, much faster than the average for all occupations. In California, the Employment Development Department projects 22.5% in LVN employment from 2010 through 2020. Nationally, employment of PTs is projected to grow 5% between 2012 and 2022. In California, the Employment Development Department projects 21.3% in PT employment from 2010 through 2020.

Across professions, there is an increased emphasis on primary care and preventive care including care of gerontological clients.

The Board is actively responding to the shortage with its approval of new VN and PT programs. From 2001/2002 to 2011/12, the number of VN programs increased 140.28%; the number of PT programs increased 14.38%. The greatest area of growth is in private programs. In 1985, community colleges comprised 70% of the total number of approved VN and PT programs; private programs comprised the smallest number of programs. A marked change occurred from 2005 to 2014.

Additionally, the Board has received an increased number of proposals seeking approval for commencement of new private VN and PT programs.

Section 10 Current Issues

A. Uniform Standards for Substance Abusing Licensees

As required by Senate Bill 1441 (Chapter 548, Statutes of 2008), by January 1, 2010, the SACC adopted sixteen uniform standards for substance-abusing healing arts licensees. The SACC was comprised of the Executive Officers (EO) of all healing arts boards, the Director of DCA and the State Medical Director of the Department of Drug and Alcohol Programs. The Board's EO was a member of the SACC.

In addition to the development of new regulatory language, the Board's Disciplinary Guidelines needed revision to implement these uniform standards. Proposed regulatory language was presented to the Board at its May 19, 2010 Board Meeting. However, no action was taken by the Board pending the outcome of the SACC's review of standard #4 relative to drug screening requirements. The SACC subcommittee met on August 4, 2010 and March 9, 2011. Public comment was received during these meetings. The subcommittee adopted revisions to Uniform Standard #4 which include a new testing frequency schedule, exceptions, other drug standards, petitions for reinstatement and outcomes. On April 11, 2011, the SACC adopted the Subcommittee's recommendations.

At its May 11, 2012 Board Meeting, the Board approved the proposed regulations and directed staff to submit a rulemaking file to the DCA and Office of Administrative Law (OAL). The regulations were approved effective December 29, 2012 (see Section 1.H.3., page 18).

B. Consumer Protection Enforcement Initiative (CPEI) Regulations

On February 17, 2010, SB1111 was introduced by Senator Negrete Mcleod and sponsored by the DCA to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. However, on April 22, 2010, SB 1111 failed to make it out of the Senate Business, Professions and Economic Development Committee. On April 26, 2010, the DCA reported that CPEI would continue to be the Department's highest priority and believed that many provisions of SB 1111 could be adopted as regulations.

On September 16, 2010, the Board approved proposed regulatory language to implement elements of CPEI and directed staff to prepare a rulemaking file for notice and comment. The Board's CPEI regulations were approved by the OAL effective June 3, 2012 (see Section 2.H.1., page 17).

C. BreEZe

The BreEZe Information Technology Project is the third component of the CPEI. The overall premise of BreEZe is to provide consumer access to uniform licensee information and to track applications. BreEZe development is not necessarily to save time or improve efficiency.

The Board began participation in the BreEZe technology project as early as October 2010 when it assigned four Board employees as Subject Matter Experts (SMEs) to work with the DCA Office of Information Systems (OIS) and its prospective vendors to refine and improve the business requirements for the BreEZe system.

During 2011, several Board employees were asked to participate in various workgroups to establish the data conversion, forms, and report requirements for the VN and PT Programs. These employees were the most knowledgeable in enforcement, licensing, and information technology. Their expertise is missed and they perform double duty and overtime to keep their workload from becoming backlogged and completing BreEZe requirements as well.

During 2012, the Board worked extensively with the DCA to continue to develop the system. Some staff received basic training during that year.

In 2013, the Board continued to assist in the development, configuration and design of the BreEZe system to meet the Board's business requirements and processes. The Board was designated part of the Release 2 (R2) group. The BreEze "kickoff" for R2 participants was held on December 2, 2013.

Prior to the R2 kickoff, the Board assigned 3 staff members as SMEs to assist with system configuration, design and data conversion. However, due to the work demands of the project, the Board assigned 2 additional staff members to be SMEs for the project. In addition, the Assistant Executive Officer was designated the Board's Single Point of Contact (SPOC).

In June 2014, the Board completed Part 1 of the project which focused on system configuration. On June 24, 2014, a kickoff meeting was held to begin Part 2. This second phase includes design development of online activities, workflow, security and interfaces. During July and August 2014, the Board completed an intense period of design development that included numerous meetings

scheduled back to back and multiple meetings held simultaneously. Many of those meetings lasted entire days and few were less than 4-6 hours each. From June 2014 through August 2014 alone, the Executive Officer, Assistant Executive Officer, and 5 Board SMEs attended approximately 50 BreEZe meetings collectively.

It is estimated that the Board's SMEs have spent, on average, over 780 hours each working on this project since the R2 kickoff in December 2013. Those hours do not include the time spent by the Executive Staff on the project. During July and August 2014, the Board assigned 12 additional staff members to its BreEZe team to assist with data validation, testing and reports.

The Board received approval to hire 5 Retired Annuitants (RAs) to assist staff who are designated SMEs for BreEZe development and implementation. All BreEZe RA positions were initially scheduled to expire on December 31, 2014. However, the expiration date was extended to June 30, 2015. The Board plans to request more staff as the workload burdens of BreEZe continue to expand.

On October 17, 2014, the Board completed its formal review of Part 2 reports. Comments were submitted to the vendor on October 20, 2014. On October 28, 2014, R2 Executive Officers were informed that the vendor received 4,400 comments and had postponed the final review and sign off to November 19, 2014. Another review of the documentation was required after the vendor's response was received. The Board completed its review and signed off on Part 2 of the project on November 21, 2014.

Training for User Acceptance Testing (UAT) was scheduled to begin on November 7, 2014. However, due to the delay in the review and sign off of Part 2 documents, UAT is postponed to January 2015.

On November 20, 2014, the DCA Director held a meeting with Board Presidents, Executive Officers, and Bureau Chiefs to announce that all contract negotiations with the BreEZe vendor, Accenture, were complete and that DCA severed its contractual relationship with Accenture for the Release 3 (R3) boards/bureaus. It is not known at this time how R3 boards/bureaus will convert to BreEZe or who the vendor will be. The DCA may use its own Office of Information Systems to complete the project. The Director also indicated that project costs are expected to continue to increase and expressed concern about the impact this will have to fund conditions. Additional information about costs will be available in January 2015.

The "go live" date to convert to BreEZe for Release 2 boards/bureaus is now anticipated to occur at the end of 2015.

Section 11 Board Action and Response to Prior Sunset Issues

During the Board's last sunset review hearings in FY 2010/11, the Joint Committee provided recommendations and comments on 21 issues.

1. Is there a need to clarify the use of the term "accreditation" when referring to the Board's approval of programs?

Senate Consultant Staff Recommendation: *The BVNPT should clarify its role in the oversight of VN and PT programs by applying the term "approve" or "approval" rather than "accredit" or "accreditation."*

BVNPT Response: There were concerns that students may not understand the difference between accreditation in the traditional, educational sense of the word and application of the term to the Board's approved/accredited programs. SB 539 (Price), Chapter 338, Statutes of 2011 authorized the Board to change its terminology to indicate that the Board "approves" rather than "accredits" VN and PT Programs. The Board's regulations to implement this provision were effective October 1, 2013.

2. Are there ways in which the Board could improve and streamline its approval process for VN and PT programs, facilitating the approval of additional qualified programs?

Senate Consultant Staff Recommendation: *The BVNPT should explore any opportunity to streamline the current program approval process to decrease the amount of time it takes for program approval. The BVNPT should also consider providing training to its staff and NECs involved in program approval to ensure that new rules and regulations are applied consistently to these programs. The BVNPT should enter into a formal MOU with the BPPE to maintain important student protections while potentially bringing about swifter program approval.*

BVNPT Response: The Board implemented numerous procedures to streamline the approval process for VN & PT Programs. Examples include: the development and use of a Program Record Survey document and the handling of faculty and clinical facility approvals by non-nurse employees. Effective January 1, 2012, the Board obtained statutory authority to have the option of using the Program Record Survey document in lieu of a physical site visit for new programs. Additionally, the Board developed a detailed orientation for all new program directors to inform them of regulatory requirements for all programs and the Board's expectations for all program directors.

In regards to the formal Memorandum of Understanding (MOU) with the Bureau of Private Postsecondary Education (BPPE), the Board and BPPE staff met to re-establish the terms of a new MOU. The prior agreement expired with the demise of the previous Bureau. The Board maintains a dialogue with BPPE staff whenever a duplication of efforts is identified.

3. Should Nursing Education Consultants be granted differential pay so that the Board will be able to recruit and retain an appropriate staffing level of NECs to approve schools?

Senate Consultant Staff Recommendation: *The BVNPT should be granted a pay differential for NECs in order to recruit and retain NECs necessary for school program approval.*

BVNPT Response: The Board strongly concurs with this recommendation. Without additional NEC staff, the Board's ability to efficiently handle the NEC workload is severely limited. Despite numerous staff and Board Member efforts, this was rejected as a bargaining issue.

4. Will California continue to experience a critical shortage of VNs and PTs, and what can the Board do to address these shortages?

Senate Consultant Staff Recommendation: *The BVNPT should continue its efforts to increase the number of VN and PT graduates by not only improving on its approval process for nursing programs, but also by working with schools, colleges and universities to promote, create or expand programs; provide for more timely matriculation for students; and, by finding ways to increase access to VN and PT programs, especially for socio-economically disadvantaged students.*

BVNPT Response: The Board records confirm that the number of students approved for new programs as well as existing programs increased by 121% or almost 4,190 students between FY 07/08 and FY 13/14 for VN Programs. PTs increased by 135% between FY 07/08 and FY 12/13.

For Licensed Practical/Vocational Nurses, an increased need of 21% is expected through 2018. The 2010/11 Occupational Outlook Handbook states a deficit of 155,600 LVNs is expected in nursing care facilities; a deficit of 31,500 is anticipated in doctors' offices; and a deficit of 20,600 LVNs is anticipated in home health agencies. Similar deficits are identified in the need for psychiatric technicians and other mental health care technicians. The PTs' projected growth is 21.3%

5. It is unclear how well the Board's scholarship and loan repayment program, which is managed by the OSHPD, is functioning and if it is being fully utilized, and whether the funding should be increased based on the number of potential applicants.

Senate Consultant Staff Recommendation: *It is not clear what commitment will be made to scholarship programs for vocational nursing students in the future. Although it does appear that there will be more dollars available for repayment of loan programs, especially for those students who commit to serve in medically underserved areas. The BVNPT should consider increasing the amount of licensing fee committed to its scholarship program by \$5 to at least increase the availability of funds for those students wishing to attend VN programs. Prior to any increase, however, the BVNPT should report to the Legislature on how the moneys are being expended by OSHPD. Since these are licensing fees they must be expended only for those purposes which would further the nursing profession and not be diverted for other purposes.*

BVNPT Response: The Board did not recommend an increase to the \$5 scholarship fee in 2010 nor did the Office of Statewide Health Planning & Development (OSHPD). OSHPD had not used all of the funds available in the Vocational Nursing Education Fund (VNEF). Per Samantha Lewis, the OSHPD Budget Analyst, the balance in the VNEF for FY 2010/11 was about \$654,000 and OSHPD planned to implement new disbursement policies in the upcoming year. All of the fees collected for the VNEF can only be used for this purpose. None of the money reverts back to the General Fund.

The Board now recommends an increase to the \$5 scholarship fee now due to an increase in students.

6. Should the Board conduct a report on the availability of clinical rotations for its VN and PT programs?

Senate Consultant Staff Recommendation: *The BVNPT is encouraged to complete the report in 2011, or at a later date when resources become available. As part of the report, the BVNPT should explore ways to address the need and sustainability of clinical rotations, including requiring VN and PT programs to secure these clinical rotations for their students. The BVNPT should submit this report to the Legislature and make it available on the BVNPT's Website.*

BVNPT Response: The Board will complete the report when sufficient NEC resources become available to handle this project. The lack of NECs created a workload backlog which is being addressed by current NECs. Clinical rotation availability continues to be an issue. The issue has changed due to proprietary programs purchasing clinical space.

7. Should the Board increase the random continuing education (CE) audits it performs per year on VNs and PTs and should the Board seek clarification on whether it has existing authority to audit CE provider?

Senate Consultant Staff Recommendation: *The BVNPT should submit a Budget Change Proposal to obtain staff dedicated to conducting increased audits of VNs and PTs and begin the audits of CE providers. The BVNPT should only be required to increase audits of VNs, PTs and CE providers if it receives sufficient staffing to conduct such audits. Additionally, the BVNPT should seek legal clarification on whether it has the statutory authority to conduct random audits of CE providers. If there is, then the BVNPT should adopt regulations requiring random audits of CE providers.*

BVNPT Response: At present, the Board has sufficient funds to sustain the VN and PT Programs. However the PT Program is facing a budget deficit by FY 2017/18. The submission of a BCP to increase the number of CE audits and to conduct CE Provider audits would require statutory authority to raise the statutory fee ranges for both the VN and PT Programs. The programs are at the statutory fee maximums. The Board was unable to obtain a statutory fee increase and is now pursuing a merger of the VN and PT funds.

8. Will the Board be able to meet its goal of reducing the average disciplinary case time frame from over 2.5 years to 12-18 months?

Senate Consultant Staff Recommendation: *It does not appear that the BVNPT will be able to meet its goal of reducing the timeframe for handling its disciplinary cases for some time. Lack of adequate staffing, reliance on the DOI and delays at the AG's Office in prosecuting cases and OAH in hearing cases, and the inability to obtain necessary records, all contribute to the current average of over 2 ½ years to complete a disciplinary action. Without additional staff, the investigation and prosecution of BVNPT disciplinary cases and the overall administration of its other programs, including licensing of nurses in an expeditious manner, will be in jeopardy. Backlogs of licensing applications and disciplinary cases will increase and any action on the part of the BVNPT against a VN or PT, who has either violated the PT law or the Vocational Nurse Practice Act, will be severely delayed. The Committee should also give consideration to auditing both DOI and the Licensing Section of the AG's Office to determine whether improvements could be made to the investigation and prosecution of BVNPT's disciplinary cases and coordination between all three agencies.*

BVNPT Response: The Board concurs with the Senate Consultant Staff that it will not be able to meet its goal of reducing the timeframe of handling its disciplinary cases without adequate staff and concurrent processing improvements by the DCA Division of Investigation (DOI), Attorney General's (AG) Office and the Office of Administrative Hearings (OAH). The Board also concurs that an audit of the DCA DOI and the AG's Office should be considered. Case aging continues to be a problem with the same issues as above.

9. Is there a need to require employers to report VNs and PTs who resign from their employment in lieu of suspension or termination for cause?

Senate Consultant Staff Recommendation: *As recommended by the BVNPT, employers should be required to also report resignations in lieu of suspension or termination for cause of VNs and PTs. Additionally, there is a need to clarify that employers for purposes of reporting includes employment agencies and nursing registries.*

BVNPT Response: Effective January 1, 2012, SB 539 (Price), Chapter 338, Statutes of 2011 expanded reporting requirements for employers to include reporting resignations in lieu of suspension or termination for cause and clarified reporting requirements to include employment agencies and nursing registries. The Board submitted a regulatory proposal to implement the provision which was approved effective January 1, 2014.

10. The Board should indicate to the Committee how it will implement the "Uniform Substance Abuse Standards" for those VNs and PTs on probation for substance abuse issues.

Senate Consultant Staff Recommendation: *The BVNPT should indicate to the Committee how the Uniform Standards are being implemented and if all Uniform Standards are being followed, and if not, why not; give a definite timeframe when disciplinary guidelines will be amended to include SB 1441 standards. Additionally, the BVNPT should explain to the Committee whether current terms and conditions of probation will include certain aspects of SB 1441 including*

the requirement that a VN or PT undergo a clinical diagnostic evaluation; the practice restrictions that apply while undergoing a diagnostic evaluation; the requirement to provide the names and contacts of employers or supervisors for participants who continue to work; the frequency of drug testing; that collection of specimens shall be observed; that certain requirements exist for facilitators; what constitutes major or minor violations; and the consequences for major or minor violations.

BVNPT Response: The Board implemented the Uniform Standards effective December 29, 2012.

11. The Board must go through a cumbersome process to suspend the license of a VN or PT who may pose an immediate threat to patients or who have committed a serious crime and may even be incarcerated.

Senate Consultant Staff Recommendation: *Extend the time constraints placed on the AG to file an accusation thus allowing the AG to utilize the ISO process without having to have their accusation prepared within a very limited time frame (15 days). Pursuant to Section 494 of the B&P Code, the BVNPT does not have to always rely on an ALJ to conduct the ISO hearing, the BVNPT also has authority to conduct the hearing and could do so more expeditiously where serious circumstances exist regarding the suspension of the nurse's license. Provide for automatic suspension of a VN or PT license if the VN or PT is incarcerated and mandatory revocation of their license if they are found to be convicted of acts of sexual exploitation of a patient or if they must register as a sex offender.*

BVNPT Response: Effective June 3, 2012, the Board implemented regulations which delegate to the Board's Executive Officer the authority to approve settlement agreements for the revocation, surrender, or interim suspension of a license. They require an applicant for a VN or PT license to undergo an evaluation and/or examination if it appears the applicant may be unable to practice due to mental and/or physical illness. The regulations specify the disciplinary action to be taken against a person who is required to register as a sex offender and specifies when the provision does not apply. Additionally, these regulations specify additional acts that constitute unprofessional conduct as follows:

- 1) In a civil settlement agreement, including or permitting to be included provisions prohibiting a party in the dispute from contacting, cooperating with, or filing a complaint with the Board, or requiring another party to the dispute to attempt to withdraw any complaint filed with the Board;
- 2) Failure to provide to the Board lawfully requested documents under the licensee's control, within the specified timeframe;
- 3) Failure to cooperate and participate in any Board investigation, as long as such action does not infringe upon the licensee's constitutional or statutory privileges;
- 4) Failure of a licensee to notify the Board within the specified timeframe of felony charges or indictment, arrest, conviction, or disciplinary action by another licensing entity;
- 5) Failure to comply with a court ordered subpoena to release records.

12. The Board, along with other health boards, have to rely upon an outdated, limited and cumbersome tracking system called the “Consumer Affairs System” (CAS) that is managed by DCA.

Senate Consultant Staff Recommendation: *With the recent concerns raised by the State Auditor regarding a case management system for California’s courts, called the “California Court Case Management System,” or CCMS, and its cost overruns and questions about the quality of the system, the DCA should be closely monitored in its efforts to implement an integrated licensing and case management system that could have significant impact on its 40 boards and bureaus. The DCA and the boards and bureaus together manage more than 2.5 million licenses, certificates and approvals in more than 100 businesses and 200 professional categories. The failure of such a new program for DCA could have vast impact on professional licensing and consumer enforcement efforts throughout the state and for those trying to enter the state to practice. There is no doubt that a new system is needed. The DCA over several years has made other attempts to implement a new computer system, but for varying reasons have not been able to move forward. An interim system solely for the purpose of processing online credit card payments in order to facilitate the renewal process would greatly alleviate the burden on the understaffed Board. The BVNPT should continue in its role to work collaboratively with the DCA’s Office of Information Services project staff, as well as with any vendor, to assist in creating an efficient and user-friendly integrated computer system.*

BVNPT Response: The Board utilizes DCA’s Enforcement Tracking System to monitor the progress of its enforcement cases. That system presents a major challenge. The increased complexity and volume of complaints have rendered the current system ineffective to track and monitor cases. Replacement of this antiquated system is critical to maximize efficiency and reduce case aging.

Further, the DCA Division of Investigation (DOI) and the Attorney General’s Office utilize a different tracking system. Their system does not interact with DCA’s Enforcement Tracking System. Consequently, it is even more difficult to monitor cases that have been transmitted to these agencies. The Board is forced to use internal spreadsheets and other measures to assist in tracking case progression.

As indicated in Section 10, page 74, the Board is participating in the development of BreEZe, DCA’s new integrated information system. The Board will continue to collaborate with DCA to assist in creating an efficient and user-friendly integrated computer system.

13. Is there a need for a new occupational analysis for the California Psychiatric Technician Licensure Examination?

Senate Consultant Staff Recommendation: *The BVNPT should request OPES to conduct the occupational analysis of PTLE in 2012, and ensure that examinations that are developed are legally defensible and psychometrically sound. The BVNPT should start thinking about its goals for this occupational analysis to ensure that the PT examinations developed meet current trends and standards of PT practice.*

BVNPT Response: The Board commenced a new Occupational Analysis of PT practice during 2012. The Analysis and validation of the PT licensure examination is scheduled for presentation to the Board Members in February 2015.

14. Is there a need to continue to improve the licensing backlogs at the Board?

Senate Consultant Staff Recommendation: *The BVNPT should submit a Budget Change Proposal to obtain staff dedicated to processing licensing examinations.*

BVNPT Response: The BVNPT submitted a dedicated BCP to obtain additional licensing staff in FY 2010/11. The BCP was approved and allows the BVNPT to hire four (4) additional employees to assist with the licensing workload. Unfortunately, the positions could not be filled until a Freeze exemption request was approved in November 2011. The Board continued to experience a very high vacancy rate during FYs 2011/12 and 2012/13 resulting in continued backlogs. However, the backlog in the Licensing Division was fully eliminated in March 2014. The Board has not experienced a licensing backlog since then.

15. Should VN and PT applicants who initially passed the licensure examinations, but failed to obtain a license within four years, be required to re-take the VN or PT licensure examinations?

Senate Consultant Staff Recommendation: *The BVNPT should explain to the Committee why an applicant who has initially passed the VN or PT examination, must once again retake the examination because of a lapse of time (four years) prior to issuing a license.*

BVNPT Response: The Board currently lacks the authority to require re-examination of VN and PT applicants who pass the licensing examination but are denied licensure by the BVNPT and must reapply. Individuals whose applications or licenses are denied by the BVNPT have the right to reapply for licensure after one year from the Board's denial. In many cases, several years may elapse before an applicant reapplies for licensure and demonstrates that s/he is sufficiently rehabilitated from the crime(s) or act(s) that was the basis for denial. When full rehabilitation is eventually demonstrated by the applicant, the Board must still ensure that the applicant possesses *current* knowledge, skills, and abilities for safe and competent practice prior to issuing the license. In those cases where several years have elapsed since the applicant passed the examination, the Board cannot be sure that the applicant, upon licensure, can practice safely unless the applicant retakes and passes the licensing examination. This issue has not changed since the Board's last Sunset Review.

16. Are there other improvements the Board can make to enhance their internet capabilities?

Senate Consultant Staff Recommendation: *The BVNPT should continue to explore ways to enhance its Internet Services to licensees and members of the public, including posting meeting materials, board policies, and legislative reports on the Internet and webcasting BVNPT meetings. The BVNPT should explore the viability of an interim system solely for the purpose of processing online credit card payments in order to facilitate the renewal process would greatly alleviate the burden on the understaffed Board.*

BVNPT Response: The Board implemented the Online License Renewals effective December 27, 2011. In addition, it began webcasting its regular board meetings in February 2011.

17. Should the Board computerize their annual school program and clinical facility surveys in order to receive greater number of responses?

Senate Consultant Staff Recommendation: *The BVNPT should attempt to provide its surveys online so that potential students, employers and other interested parties can access this information. The BVNPT should also consider expanding these surveys to provide important information about the status of VN and PT programs, including graduation rates and potential employability.*

BVNPT Response: The Board will implement this recommendation when sufficient Nursing Education Consultant resources become available to handle this project.

18. Is the Board adequately funded to cover its administrative, licensing and enforcement costs and to make

Senate Consultant Staff Recommendation: *The BVNPT should explain to the Committee whether its current fund condition will sustain the functions of the BVNPT, especially the Enforcement Program, and whether fee increases would be necessary if the hiring freeze is lifted.*

BVNPT Response: The Board needs statutory authority to raise the maximum fee amounts for its five main revenue categories. The Board was unable to obtain a statutory fee increase and is now pursuing a merger of the VN and PT funds to ensure that sufficient funds are available to pursue implementation of any expanded functions.

19. The Board is still suffering from backlogs in critical program areas and is still having difficulty shortening its time frame for pursuing disciplinary action against licensees because of the lack of staffing and the inability to hire for any new positions, even though additional staffing has been granted to the Board and it appears to have sufficient funding to cover any additional staffing needs.

Senate Consultant Staff Recommendation: *The BVNPT should express to the Committee its frustration in being unable to meet the staffing needs of its various critical programs, especially that of its enforcement program, and the impact that it will have on its ability to address the problems identified by this Committee, especially as it concerns its goal to reduce the timeframe for the investigation and prosecution of disciplinary cases.*

BVNPT Response: The Board is very frustrated with its inability to hire sufficient staff to ensure that enforcement complaints are handled quickly and that consumer protection is maintained.

Without sufficient staff and an efficient Automated Tracking System, the Board will not be able to achieve the targeted goal of the Consumer Protection Enforcement Initiative to reduce case processing times to 12-18 months total. During the Senate Committee hearings in 2009, it was found that all of the DCA healing arts boards were taking over 3 years to take disciplinary action.

20. A Consumer Satisfaction Survey performed by the BVNPT in 2009/20110 indicated that 90% were satisfied with the Board's performance.

Senate Consultant Staff Recommendation: *With other health boards only averaging around a 50% satisfaction rate the BVNPT should explain to the Committee how they have been able to achieve a 90% satisfaction rate from those consumers who have filed complaints against VNs and PTs.*

BVNPT Response: The Board routinely distributes a "general" Customer Service Survey to its licensees, applicants and the public at its Public Counter and at all Board Meetings. Survey respondents have the opportunity to rate the Board in the following areas: Board/Committee Meetings; Interaction with Board Staff; Consumer Education & Outreach; Examination & Licensing; Enforcement; School Accreditation & Scope of Practice; and Overall Satisfaction with the Board. In FY 2013/14, 90% of the survey respondents were either very satisfied or satisfied with the Board's performance. A total of 259 surveys were received that FY.

21. Should the licensing and regulation of VN and PT professionals be continued and be regulated by the current board membership?

