

## TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

**Date: Wednesday, January 27, 2010**

Time: 10:00 a.m.

Board for Professional Engineers & Land Surveyors  
2535 Capitol Oaks Drive, 3<sup>rd</sup> Floor Conference Room  
Sacramento, California 95833

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M. on **January 25, 2010**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by sections 2854 and 4504 of the Business and Professions (B&P) Code; and to implement, interpret or make specific sections 2867, 2867.5, 2871, 2895, 2895.1, 2895.5, 4512, 4544, and 4548 of the B&P Code, and Section 6157 of the Government Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR).

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

B&P Code section 2854 (VN Program) and section 4548 (PT Program) authorize the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Vocational Nursing Practice Act and the Psychiatric Technicians Law. The Board is proposing the following changes:

#### **(1) Amend section 2537 (VN Program) and section 4548 (PT Program)**

Existing law, B&P Code, section 2537, specifies the current fees and fee ranges for the VN Program.

The Board is proposing to make permanent the fee changes to ensure fiscal solvency in the VN Program. The changes are as follows:

- (a) The fee to be paid upon the filing of an application shall be in an amount not less than ~~seventy-five dollars (\$75)~~ one hundred fifty dollars (\$150), which is the statutory limit.
- (c) The fee to be paid for any examination after the first shall be in an amount not less than ~~seventy-five dollars (\$75)~~ one hundred fifty dollars (\$150), which is the statutory limit.
- (i) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ~~ten~~ twenty five dollars (~~\$40~~25).

**(2) PT Program – Section 4548**

Existing law, B & P Code, section 4548, specifies the current fees and fee ranges for the PT Program.

The Board is proposing to make permanent the fee changes to ensure fiscal solvency in the PT Program. The changes are as follows:

- (a) The fee to be paid upon the filing of an application shall be in an amount not less than ~~one hundred dollars (\$100)~~ one hundred fifty dollars (\$150), which is the statutory amount.
- (c) The fee to be paid for any examination after the first shall be in the amount not less than ~~one hundred dollars (\$100)~~ one hundred fifty dollars (\$150), which is the statutory amount.
- (k) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ~~ten~~ twenty five dollars (~~\$40~~25).

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Assuming a lifetime of 10 years, the fiscal impact to the Board would be: (1) for the \$75 increase in the vocational nurse application fee, \$8,248,500 (\$75 for approximately 10,998 applicants each year for 10 years); (2) for the \$75 increase in the vocational nurse re-examination fee, \$4,543,500 (\$75 for approximately 6058 applicants who retake the examination each year for 10 years); (3) for the \$50 increase in the psychiatric technician application fee, \$342,000 (\$50 for approximately 684 psychiatric technician applicants each year for ten years); and (4) for the \$50 increase in the psychiatric technician re-examination fee, \$274,000 (\$50 for approximately 548 applicants who retake the psychiatric technician examination each year for 10 years.) Therefore, total statewide costs for all proposed fee changes over the 10-year lifetime of the regulations would be \$12,792,000 for the VN program and \$616,000 for the PT program.

The increase in the dishonored check fee will help offset administrative costs of processing and collecting on dishonored checks. Total statewide costs relative to the \$15 increase in the dishonored check fee over the 10-year lifetime of the regulations would be about \$60,000 for the VN program and \$7,500 for the PT program (i.e., 400 VN and 50 PT dishonored checks received annually.)

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: Fees will be raised \$75 per LVN applicant per examination attempt, and \$50 per PT applicant per examination attempt, under the new fee level, if the individual applicant pays his/her own fees. The dishonored check fee will be raised \$15 per incident for a dishonored check.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations would not have a significant affect on small businesses. It is assumed that less than 3% of the employers pay the application fees for their employees. The types of businesses included are Home Health Agencies; Long Term Care Facilities; Hospitals; and Physicians Offices.

### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

### **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Sophia Cornejo, Administrative Analyst  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
Telephone No: (916) 263-7845  
Fax No: (916) 263-7859  
E-Mail Address: [sophia\\_cornejo@dca.ca.gov](mailto:sophia_cornejo@dca.ca.gov)

The backup contact person is:

Name: Marina Okimoto, Assistant Executive Officer  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
Telephone No: (916) 263-7845  
Fax No: (916) 263-7859  
E-mail Address: [marina\\_okimoto@dca.ca.gov](mailto:marina_okimoto@dca.ca.gov)

**Website Access:** Materials regarding this proposal can be found at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)

# Board of Vocational Nursing and Psychiatric Technicians

## PROPOSED LANGUAGE

### VOCATIONAL NURSING REGULATIONS

- (1) *Amend Section 25371 of Division 25 of Title 16 of the California Code of Regulations, to read as follows:*

#### Article 6. Revenue

##### 2537. Fees.

The following fees are established:

- (a) The fee to be paid upon the filing of an application is ~~seventy-five dollars (\$75)~~ **one hundred fifty dollars (\$150)**.
- (b) The re-examination application fee (for any examination after the first) is ~~seventy-five dollars (\$75)~~ **one hundred fifty dollars (\$150)**.
- (c) The biennial renewal fee is one hundred twenty dollars (\$120). For licenses that expire on or after July 1, 2009, the biennial renewal fee shall be one hundred fifty dollars (\$150). In addition, an assessment of five dollars (\$5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to section 2895.5 of the Code.
- (d) The delinquency fee is sixty dollars (\$60). For licenses that expire on or after July 1, 2009, the delinquency fee shall be seventy-five dollars (\$75) fee on or after July 1, 2009, shall be one hundred fifty dollars (\$150).
- (f) The interim permit fee is forty dollars (\$40).
- (g) The duplicate license fee is twenty-five dollars (\$25).
- (h) The endorsement fee is seventy-five dollars (\$75).
- (i) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ~~ten~~ **twenty five dollars (\$1025)**.

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

## **PSYCHIATRIC TECHNICIAN REGULATIONS**

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

### **Article 6. Revenue**

#### **2590. Fees.**

The following fees are established:

- (a) The fee to be paid upon the filing of an application is ~~one hundred dollars (\$100)~~ **one hundred fifty dollars (\$150)**.
- (b) The re-examination application fee (for any examination after the first) is ~~one hundred dollars (\$100)~~ **one hundred fifty dollars (\$150)**.
- (c) For a license that expires on or after July 1, 2009, the biennial renewal fee is three hundred dollars (\$300).
- (d) For a license that expires on or after July 1, 2009, the delinquency fee is one hundred fifty dollars (\$150).
- (e) The initial license fee on or after July 1, 2009 is three hundred dollars (\$300).
- (f) The interim permit fee is twenty dollars (\$20).
- (g) The duplicate license fee is twenty dollars (\$20).
- (h) The endorsement fee is twenty dollars (\$20).
- (i) The post-licensure certification in blood withdrawal fee is twenty dollars (\$20).
- (j) The biennial fee for renewal for a provider of an approved continuing education course or a course to meet the certification requirements for blood withdrawal is one hundred fifty dollars (\$150).
- (k) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ~~ten~~ **twenty five dollars (\$25)**.

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

(12/1/09)