

PSYCHIATRIC TECHNICIANS LAW

WITH

RULES AND REGULATIONS

INCLUDES AMENDMENTS THROUGH JULY 31, 2015



**BOARD OF VOCATIONAL NURSING
AND**

PSYCHIATRIC TECHNICIANS

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PART I
PSYCHIATRIC TECHNICIANS LAW
CALIFORNIA BUSINESS AND PROFESSIONS CODE, DIVISION 2

Chapter 10. Psychiatric Technicians

Article 1. Generally

4500. Citation.

This chapter is known and may be cited as the "Psychiatric Technicians Law."

4501. Board of Vocational Nursing and Psychiatric Technicians.

(a) "Board," as used in this chapter, means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

(Amended by Stats. 2011, Ch. 338, Sec. 15. Effective January 1, 2012. Repealed as of January 1, 2016, by its own provisions.)

4501.1. Priority of Board; Protection of the Public.

Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

4502. Psychiatric Technician.

As used in this chapter, "psychiatric technician" means any person who, for compensation or personal profit, implements procedures and techniques that involve understanding of cause and effect and that are used in the care, treatment, and rehabilitation of mentally ill or emotionally disturbed persons, or persons with intellectual disabilities, and who has one or more of the following:

(a) Direct responsibility for administering or implementing specific therapeutic procedures, techniques, treatments, or medications with the aim of enabling recipients or patients to make optimal use of their therapeutic regime, their social and personal resources, and their residential care.

(b) Direct responsibility for the application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of recipients or patients, for the accurate recording of these symptoms and reactions, and for the carrying out of treatments and medications as prescribed by a licensed physician and surgeon or a psychiatrist.

The psychiatric technician in the performance of these procedures and techniques is responsible to the director of the service in which his or her duties are performed. The director may be a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel.

Nothing herein shall authorize a licensed psychiatric technician to practice medicine or surgery or to undertake the prevention, treatment, or cure of disease, pain, injury, deformity, or mental or physical condition in violation of the law.

4502.1. Psychiatric Technician to Administer Injection.

A psychiatric technician, working in a mental health facility or developmental disability facility, when prescribed by a physician and surgeon, may administer medications by hypodermic injection.

4502.2. Psychiatric Technician to Withdraw Blood.

A psychiatric technician, when prescribed by a physician and surgeon, may withdraw blood from a patient with a mental illness or developmental disability if the psychiatric technician has received certification from the board that the psychiatric technician has completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.

4502.3. Psychiatric Technician to Perform Specified Activities.

(a) A psychiatric technician, when prescribed by a physician and surgeon, may perform the following activities on a patient with a mental illness or developmental disability:

(1) Tuberculin, coccidioidin, and histoplasmin skin tests, providing the administration is within the course of a tuberculosis control program.

(2) Immunization techniques, providing the administration is upon the standing orders of a supervising physician and surgeon or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising physician and surgeon is associated.

(b) In performing activities pursuant to subdivision (a), the psychiatric technician shall satisfactorily demonstrate competence in all of the following:

(1) Administering the testing or immunization agents, including knowledge of all indications and contraindications for the administration of the agents.

(2) Recognizing any emergency reactions to the agent that constitute a danger to the health or life of the patient.

(3) Treating those emergency reactions by using procedures, medication, and equipment within the scope of practice of the psychiatric technician.

4503. Enforcement Authority.

(a) The board shall administer and enforce this chapter.

(b) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

4504. Rulemaking Authority.

The board may adopt rules and regulations to carry out the provisions of this chapter.

4505. Employment of Personnel.

Except as provided by Section 159.5, the board may employ whatever personnel is necessary for the administration of this chapter.

4506. Collection of Data.

(a) The board shall collect, at least biennially, at the times of both issuing an initial license and issuing a renewal license, all of the following data on psychiatric technicians licensed under this chapter:

- (1) Location of practice, including city, county, and ZIP Code.
- (2) Race or ethnicity, subject to subdivision (c).
- (3) Gender.
- (4) Languages spoken.
- (5) Educational background.

(6) Classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.

(b) The board shall annually provide the data collected pursuant to subdivision (a) to the Office of Statewide Health Planning and Development in a manner directed by the office that allows for inclusion of the data into the annual report required by Section 128052 of the Health and Safety Code.

(c) A licensee may, but is not required to, report his or her race or ethnicity to the board.

4507. Applicability of Chapter.

This chapter shall not apply to the following:

(a) Physicians and surgeons licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2.

(b) Psychologists licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2.

(c) Registered nurses licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2.

(d) Vocational nurses licensed pursuant to Chapter 6.5 (commencing with Section 2840) of Division 2.

(e) Social workers or clinical social workers licensed pursuant to Chapter 17 (commencing with Section 9000) of Division 3.

(f) Marriage and family therapists licensed pursuant to Chapter 13 (commencing with Section 4980) of Division 2.

(g) Teachers credentialed pursuant to Article 1 (commencing with Section 44200) of Chapter 2 of Part 25 of the Education Code.

(h) Occupational therapists as specified in Chapter 5.6 (commencing with Section 2570) of Division 2.

(i) Art therapists, dance therapists, music therapists, and recreation therapists, as defined in Division 5 (commencing with Section 70001) of Title 22 of the California Code of Regulations, who are personnel of health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(j) Any other categories of persons the board determines are entitled to exemption from this chapter because they have complied with other licensing provisions of this code or because they are deemed by statute or by regulations contained in the California Code of Regulations to be adequately trained in their respective occupations. The exemptions shall apply only to a given specialized area of training within the specific discipline for which the exemption is granted.

4508. Religious Practices.

This chapter does not prohibit provisions of the services regulated herein with or without compensation or personal profit, when done by the tenets of any well-recognized church or denomination, so long as they do not otherwise engage in the practice set forth in the chapter.

4509.5. Services in Conjunction with Other Training.

Nothing in this chapter shall be construed to prevent persons from performing services described in Section 4502 for purposes of training to qualify for licensure under a program approved by the board or for training in another allied professional field.