Senate Consultant Staff Recommendation: *Recommend that the VN and PT professions should continue to be regulated by the current BVNPT members in order to protect the interests of consumers and be reviewed once again in four years.*

BVNPT Response: The BVNPT strongly concurs with this recommendation.

Section 12 New Issues

The Board recommends that the Senate Committee author legislation to implement the following:

- A. **Sunset Review** – The Board recommends amending B&P Code, Sections 2841 and 2847 (VN) and Sections 4501 and 4503 (PT) to provide for the Board’s continued regulation of LVNs and PTs; and to protect the public’s health, safety and welfare.
- B. **Statutory Merger of the VN & PT Programs’ Funds** – The Board recommends amending Article 6 of the VN Practice Act and Article 6 of the PT Law to merge the VN & PT Programs’ funds. According to the DCA Budget Office, the PT Program is facing a fund deficit in FY 2017/18.
- C. **Statutory Authority to Charge Fees for VN and PT Program Applications** – The Board recommends amending Article 6 of the VN Practice Act, and Article 6 of the PT Law to require institutions of higher education or a private postsecondary school approved by the Board to remit payment of fees for the following:
 - 1) Initial approval of a VN or PT program.
 - 2) Continuing approval of a VN or PT program.
 - 3) Processing substantive change to an approval of a VN or PT program.
- D. **Statutory Authority to Issue Citation and Fines to VN and PT Programs** – The Board recommends amending Article 6 of the VN Practice Act and Article 6 of the PT Law to authorize the Board to issue citations and fines to VN and PT programs who fail to maintain compliance with the requirements specified in statutes and regulations.
- E. **Statutory Authority to Delegate Adoption of Default Decisions to Executive Officer** - The Board recommends amending Article 6 of the VN Practice Act and Article 6 of the PT Law to authorize the Board to delegate adoption of default decisions to the Executive Officer.

Section 13 Attachments

- A. Enforcement Performance Measures Reports.
- B. Results of Customer Satisfaction Surveys & Comments Received.
- C. NCLEX/PN Testing Centers (California).
- D. PTLE Testing Centers (California).
- E. Year-end organization charts for last four fiscal years.
- F. Board’s Administrative Manual (attached separately).

Enforcement Performance Measures Reports

Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Annual Report (2010 – 2011 Fiscal Year)

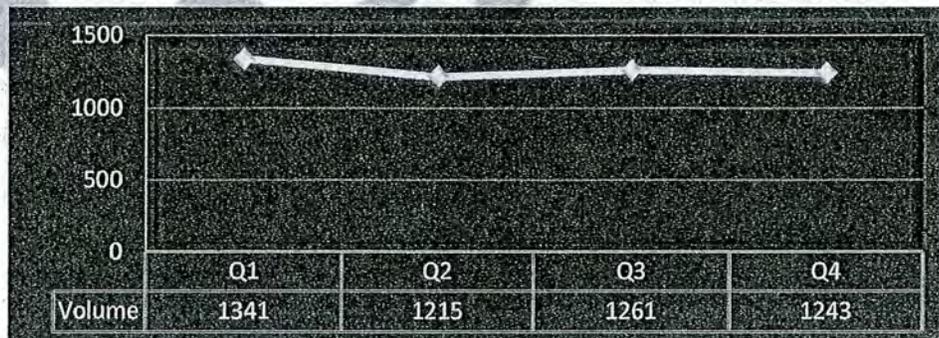
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the first four quarters worth of data.

Volume

Number of complaints and convictions received.

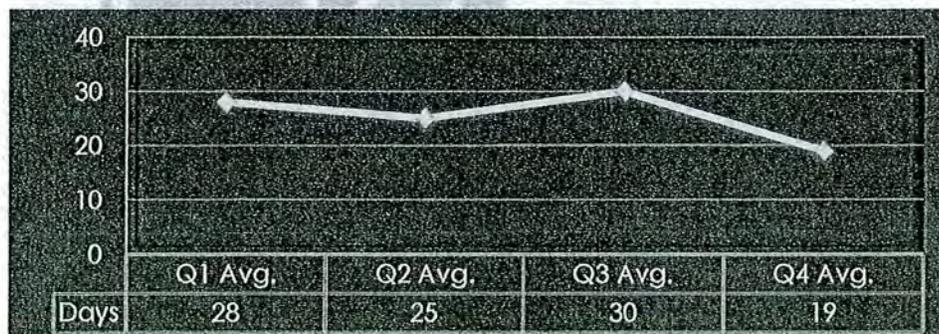
The Board had an annual total of 5,060 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

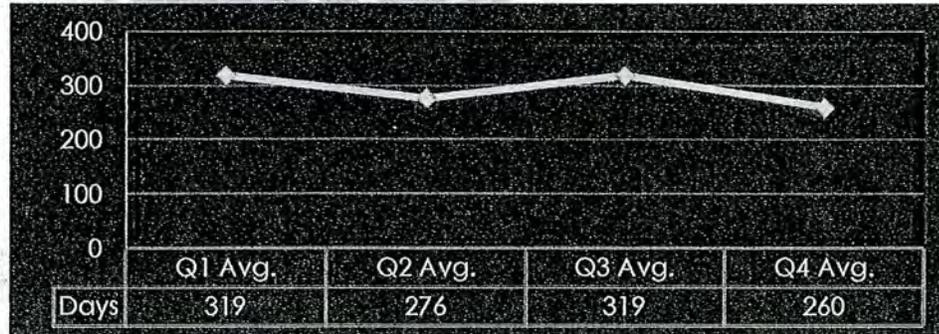
The Board has set a target of 30 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

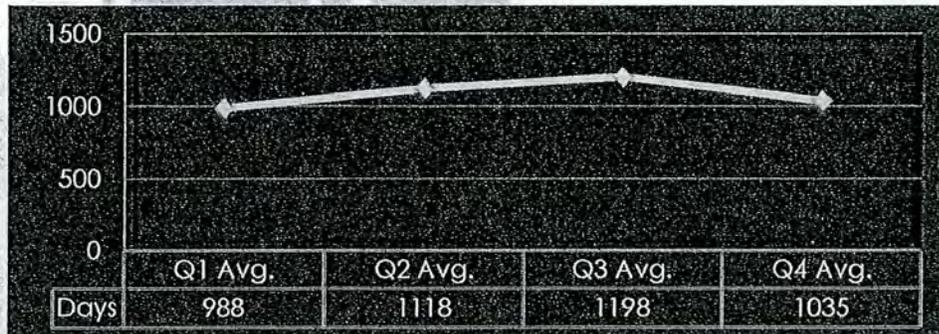
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

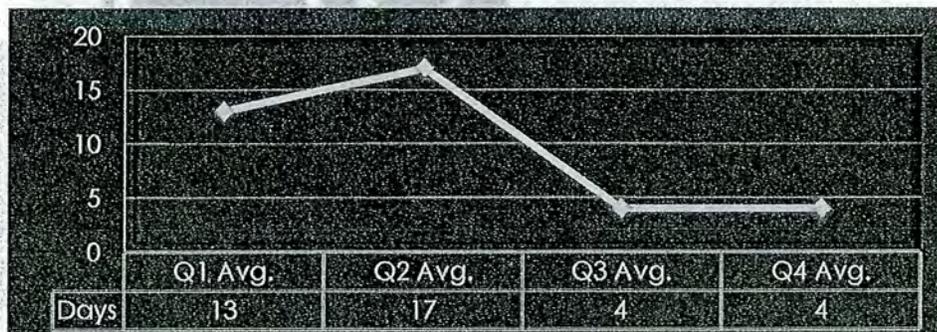
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

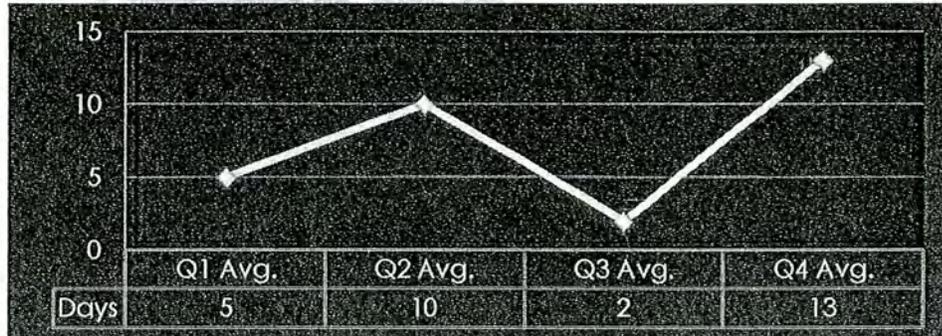
The Board has set a target of 15 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 30 days for this measure.



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q1 Report (July - Sept 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

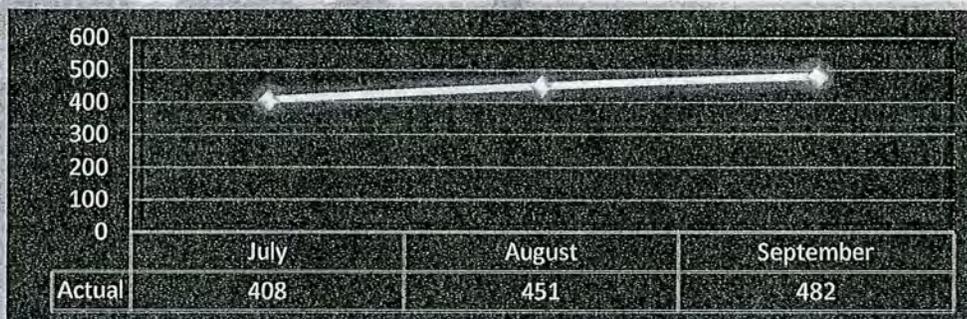
These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.*

Q1 Total: 1,341 (179 complaints, 1,162 convictions)

Q1 Average: 447

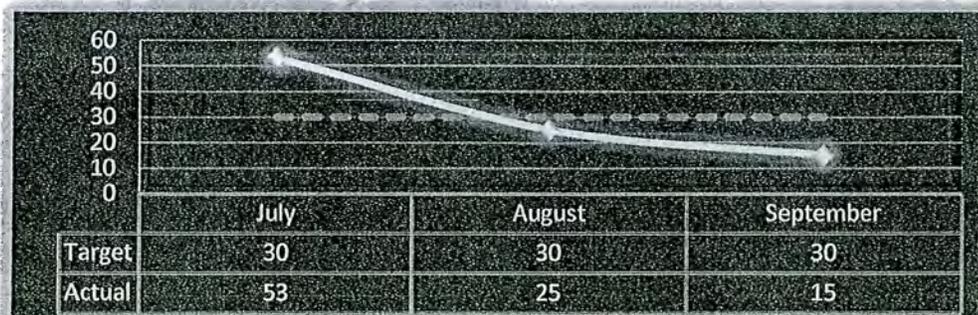


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q1 Average: 28 Days



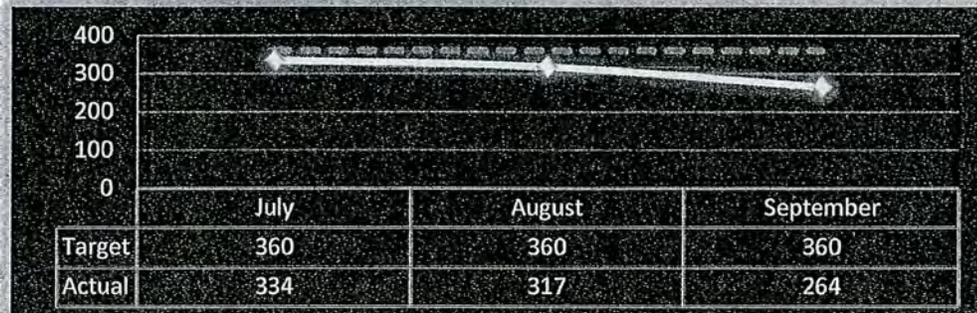
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 306 Days

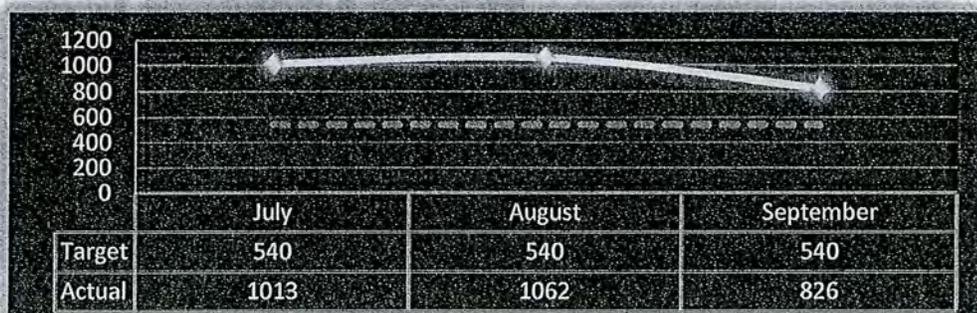


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q1 Average: 988 Days

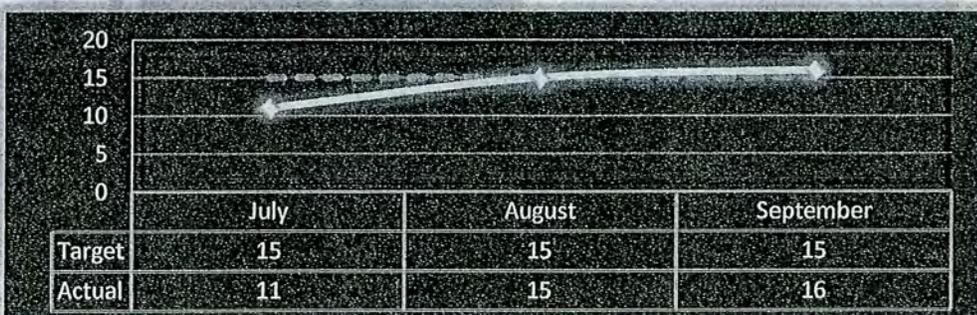


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q1 Average: 13 Days

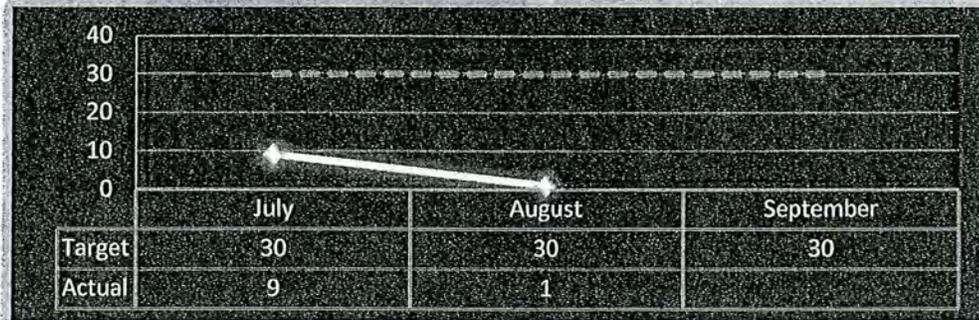


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q1 Average: 5 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q2 Report (October - December 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

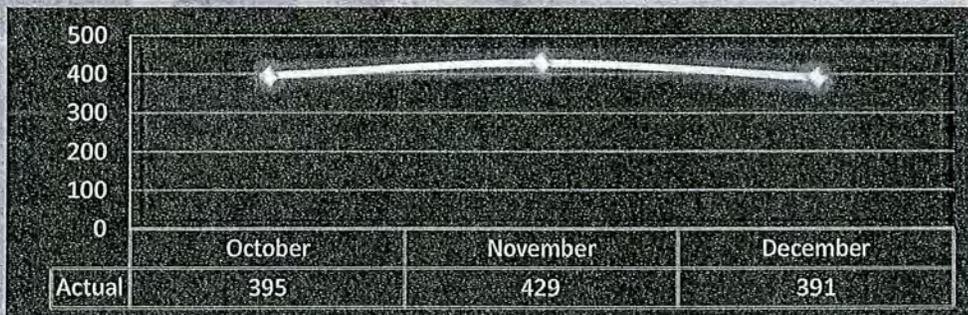
These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.*

Q2 Total: 1,215 (174 complaints, 1,044 convictions)

Q2 Average: 405

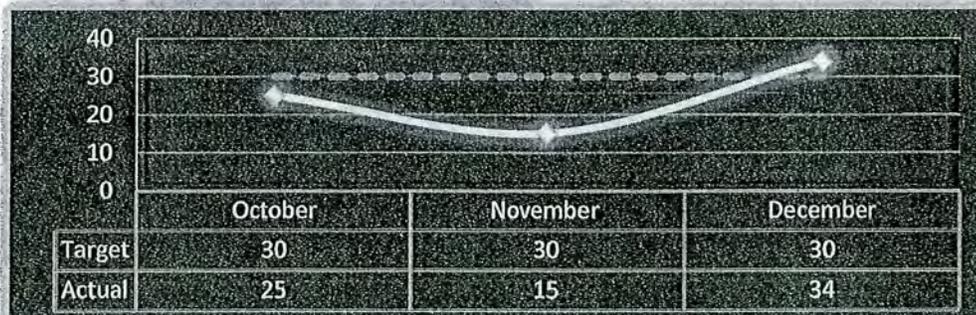


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q2 Average: 25 Days



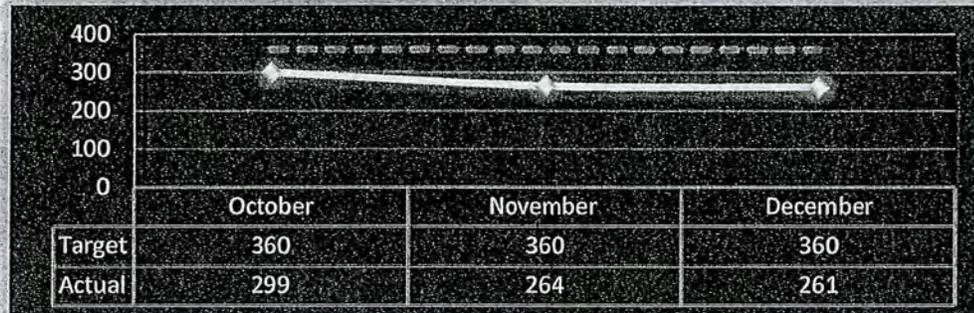
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 276 Days

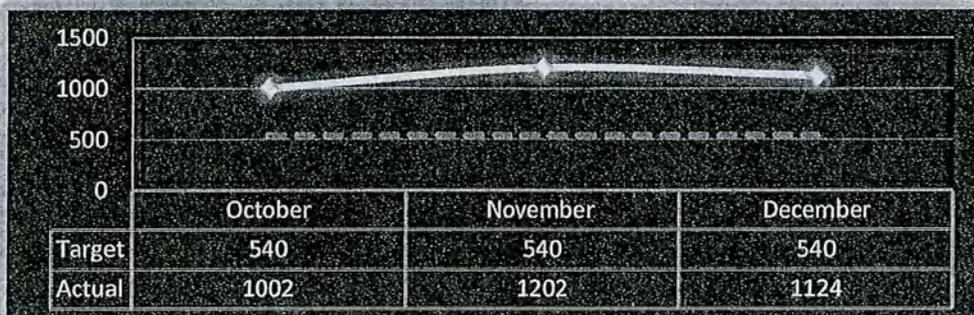


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q2 Average: 1118 Days

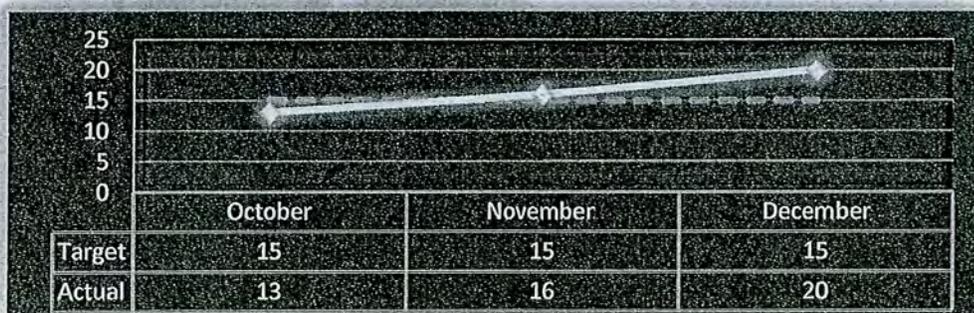


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q2 Average: 17 Days

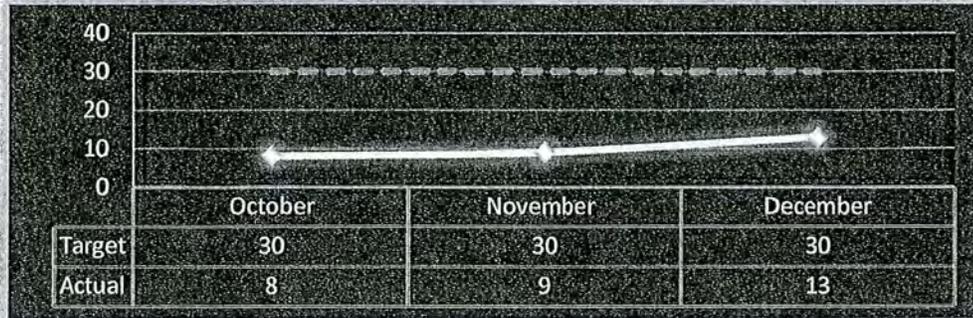


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q2 Average: 10 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q3 Report (January - March 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

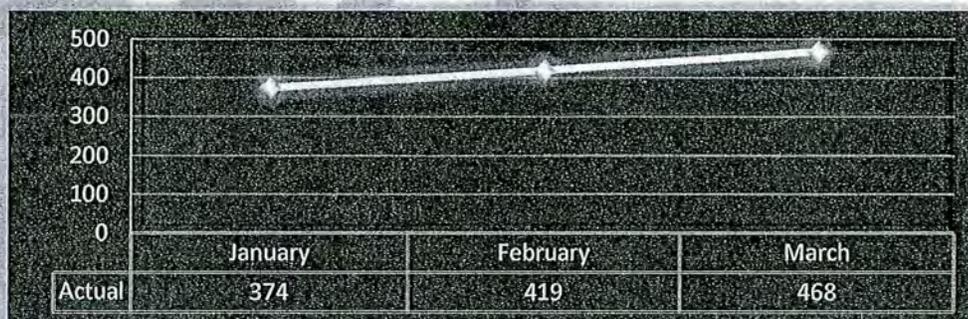
These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.*

Q3 Total: 1,261 (116 complaints, 1,145 convictions)

Q3 Average: 420

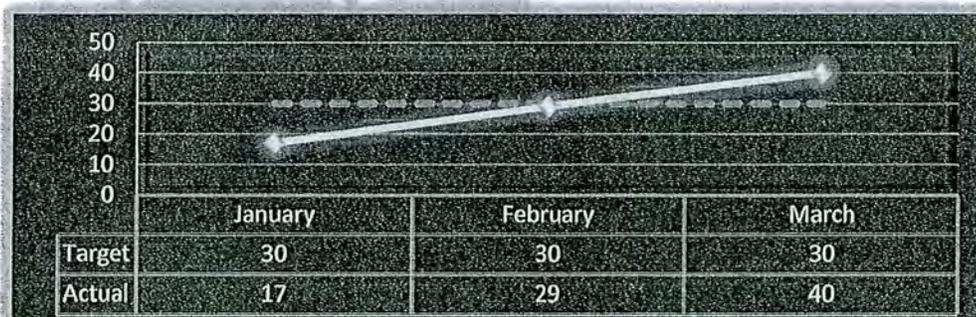


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q3 Average: 30 Days



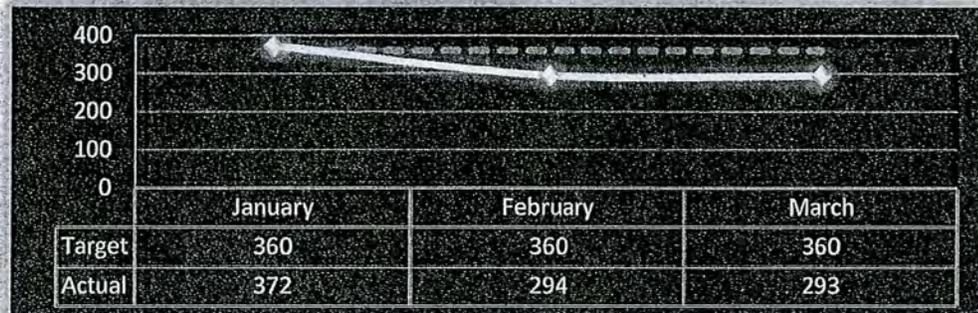
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 319 Days

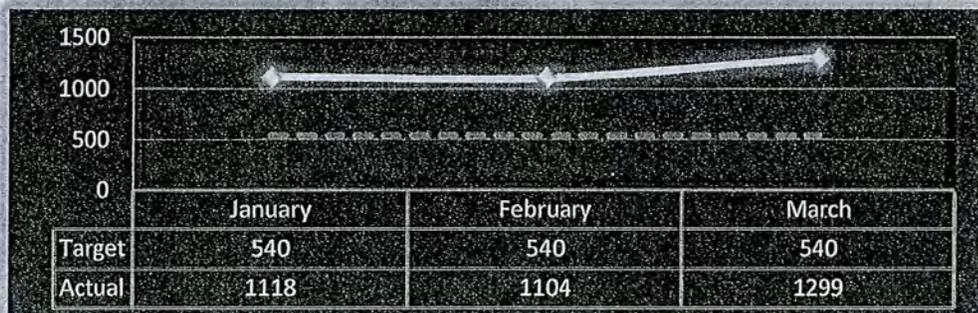


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q3 Average: 1198 Days

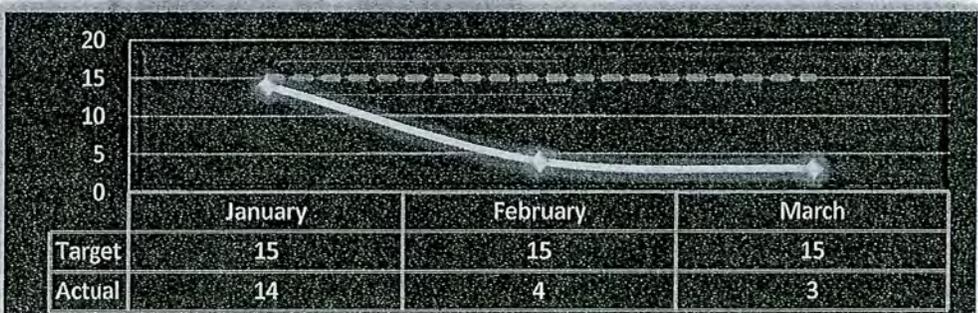


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q3 Average: 4 Days

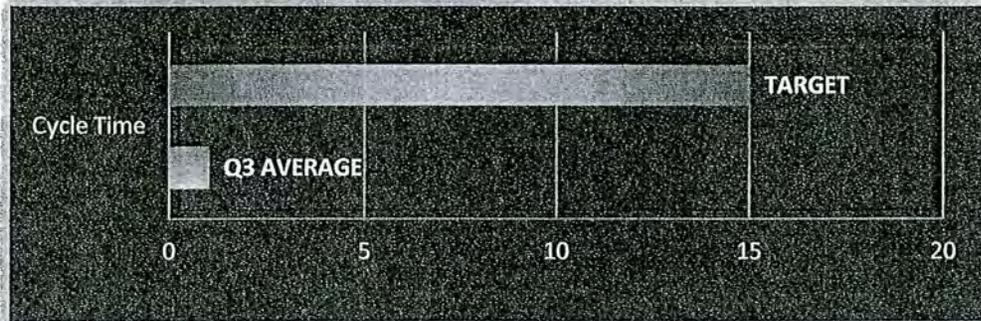


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q3 Average: 2 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q4 Report (April - June 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.*

