



Enforcement Division



**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**



WHAT IS THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS?

The Board of Vocational Nursing and Psychiatric Technicians (BVNPT) is a State agency within the Department of Consumer Affairs that licenses and regulates vocational nurses (VNs) and psychiatric technicians (PT) in California. The mission of BVNPT is to protect the health and safety of consumers by promoting quality vocational nursing and psychiatric technician care in California. The Vocational Nursing Practice Act and Psychiatric Technicians Law give the Board the authority to investigate complaints and take disciplinary action against vocational nurses and psychiatric technicians. These investigation and disciplinary functions are handled by the Board's Enforcement Division.

WHAT DOES BVNPT'S ENFORCEMENT DIVISION DO?

Enforcement Division staff work with healthcare consumers and providers to identify VNs/PTs who have engaged in unsafe activity that may put the public at risk.

Enforcement Division responsibilities are divided into:

- Complaint intake.
- Investigation.
- Legal action.
- Probation monitoring.

FILING A COMPLAINT

A complaint is information stating that a VN/PT or applicant may have acted in an unsafe or unprofessional manner. A complaint can also be filed when someone is providing vocational nursing or psychiatric technician care without a license.

The most common complaints involve criminal convictions. Other complaints received by BVNPT pertain to:

- Improper patient care, such as the VN/PT has committed serious medication errors, abused a patient, or failed to provide appropriate care.
- Issues with a substance use disorder where the VN/PT is suspected of abusing alcohol or drugs.

Complaints about fees, billing, and other business practices, or personality conflicts/rudeness are not within the authority of the Board.

Complaints about other healthcare providers, such as physicians, registered nurses, and nursing assistants are outside BVNPT's jurisdiction and are referred to the agencies that regulate those professions.

INVESTIGATING A COMPLAINT

If a complaint needs further investigation, BVNPT staff will forward it to either the Department of Consumer Affairs' Division of Investigation (DOI) or to BVNPT special investigators, who will conduct interviews and gather information. The investigator submits a report of the findings to BVNPT for review. If no violation is substantiated, the case is closed and the person who filed the complaint is notified.



TAKING LEGAL ACTION

If the investigation finds evidence that the nurse has committed a minor violation and the violation does not warrant formal disciplinary action, the case is handled through an informal citation and fine process. Through this process, the BVNPT's Executive Officer is authorized to issue citations and fines for minor violations of the Nursing Practice Act. A vocational nursing/psychiatric technician may contest the citation and fine through an informal or formal appeal process. The citation may be as much as \$10,000 (California Code of Regulations 2523.2, 2523.5, 2579.4, 2579.7).

If there is evidence of a more serious violation, the case is forwarded to the Attorney General's Office for review. If there is sufficient evidence, the Attorney General's Office prepares an accusation, which lists the legal charges. The VN/PT can admit to specific charges and agree to disciplinary action through the settlement process, or can dispute the charges at a hearing before an administrative law judge. After the hearing, the judge sends a proposed decision to the nine-member Board to accept, modify, or reject.

WHAT ARE THE POTENTIAL OUTCOMES OF DISCIPLINARY ACTION?

In serious cases, the VN/PT's license could be revoked, suspended, or surrendered (the VN/PT cannot practice) or placed on probation (the VN/PT can still practice under specific conditions). While on probation, the VN/PT is monitored by a BVNPT probation monitor to ensure the conditions of probation are met. When the BVNPT successfully completes the conditions, the probation is lifted.

The Board is also responsible for denying a license to applicants who are identified as potentially unsafe practitioners. An applicant who is denied a license may appeal.

WHY SHOULD SOMEONE FILE A COMPLAINT?

Filing a complaint is the primary way the Board learns of alleged violations of the Vocational Nursing Practice Act and Psychiatric Technicians Law.

To file a complaint, log on to the BVNPT website, **www.bvnpt.ca.gov**, and click on the "Enforcement" tab at the top of the page to access the complaint form and more information about the complaint process.

You can also call BVNPT at (916) 263-7800 and ask to have a complaint form mailed to you.

Remember, the most effective complaints contain first-hand, verifiable information with dates, times, and specific evidence. Anonymous complaints are reviewed, but may be impossible to pursue without evidence of the alleged behavior or actions.

HOW LONG DOES THE COMPLAINT PROCESS TAKE?

The investigation and legal process may take an extended period of time depending on the complexity of the case. Complaints about conduct that places the public at risk receive the highest priority.

ARE COMPLAINTS CONFIDENTIAL?

Complaints are confidential while they are being investigated. If an accusation is filed or a disciplinary action taken, BVNPT will place the appropriate documents on its website as a public document. Any disciplinary action imposed becomes a part of a VN/PT's permanent record and may be disclosed to the public.



BVNPT

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