Article 2. Licensure

4510. Issuance of License; Temporary Certificate.

The board shall issue a psychiatric technician's license to each applicant who qualifies therefor, and, if required to take it, successfully passes the examination given pursuant to this chapter. The board shall also issue a psychiatric technician's license to each holder of a psychiatric technician license who qualifies for renewal pursuant to this chapter and who applies for renewal.

After the applicant passes the examination and upon receipt by the board of the initial license fee required by subdivision (e) of Section 4548, the board may issue a receipt or temporary certificate that shall serve as a valid permit for the licensee to practice under this chapter.

4510.1. Issuance of Interim Permit.

An applicant for license by examination shall submit a written application in the form prescribed by the board. Provided that the application for licensure is received by the board no later than four months after completion of a board approved psychiatric technician program and approval of the application, the board may issue an interim permit authorizing the applicant to practice all skills included in the permittee's basic course of study, pending the results of the first licensing examination, or for a period of nine months, whichever occurs first.

A permittee shall function under the supervision of a licensed psychiatric technician or a registered nurse, who shall be present and available on the premises during the time the permittee, is rendering professional services. The permittee may perform any function taught in the permittee's basic psychiatric technician program.

If the applicant passes the examination, the interim permit shall remain in effect until an initial license is issued by the board or for a maximum period of six months after passing the examination, whichever occurs first. If the applicant fails the examination, the interim permit shall terminate upon notice by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit, whichever occurs first. An interim permittee shall not use any title or designation other than psychiatric technician interim permittee or "P.T.I.P."

4511. Qualifications of Applicants.

An applicant for a psychiatric technician's license shall have the following qualifications:

- (a) Be at least 18 years of age.
- (b) Have successfully completed an approved general education course of study through the 12th grade or the equivalent thereof as determined by the board.
- (c) Have successfully completed (1) a prescribed course of study and training in a school approved by the board, which course of study and training shall combine the nursing knowledge and skills necessary for the care of any ill person and in addition those special skills necessary for the

care of the mentally disabled and the developmentally disabled, or (2) a course of study and training which, together with previously acquired training or experience, is determined by a school approved by the board to be equivalent in academic credits to its regular program for psychiatric technician training, or (3) have completed a course of study and training which in the opinion of the board is equivalent to the minimum requirements of an approved program for psychiatric technicians in the state. Clinical inpatient experience shall be an integral part of any such prescribed or equivalent course of study and training.

(d) Have committed no act, which if committed by a licensed psychiatric technician, would be grounds for disciplinary action.

4511.2. Credit for Previous Education.

The board shall deny the application for approval made by, and shall revoke the approval given to, any psychiatric technician school that does not give to student applicants credit, in the fields of nursing and psychiatric technician practice, for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

The board shall prescribe, by regulation, the education for which credit is to be given and the amount of credit that is to be given for each type of education, including the amount of credit to be given to a psychiatric technician assistant, a certified nurse assistant, a nurse assistant who has provided direct nursing services in health facilities, and an applicant who has successfully completed equivalent courses offered by a secondary school that is accredited by the State Department of Education in any state or by a nationally recognized, regional accrediting body. These courses shall be assessed for equivalency by the psychiatric technician school.

4512. Application Fee.

An applicant for a psychiatric technician's license shall, upon the filing of his application, pay to the board the application fee prescribed by this chapter.

4513. Examinations.

Unless otherwise provided in this chapter, every applicant for a psychiatric technician's license shall be examined by the board. The examination shall be held at least once a year and at the times and places determined by the board.

4515. Issuance of Reciprocity Licenses.

Upon written application and receipt of the required application fee the board may issue a license to any applicant who possesses a valid unrevoked license or certificate as a psychiatric technician issued by any other state or a foreign country, and who in the opinion of the board has the qualifications set forth in Section 4511.

4516. Use of "P.T."

Every person licensed under this chapter may be known as a licensed psychiatric technician and may place the letters P.T. after his name.

4517. Continuing Education.

The board may, in its discretion, provide for a continuing education program in connection with

the professional functions and courses described in this chapter. The number of course hours that the board may require in a continuing education program shall not exceed the number of course hours prescribed for licensed vocational nurses pursuant to Section 2892.5.

4518. Course Provider Application Fee.

In the event the board adopts a continuing education program, the board may collect a biennial fee as prescribed under Section 4548 from any provider of a course in continuing education who requests approval by the board of the course for purposes of continuing education requirements adopted by the board. The fee, however, shall in no event exceed the cost required for the board to administer the approval of continuing education courses by continuing education providers.

4519. Expenditure of State Funds.

(a) In the case of a person who is employed by the state as a psychiatric technician, no state funds shall be expended in releasing the person from duty to attend continuing education courses, other than funds for in-service training and related state-provided programs.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that, if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

Article 3. Disciplinary Proceedings

4520. Conduct of Proceedings.

Every licensed psychiatric technician under this chapter may be disciplined as provided in this article. The disciplinary proceedings shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4521. Grounds for Action.

The board may suspend or revoke a license issued under this chapter for any of the following reasons:

- (a) Unprofessional conduct, which includes, but is not limited to, any of the following:
 - (1) Incompetence or gross negligence in carrying out usual psychiatric technician functions.
 - (2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000) of Division 2, the record of conviction being conclusive evidence thereof.
 - (3) The use of advertising relating to psychiatric technician services which violates Section 17500.
 - (4) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.
 - (5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public

or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

(7) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in paragraphs (4) and (5), in which event the court order of commitment or confinement is prima facie evidence of the commitment or confinement.

(8) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in paragraph (4).

(b) Procuring a certificate or license by fraud, misrepresentation, or mistake.

(c) Procuring, or aiding, or abetting, or attempting, or agreeing or offering to procure or assist at a criminal abortion.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

(e) Giving any false statement or information in connection with an application.

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required by this chapter.

(h) Impersonating another practitioner, or permitting another person to use his or her certificate or license.

(i) The use of excessive force upon or the mistreatment or abuse of any patient.

(j) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 12 (commencing with Section 2220) of Chapter 5 of Division 2.

(k) Failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.

(l) Failure to report the commission of any act prohibited by this section.

(m) The commission of any act punishable as a sexually related crime, if that act is substantially related to the duties and functions of the licensee.

(n) The commission of any act involving dishonesty, when that action is substantially related to the duties and functions of the licensee.