Q4 Total: 1,243 (61 complaints, 1,182 convictions)

Q4 Average: 414

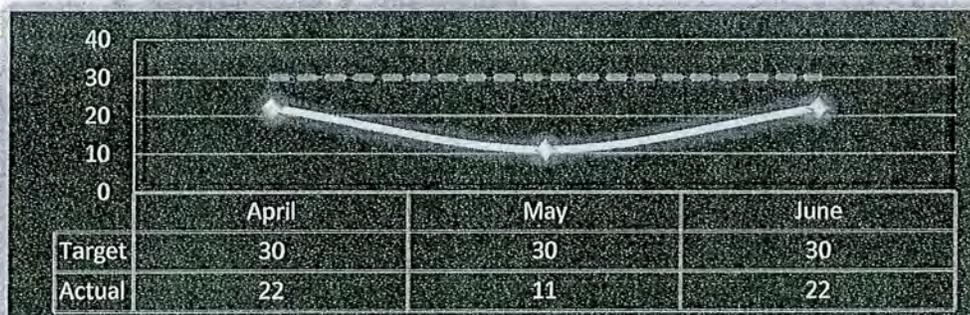


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q4 Average: 19 Days



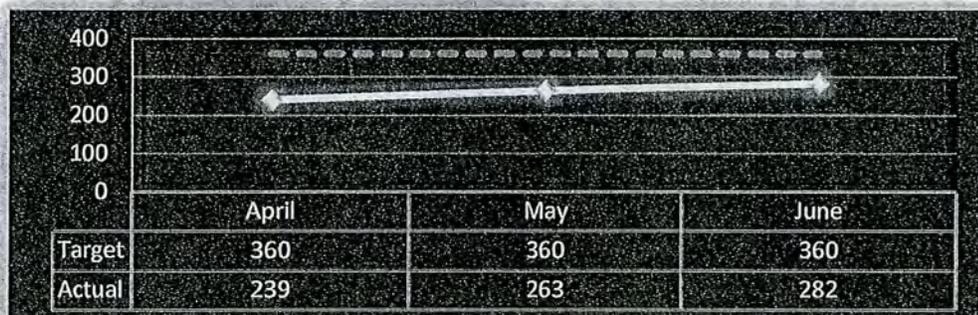
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 260 Days

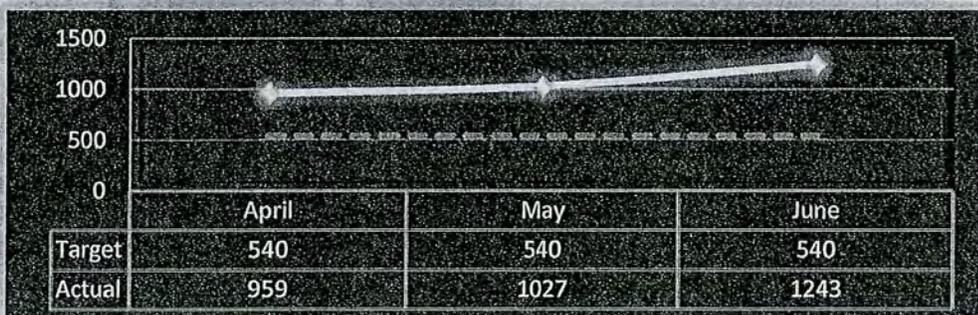


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q4 Average: 1035 Days

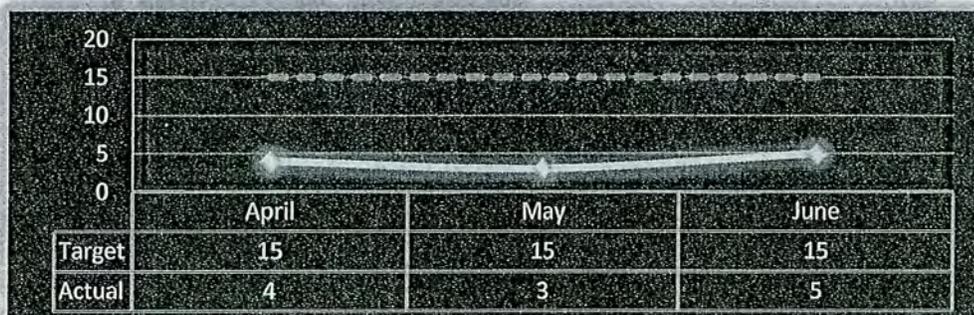


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q4 Average: 4 Days

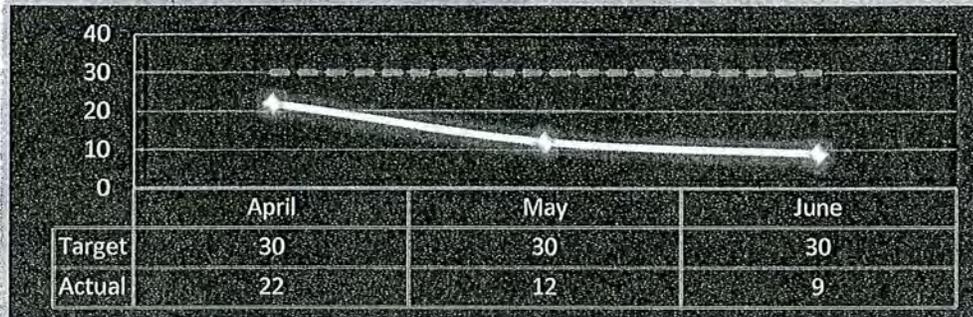


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q4 Average: 14 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Annual Report (2011 – 2012 Fiscal Year)

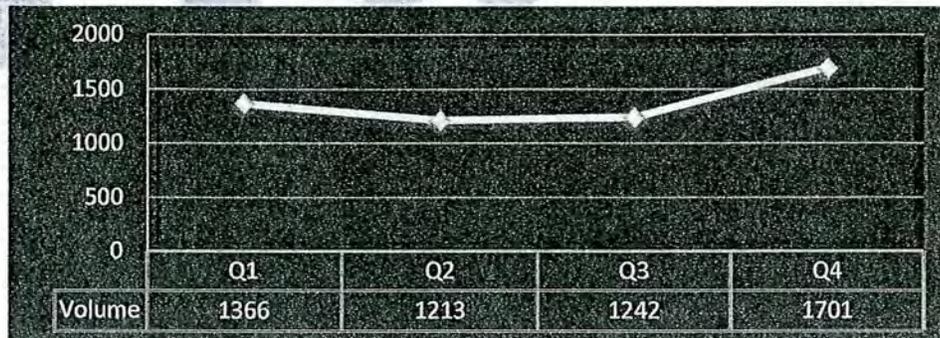
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the four quarters worth of data.

Volume

Number of complaints and convictions received.

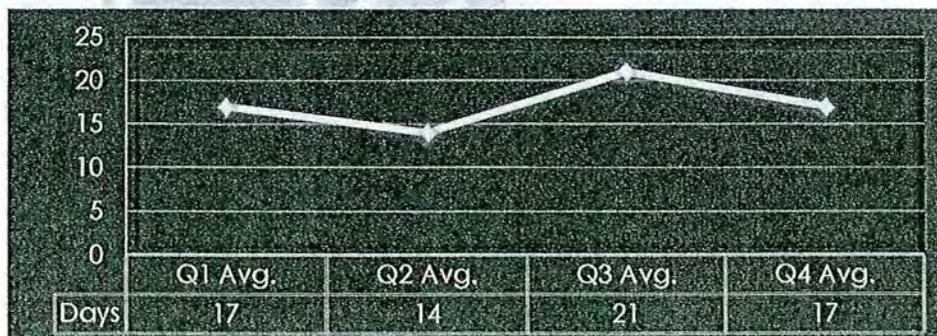
The Board had an annual total of 5,522 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

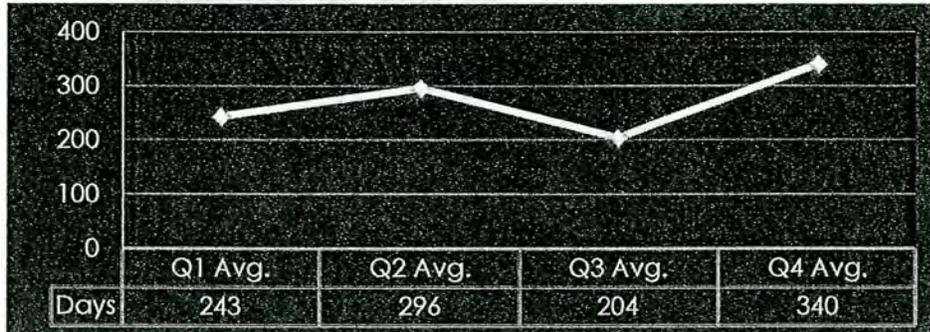
The Board has set a target of 30 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

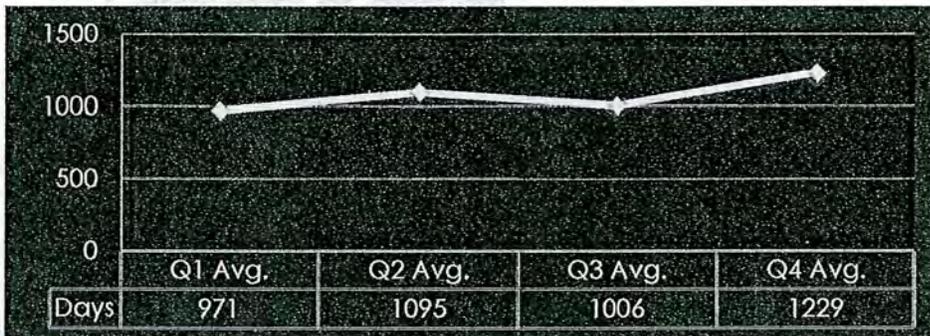
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

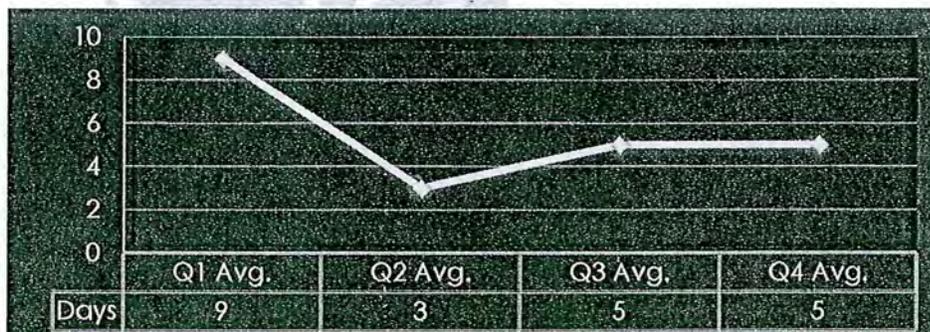
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

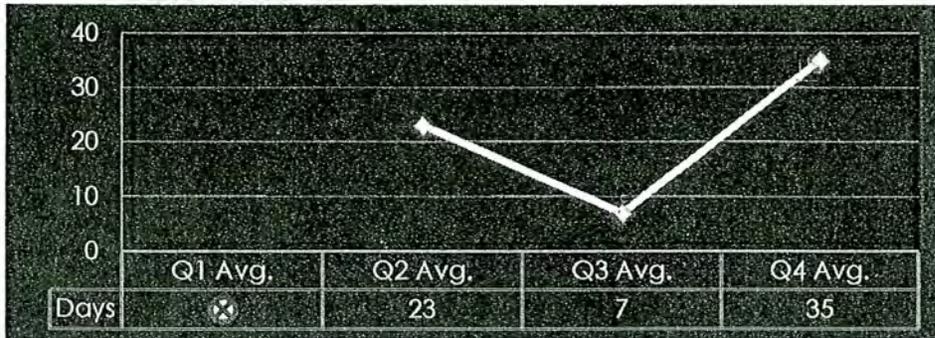
The Board has set a target of 15 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 30 days for this measure.



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q1 Report (July – September 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

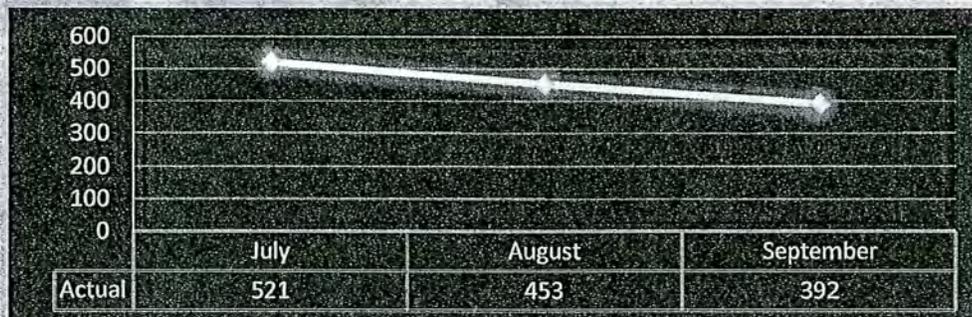
These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.*

Q1 Total: 1,366

Q1 Average: 455

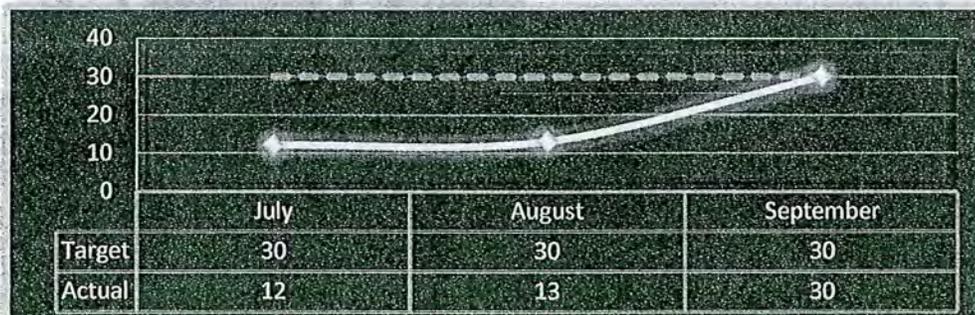


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q1 Average: 17 Days



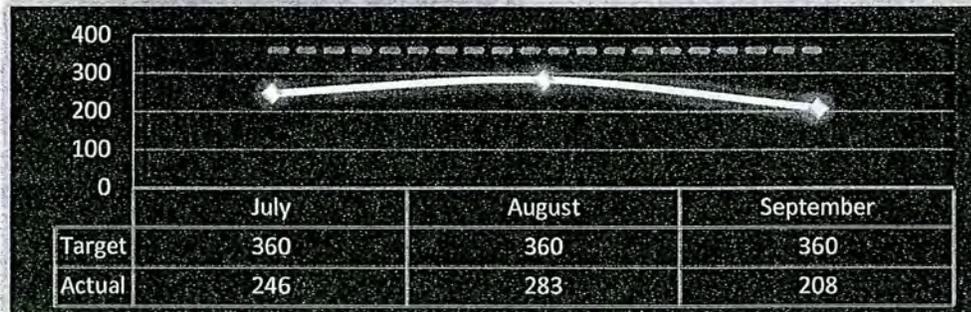
*"Complaints" in these measures include complaints, convictions, and arrest reports.

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 243 Days

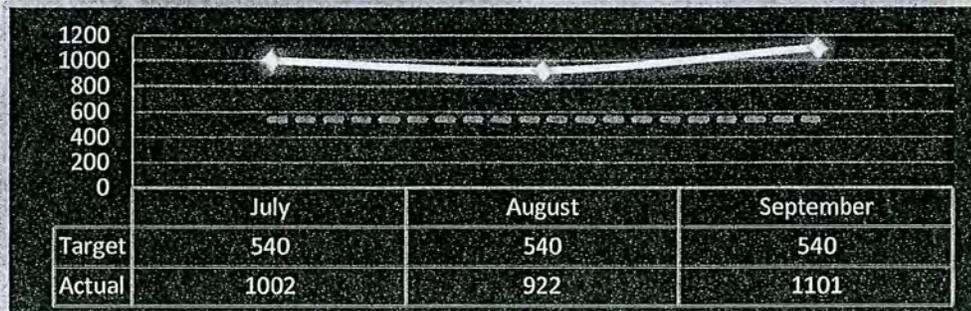


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q1 Average: 971 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q1 Average: 9 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q2 Report (October - December 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

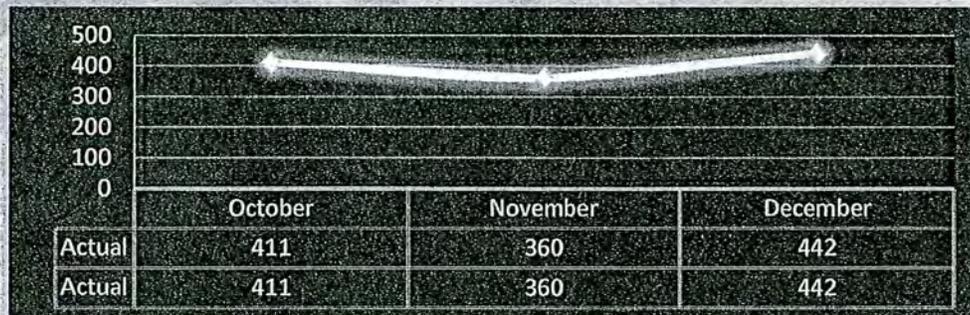
Volume

Number of complaints and convictions received.

Q2 Total: 1,213

Complaints: 124 Convictions: 1,089

Q2 Monthly Average: 404



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q2 Average: 14 Days

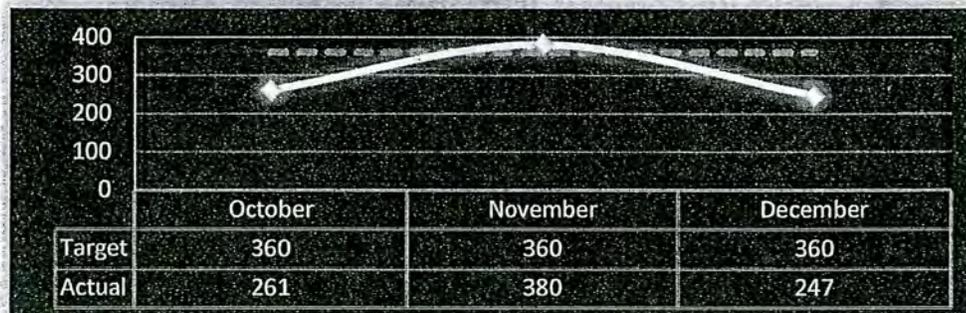


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 296 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 1095 Days

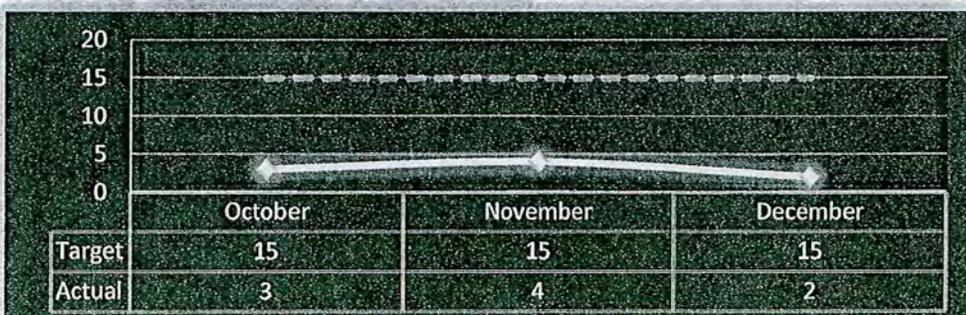


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q2 Average: 3 Days

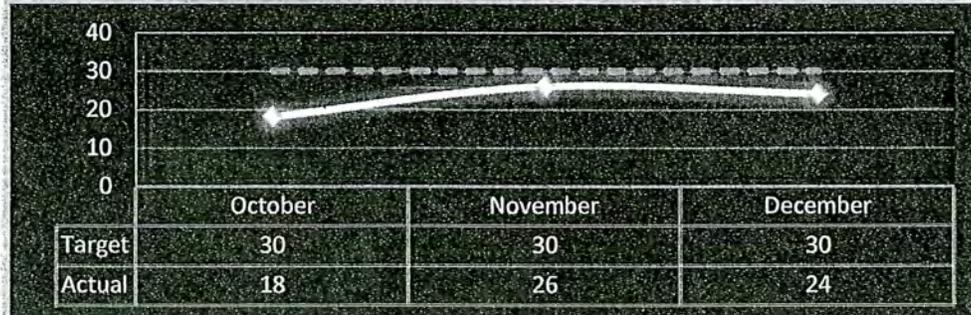


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q2 Average: 23 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q3 Report (January - March 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

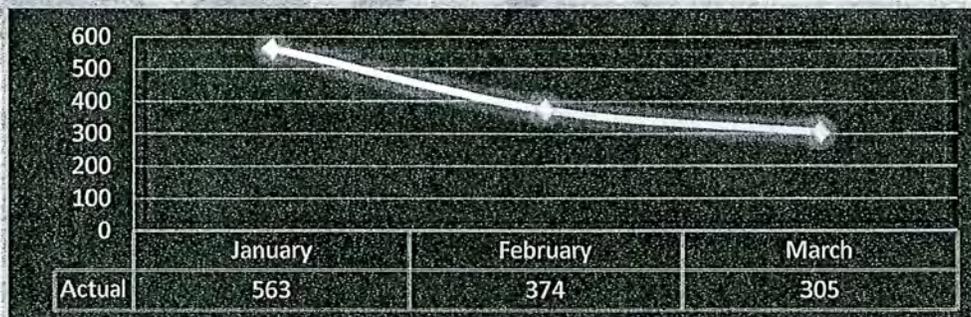
Volume

Number of complaints and convictions received.