(o) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the California Medical Board, the Board of Dental Examiners, and the Board of Registered Nursing, to encourage appropriate consistency in the implementation of this section.

The board shall seek to ensure that licentiates and others regulated by the board are informed of the responsibility of licentiates and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious

diseases.

4521.1. Probationary License; Terms and Conditions; Dismissed Conviction; Evidence of Rehabilitation; Standard Terms.

(a) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any term of this chapter, but who has met all other requirements for licensure and who has successfully completed the examination for licensure within four years of the date of issuance of the initial license.

(b) Specific terms and conditions may include, but are not limited to, the following:

- (1) Continuing medical, psychiatric, or psychological treatment.
- (2) Ongoing participation in a specified rehabilitation program.
- (3) Abstention from the use of alcohol or drugs.
- (4) Compliance with all provisions of this chapter.

(c) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary license, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.

(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.

(d) The board may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the applicant or licensee.

(e) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:

- (1) A three-year limit on the individual probationary license.
- (2) A process to obtain a standard license for applicants who were issued a probationary license.
- (3) Supervision requirements.
- (4) Compliance and quarterly reporting requirements.

4521.2. Reporting Known Violations to Board.

(a) If a psychiatric technician has knowledge that another person has committed any act prohibited by Section 4521, the psychiatric technician shall report this information to the board in writing and shall cooperate with the board in furnishing information or assistance as may be required.

(b) Any employer of a psychiatric technician shall report to the board the suspension or termination for cause, or resignation for cause, of any psychiatric technician in their employ. In the case of psychiatric technicians employed by the state, the report shall not be made until after the conclusion of the review process specified in Section 52.3 of Title 2 of the California Code of Regulations and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194. The reporting required herein shall not constitute a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (d), and shall not be subject to discovery in civil cases.

(c) An employment agency or nursing registry shall report to the board the rejection from assignment of a licensed psychiatric technician by a health facility or home health care provider due to acts that would be cause for suspension or termination as described in subdivision (d).

(d) For purposes of this section, "suspension, termination, or resignation for cause" or "rejection from assignment" are defined as suspension, termination, or resignation from employment, or rejection from assignment, for any of the following reasons:

- (1) Use of controlled substances or alcohol to such an extent that it impairs the licensee's

ability to safely practice as a psychiatric technician.

(2) Unlawful sale of controlled substances 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.

(e) Failure of an employer to make a report required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation.

(f) Pursuant to Section 43.8 of the Civil Code, no person shall incur any civil penalty as a result of making any report required by this chapter.

(g) The board shall implement this section contingent upon necessary funding being provided in the annual Budget Act.

(h) For purposes of this section, "employer" includes employment agencies and nursing registries.

4521.6. Grounds for Denial of Application or Action Against License or Permit.

The board may deny any application or may suspend or revoke any license or permit issued under this chapter, for any of the following:

(a) The denial of licensure, suspension, restriction of license, or voluntary surrender following the initiation of disciplinary action by another state or other government agency, of a license, registration, permit, or certificate to practice as a health care professional shall constitute grounds for denial of a permit or license or for disciplinary action against a licensee. A certified copy of the finding from another state which establishes an act which if committed in California would be grounds for discipline shall be conclusive evidence of that action.

(b) The denial of licensure, suspension, restriction of license, or voluntary surrender following the initiation of disciplinary action by another California health care professional licensing board shall constitute grounds for denial of a permit or license or for disciplinary action against a licensee. A certified copy of the decision or judgment shall be conclusive evidence of that action.

4522. Revocation, Suspension, or Denial of License; Statement of Reasons for Denial; Copy of Criminal History Record; Hearings.

(a) Notwithstanding Section 4521 or any other provision of law, the board may revoke, suspend, or deny at any time a license under this chapter on any of the grounds for disciplinary action provided in this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for a license, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.

(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a licensed psychiatric technician.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record if the applicant makes

a written request to the board for a copy, specifying an address to which it is to be sent.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(D) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(E) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

4523. What is Deemed a Conviction.

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a psychiatric technician is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked or may decline to issue a license, when the time for appeal has lapsed, or the judgment or conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

4524. Petition for Reinstatement or Reduction of Penalty; Terms and Conditions.

(a) A person whose license has been revoked, suspended, surrendered, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the disciplinary order or if any portion of the order is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for the reinstatement of a license that was revoked or surrendered, except that the board may, in its sole discretion, specify in its order a lesser period of time, which shall be no less than one year to petition for reinstatement.

(2) At least two years for the early termination of a probation period of three years or more.

(3) At least one year for the early termination of a probation period of less than three years.

(4) At least one year for the modification of a condition of probation, or for the reinstatement of a license revoked for mental or physical illness.

(b) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The board itself or the administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision.

(d) The board may grant or deny the petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(e) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an

order of registration pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(f) Except in those cases where the petitioner has been disciplined for a violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter the provisions of Sections 822 and 823.

Article 4. Schools for Preparation of Psychiatric Technicians

4530. List of Approved Schools.

The board shall prepare and maintain a list of approved schools, which offer an approved program for psychiatric technicians.

4531. Instructional Requirements.

The course of instruction of an approved school shall consist of not less than the number of hours or semester units of instruction required for the other program administered by the board. The subjects of instruction shall include the principles of the care of the mentally disabled and the developmentally disabled. Clinical inpatient experience shall be an integral part of that prescribed or equivalent course of study and training. The experience shall be obtained in a state hospital, except where the board finds that the requirement is not feasible due either to the distance of a state hospital from the school or the unavailability, as determined by the State Department of Developmental Services or the State Department of State Hospitals, of state hospital clinical training placements.

4532. Inspection of Schools; Notification of Deficiencies; Loss of Approval.

The board shall provide for the periodic inspection or review of all psychiatric technician schools in this state. Written reports of the inspection or review shall be made to the board, which shall then approve the psychiatric technician schools that meet the standards prescribed by it.

If the board determines from a report that any approved school is not maintaining its prescribed standards, it shall immediately give the school a notice in writing specifying the defect. If the defect is not corrected the board shall, after written notice, remove the school from the approved list.

Article 5. Penal Provisions

4540. Prohibition of Unlicensed Services.

After January 1, 1970, no person shall perform services described in Section 4502 without a license issued under this chapter.