Q3 Total: 1,242

Complaints: 178 Convictions: 1,064

Q3 Monthly Average: 414

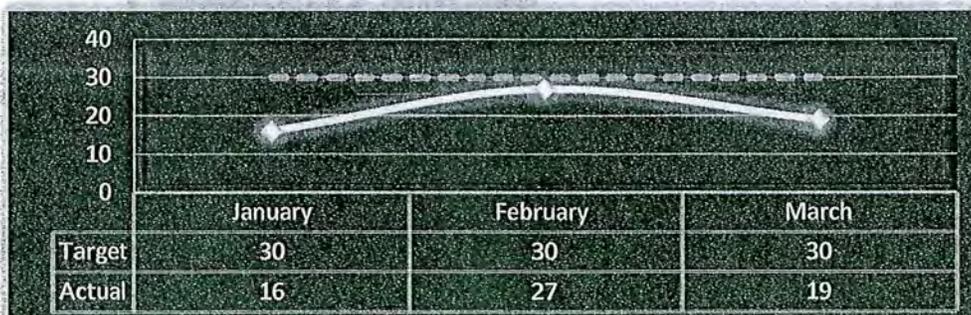


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q3 Average: 20 Days

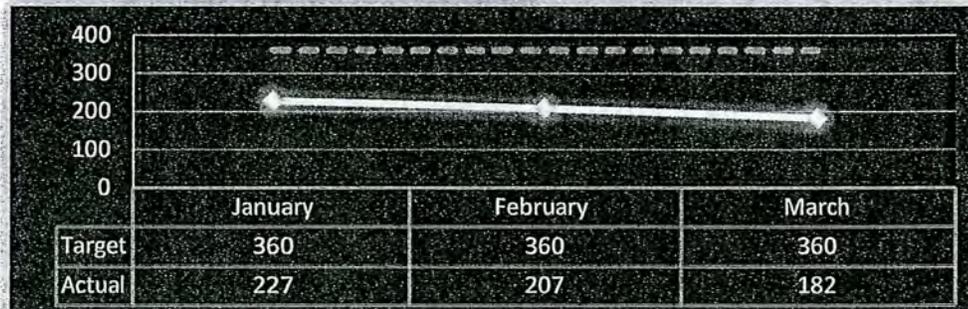


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 204 Days

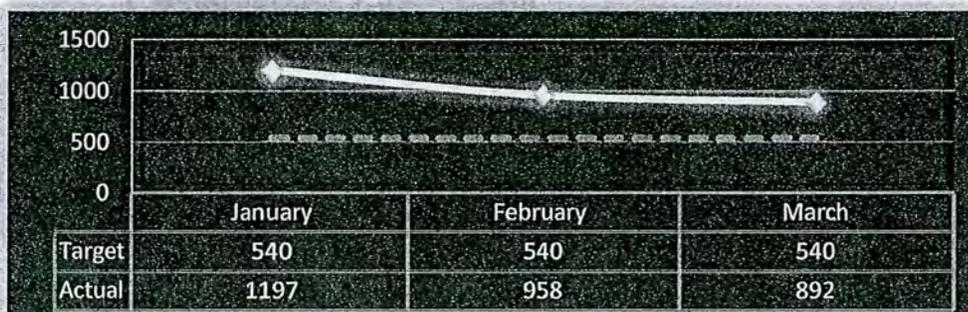


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 1,006 Days

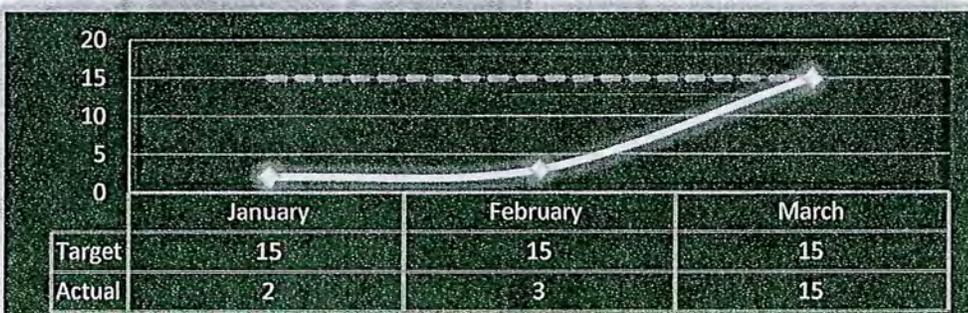


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q3 Average: 5 Days

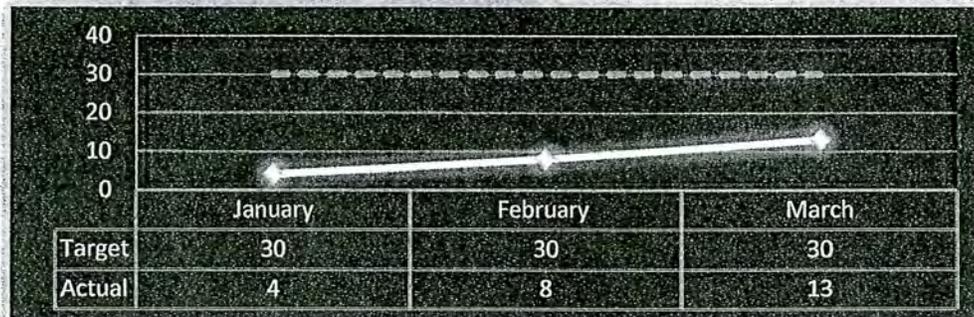


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q3 Average: 7 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q4 Report (April - June 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

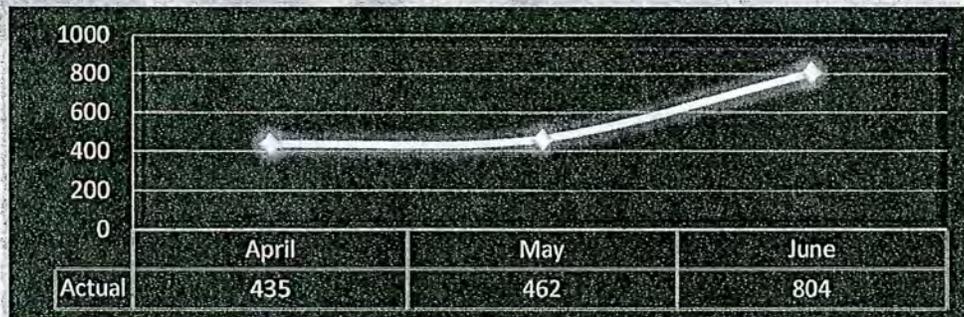
Volume

Number of complaints and convictions received.

Q4 Total: 1,701

Complaints: 208 Convictions: 1,493

Q4 Monthly Average: 567



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q4 Average: 17 Days

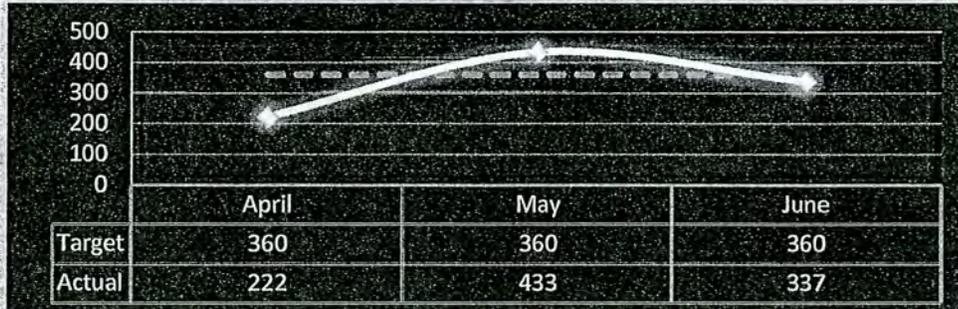


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 340 Days

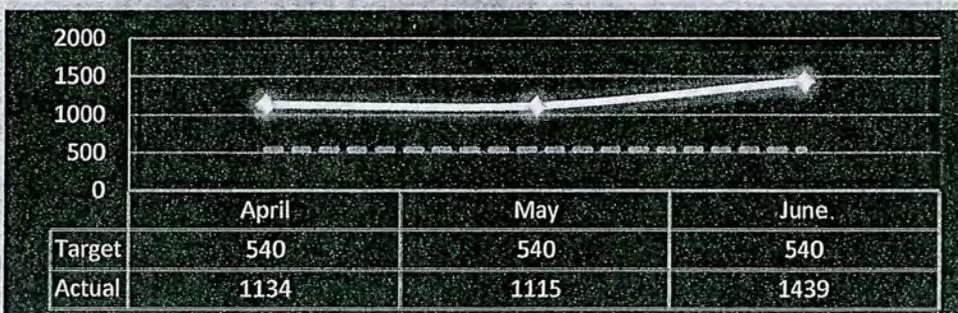


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,265 Days

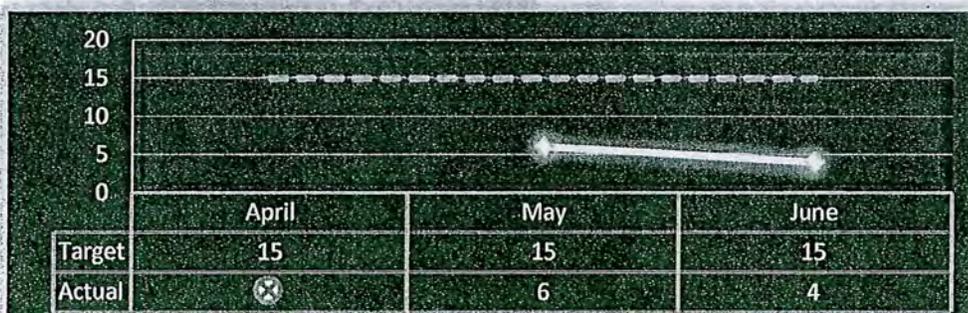


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q4 Average: 5 Days

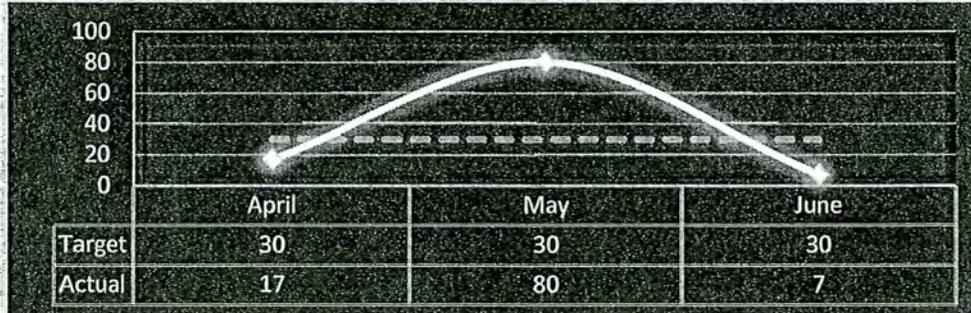


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q4 Average: 35 Days



Board of Vocational Nursing & Psychiatric Technicians

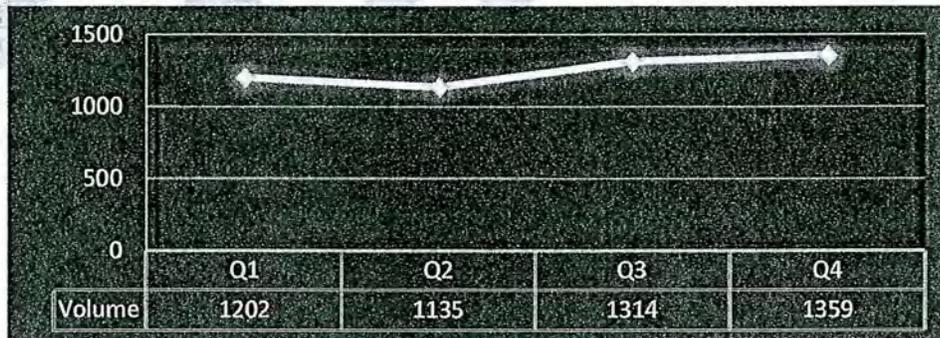
Performance Measures Annual Report (2012 – 2013 Fiscal Year)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

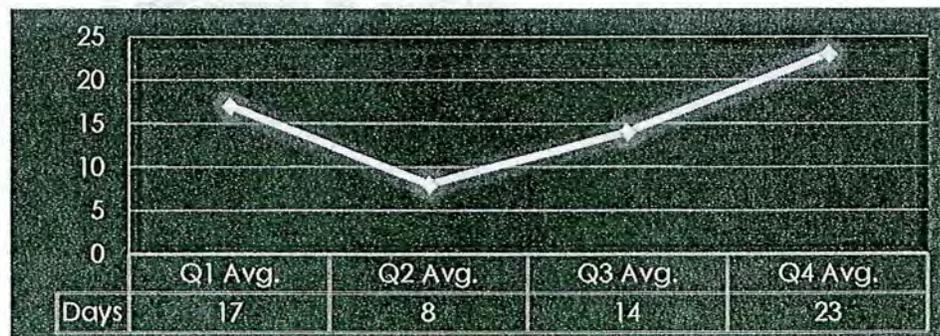
The Board had an annual total of 5,010 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

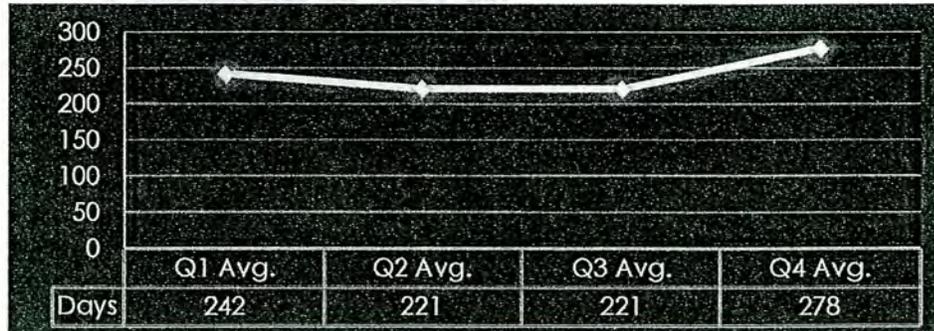
The Board has set a target of 30 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

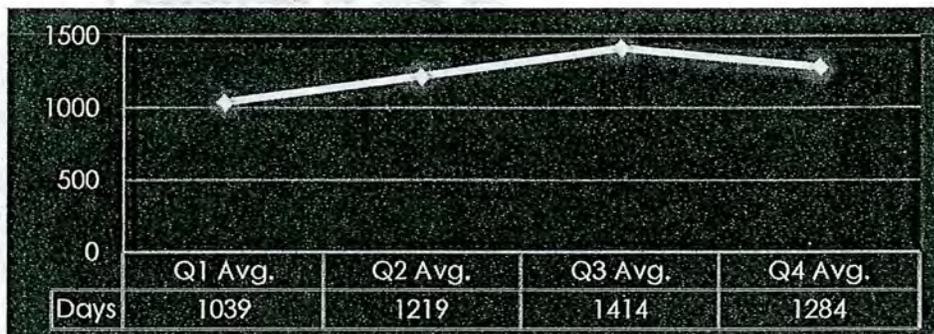
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

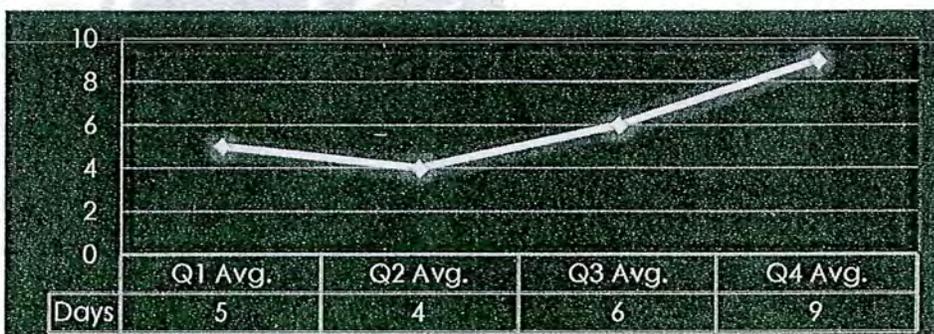
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

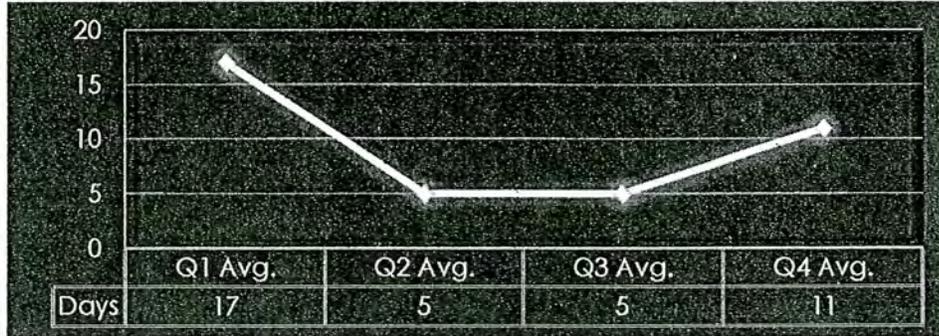
The Board has set a target of 15 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 30 days for this measure.



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q1 Report (July - September 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

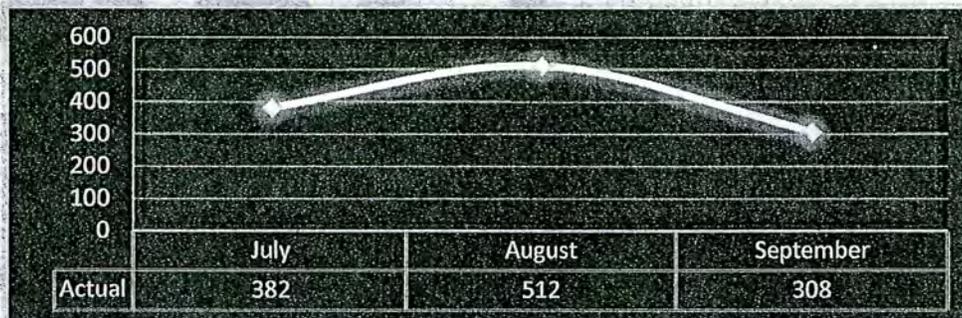
Volume

Number of complaints and convictions received.

Q1 Total: 1,202

Complaints: 166 Convictions: 1,036

Q1 Monthly Average: 401

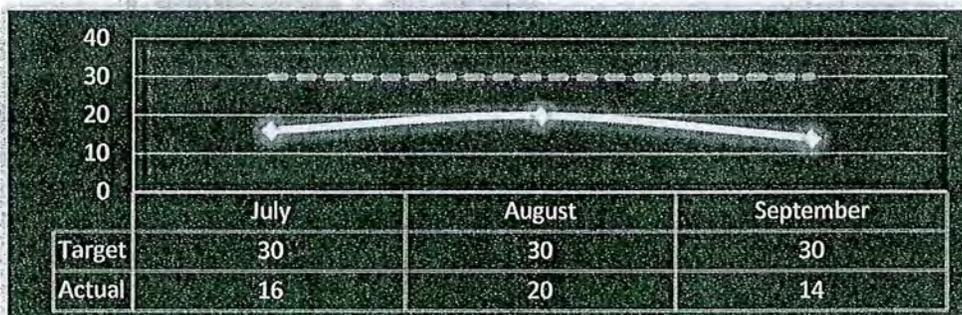


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q1 Average: 17 Days

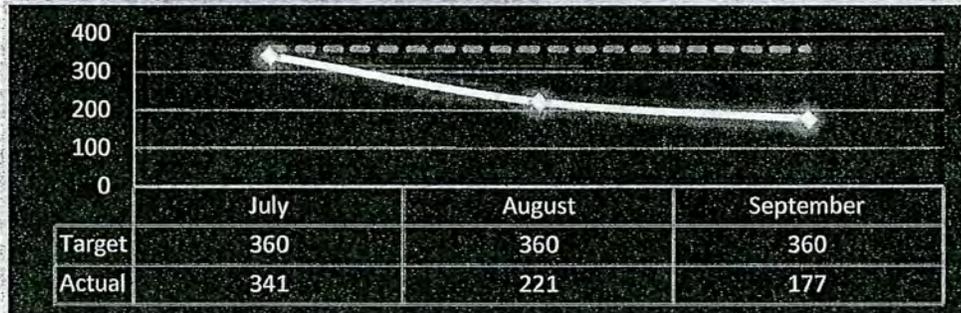


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 242 Days

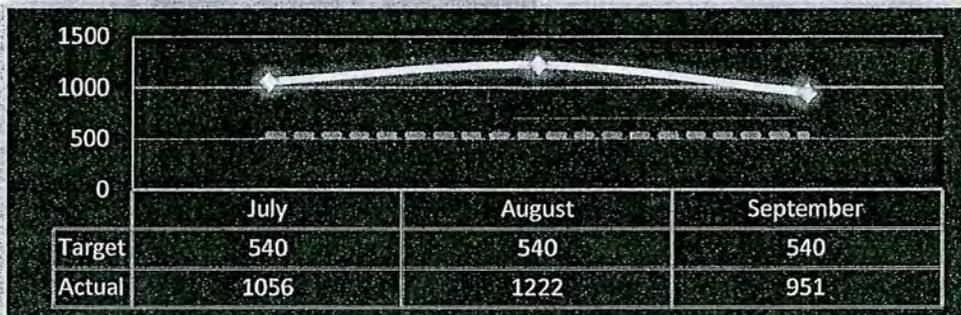


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q1 Average: 1,039 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q1 Average: 5 Days

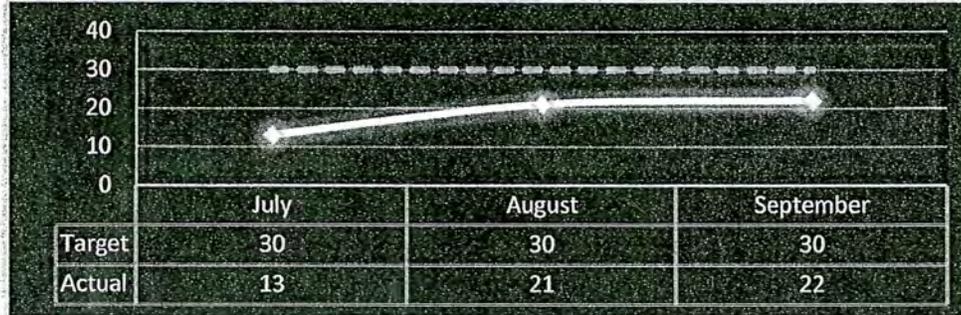


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q1 Average: 17 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q2 Report (October - December 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

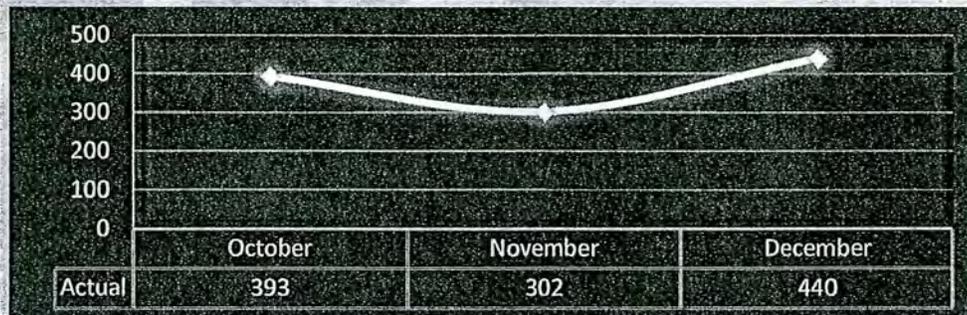
Volume

Number of complaints and convictions received.

Q2 Total: 1,135

Complaints: 138 Convictions: 997

Q2 Monthly Average: 378

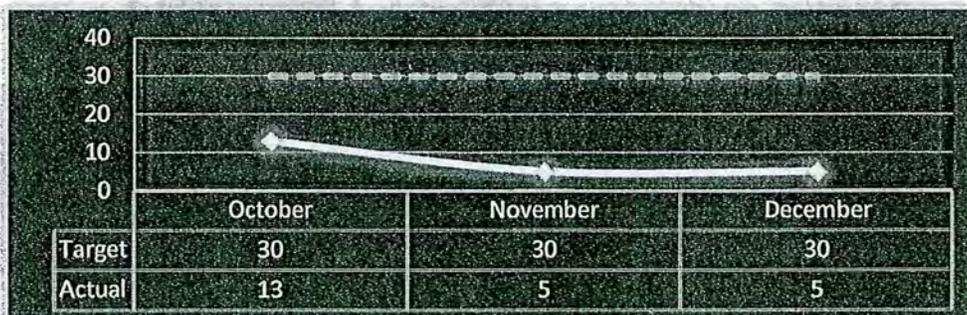


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q2 Average: 8 Days

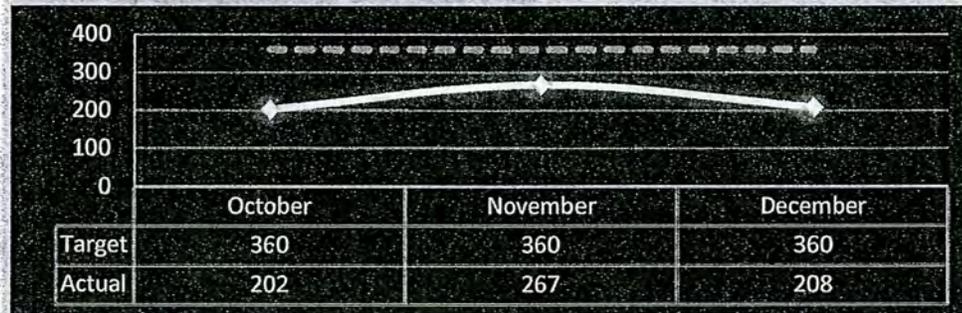


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 221 Days

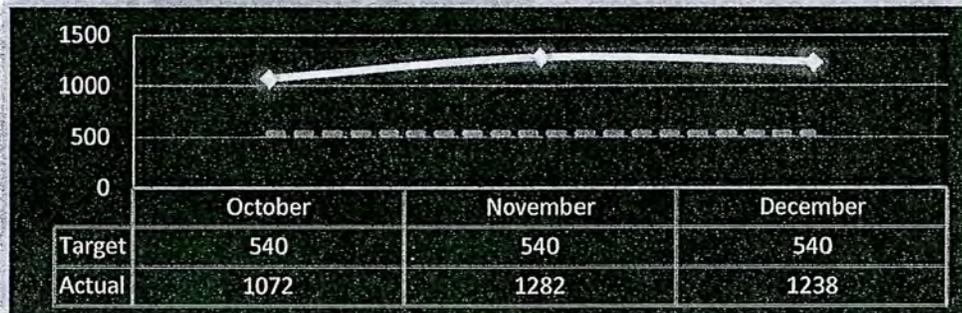


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 1,219 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q2 Average: 4 Days

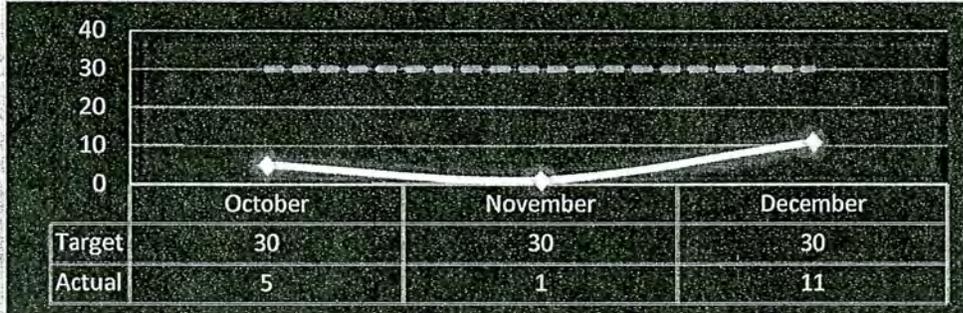


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q2 Average: 5 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q3 Report (January - March 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

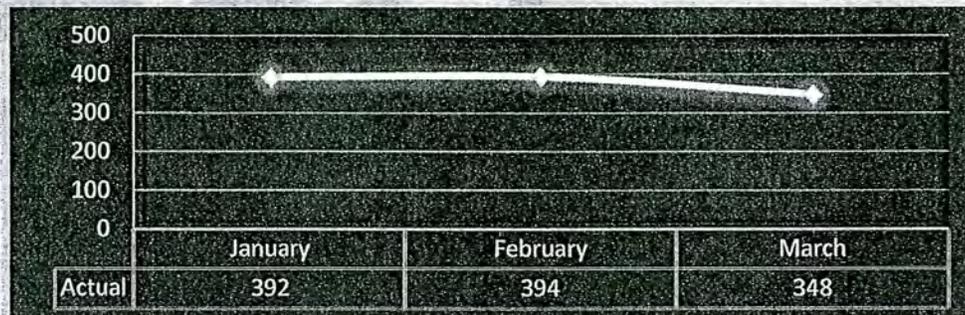
Volume

Number of complaints and convictions received.

Q3 Total: 1,134

Complaints: 169 Convictions: 965

Q3 Monthly Average: 378

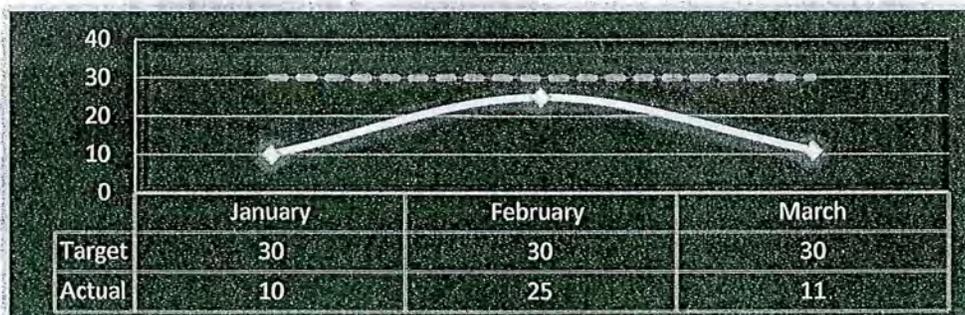


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q3 Average: 14 Days

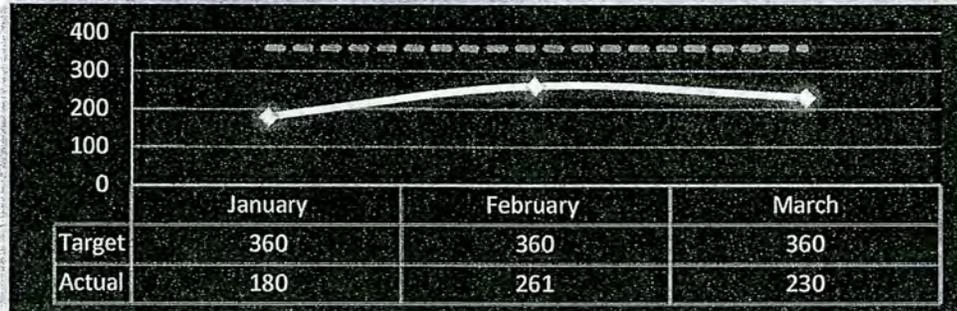


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 221 Days

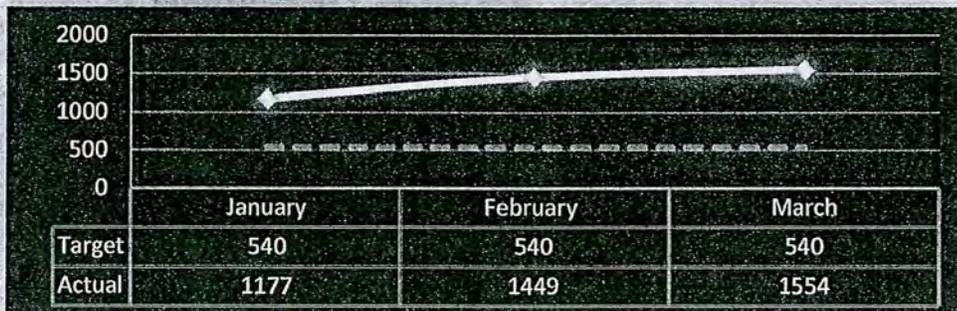


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 1,414 Days

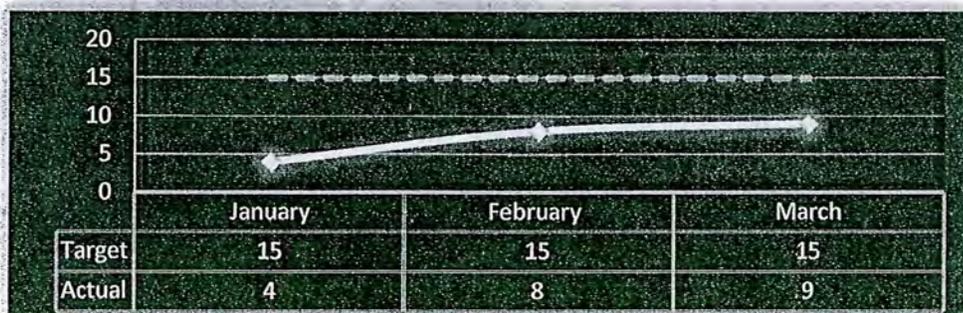


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q3 Average: 6 Days

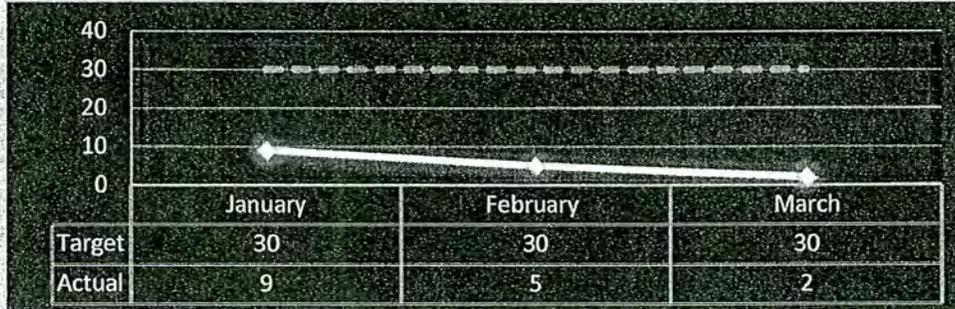


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q3 Average: 5 Days



Board of Vocational Nursing & Psychiatric Technicians

Performance Measures

Q4 Report (April - June 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q4 Total: 1,359

Complaints: 172 Convictions: 1,187

Q4 Monthly Average: 453



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 30 Days

Q4 Average: 23 Days

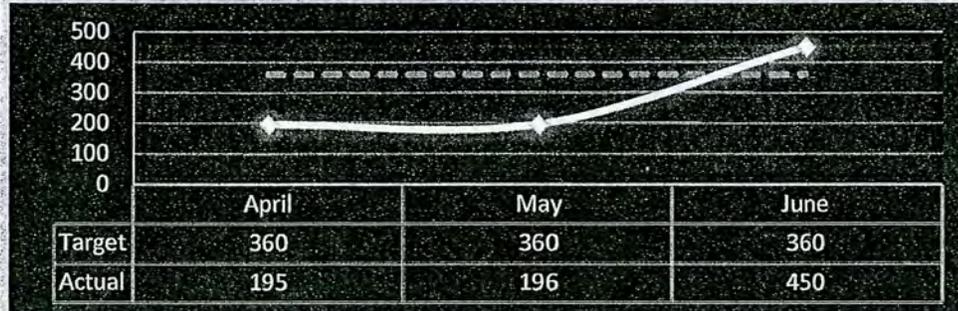


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 278 Days

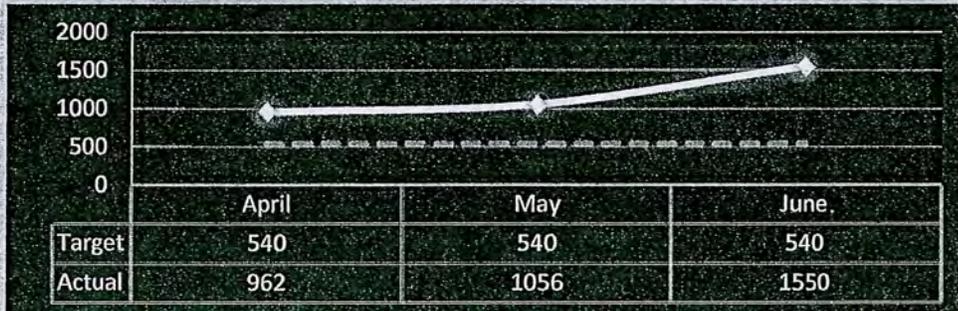


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,284 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 15 Days

Q4 Average: 9 Days

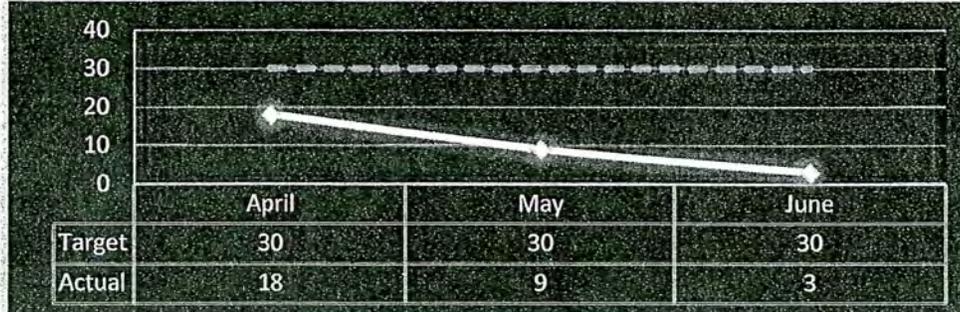


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 30 Days

Q4 Average: 11 Days

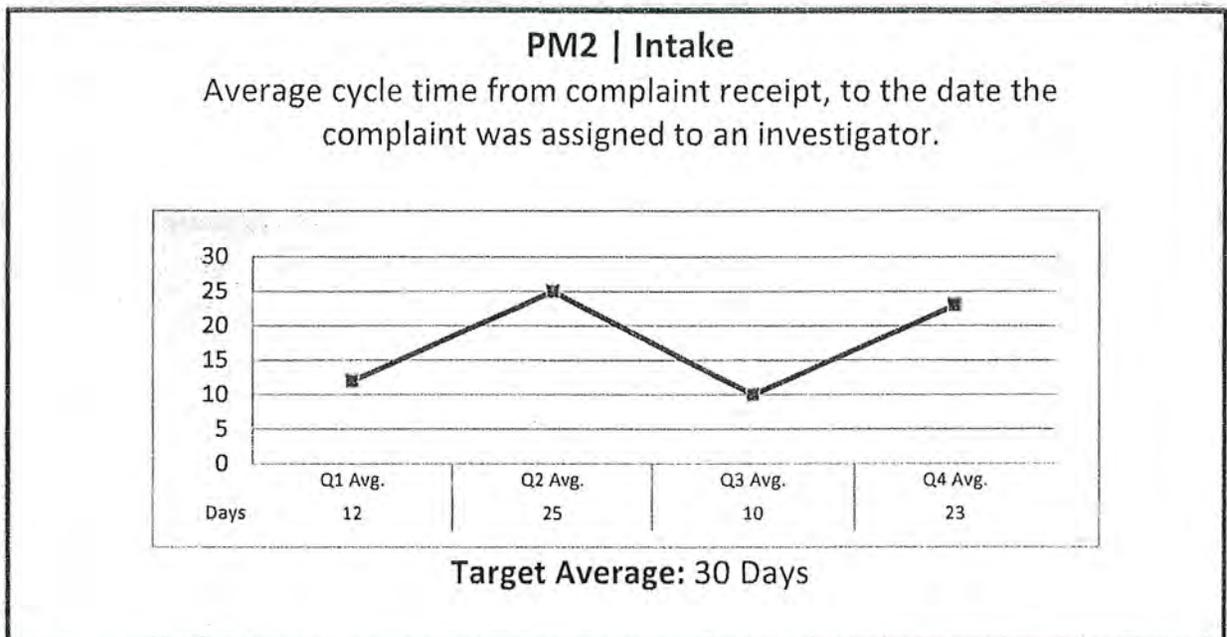
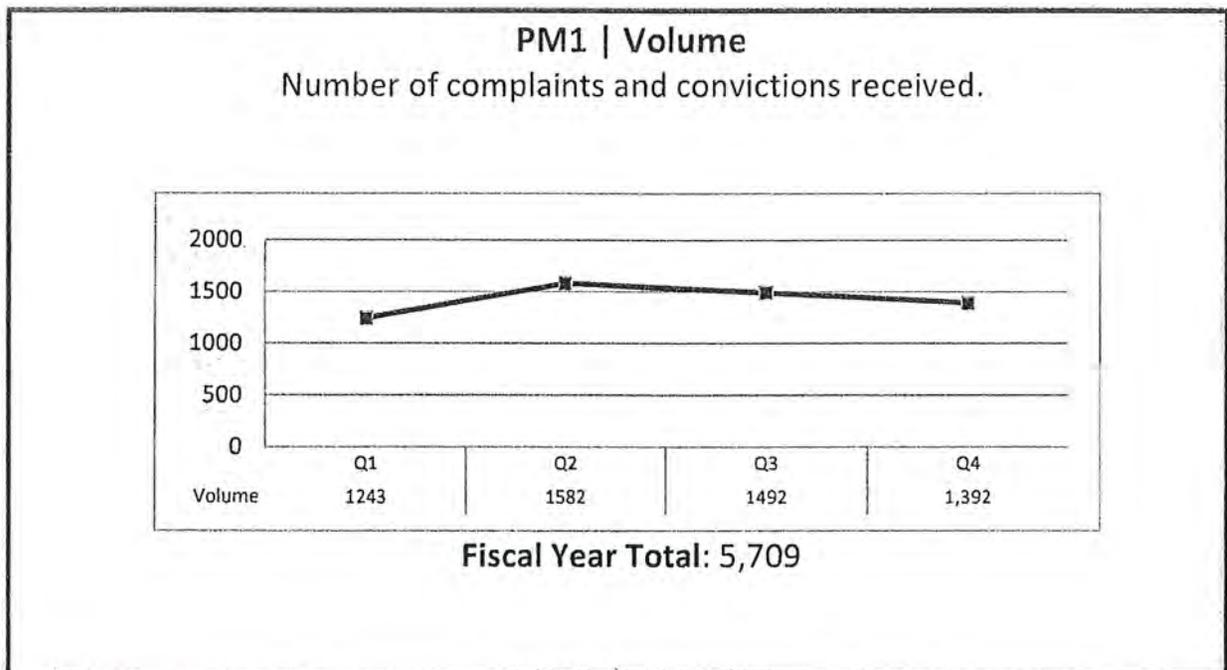


Board of Vocational Nursing and Psychiatric Technicians

Performance Measures

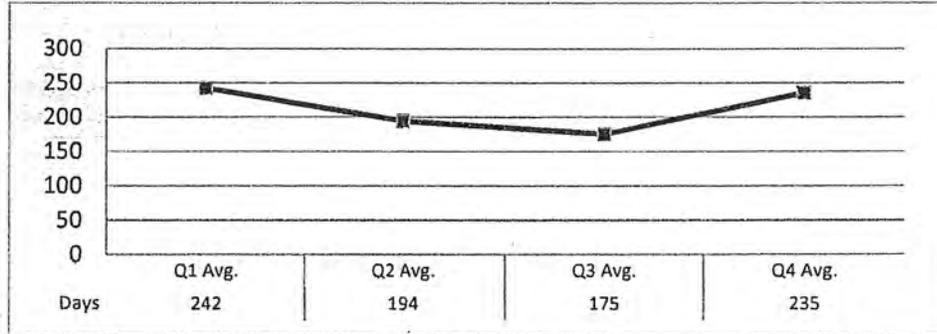
Annual Report (2013 – 2014 Fiscal Year)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.



PM3 | Intake & Investigation

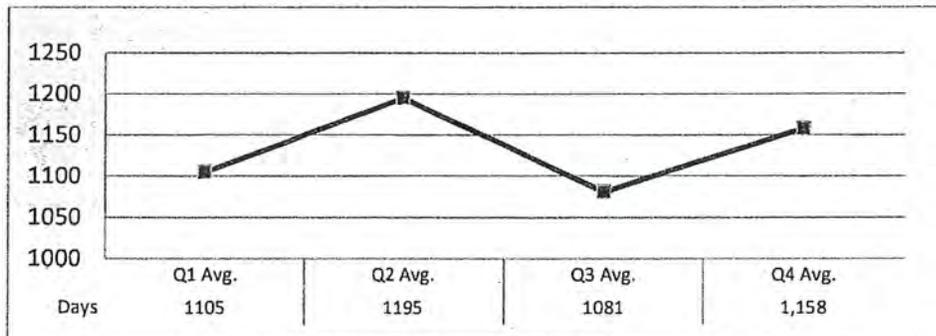
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days

PM4 | Formal Discipline

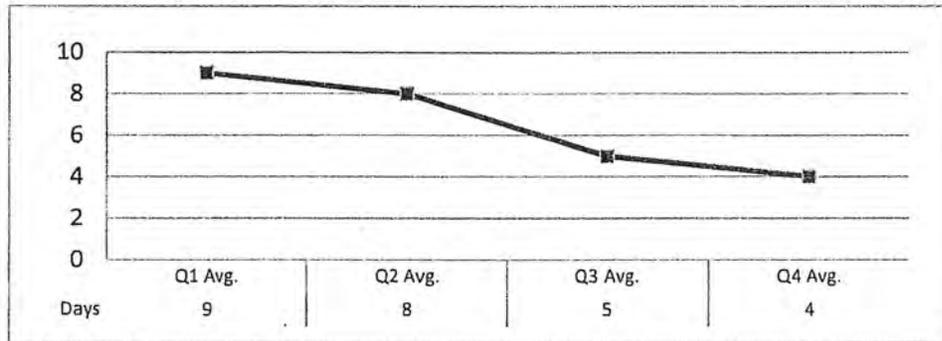
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days

PM7 | Probation Intake

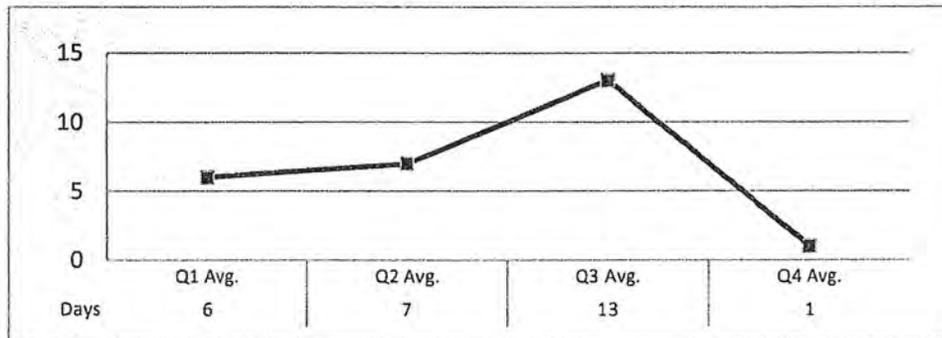
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



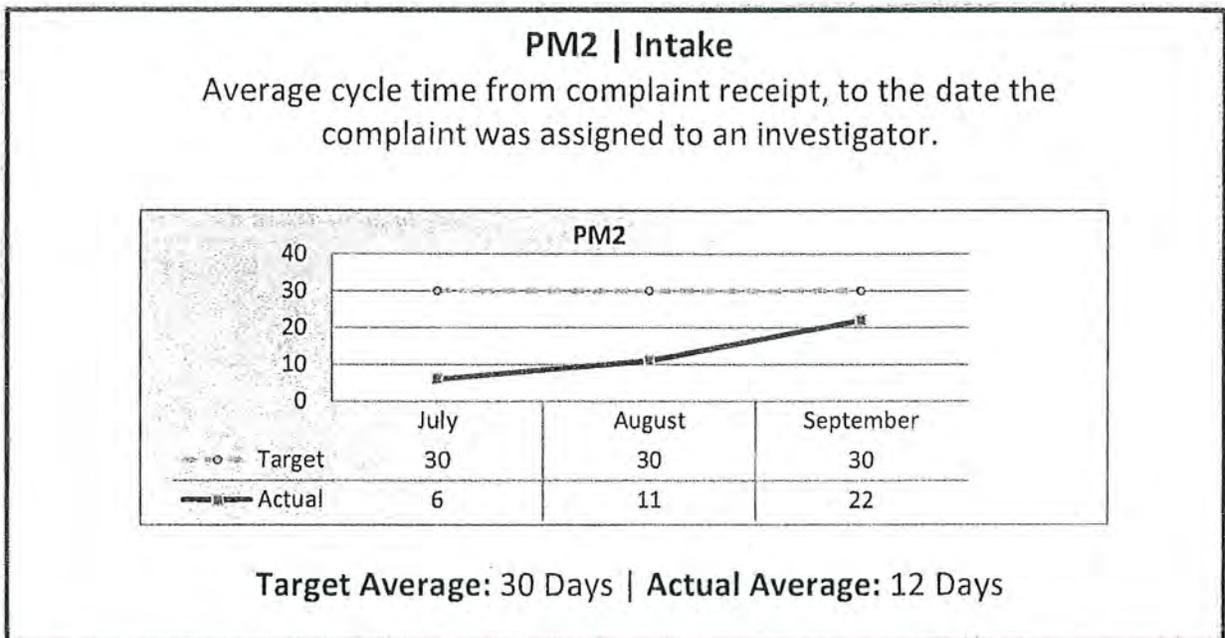
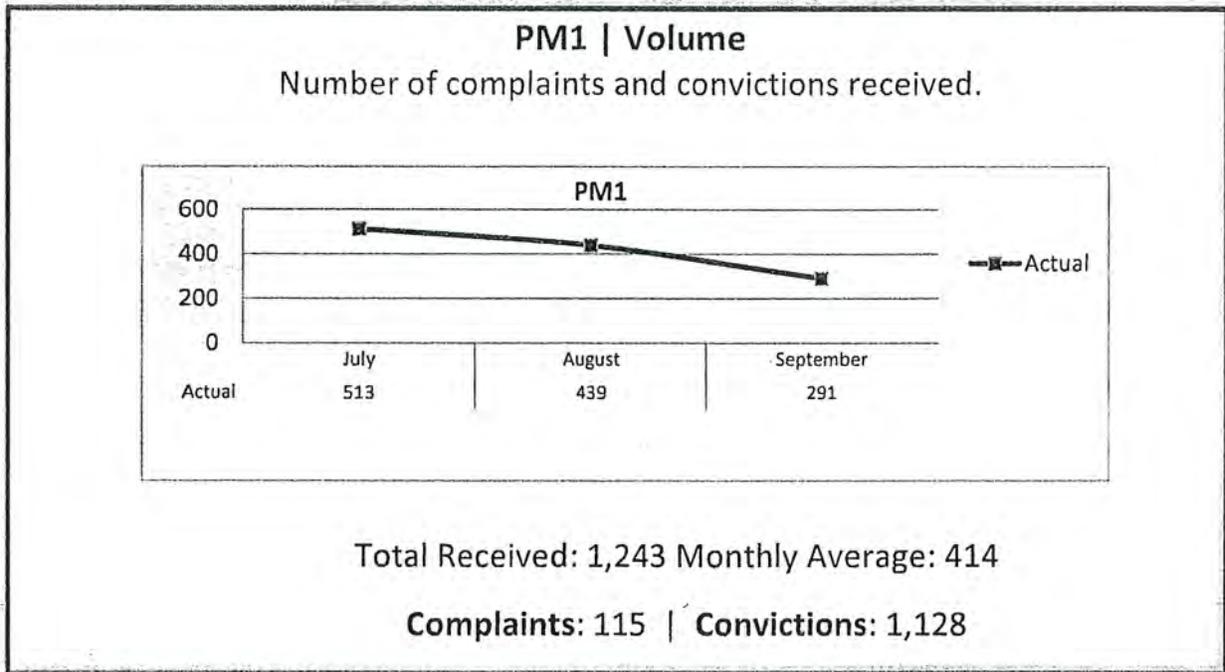
Target Average: 30 Days

Board of Vocational Nursing and Psychiatric Technicians

Performance Measures

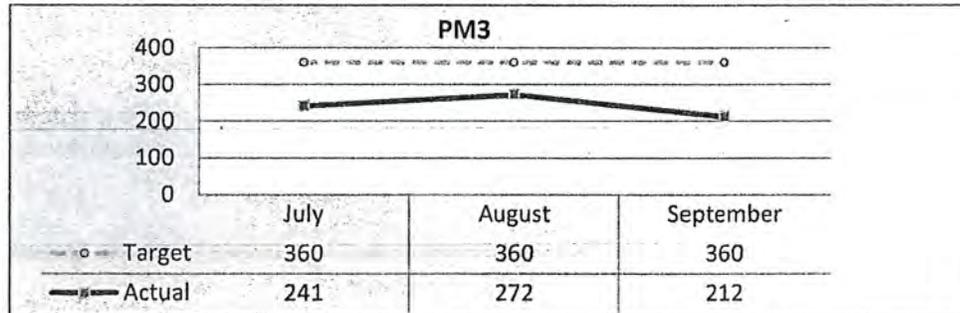
Q1 Report (July - September 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

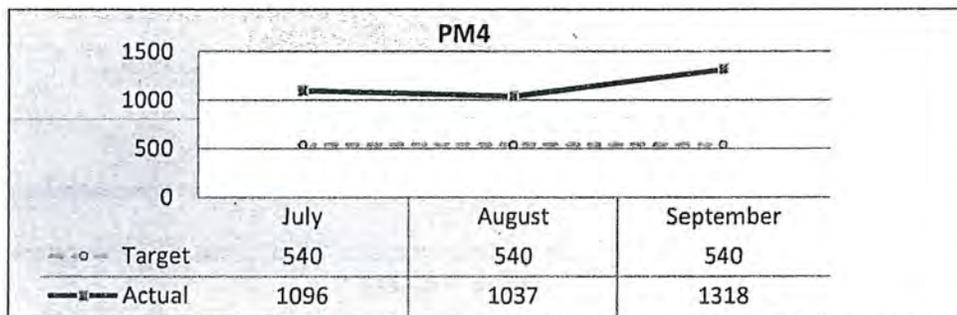
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 242 Days

PM4 | Formal Discipline

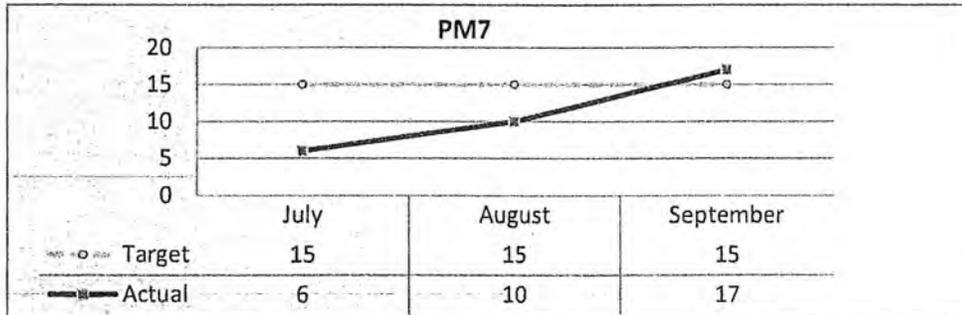
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,105 Days