4541. Holding Self Out as Licensee.

It is unlawful for any person to use any title or letters, which imply that he is a certified or licensed psychiatric technician unless at the time of so doing he holds a valid, unexpired, and unrevoked certificate or license issued under this chapter.

4542. Impersonation of Applicants or Examinees.

It is unlawful for any person willfully to make any false representation, impersonate any other person, or permit or aid any other person in any manner to impersonate him in connection with any examination or application for a license.

4543. Penalty for Violations.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than twenty dollars (\$20) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

Article 6. Revenue

4544. Expiration of Licenses; Renewal of Unexpired Licenses.

A license expires each year on that date prescribed by the board, if not renewed. To renew an unexpired license the holder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

4544.5. Biennial Renewal Period.

The board may establish a biennial renewal period.

4545. Renewal of Expired Licenses.

Except as provided in Section 4545.2, a license that has expired may be renewed at any time within four years after its expiration on filing an application for renewal on a form prescribed by the board, payment of all accrued and unpaid renewal fees, and payment of all fees required by this chapter. If the license is renewed more than 30 days after its expiration, the holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 4544 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate, which was forfeited for failure to renew under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that it became forfeited.

4545.1. Renewal of Suspended Certificate or License.

A suspended certificate is subject to expiration in the same manner as provided in this article for an unsuspended certificate, is subject to renewal in the same manner as provided in this article for an unsuspended certificate, and is subject to the provisions of this section relating to a suspended license.

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

4545.2. Reinstatement of Revoked Certificate or License.

A revoked certificate is subject to expiration in the same manner as provided in this article for an unrevoked certificate, but it may not be renewed. An application for reinstatement of a revoked certificate shall be deemed an application for reinstatement of a revoked license and shall be processed as such. The board shall issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for reinstatement pursuant to this chapter and who applies for reinstatement.

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

4545.3. Issuance of New License Upon Failure to Renew Old License Within Specified Period; Conditions; Application Fee.

A certificate and the holder thereof are subject to this section in the same manner as are a license and the holder thereof.

A license which is not renewed within four years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists which would justify denial of the license under Section 480.

(b) He pays all of the fees which would be required of him if he were then applying for a license for the first time, and

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to perform the services described in Section 4502.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

4546. Report and Deposit of Moneys Received.

The board shall report each month to the Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Vocational Nursing and Psychiatric Technicians Fund.

4547. Payment of Expenses.

All expenses incurred in the operation of this chapter shall be paid out of the Vocational Nursing and Psychiatric Technicians Fund from the revenue received by the board under this chapter and deposited in the Vocational Nursing and Psychiatric Technicians Fund. No part of the expenses shall be charged against any funds which are derived from any functions of the board provided for in other chapters of this code.

4548. Fee Schedule.

The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) The fee to be paid upon the filing of an application shall be in an amount not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(b) The fee to be paid for taking each examination shall be the actual cost to purchase an examination from a vendor approved by the board.

(c) The fee to be paid for any examination after the first shall be in an amount of not less than one hundred dollars (\$100), and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(d) The biennial renewal fee to be paid upon the filing of an application for renewal shall be in an amount not less than two hundred dollars (\$200), and may be fixed by the board at an amount no more than three hundred dollars (\$300).

(e) Notwithstanding Section 163.5, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time shall be in an amount not less than one hundred dollars (\$100) and may be fixed by the board at not more than 50 percent of the regular renewal fee and in no case more than one hundred fifty dollars (\$150).

(f) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.

(g) The fee to be paid for an interim permit shall be in an amount no less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(i) The fee to be paid for processing endorsement papers to other states shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(j) The fee to be paid for post-licensure certification in blood withdrawal shall be in an amount not less than twenty dollars (\$20) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(k) The biennial fee to be paid upon the filing of an application for renewal for a provider of an approved continuing education course or a course to meet the certification requirements for blood withdrawal shall be in an amount not less than one hundred fifty dollars (\$150), and may be fixed by the board at an amount no more than two hundred dollars (\$200).

PART II

CALIFORNIA CODE OF REGULATIONS

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

Division 25. Board of Vocational Nursing and Psychiatric Technicians of the State of California (Originally Printed July 12, 1952)

Chapter 2. Psychiatric Technicians

Article 1. General Provisions

2560. Location of Offices.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4501, Business and Professions Code.
History:

1. New subchapter 2 (2561-2566, 2570, 2575 and 2590) filed 1-21-60; effective 30th day thereafter (Register 60, No. 2).
2. Amendment filed 12-13-68; effective thirtieth day thereafter (Register 68, No. 47).
3. Amendment filed 11-10-72; effective thirtieth day thereafter (Register 72, No. 46).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2561. Tenses, Gender, and Number. [Repealed]

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 14.1, Business and Professions Code.
History:

1. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2562. Definitions.

As used in this Chapter, unless the context otherwise requires:

(a) "Board" means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) "Code" means the Business and Professions Code.

(c) "Approved for psychiatric technicians," "approved school," and "school" means a school for the training of psychiatric technicians which has been approved by the Board pursuant to Sections 4530-4532 of the Code (the Psychiatric Technicians Law), and whose graduates, if otherwise qualified, are eligible to apply for a license to practice as a psychiatric technician.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 101, 4501 and 4511, Business and Professions Code.
History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. New subsection (d) filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Change without regulatory effect amending subsection (a) and Note filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
4. Repealer of subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
5. Change without regulatory effect amending subsections (a) and (c) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2563. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; issue the Board, the assistant notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the Board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation, surrender or interim suspension of a license; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the absence of the executive officer from the office of executive officer.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4503, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Amendment filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

2564. Filing of Addresses.

All persons holding a license from the Board shall file their current mailing address with the Board at its office in Sacramento, and shall immediately notify the Board of any and all changes of mailing address, within 30 days after the change, giving both their old and new addresses and license number.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 136 and 4545, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).(Register 83, No. 7).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d)
3. Change without regulatory effect amending section and Note filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).

2564.1. Response to Board Inquiry.

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

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

History:

1. New section filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as 1-9-2009 order transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).