PM7 | Probation Intake

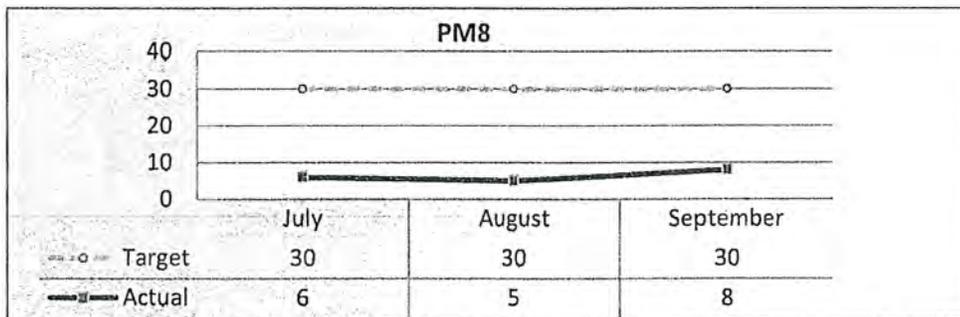
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | Actual Average: 9 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



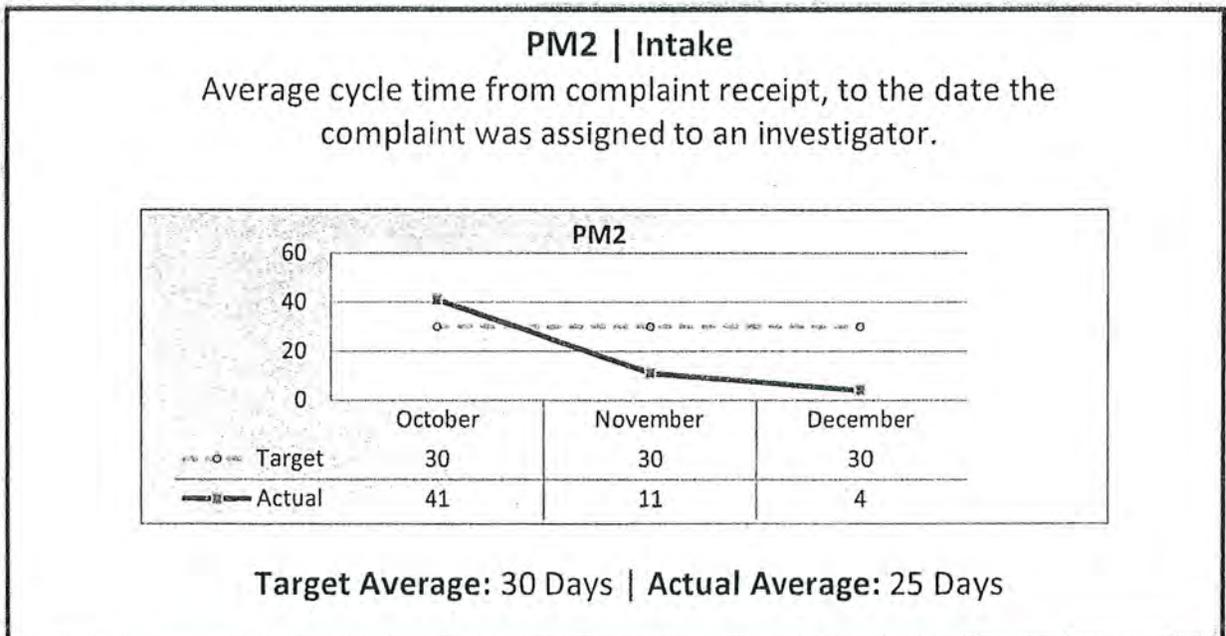
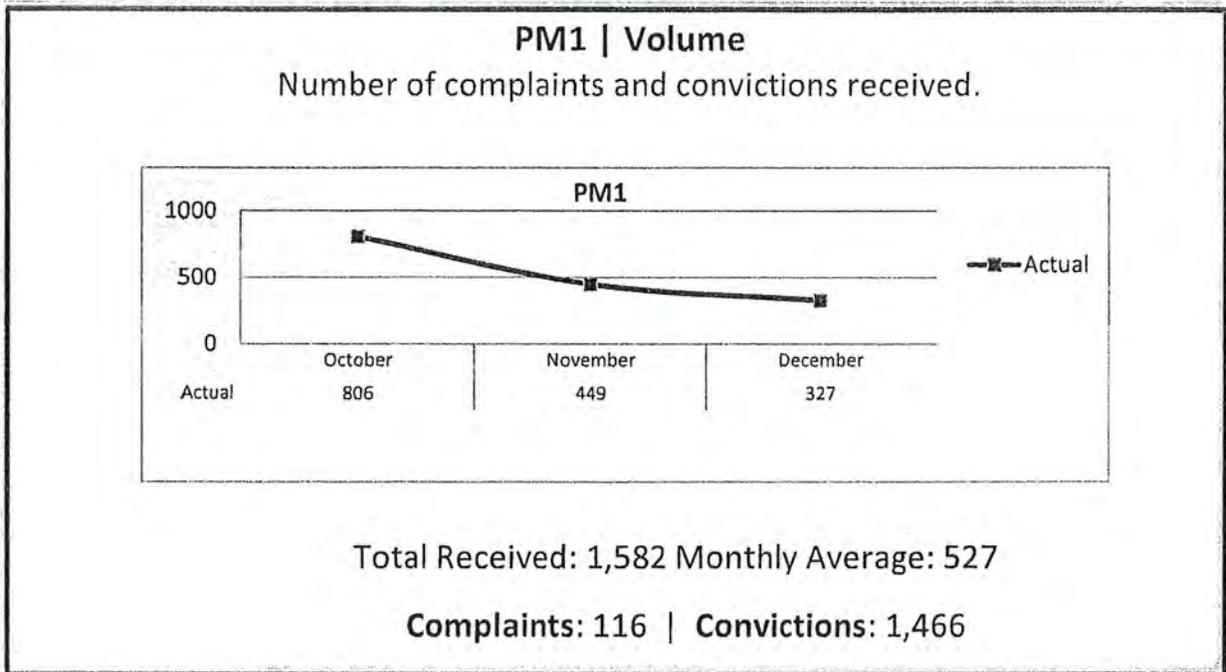
Target Average: 30 Days | Actual Average: 6 Days

Board of Vocational Nursing and Psychiatric Technicians

Performance Measures

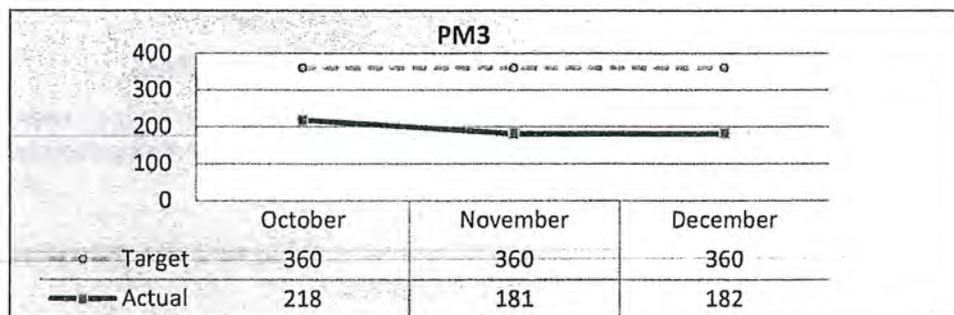
Q2 Report (October - December 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

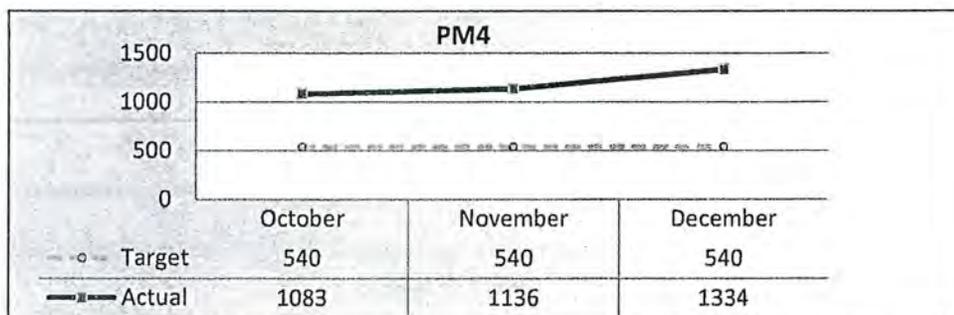
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 194 Days

PM4 | Formal Discipline

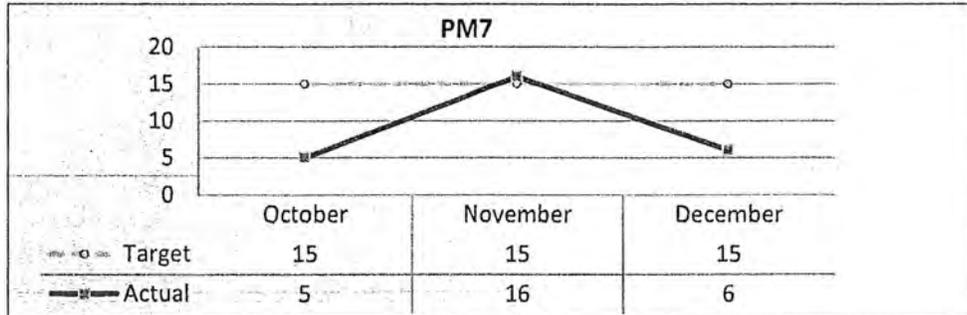
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,195 Days

PM7 | Probation Intake

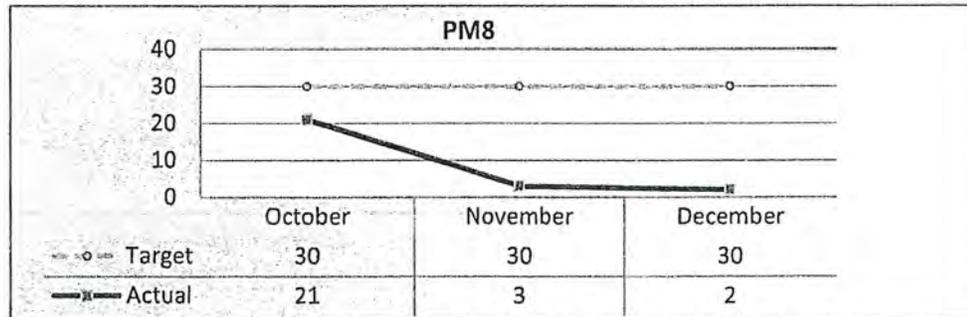
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | Actual Average: 8 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



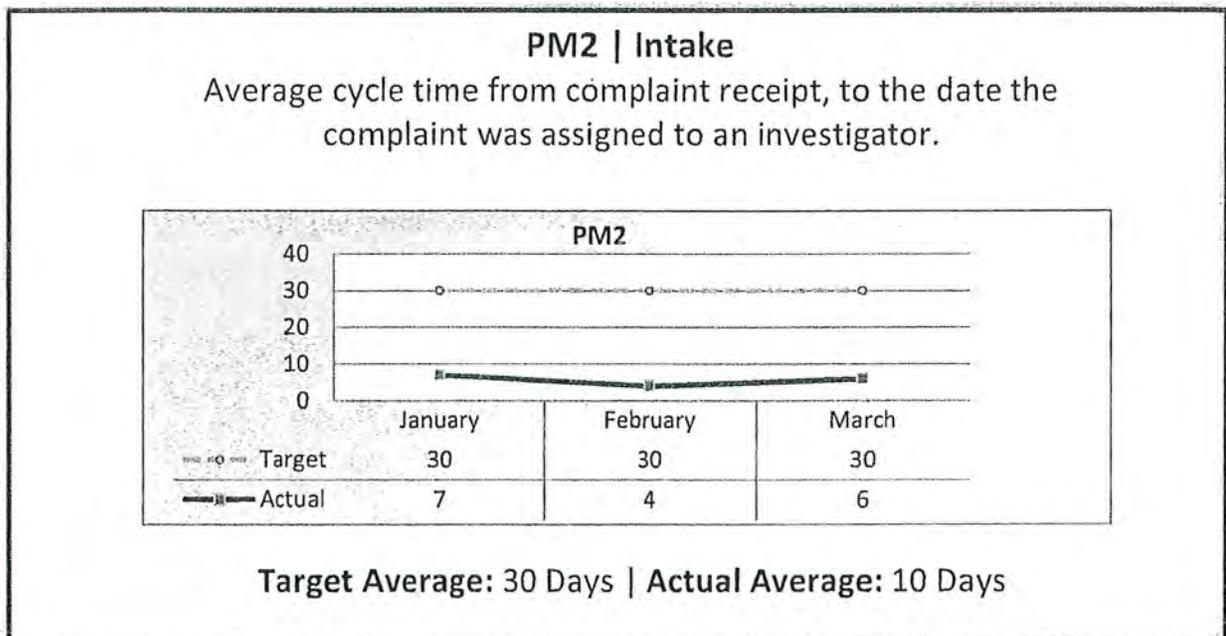
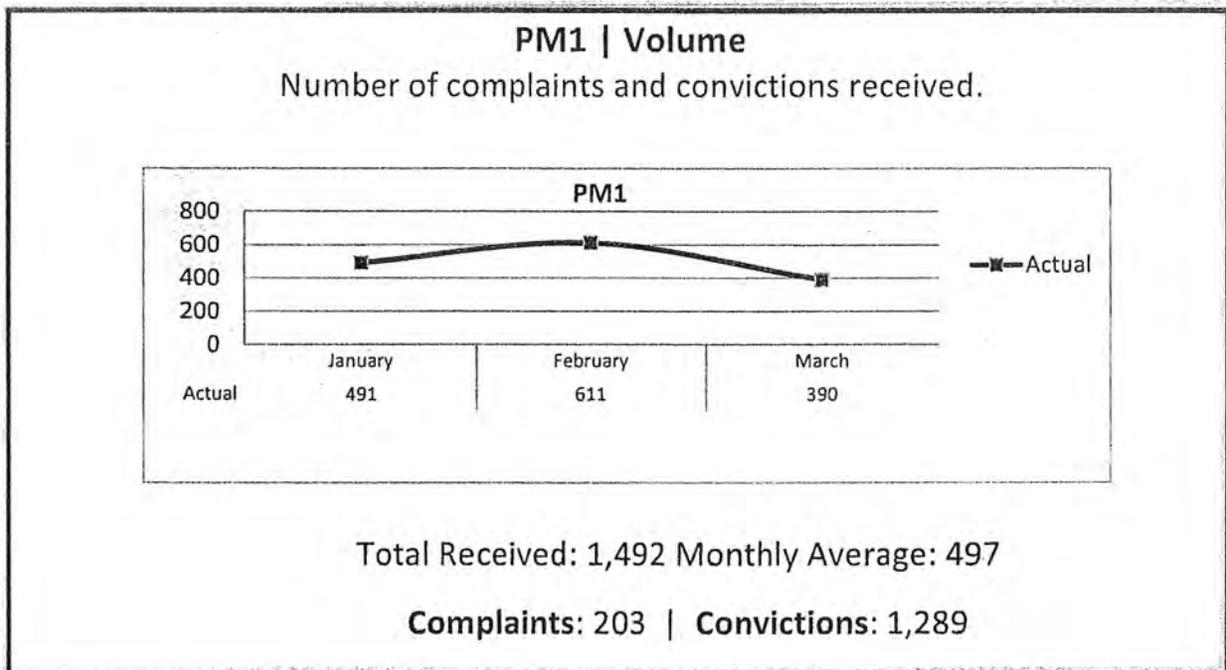
Target Average: 30 Days | Actual Average: 7 Days

Board of Vocational Nursing and Psychiatric Technicians

Performance Measures

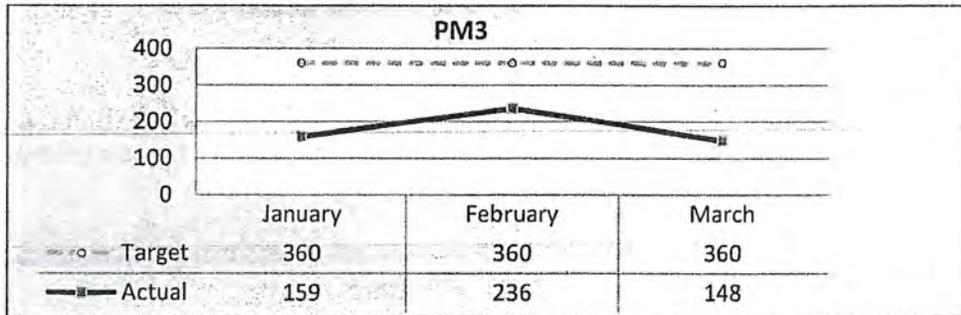
Q3 Report (January - March 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

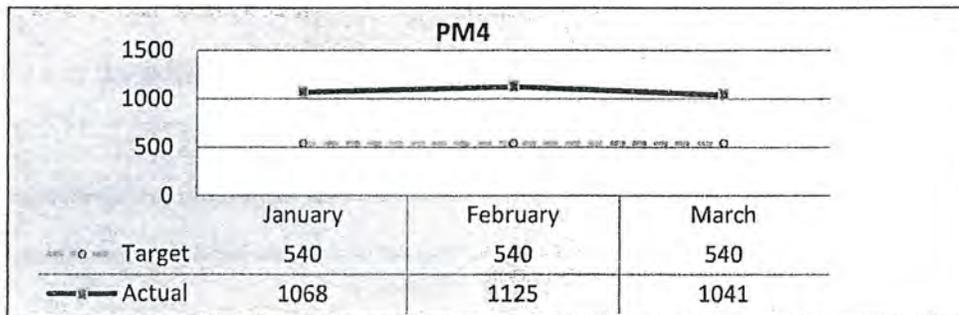
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 175 Days

PM4 | Formal Discipline

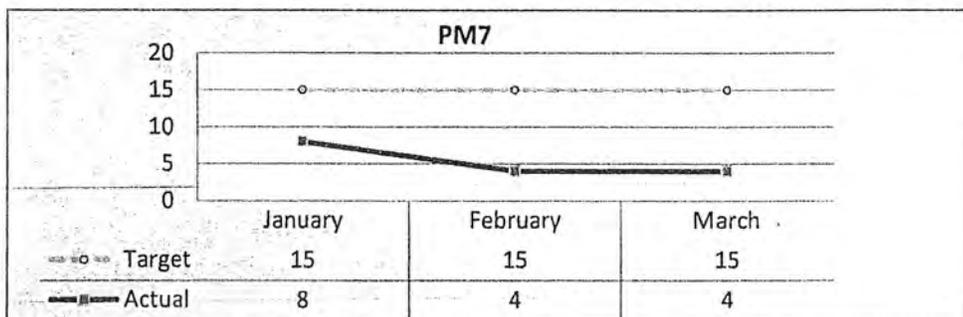
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,081 Days

PM7 | Probation Intake

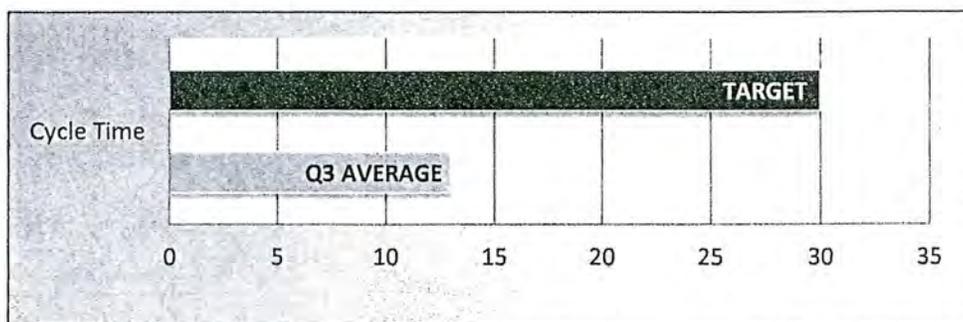
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | Actual Average: 5 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



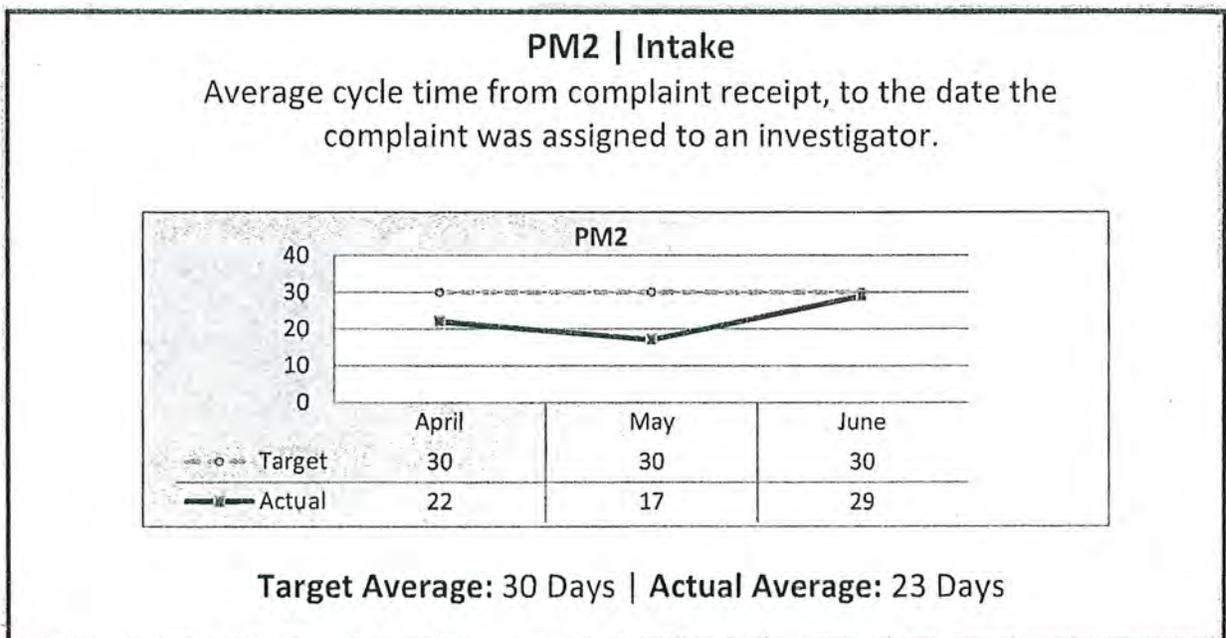
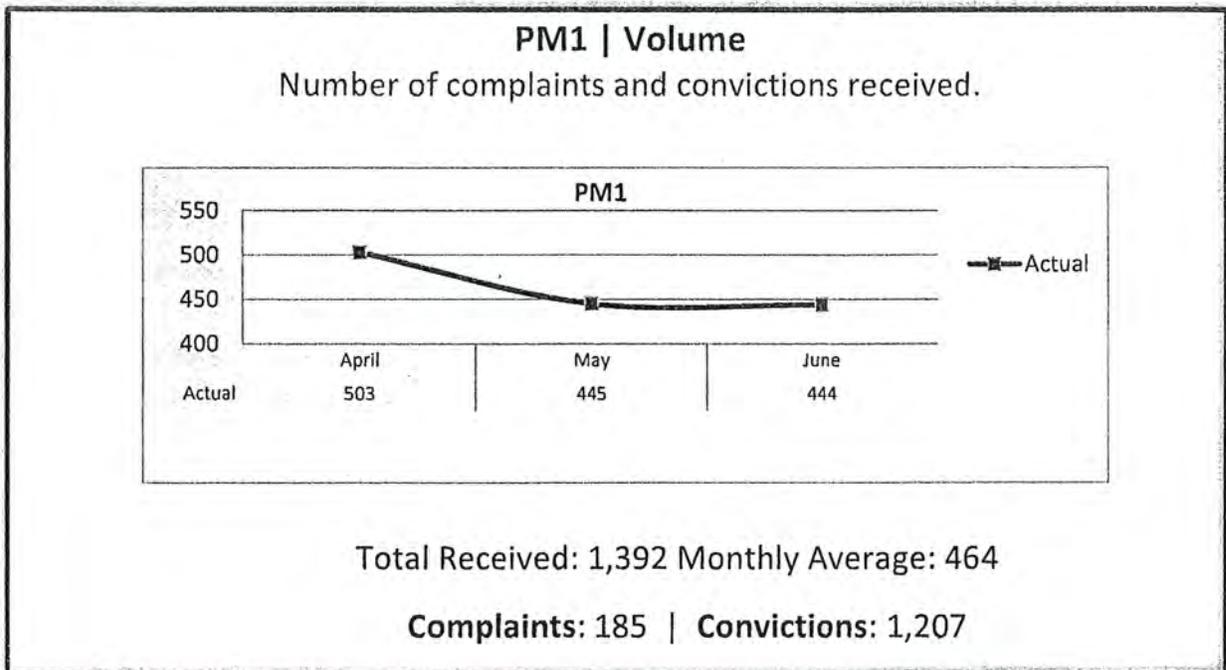
Target Average: 30 Days | Actual Average: 13 Days

Board of Vocational Nursing and Psychiatric Technicians

Performance Measures

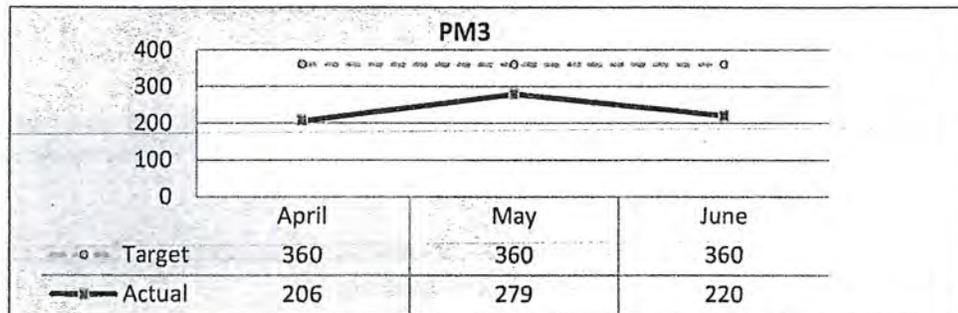
Q4 Report (April - June 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