Article 2. Application for License

2565. Form.

Applications for licensure shall be made upon the form prescribed and provided by the Board,

accompanied by such evidence, statements, or documents as therein required.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. Editorial correction (Register 84, No. 2).

2566. Place of Filing.

Applications for licensure shall be filed with the Board's principal office in Sacramento.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4501, Business and Professions Code.

History:

1. Amendment filed 12-13-68; effective thirtieth day after filing (Register 68, No. 47).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2567. Permit Processing Times.

“Permit” as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various permits are set forth below. The actual processing times apply to those persons who apply by the specified filing deadlines (if applicable) and who take and pass the first available examination.

<i>Permit</i>	<i>Maximum Period of time which the board will notify applicant in writing that the application is complete and accepted for filing or that the application is deficient and what specific information is required.</i>	<i>Maximum period of time after the filing of a complete application which the Board will notify applicant of a permit decision.</i>	<i>Actual processing time based on prior two years.</i>		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
Initial License	90 days	365 days	15	30	385 days
Interim Permit	30 days	60 days	30	45	60 days
Renewals-License	60 days	90 days	30	45	60 days
Continuing Education (CE) Providers	30 days	30 days	1	15	30 days
Blood Withdrawal Certificate	30 days	60 days	1	15	30 days
Blood Withdrawal Course Provider (Initial)	30 days	60 days	1	15	30 days
Blood Withdrawal Course (Renewal)	30 days	60 days	1	15	30 days

Note: Authority cited: Section 2854, Business & Professions Code and Section 15376, Government Code. Reference: Sections 15375 and 15376, Government Code.

History:

1. New section filed 5-3-91; operative 6-2-91 (Register 91, No. 24).
2. Amendment filed 12-11-92; operative 1-11-93 (Register 92, No. 50).
3. Amendment filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2568. Evaluation of Applicants.

(a) In addition to any other requirements for licensure, whenever evidence exists that an applicant for a license may be unable to practice safely because the applicant's ability to practice may be impaired due to mental illness, or physical illness affecting competency, the board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete.

(b) The report of the evaluation shall be made available to the applicant.

(c) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 480, 820, 822, 4501.1, 4511, 4521, 4521.1, 4521.6, 4522 and 4523, Business and Professions Code.

History:

1. New section filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

Article 3. Examinations

2570. Scope of Examinations.

Examinations shall be designed to test the minimal competency of the applicant to safely practice as a psychiatric technician and to protect the health and safety of the consumer.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4510, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2570.1. Failure to Take Assigned Examination.

An applicant who fails to take an assigned examination shall be removed from the eligible list of applicants. To be scheduled for a subsequent examination the applicant shall notify the Board and shall pay the reexamination fee as prescribed by Section 2590 of this Chapter.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4548, Business and Professions Code.

History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2. Amendment filed 4-12-89; operative 5-12-89 (Register 89, No. 23).

2571. Abandonment of Application.

(a) An application shall be deemed to have been abandoned and the application fee forfeited when:

(1) The applicant fails to complete the application within two years after it is originally submitted;

(2) The applicant fails to complete the application within two years after the last notification of deficiency; or

(3) The applicant without good cause fails to take the examination within one year after being

scheduled.

(b) An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4512 and 4515, Business and Professions Code.

History:

1. New section filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Amendment filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
3. Amendment of subsection (a) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2572. Examination Procedure.

No one except as authorized by the Board shall solicit, accept, or compile information regarding the contents of written examination questions, either before, during, or after the administration of any examination.

(a) Applications and all required supporting documentation and fees must be received by the Board prior to the applicant being scheduled for examination.

(b) Psychiatric technician programs shall file a transcript of record for each student who completes the course on a form provided by the Board.

(c) Schools shall submit in duplicate a list of all students whose applications for examination are submitted to the Board by the school.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4512, 4513 and 4548, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction of subsection (a) (Register 84, No. 2).
4. Amendment of subsections (a) and (b) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).

Article 4. Licenses

2574. Eligibility for Licensure.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4511, Business and Professions Code.

History:

1. New section filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2575. Equivalent Study and Training.

Persons applying for licensure in accordance with Section 4511 of the Code must meet one of the following:

(a) Persons applying for licensure based on civilian paid clinical experience and prior education must meet the following requirements:

(1) Successful completion of 576 hours of theory and 954 hours of supervised clinical experience, taught by an individual who meets the requirements of section 2584(c)(3), within the ten years prior to the date of application. Any or all of the supervised clinical experience may be satisfied by paid inpatient bedside work experience. Paid inpatient bedside work experience is the performance of

direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by the psychiatric technician. The hours of theory and clinical experience shall include a minimum of each of the following:

(A) 54 hours of theory in pharmacology, covering the content described in Section 2587(d)(9).

(B) 126 hours of theory and 270 hours of supervised clinical experience in nursing science, covering the content described in Section 2587(d)(7), and including communication skills, both verbal and written.

(C) 108 hours of theory and 270 hours of supervised clinical experience in mental disorders, covering the content described in Section 2587(d)(11), and including communication skills, both verbal and written.

(D) 108 hours of theory and 270 hours of supervised clinical experience in developmental disabilities, covering the content described in Section 2587(d)(10), and including communication skills, both verbal and written.

(b) Persons applying for licensure based on completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an approved school in the care of the developmentally disabled client must meet the following requirements:

(1) 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. Military or civilian service evaluations showing the dates of service, wards assigned and duties performed for each assignment shall be required.

(2) Transcripts or certificate showing completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an approved school in the care of the developmentally disabled client shall also be required.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4515, Business and Professions Code.

History:

1. Amendment of section and NOTE filed 9-15-77; effective thirtieth day thereafter (Register 77, No. 38). For prior history, see Register 71, No. 46.
2. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
3. Amendment of subsection (a)(1)(D) and new subsection (a)(1)(E) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (a)(3) and (c) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment of subsection (c) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
7. Amendment of subsection (b) and new subsections (b)(1) and (b)(2) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
8. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
9. Change without regulatory effect amending first paragraph and subsections (b) and (b)(2) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2575.5. Fingerprint and Disclosure Requirements for Renewal of License.

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

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have

been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.