PM3 | Intake & Investigation

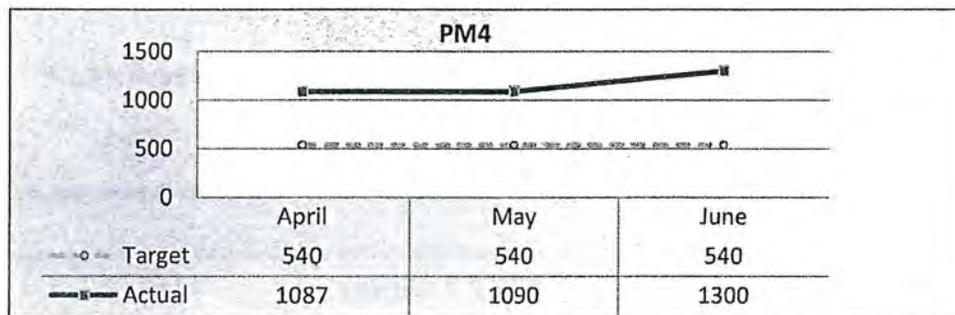
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 235 Days

PM4 | Formal Discipline

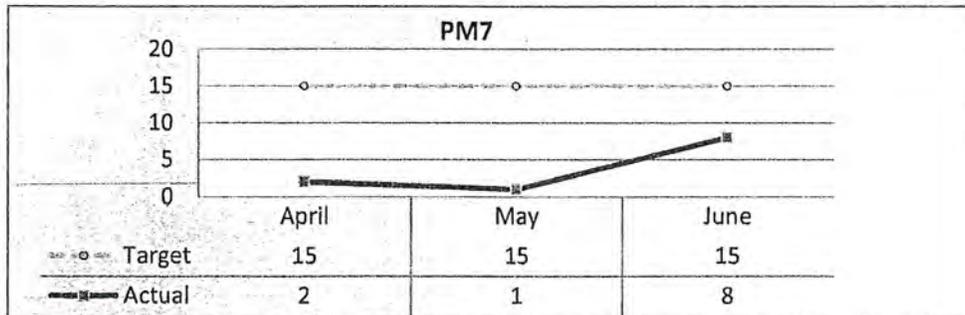
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,158 Days

PM7 | Probation Intake

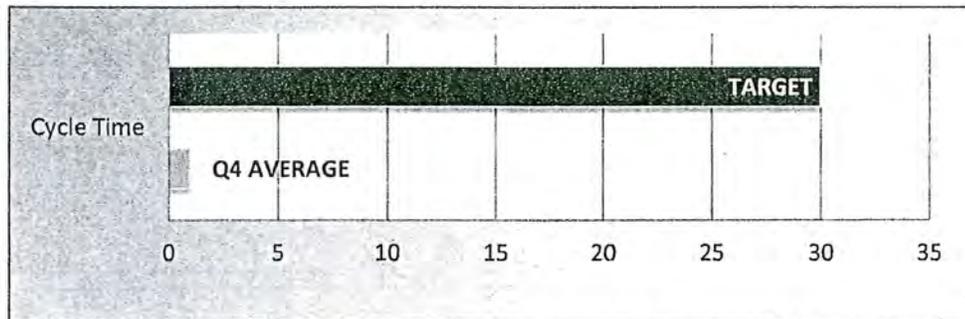
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | Actual Average: 4 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 30 Days | Actual Average: 1 Day

**Results of Customer Satisfaction Surveys &
Comments Received**

BVNPT Customer Service Surveys -- FY 2010/2011 - 272 Surveys

		5	4	3	2	1	N/A	
Performance Categories		Very Satisfied	Satisfied	Marginally Satisfied	Dissatisfied	Very Dissatisfied	Not Applicable	# of Responses
A	Meetings informative and actions clear.	154	47	6				207
B	Meetings conducted efficiently.	160	48	1				209
C	Staff are courteous and helpful.	146	49	10				205
D	Staff are knowledgeable and competent.	143	51	7			9	210
E	Staff delivers services promptly.	133	51	10	1		15	210
F	Website license verification is useful.	81	49	15			78	223
G	Website is accurate and pertinent.	79	53	4			76	212
H	Website is easy to navigate.	73	62	4			71	210
I	Website Brochures & Newsletter are useful.	78	47	3		2	80	210
J	Applications are processed efficiently.	81	38	7			81	207
K	Test Site accommodations are satisfactory.	77	49	7			77	210
L	Licensing/ Renewal processes are efficient.	78	45	7			79	209
M	Enforcement inquiries are answered clearly.	107	48	10			45	210
N	Complaint filing information is clear.	104	43	12			51	210
O	School Accreditation information is clear.	108	49	5	1		47	210
P	Scope of practice interpretations are clear.	106	53	5	3		42	209
Q	Director Forums are useful.	96	152	5			56	309
R	Overall, were you satisfied with the Board's services?	132	61	6	0	0	12	211
	Total#:	1936	895	124	5	3	828	3791
	Total Excluding "Not Applicable":	2963						
	%Percentages:	65.3%	30.2%	4.2%	0.2%	0.1%	100.0%	
		Yes	No	0-1	2-3	4+	No Response	
1	Do you use the Board's internet website to obtain general information? If not, why?	121	76				26	223
	%Breakdown	54.3%	34.1%				11.7%	100%
2	Do you like "automated" telephone answering systems to handle generic questions? If not, why?	111	87				26	224
	%Breakdown	49.6%	38.8%				11.6%	100%
3	How often do you contact the Board during the year?			154	19	36		209
		General	School	Exams/Lic.	Enf.	SOP	No. Resp.	0
3A	What is the general basis for your inquiry?	33	18	30	7	5	24	117
	%Breakdown	28.2%	15.4%	25.6%	6.0%	4.3%	20.5%	100%

FY 2010/2011

Customer Service Survey - Comments		# Received
1	Evaluate teachers at LVN schools.	
2	Do surprise visits at schools	
3	Have people speak more clearly. This is great! It's very helpful and I love coming and learning. It's a good learning tool on how to really appreciate your license.	
4	Everything was well put together and organized. Cannot wait til the next board hearing.	
5	Great Job	5
6	Respond to emails	3
7	Possibly a translator (when needed)	
8	No African-Americans members on the board and that may be very intimidating and viewed as biased by African American nurses petitioning for reinstatement of nursing license.	
9	Very informative. Should be a school requirement.	5
10	Only VN member on board didn't seem to ask any questions.	
11	Experience was satisfactory. Would like some way to know outcomes of these proceedings.	
12	It is already straight forward, organized and professional. No improvement needed.	2
13	Hard to hear with the room full. Able to hear better after lunch, less people in the room.	
14	Need clarification on revoked license.	
15	Every Board member should be required to ask a question. Overall, awesome presentation/hearing. I was engaged and interested the entire time. Eye opener.	4
16	More staff to answer calls	11
17	It would be nice to use credit cards. Service was fast however staff member was observed using personal telephone for internet never got up to help customer.	
18	On line LVN/license renewal would be helpful (8)- Especially if you took PayPal.	8
19	Basic customer service.	
20	Very friendly staff.	3
21	Keep up the great work!	2
22	More staff to complete daily processes/work.	5
23	My license was only a one year/3months while others run for 2 years. I really need my license for another 3 months and then went to use it again it cost me an addition 230 dollars. Its unfair. Cost of renewal fee	2
24	You only accept cash. Get an ATM machine.	
25	Allow other state agencies to look online to get info about whether license is current & in good standing.	
26	Pay online.	
27	To get with this century and be glad you have a job and act like you care.	
28	Very dissatisfied. Called @ 8am on the dot have phone proofs. Was on hold for literally 1 hour then it was time to go to work. Came into office no one checks sign in sheet-said its for count-worse than DMV.	2
29	Nothing. Debbie in Enforcement was excellent!	
30	Excellent services!!!	3
31	Helpful and prompt service	2
32	Mona was extremely helpful	3
33	Staff was courteous but obviously under staffed. They need more help!!	
34	Wonderful customer service. Handle problems efficiently & professionally.	

BVNPT Customer Service Surveys -- FY 2011/2012 - 631 Surveys

		5	4	3	2	1	N/A	
Performance Categories		Very Satisfied	Satisfied	Marginally Satisfied	Dissatisfied	Very Dissatisfied	Not Applicable	# of Responses
A	Meetings informative and actions clear.	332	128	16	1	1	4	482
B	Meetings conducted efficiently.	287	111	16	2	1	2	419
C	Staff are courteous and helpful.	329	109	23	3	1	11	476
D	Staff are knowledgeable and competent.	365	124	12	2	1	7	511
E	Staff delivers services promptly.	309	110	14	5	2	10	450
F	Website license verification is useful.	191	124	23	2	1	122	463
G	Website is accurate and pertinent.	181	117	27	4	1	132	462
H	Website is easy to navigate.	173	48	32	4	1	114	372
I	Website Brochures & Newsletter are useful.	154	112	28	2	1	121	418
J	Applications are processed efficiently.	184	109	25	11	2	128	459
K	Test Site accommodations are satisfactory.	168	85	18	3	1	142	417
L	Licensing/ Renewal processes are efficient.	185	83	21	8	2	130	429
M	Enforcement inquiries are answered clearly.	204	117	30	3	1	55	410
N	Complaint filing information is clear.	162	115	28	3	3	74	385
O	School Accreditation information is clear.	222	137	22	3	3	45	432
P	Scope of practice interpretations are clear.	239	138	21	2	2	51	453
Q	Director Forums are useful.	204	107	13	2	2	64	392
R	Overall, were you satisfied with the Board's services?	308	112	17	3	1	8	449
	Total#:	4197	1986	386	63	27	1220	7879
	Total Excluding "Not Applicable":	6659						
	%Percentages:	63.0%	29.8%	5.9%	0.9%	0.4%	100.0%	
		Yes	No	0-1	2-3	4+	No Response	
1	Do you use the Board's internet website to obtain general information? If not, why?	286	167					453
	%Breakdown	63.1%	36.9%	0.0%	0.0%	0.0%	0.0%	100%
2	Do you like "automated" telephone answering systems to handle generic questions? If not, why?	197	260					457
	%Breakdown	43.1%	56.9%	0.0%	0.0%	0.0%	0.0%	100%
3	How often do you contact the Board during the year?			294	54	31		379
		General	School	Exams/Lic.	Enf.	SOP	No. Resp.	0
3A	What is the general basis for your inquiry?	211	115	159	36	68	191	780
	%Breakdown	27.1%	14.7%	20.4%	4.6%	8.7%	24.5%	100%

Customer Service Survey - Comments	# Received
1 The Education Division offers "staff shortage" as an excuse for not returning phone calls/answering emails/offering information re progress in the Program material approval process. I recommend minimizing dissatisfaction by assigning a staff member to answer emails, return phone calls, and maintain a line of communication with schools awaiting program approval.	
2 More NECs. Room to cold. Sound system poor! Very good of you to have a speaker after lunch.	3
3 Separating processing of approval for well performing programs from processing tract for problem programs. Right now good programs are delayed while poor performers receive attention.	
4 Helpful to know what our status in respect to the other proposed programs.	
5 Change status of schools going through reaccreditation to "pending approval" on website. Many students are are fearful of the schools showing past due approval.	
6 I respect the procedures of the Board but is there a training guide for the attendees? Does the Board consider the financial impact of the class approvals and employed instructors?	
7 Have a person answer the phone and route the calls.	7
8 Return emails within 24-48 hours. Poor communication with Directors of programs. Slow with approval forms.	
9 Exam becoming too complicated or hard for LVN.	
10 I felt that the Vice Presidents comments during questioning was very inappropriate and unnecessary.	
11 Provide interpreter.	5
12 For the board to speak more clearly & louder.	4
13 Please consider giving everyone a second chance.	3
14 Excellent presentation.	
15 These public hearings seem particularly good for those with drug or alcohol abuse problems.	
16 Use stage so all can be seen.	
17 It was great.	4
18 This was amazing-Very informative & judgment decisions, questions, review-open my eyes. Truth; integrity, honesty!	3
19 To have a live representative help you rather than an automated system, (helpful and knowledgeable representative). Be more indepth with the procedures. Fast prompted response back.	2
20 Thank you for opportunity.	2
21 Not bad. Couldn't ask for more.	
22 Can this be held more frequently, per year in order to have more students attend.	
23 Make it mandated to have schools disclose current standing with board clearly (approved, accreditation).	
24 No recommendations. Good Job.	6
25 More than one hearing in one area.	
26 Very inspirational to be a great person.	
27 Faster approval process.	2
28 There are some cases that should never be given a second chance. People petitioning should be seating more visibly.	
29 The board was very clear and well explained.	
30 Like to see students get their license faster (?) graduation, ie within one month, when they wait too long because of board paperwork the rate of board passing decreases.	
31 Shorter wait times when called.	
32 The speeches given before proceedings by the President could be more concise.	
33 We should be able to stay to see the results.	
34 Have students apply for admission to this event to decrease the number of students in attendance. I could see this even reaching 2,000-3,000 in the future.	

FY 2011/2012

35	I really liked the Board members and the questions they made to all petitions. Thanks for being friendly and informative to all students.	2
36	Helpful staff.	10
37	More info on website.	3
38	Have re-examination application forms on line.	
39	Board is excellent, however once payment is mailed for renewal it take too long to get processed.	2
40	Phone service was exceptional when I was able to get through.	
41	Long waits on phone	4
42	The investigations for menial traffic tickets takes too long in Enforcement.	
43	Consider consolidating enforcement boards LVN/PT, RCP and others that have the same enforcement requirements into one board. So that if you have one license you do not have to go threw enforcement (?) more than one time.	
44	Be quick, be efficient with process of applications.	3
45	Better payment plan options.	
46	Make bathroom breaks = 15 minutes, not 10 min.	
47	Have the petitioner face the audience, just so we can see emotions.	
48	Work faster.	

BVNPT Customer Service Surveys -- FY 2012/2013 - 431 Surveys

		5	4	3	2	1	N/A	
Performance Categories		Very Satisfied	Satisfied	Marginally Satisfied	Dissatisfied	Very Dissatisfied	Not Applicable	# of Responses
A	Meetings informative and actions clear.	244	113	17	4	4	24	406
B	Meetings conducted efficiently.	236	110	15	5	5	26	397
C	Staff are courteous and helpful.	291	112	16	2	8	5	434
D	Staff are knowledgeable and competent.	274	103	16	2	6	7	408
E	Staff delivers services promptly.	212	113	20	5	13	12	375
F	Website license verification is useful.	216	99	22	7	4	64	412
G	Website is accurate and pertinent.	198	109	23	10	7	59	406
H	Website is easy to navigate.	194	110	24	9	5	59	401
I	Website Brochures & Newsletter are useful.	167	101	26	7	5	71	377
J	Applications are processed efficiently.	171	96	38	12	16	72	405
K	Test Site accommodations are satisfactory.	162	109	21	3	5	92	392
L	Licensing/ Renewal processes are efficient.	172	99	28	8	19	84	410
M	Enforcement inquiries are answered clearly.	182	110	132	7	4	67	502
N	Complaint filing information is clear.	159	102	26	2	5	75	369
O	School Accreditation information is clear.	190	115	23	3	6	57	394
P	Scope of practice interpretations are clear.	190	117	25	7	6	50	395
Q	Director Forums are useful.	187	101	12	3	7	63	373
R	Overall, were you satisfied with the Board's services?	240	124	24	0	14	12	414
	Total#:	3685	1943	408	101	138	901	7176
	Total Excluding "Not Applicable":	6275						
	%Percentages:	58.7%	31.0%	6.5%	1.6%	2.2%	100.0%	
		Yes	No	0-1	2-3	4+	No Response	
1	Do you use the Board's internet website to obtain general information? If not, why?	304	118				31	453
	%Breakdown	67.1%	26.0%	0.0%	0.0%	0.0%	6.8%	100%
2	Do you like "automated" telephone answering systems to handle generic questions? If not, why?	185	219				36	440
	%Breakdown	42.0%	49.8%	0.0%	0.0%	0.0%	8.2%	100%
3	How often do you contact the Board during the year?			212	73	48		333
		General	School	Exams/Lic.	Enf.	SOP	No. Resp.	0
3A	What is the general basis for your inquiry?	165	79	158	38	42	140	622
	%Breakdown	26.5%	12.7%	25.4%	6.1%	6.8%	22.5%	100%

Customer Service Survey - Comments	# Received
1 A wish to get proper funding to keep BVNPT doing what it needs to do. Save the VN career!	
2 To give update regarding the LVN future to be back in the hospital on the plans on future for the LVN program.	
3 The Board is racially biased there are no African American members on the board.	
4 Hire more Nurse Consultants. Pay them more so they stay and not leave!	6
5 Less automated system, the need of a human voice.	2
6 Start promptly at 9 am. Other than that very professional.	2
7 Very good information as to what not to do when you are in the nursing field.	
8 Put extra microphones for each Board member and petitioner so that you can still hear their voice even though they look through left and right or while reading	
9 The Board was very patient and clear. The board explained hearing procedure in a very affective manner.	2
10 They are doing a great job!	
11 Please space the seat rows a little more. Its really hard to get to a seat that is not on the end.	2
12 Have the Board ask the students if <u>we</u> can hear the comments of the petitioner.	
13 It was awesome learning.	
14 Use more AC so not so hot during hearings.	
15 More staff-everyone was very helpful & friendly; just short staffed, so service took longer.	11
16 It took me 3 weeks to receive my results, and only after I called to ask about them. All other classmates received theirs exactly 3 days after testing. I was also the 1st person to test. Ridiculous. Mrs. Bullock at BVNPT is very friendly. Thank you for your help.	
17 Louder speakers when talking.	1
18 Notice for Director's Meeting was way too late-need to know date by mid August. Directors often teach and can't make changes with one week's notice-or pick consistent date per year. Budgets are very tight-Director's mg needs to be extremely valuable to justify meeting spent.	
19 Confirmation via email of receipt of applications for faculty/clinical file.	3
20 Appreciate your support.	
21 The NEC's do an <u>amazing</u> job considering the staffing issues. Keep up the good work.	
22 Improve your telephone service please to answer our question that need quick answers.	11
23 Thank the Board for all they do.	
24 Take too long to process NCLEX apps.	2
25 Doing a good job with lack of staff.	5
26 Excellent Board!	
27 Develop simple checklists for all requirements. Keep the program record guideline (with regulation#) on line to be able to access as needed.	
28 More staff; communication with the National Council on time for testing & handling your "backlog" efficiently to pass our applications onto the National Council so we are able to test ASAP & the percentage rates may be better on the NCLEX overall.	8
29 Provide reports that are read during meeting to be posted on website, so we can download before meeting.	
30 Need more information on International students.	
31 Maybe they should provide a translator.	1
32 Satisfied with the services	
33 I am always very pleased with the service I receive at the office on Capital Oaks Dr. I always come in for my renewal. They are very efficient.	6
34 Establish a log on ID username for each licensee/applicants, which will help users to obtain specific answers, back applications, check status and view an overall history with BVNPT.	
35 Good service-Rudy was very nice.	7
36 Everyone here is very professional. They are also very nice and pleasant, knowledgeable too! Thank you!	4

Customer Service Survey - Comments		# Received
37	Phone system takes forever, too long wait.	5
38	The amount of time to process an online payment is too long. You do not need to contact people when there is a problem and then charge a late fee based on the date we show up versus the date a payment was made!	3
39	I would like to thank Ms. Garcia for all her help, she is friendly and patience. I can tell she loves her job! Thank you!	2
40	Susan Bullock was very helpful under hard times. Need more employees to process (illegible) in renewal so people don't get terminated from jobs!! We count on Board to process our license so we can work!	2
41	Improve the waiting time for mailing the licenses. Contact people when their enforcement analyst changed, besides those two things I'm happy.	
42	The Executive Officer, Mrs. Jones is always available. Ms. Anderson works very hard to make certain my school has the right information and that she welcomes our inquiries. I'm a little disappointed with a Board member Mr. Mah who seems disconnected with the other Board Members.	
43	Maybe to be able to find out if you passed the NCLEX more quickly.	2
44	Terrific staff	
45	Keep up the good work!	
46	More accurate info on line.	
47	You need an ATM/Visa machine.	
48	I've never had less-than-competent service in dealing with Board staff.	
49	Speed up the process!	
50	I would recommend adding more staff even if they had to be part-time to answer telephone inquiries and process licenses.	
51	Website does not explain process to obtain a temporary license.	

BVNPT Customer Service Surveys -- FY 2012/2013 - 431 Surveys

		5	4	3	2	1	N/A	
Performance Categories		Very Satisfied	Satisfied	Marginally Satisfied	Dissatisfied	Very Dissatisfied	Not Applicable	# of Responses
A	Meetings informative and actions clear.	244	113	17	4	4	24	406
B	Meetings conducted efficiently.	236	110	15	5	5	26	397
C	Staff are courteous and helpful.	291	112	16	2	8	5	434
D	Staff are knowledgeable and competent.	274	103	16	2	6	7	408
E	Staff delivers services promptly.	212	113	20	5	13	12	375
F	Website license verification is useful.	216	99	22	7	4	64	412
G	Website is accurate and pertinent.	198	109	23	10	7	59	406
H	Website is easy to navigate.	194	110	24	9	5	59	401
I	Website Brochures & Newsletter are useful.	167	101	26	7	5	71	377
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K	Test Site accommodations are satisfactory.	162	109	21	3	5	92	392
L	Licensing/ Renewal processes are efficient.	172	99	28	8	19	84	410
M	Enforcement inquiries are answered clearly.	182	110	132	7	4	67	502
N	Complaint filing information is clear.	159	102	26	2	5	75	369
O	School Accreditation information is clear.	190	115	23	3	6	57	394
P	Scope of practice interpretations are clear.	190	117	25	7	6	50	395
Q	Director Forums are useful.	187	101	12	3	7	63	373
R	Overall, were you satisfied with the Board's services?	240	124	24	0	14	12	414
	Total#:	3685	1943	408	101	138	901	7176
	Total Excluding "Not Applicable":	6275						
	%Percentages:	58.7%	31.0%	6.5%	1.6%	2.2%	100.0%	
		Yes	No	0-1	2-3	4+	No Response	
1	Do you use the Board's internet website to obtain general information? If not, why?	304	118				31	453
	%Breakdown	67.1%	26.0%	0.0%	0.0%	0.0%	6.8%	100%
2	Do you like "automated" telephone answering systems to handle generic questions? If not, why?	185	219				36	440
	%Breakdown	42.0%	49.8%	0.0%	0.0%	0.0%	8.2%	100%
3	How often do you contact the Board during the year?			212	73	48		333
		General	School	Exams/Lic.	Enf.	SOP	No. Resp.	0
3A	What is the general basis for your inquiry?	165	79	158	38	42	140	622
	%Breakdown	26.5%	12.7%	25.4%	6.1%	6.8%	22.5%	100%

Customer Service Survey - Comments		# Received
1	A wish to get proper funding to keep BVNPT doing what it needs to do. Save the VN career!	
2	To give update regarding the LVN future to be back in the hospital on the plans on future for the LVN program.	
3	The Board is racially biased there are no African American members on the board.	
4	Hire more Nurse Consultants. Pay them more so they stay and not leave!	6
5	Less automated system, the need of a human voice.	2
6	Start promptly at 9 am. Other than that very professional.	2
7	Very good information as to what not to do when you are in the nursing field.	
8	Put extra microphones for each Board member and petitioner so that you can still hear their voice even though they look through left and right or while reading	
9	The Board was very patient and clear. The board explained hearing procedure in a very affective manner.	2
10	They are doing a great job!	
11	Please space the seat rows a little more. Its really hard to get to a seat that is not on the end.	2
12	Have the Board ask the students if <u>we</u> can hear the comments of the petitioner.	
13	It was awesome learning.	
14	Use more AC so not so hot during hearings.	
15	More staff-everyone was very helpful & friendly; just short staffed, so service took longer.	11
16	It took me 3 weeks to receive my results, and only after I called to ask about them. All other classmates received theirs exactly 3 days after testing. I was also the 1st person to test. Ridiculous. Mrs. Bullock at BVNPT is very friendly. Thank you for your help.	
17	Louder speakers when talking.	1
18	Notice for Director's Meeting was way too late-need to know date by mid August. Directors often teach and can't make changes with one week's notice-or pick consistent date per year. Budgets are very tight-Director's mg needs to be extremely valuable to justify meeting spent.	
19	Confirmation via email of receipt of applications for faculty/clinical file.	3
20	Appreciate your support.	
21	The NEC's do an <u>amazing</u> job considering the staffing issues. Keep up the good work.	
22	Improve your telephone service please to answer our question that need quick answers.	11
23	Thank the Board for all they do.	
24	Take too long to process NCLEX apps.	2
25	Doing a good job with lack of staff.	5
26	Excellent Board!	
27	Develop simple checklists for all requirements. Keep the program record guideline (with regulation#) on line to be able to access as needed.	
28	More staff; communication with the National Council on time for testing & handling your "backlog" efficiently to pass our applications onto the National Council so we are able to test ASAP & the percentage rates may be better on the NCLEX overall.	8
29	Provide reports that are read during meeting to be posted on website, so we can download before meeting.	
30	Need more information on International students.	
31	Maybe they should provide a translator.	1
32	Satisfied with the services	
33	I am always very pleased with the service I receive at the office on Capital Oaks Dr. I always come in for my renewal. They are very efficient.	6
34	Establish a log on ID username for each licensee/applicants, which will help users to obtain specific answers, back applications, check status and view an overall history with BVNPT.	
35	Good service-Rudy was very nice.	7
36	Everyone here is very professional. They are also very nice and pleasant, knowledgeable too! Thank you!	4

Customer Service Survey - Comments		# Received
37	Phone system takes forever, too long wait.	5
38	The amount of time to process an online payment is too long. You do not need to contact people when there is a problem and then charge a late fee based on the date we show up versus the date a payment was made!	3
39	I would like to thank Ms. Garcia for all her help, she is friendly and patience. I can tell she loves her job! Thank you!	2
40	Susan Bullock was very helpful under hard times. Need more employees to process (illegible) in renewal so people don't get terminated from jobs!! We count on Board to process our license so we can work!	2
41	Improve the waiting time for mailing the licenses. Contact people when their enforcement analyst changed, besides those two things I'm happy.	
42	The Executive Officer, Mrs. Jones is always available. Ms. Anderson works very hard to make certain my school has the right information and that she welcomes our inquiries. I'm a little disappointed with a Board member Mr. Mah who seems disconnected with the other Board Members.	
43	Maybe to be able to find out if you passed the NCLEX more quickly.	2
44	Terrific staff	
45	Keep up the good work!	
46	More accurate info on line.	
47	You need an ATM/Visa machine.	
48	I've never had less-than-competent service in dealing with Board staff.	
49	Speed up the process!	
50	I would recommend adding more staff even if they had to be part-time to answer telephone inquiries and process licenses.	
51	Website does not explain process to obtain a temporary license.	