(4) A license shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, an applicant for renewal shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(c) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(d) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

Note: Authority cited: Sections 4501.1 and 4504, Business and Professions Code. Reference: Sections 118, 141, 144, 4503, 4515, 4521, 4521.6, 4544 and 4545, Business and Professions Code; and Section 11105, Penal Code.

History:

1. New section filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as 1-9-2009 order, including amendment of section and Note, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).
3. Amendment of subsection (b) filed 7-27-2015; operative 10-1-2015 (Register 2015, No. 31).

2576. Renewal of License – Eligibility for Renewal After License Has Expired.

Any person who has been issued an equivalent license in another state during the period since the expiration of a license in California, or can otherwise establish to the satisfaction of the Board, that they are qualified to engage in practice as a licensed psychiatric technician, shall be exempted from such examination requirements.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4515 and 4545, Business and Professions Code.

History:

1. New section filed 12-28-61; effective thirtieth day thereafter (Register 61, No. 26).
2. Amendment filed 12-13-68; effective thirtieth day thereafter (Register 68, No. 47).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2576.5. Scope of Psychiatric Technician Practice.

The licensed psychiatric technician performs services requiring technical and manual skills which include the following:

(a) Uses and practices basic assessment (data collection), participates in planning, executes interventions in accordance with the care plan or treatment plan, and contributes to evaluation of individualized interventions related to the care plan or treatment plan.

(b) Provides direct patient/client care by which the licensee:

- (1) Performs basic nursing services as defined in subdivision a);
- (2) Administers medications;

- (3) Applies communication skills for the purpose of patient/client care and education; and
- (4) Contributes to the development and implementation of a teaching plan related to self-care for the patient/client.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4517, 4520 and 4521(a), Business and Professions Code; and Section 11215, Health and Safety Code.

History:

1. New section filed 9-19-96; operative 10-19-96 (Register 96, No. 38).

2576.6. Performance Standards.

(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by actions that include but are not limited to the following:

- (1) Reporting to the Board acts specified in Section 4521 of the Business and Professions Code;
- (2) Documenting patient/client care in accordance with standards of the profession; and
- (3) Performing services in accordance with Section 125.6 of the Business and Professions Code.

(b) A licensed psychiatric technician shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

- (1) Maintaining current knowledge and skills for safe and competent practice;
- (2) Maintaining patient/client confidentiality;
- (3) Maintaining professional boundaries with the patient/client;
- (4) Abstaining from chemical/substance abuse; and
- (5) Cooperating with the Board during investigations as required by Section 4521.2 of the Business and Professions Code.

(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4517, 4520, 4521 and 4521.2(a), Business and Professions Code; Section 11166, Penal Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 9-19-96; operative 10-19-96 (Register 96, No. 38).
2. Amendment of subsections (a)-(a)(1) and (b)(3)-(4), new subsection (b)(5) and amendment of Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2576.7. Private Duty Patient Care.

Private duty patient care is care provided to patients with mental disorders or developmental disabilities and may be performed in any setting, including, but not limited to, acute care, long term care, or the patient's home. For purposes of licensure equivalency eligibility, the Board will accept only private duty patient care that has occurred in acute or long term care facilities. Private duty patient care is contracted directly between the psychiatric technician (PT) and patient or entity acting on the patient's behalf. A PT must provide private duty patient care under the direction of a registered nurse who directs nursing care, the patient's physician who directs medical care, or be responsible to the director of the service in which the duties are performed. The director may be a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel. The registered nurse, physician or director of the service must be responsible for direction to the private duty PT regarding the respective nursing and medical procedures. The direction provided must be available at least by telephone.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502, Business and Professions Code.
History:

1. New section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2576.8. Unprofessional Conduct.

In addition to the conduct described in Section 4521(a) of the Code, “unprofessional conduct” also includes, but is not limited to, the following:

(a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the board.

(b) Failure to provide to the board, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any board investigation. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(d) Failure to report to the board within 30 days any of the following:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 490, 4501.1, 4521 and 4523, Business and Professions Code.

History:

1. New section filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

2577. Gross Negligence.

As set forth in Section 4521 of the code, gross negligence is deemed unprofessional conduct and is grounds for disciplinary action. As used in Section 4521 “gross negligence” means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed psychiatric technician, and which has or could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the belief that there was a conscious disregard or indifference for the health, safety, or welfare of the consumer shall be considered a substantial departure from the above standard care.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521, Business and Professions Code.
History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2577.1. Incompetence.

As set forth in Section 4521 of the code, incompetence is deemed unprofessional conduct and is grounds for disciplinary action. As used in Section 4521, “incompetence” means the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by responsible licensed psychiatric technicians.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521, Business and Professions Code.
History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2577.2. Child Abuse Reporting.

Pursuant to Penal Code Section 11166, psychiatric technicians are mandated to report known or suspected child abuse cases to a child protective agency. Failure to make a child abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 11166, Penal Code.

History:

1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2577.3. Elder Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 9381, psychiatric technicians are mandated to report any known or suspected instance of elder physical abuse to an elder protective agency. Failure to make an elder physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 9381, Welfare and Institutions Code.

History:

1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

2577.4. Dependent Adult Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 15630(a), psychiatric technicians are mandated to report any known or suspected instance of dependent adult physical abuse to an adult protective agency. Failure to make a dependent adult physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521(a).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4521(a), Business and Professions Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 2-4-87; effective thirtieth day thereafter (Register 87, No. 6).

2577.5. Licensee Mandatory Reporting.

A psychiatric technician shall report, in writing, to the Board the commission of any act by another person that is prohibited by Business and Professions Code Sections 4521 and 4521.2. The report shall be made to the Board within 30 calendar days from the date the licensee knows that a violation occurred. Failure to make a report to the Board as required by this section shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4520, 4521 and 4521.2(a), Business and Professions Code; Section 11166, Penal Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2577.6. Employer Mandatory Reporting.

(a) Employers of psychiatric technicians shall report, in writing, to the Board the rejection from assignment, suspension, termination, or resignation for cause (as defined in Business and Professions Code Section 4521.2(d)) of any psychiatric technician in its employ. The resignation for cause provision only applies to a psychiatric technician's resignation submitted in lieu of receiving a rejection from assignment, suspension, or termination for cause (as defined in Business and Professions Code Section 4521.2 (d)). An employment agency or nursing registry shall report to the Board the rejection from assignment of a psychiatric technician by a health facility or home health care provider due to acts that would be cause for suspension or termination (as defined in Business and Professions Code Section 4521.2 (d)). The report shall be made within 30 calendar days from the effective date of the suspension, termination, or resignation for cause, or, where a licensee was rejected from assignment, within 30 calendar days from the date the health facility or home health care provider first notified the employment agency or nursing registry of the rejection. Failure to make a report to the Board as required by this section shall constitute a violation of Business and Professions Code Section 4521.2.

(b) For purposes of this section, "employer" also includes employment agencies and nursing registries.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 101.6, 108, 4502, 4503, 4520, 4521 and 4521.2(b), Business and Professions Code. History:

1. New section filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2. Amendment filed 9-17-2013; operative 1-1-2014 (Register 2013, No. 38).

2578. Substantial Relationship Criteria.

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed psychiatric technician if to a substantial degree it evidences present or potential unfitness of a licensed psychiatric technician to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Procuring a license by fraud, misrepresentation, or mistake.

(b) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the Business and Professions Code.

(d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

(e) Conviction of a crime involving fiscal dishonesty.

(f) Any crime or act involving the sale, gift, administration, or furnishing of “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of the Business and Professions Code.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 475, 480, 490, 4520, 4521 and 4523, Business and Professions Code.

History:

1. New section filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).
2. Amendment of subsection (f) filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22).

2579. Rehabilitation Criteria.

When considering a) the denial of a license under Section 480 of the Business and Professions Code, b) the suspension or revocation of a license on the ground that a licensee has been convicted of a crime, or c) a petition for reinstatement of a license under Section 4524 of the Business and Professions Code, the Board, in evaluating the rehabilitation of an individual and his or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.
- (2) Actual or potential harm to the public.
- (3) Actual or potential harm to any patient.
- (4) Overall disciplinary record.
- (5) Overall criminal actions taken by any federal, state or local agency or court.
- (6) Prior warnings on record or prior remediation.
- (7) Number and/or variety of current violations.
- (8) Mitigation evidence.
- (9) In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
- (10) Time passed since the act(s) or offense(s) occurred.
- (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.
- (12) Cooperation with the Board and other law enforcement or regulatory agencies.
- (13) Other rehabilitation evidence.

Note: Authority cited: Sections 482 and 4504, Business and Professions Code. Reference: Sections 480, 482, 488, 490, 492, 4521, 4521.1 and 4524, Business and Professions Code.

History:

1. New section filed 3-6-73; effective thirtieth day thereafter (Register 73, No. 10).
2. Amendment filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).
3. Amendment of section heading, section and Note filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

2579.1. Rehabilitation Criteria for Suspensions or Revocations. [Repealed]

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 475, 480, 490, 4520, 4521 and 4523, Business and Professions Code.

History:

1. Change without regulatory effect renumbering former section 2579.5 to section 2579.1 filed 6-7-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 23).
2. Repealer filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

2579.2. Citations and Fines – Content and Service.

(a) The executive officer of the Board or his/her designee, in lieu of filing an accusation against any licensee, may issue a citation which may contain an administrative fine and/or order of abatement

against that licensee for any violation of law which would be grounds for discipline or of any regulation adopted by the Board pursuant thereto.

(b) The executive officer of the Board or his or her designee may issue a citation which may contain an administrative fine against any employer of a psychiatric technician who fails to report a suspension or termination for cause of that licensee as specified in Section 4521.2 of the Business and Professions Code. For purposes of this article, "cited person" includes a cited employer.

(c) Each citation shall be in writing, shall indicate the classification of the citation, and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.

(d) For licensee citations, the citation may contain an assessment of an administrative fine, an order of abatement fixing a reasonable time for abatement of the violation or both.

(e) The citation shall inform the cited person of the right to an informal conference concerning the matter and of the right to an administrative hearing.

(f) The citation shall be served upon the cited person personally or by certified and regular mail.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9, 148, 4521 and 4521.2, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Amendment of subsection (a), new subsection (b), subsection relettering, amendment of newly designated subsection (d) and amendment of Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2579.3. Exceptions. [Repealed]

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Repealer filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2579.4. Violation Classifications.

(a) There shall be three classes of violations:

- (1) Class "A";
- (2) Class "B"; and
- (3) Class "C."

(b) In determining the violation class for licensee violations, the following factors shall be considered:

- (1) Nature and severity of the violation.
- (2) Length of time that has passed since the date of the violation.
- (3) Consequences of the violation, including potential or actual patient harm.
- (4) History of previous violations of the same or similar nature.
- (5) Evidence that the violation was willful.

(c) The fine for each Class "A" violation shall not exceed \$10,000 per violation. A Class "A" violation is the failure of an employer to report to the Board, as specified in Section 2577.6, the rejection from assignment, suspension, termination, or resignation for cause of a psychiatric technician.

(d) The fine for each Class "B" violation shall be no less than \$1,001 and no more than \$2,500. A Class "B" violation includes:

(1) A violation that results in or could have resulted in patient harm and where there is no evidence that revocation or other disciplinary action is required to ensure consumer safety. Such violations include but are not limited to patient abandonment and falsifying nursing notes;

(2) Any violation that is neither directly or potentially detrimental to patients nor directly or

potentially impacts their care. Such violations include, but are not limited to, a violation committed for personal and/or financial gain, or fraud;

(3) A minor or technical violation that continues for six months or more in duration; or

(4) A minor or technical violation with one or more Class "C" citations.

(e) The fine for each Class "C" violation shall not exceed \$1,000. A Class "C" violation is a minor or technical violation that is neither directly or potentially detrimental to patients nor directly or potentially impacts their care and which continues for less than six months duration. Such violations include but are not limited to practicing with an expired license, precharting, charting errors, or verbal abuse.

(f) Notwithstanding the administrative fine amounts specified in subsections (d) and (e), a Class B or Class C citation may include a fine of no more than \$5,000 if one or more of the following circumstances apply:

(1) The cited person has a history of two or more prior citations of the same or similar violations.

(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.