BVNPT Customer Service Surveys -- FY 2013/2014 - 259 Surveys

		5	4	3	2	1	N/A	
Performance Categories		Very Satisfied	Satisfied	Marginally Satisfied	Dissatisfied	Very Dissatisfied	Not Applicable	# of Responses
A	Meetings informative and actions clear.	143	76	13	3	3	1	239
B	Meetings conducted efficiently.	122	66	25	2	3	3	221
C	Staff are courteous and helpful.	166	61	10	3	5		245
D	Staff are knowledgeable and competent.	164	62	6	3	5		240
E	Staff delivers services promptly.	143	55	15	3	7	2	225
F	Website license verification is useful.	113	68	16	2	2	29	230
G	Website is accurate and pertinent.	105	77	15			31	228
H	Website is easy to navigate.	100	74	23			30	227
I	Website Brochures & Newsletter are useful.	95	68	18	1	2	41	225
J	Applications are processed efficiently.	88	54	28	12	7	41	230
K	Test Site accommodations are satisfactory.	84	66	22		1	57	230
L	Licensing/ Renewal processes are efficient.	82	63	18	7	4	52	226
M	Enforcement inquiries are answered clearly.	104	65	15	2	1	43	230
N	Complaint filing information is clear.	83	62	16	2	4	40	207
O	School Accreditation information is clear.	117	68	10	1	1	32	229
P	Scope of practice interpretations are clear.	122	67	12		1	26	228
Q	Director Forums are useful.	121	57	9		1	31	219
R	Overall, were you satisfied with the Board's services?	124	81	15	2	1	6	229
	Total#:	2076	1190	286	43	48	465	4108
	Total Excluding "Not Applicable":	3643						
	%Percentages:	56.9%	32.7%	7.9%	1.2%	1.3%	100.0%	
		Yes	No	0-1	2-3	4+	No Response	
1	Do you use the Board's internet website to obtain general information? If not, why?	185	55				12	252
	%Breakdown	73.4%	21.8%	0.0%	0.0%	0.0%	4.8%	100%
2	Do you like "automated" telephone answering systems to handle generic questions? If not, why?	109	154				19	282
	%Breakdown	38.7%	54.6%	0.0%	0.0%	0.0%	6.7%	100%
3	How often do you contact the Board during the year?			119	51	36		206
		General	School	Exams/Lic.	Enf.	SOP	No. Resp.	0
3A	What is the general basis for your inquiry?	109	36	92	10	14	91	352
	%Breakdown	31.0%	10.2%	26.1%	2.8%	4.0%	25.9%	100%

FY 2013/2014

Customer Service Survey - Comments		# Received
1	I feel that if you were able to get the staff you need that you would be able to process all the paperwork in a timely manner.	2
2	Less time spent on reports that can be handled out rather than oral.	
3	I am very happy & proud of BVNPT to (illegible) and stay on tope of everything. Pam Hinckly thank you.	
4	Keep up the good work. (Illegible) faster turn round of applications please.	
5	Great board to work with. Helpful. We understand the deficiency of employees, but efforts have always done the best to assist my programs.	
6	Need to make the process of complains against a school more user friendly. Some schools are not following BVNPT requirements (fraud) with exams-entrance and others-	
7	To provide more clarification regarding open and pending traffic tickets that must be reported.	
8	Speedy process for student to take exam sooner. Students concerned of waiting period 72 months.	
9	Online chat for QA. Search engine to website.	
10	Please distinguish on the website what day is the hearings. It's unclear between the two dates. I always have to call to find out.	
11	None at this time. Glad to see hiring happening. Thank you for reducing the application time.	2
12	Allow students the opportunity to go online or to call a verification # to find out if they passed NCLEX within 24-48 after testing. Start	
13	Have board bring school reps to podium first before making a motion/protocol.	4
14	Thank you for letting us participate. This was highly informative.	2
15	Great job.	2
16	Do not give a license back to anybody who violates law by forging prescriptions or stealing patients prescriptions especially for	
18	Please speak louder for those in the back. Very informational.	3
19	Students should attend in professional attire. NO SCRUBS.	
20	Higher stage platform so those in the back can see whom is speaking. In the beginning of the meeting encourage all speakers to	
21	Too long for wait. Voicemail full. Difficult to leave messages.	
22	This was one of the best disciplinary meeting I've attended. The judge was excellent. The variety of cases were great learning cases	
23	Speedy processing. Faster test results.	
24	Defendants drat out answers and should be better briefed on how to answer questions.	
25	Have a time limit max 30 mins per person.	
26	Nothing they were awesome and knowledgeable!	
27	The Board Committee was very courteous to us students. When I asked them questions the were very forthcoming and helpful. I	
28	Make the entire process on line, plus via email, with a turn around time a week overall. Download files (jpeg) to verify	
29	Better time management during board/Committee meetings.	
30	Presentations on PowerPoint or other sources during board meetings e.g. licensing Education division, etc. be posted on the	
31	More staff.	3
32	Front office people to check over paperwork so you don't have to return more than once.	
33	If it's cash only...and employees send you to a local bank, they should advise you only accept exact change.	
34	It's a lot to pay for retake and only have on chance. It's a little too much for that.	

NCLEX/PN Testing Centers (California)

**Psychological Services, Inc. (PSI) Examination Centers
California**

	TEST CENTER LOCATION	CITY/STATE
1	2301 West Lincoln Avenue, Suite 252 Park Gate Center	Anaheim, CA
2	7305 Morro Road, Suite 201A	Atascadero, CA
3	5405 Stockdale Highway, Suite 206	Bakersfield, CA
4	2950 North Hollywood Way, Suite 150 (First Floor)	Burbank, CA
5	4399 Santa Anita Avenue, Suite 110	El Monte, CA
6	351 East Barstow, Suite 101	Fresno, CA
7	24301 Southland Drive, Suite B - 1	Hayward, CA
8	23297 South Pointe Drive, Suite 140	Laguna Hills, CA
9	2861 Churn Creek, Unit C	Redding, CA
10	7888 Mission Grove Parkway South, Suite 130	Riverside, CA
11	9719 Lincoln Village Drive, Building 100, Ste. 100	Sacramento, CA
12	5440 Morehouse Drive, Suite 3300	San Diego, CA
13	150 Executive Park Boulevard, Suite 1100	San Francisco, CA
14	2936 Scott Boulevard	Santa Clara, CA
15	160 Wiklup Drive, Suite 105	Santa Rosa, CA
16	4245 Market Street, Suite 208	Ventura, CA
17	3400 West Mineral King Avenue, Suite D	Visalia, CA
18	175 Lennon Lane, Suite 203	Walnut Creek, CA

PTLE Testing Centers (California)

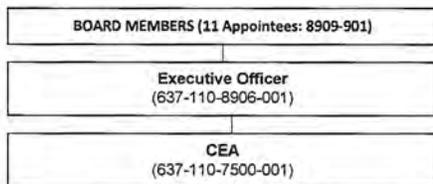
PEARSON PROFESSIONAL EXAMINATION CENTERS California

	TEST CENTER LOCATION	CITY/STATE
1	7555 North Palm Avenue, Suite 205	Fresno, CA
2	5300 West Tulare Avenue, Suite 108 (Cigna Building)	Visalia, CA
3	1010 South Broadway, Suite F (Gill Office Building)	Santa Maria, CA
4	1551 McCarthy Boulevard, Suite 108	Milpitas, CA
5	8950 Cal Center Drive, Suite 215, Building #1	Sacramento, CA
6	3010 Lava Ridge Court, Suite #170	Roseville, CA
7	1000 Broadway, Suite 470 (Transpacific Center)	Oakland, CA
8	201 Filbert Street, Suite 200	San Francisco, CA
9	4820 Business Center Drive, Suite 150	Fairfield, CA
10	2001 Junipero Serra Boulevard., Suite 530	Daly City, CA
11	875 South Westlake Blvd., Suite 106 (Westlake Corporate Centre)	West Lake Village, CA
12	70 South Lake Avenue, Suite 840 (Union Bank Building)	Pasadena, CA
13	140 East Via Verde, Suite 110	San Dimas, CA
14	1515 West 190th Street, Suite 405 (South Bay Centre)	Gardena, CA
15	3401 Centrelake Plaza	Ontario, CA
16	2190 Towne Centre Place, Suite 300	Anaheim, CA
17	1690 Barton Road, Suite 102	Redlands, CA
18	23792 Rockfield Blvd, Suite 200	Lake Forest, CA
19	570 Rancheros Drive, Suite 110	San Marcos, CA
20	9619 Chesapeake Drive, Suite 208	San Diego, CA
21	2190 Larkspur Lane, Suite 400	Redding, CA
22	11770 Bernardo Plaza Court, Suite 463 (Sunroad Financial Plaza)	San Diego, CA

Year-end organization charts for last four fiscal years

DEPARTMENT OF CONSUMER AFFAIRS
Board of Vocational Nursing
and Psychiatric Technicians
 July 1, 2010

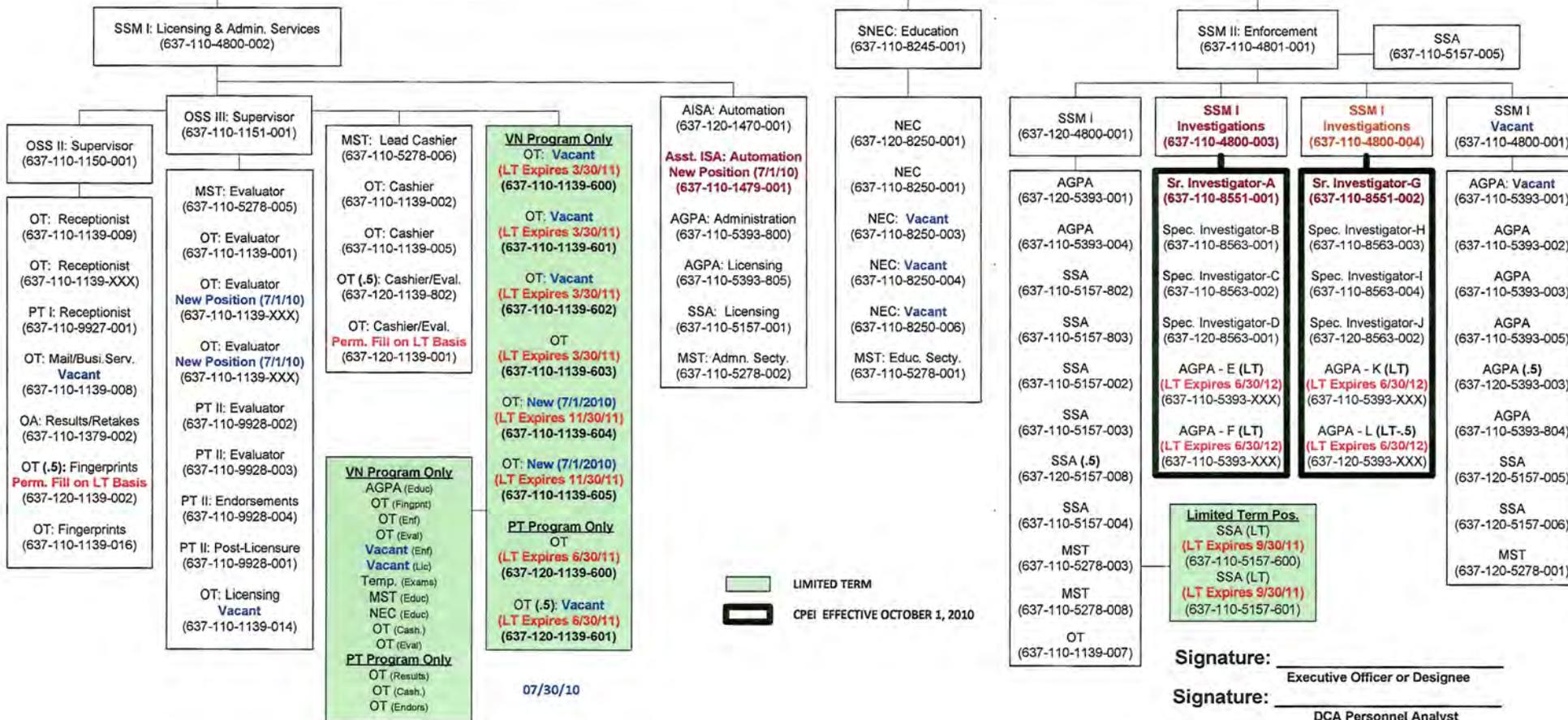
FY 2010/11 Authorized Positions
 VN Program (637-110): 69.3
 PT Program (637-120): 13.4
 Temporary Help Positions: 14.0



Licensing & Administrative Services Division

Education Division

Enforcement Division



LIMITED TERM
 CPEI EFFECTIVE OCTOBER 1, 2010

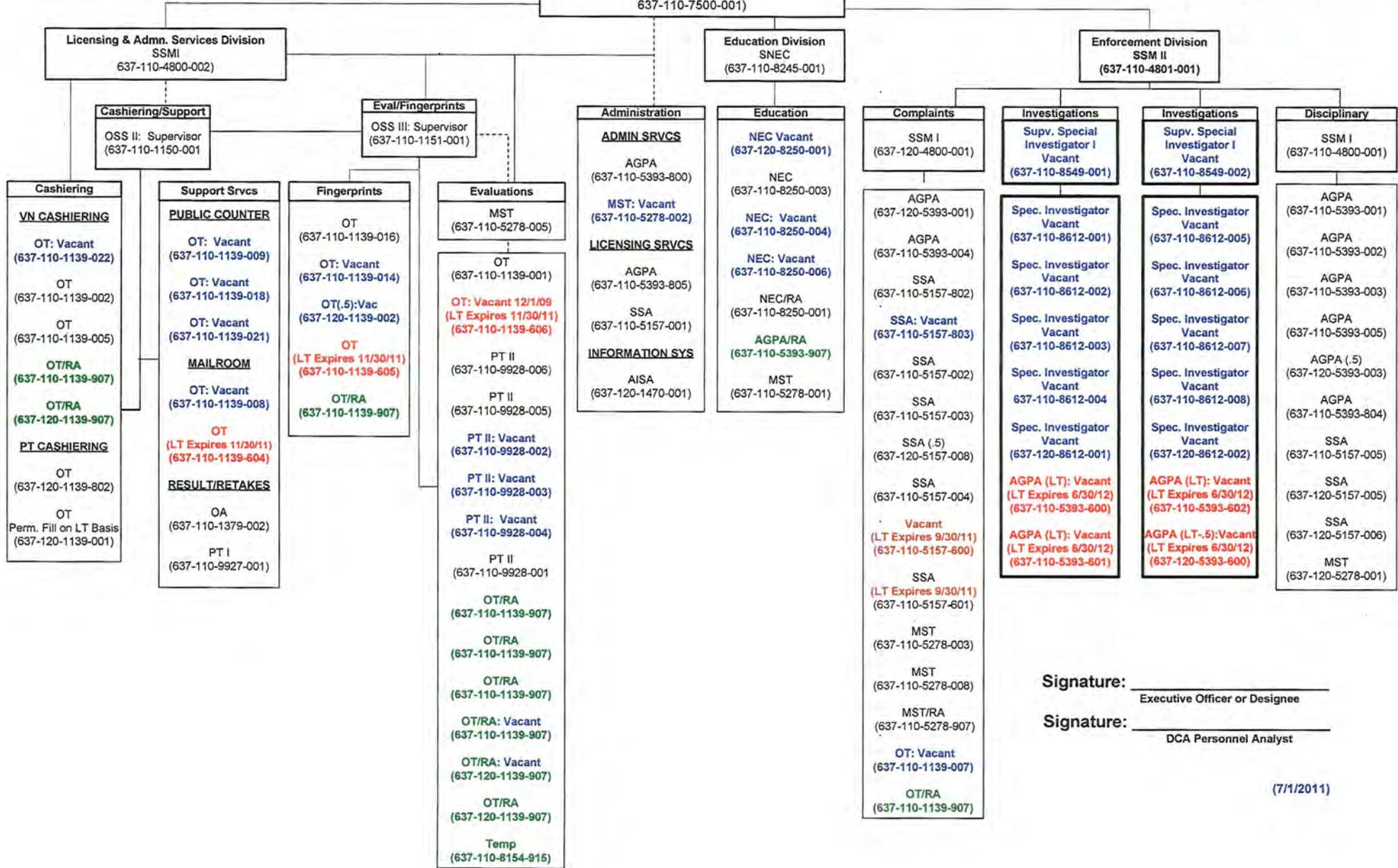
07/30/10

Signature: _____
 Executive Officer or Designee
 Signature: _____
 DCA Personnel Analyst

DEPARTMENT OF CONSUMER AFFAIRS
Board of Vocational Nursing
and Psychiatric Technicians
July 1, 2011

BOARD MEMBERS (11 Appointees: 8909-901)
Executive Officer
 (637-110-8906-001)
CEA
 637-110-7500-001)

FY 2011/12 Authorized Positions
VN Program (637-110): 65.3
PT Program (637-120): 11.7
Temporary Help Positions: 19.0



Signature: _____
 Executive Officer or Designee

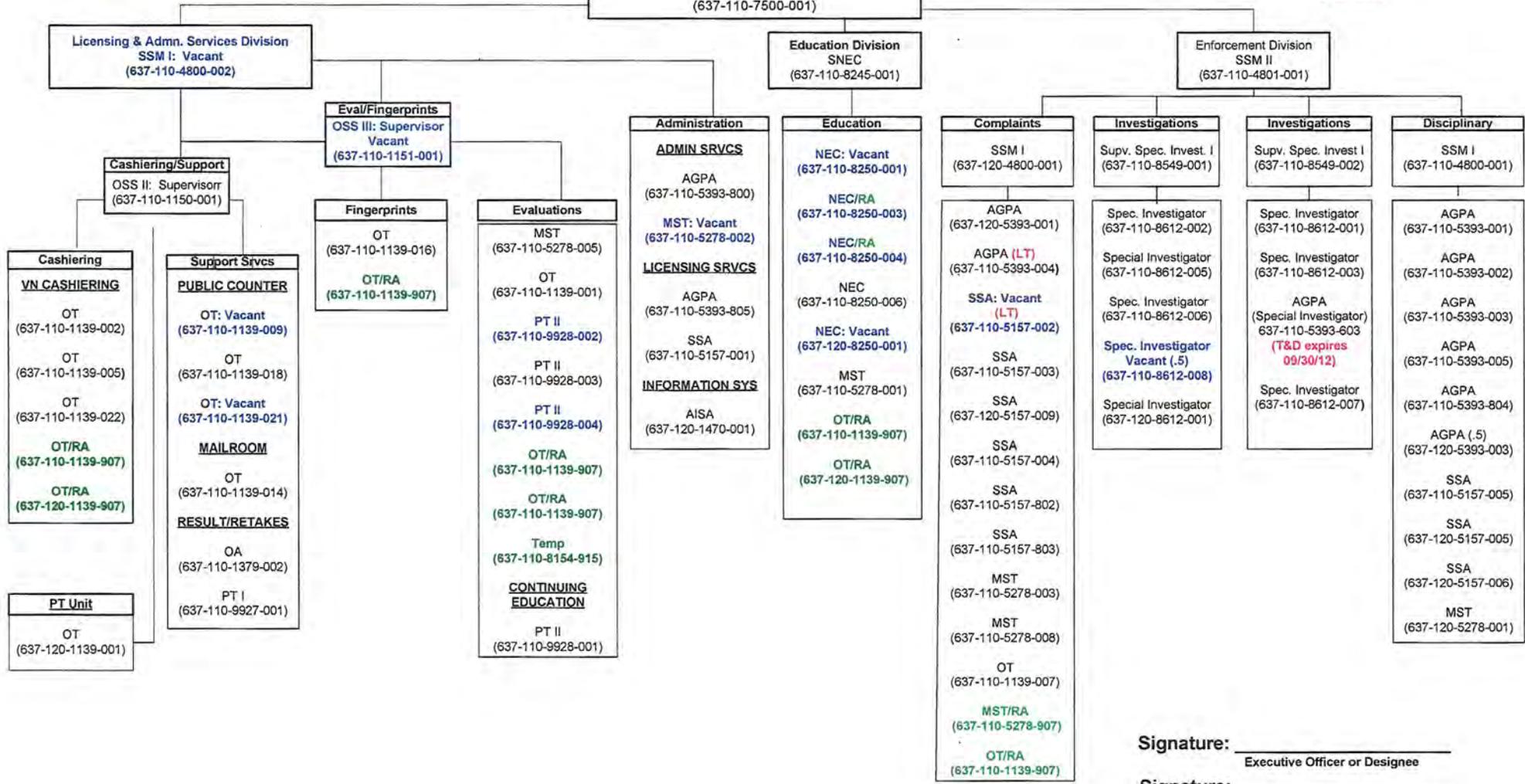
Signature: _____
 DCA Personnel Analyst

(7/1/2011)

DEPARTMENT OF CONSUMER AFFAIRS
Board of Vocational Nursing
and Psychiatric Technicians
 July 1, 2012

BOARD MEMBERS (11 Appointees: 8909-901)
Executive Officer
 (637-110-8906-001)
CEA
 (637-110-7500-001)

FY 2012/13 Authorized Positions
 VN Program (637-110): 58.2*
 PT Program (637-120): 10.5*
Temporary Help Positions: 12.0
Current



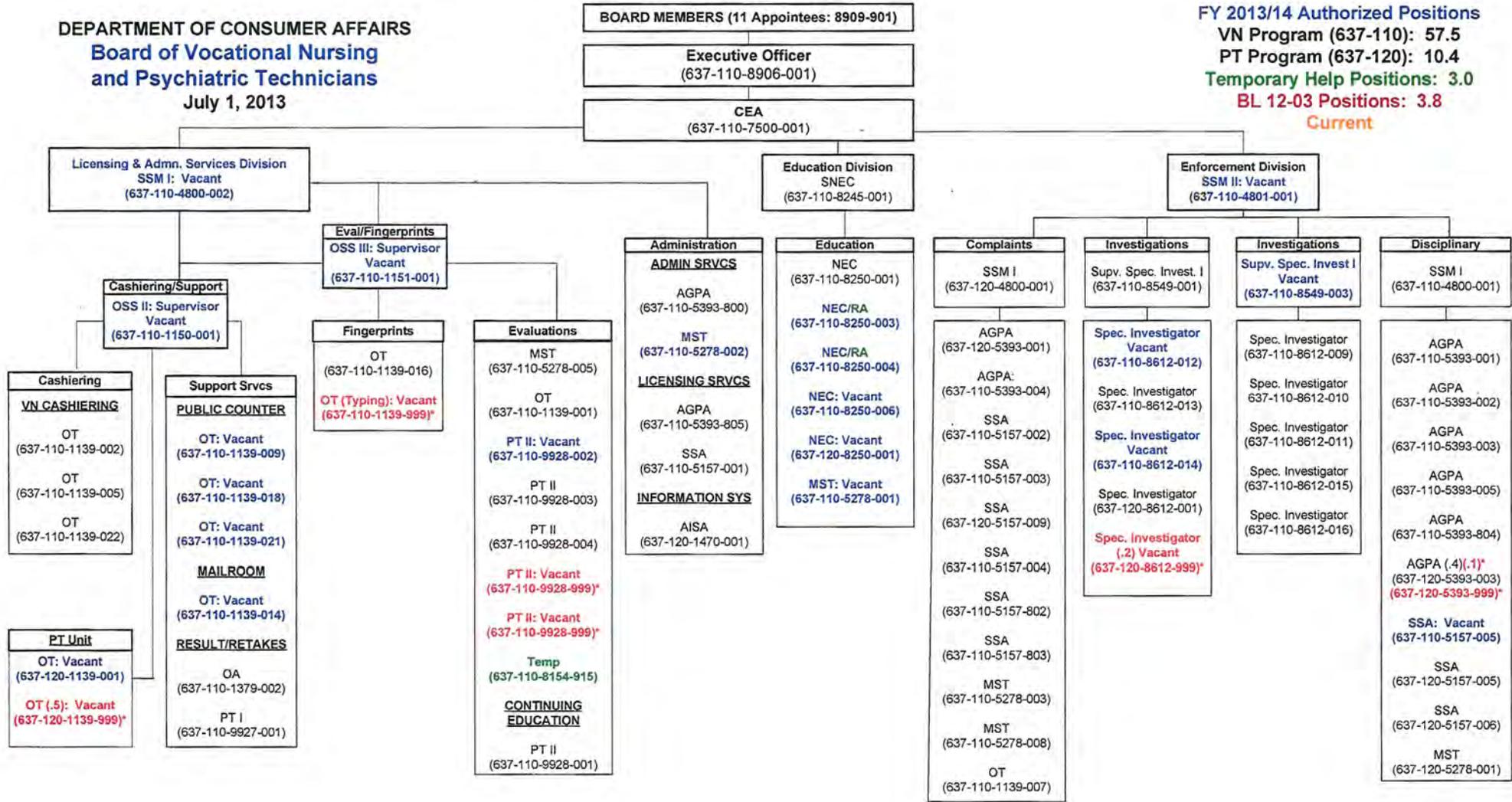
Signature: _____
 Executive Officer or Designee

Signature: _____
 DCA Personnel Analyst

*Includes 4 AGPA limited term positions (3 VN Program = .7 PY; 1 PT Program = .1 PY. Total .8 PY) scheduled to expire 10/1/12 - Not shown in chart.

DEPARTMENT OF CONSUMER AFFAIRS
Board of Vocational Nursing
and Psychiatric Technicians
 July 1, 2013

FY 2013/14 Authorized Positions
 VN Program (637-110): 57.5
 PT Program (637-120): 10.4
Temporary Help Positions: 3.0
BL 12-03 Positions: 3.8
Current



Signature: _____
 Executive Officer or Designee

Signature: _____
 DCA Personnel Analyst

* BL 12-03 (999) Positions

Attachment F

This is a separate attachment not included in this document.