(4) The citation involves a violation perpetrated against an elder, disabled or dependent person.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9, 148, 4521 and 4521.2, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

3. Amendment of subsections (c)-(d)(2) filed 9-17-2013; operative 1-1-2014 (Register 2013, No. 38).

2579.5. Citations for Unlicensed Practice.

The executive officer of the board or his/her designee may issue citations, in accordance with Section 148 of the Code, against any person (as defined in section 302 of the Code) who is performing or who has performed services for which licensure is required under the Psychiatric Technician Law or regulations adopted pursuant thereto. Each citation issued under this section shall contain an order of abatement. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 4-10-75; effective thirtieth day thereafter (Register 75, No. 15).

2. Editorial correction (Register 84, No. 2).

3. Change without regulatory effect renumbering former section 2579.5 to section 2579.1 filed 6-7-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 23).

4. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

5. Change without regulatory effect amending section filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).

2579.6. Criteria to be Considered in Assessing a Fine.

In any citation which includes a fine, the following factors shall be considered in determining the amount of the fine to be assessed:

(a) Gravity of the violation.

(b) History of previous violations of the same or a similar nature.

(c) The good or bad faith exhibited by the cited person.

(d) Evidence that the violation was willful.

- (e) The extent to which the cited person cooperated with the board's investigation.
- (f) The extent to which the cited person has remediated any knowledge and/or skills deficiencies which could have injured a patient.
- (g) Any other mitigating or aggravating factors.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2579.7. Contested Citations.

(a) The cited person may, within 14 calendar days after service of the citation, submit a written request for an informal citation review with the executive officer or his/her designee.

(b) The executive officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the cited person and his/her legal counsel or authorized representative, if desired.

(c) The executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine or order of abatement, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference.

(d) If the citation is dismissed during the informal conference, any request for an administrative hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may request an administrative hearing within 30 days of the date of issuance of the written informal conference decision. The request for an administrative hearing shall be in writing.

(e) The failure of a cited person to appear for a scheduled informal citation review conference shall be deemed a withdrawal of any request for an administrative hearing if the Board sends written notice to the cited person of that consequence and the cited person does not inform the Board otherwise, in writing, within 10 calendar days of the notice.

(f) In addition to the appeal rights in subsections (a) through (e) above, the cited person may request an administrative hearing provided for in subdivision (b)(4) of Section 125.9 of the Code within 30 days of the date of issuance of the citation or assessment.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9, 148, 4521 and 4521.2, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).
2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2579.8. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the executive officer or his/her designee an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for the abatement.

(b) If a citation is not contested, or if the order is appealed and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in further action being taken by the Board, which may include discipline against a licensee or other

appropriate judicial relief being taken against the person cited.

(d) If a fine issued to a licensee is not paid after a citation has become final, the fine shall be added to the cited person's license renewal fee. A license shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Sections 125.9, 148 and 4504, Business and Professions Code. Reference: Sections 125.9, 148, 4521 and 4521.2, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).
2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

2579.9. Notification to Other Boards and Agencies.

The issuance and disposition of a citation shall be reported to other regulatory agencies.

Note: Authority cited: Sections 125.9, 148 and 4520, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2579.10. Disciplinary Guidelines and Uniform Standards Related to Substance Abuse.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.) the Board shall utilize the disciplinary guidelines entitled "Disciplinary Guidelines and Uniform Standards Related to Substance Abuse" (Rev. 6/20/11), which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards apply to a substance abusing licensee.

(a) Subject to subsection (b), deviation from the Disciplinary Guidelines, including the standard conditions of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) If the conduct found to be a violation involves the use of drugs and/or alcohol, the licensee shall be presumed to be a substance abusing licensee for purposes of Section 315 of the Business and Professions Code. If the licensee does not rebut that presumption, then the Uniform Standards for a substance abusing licensee shall apply.

(c) Notwithstanding the Disciplinary Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact as defined in subdivision (c) of section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a sex offense as defined in Section 44010 of the Education code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

Note: Authority cited: Section 4504, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 315, 315.2, 315.4, 729, 4520 and 4521, Business and Professions Code; Section 44010, Education Code; and Sections 11400.20, 11425.50(e) and 11500, Government Code.

History:

1. New section filed 10-23-96; operative 11-22-96 (Register 96, No. 43).
2. Amendment filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22).
3. Amendment filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).
4. Amendment of section heading, section and Note filed 11-29-2012; operative 12-29-2012 (Register 2012, No. 48).

2579.11. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license shall govern.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4501.1, 4511, 4521.6, 4522, 4523 and 4524, Business and Professions Code.

History:

1. New section filed 3-2-2006; operative 4-1-2006 (Register 2006, No. 9).

2. Renumbering of former section 2579.11 to section 2579.20 and new section 2579.11 filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

2579.20. Consumer Complaint Disclosure.

In reaching a decision on the disclosure of a consumer complaint under the Public Records Act (Government Code Section 6250 et seq.), the Board shall follow its "Consumer Complaint Disclosure Policy" which specifies the following:

(a) Public Access to Information - It is the policy of the Board of Vocational Nursing and Psychiatric Technicians (hereafter "Board") that information concerning individuals licensed by this agency be available to members of the public. Among the principal functions of the Board is the investigation of complaints against its licensees to determine whether there is cause for disciplinary action. Information regarding actions taken by the Board in the disposition of such complaints is readily accessible to the consuming public.

(b) Complaint Information System - The Board maintains a system designed to provide information regarding complaints and disciplinary actions against its licensees and information regarding their license status.

(c) Information to be Provided Regarding Complaints - In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant. The Board shall disclose details of a consumer complaint only if the complaint is substantiated through investigation and/or an Accusation or Statement of Issues is filed. The Board shall disclose the following consumer complaint information to the public, upon request:

(1) The number of complaints which have been found by the Board to be violations of the licensing law or regulations; and

- (2) With respect to each complaint, the following information:
- (A) Its date of receipt;
 - (B) A summary of the violation(s);
 - (C) Its disposition, by indicating whether the complaint:
 1. Has been or will be referred to formal disciplinary action.
 2. Has been found to involve a minor violation not in itself meriting disciplinary action;
 3. Has been disposed of through any action taken, formal or informal.
- (3) Comparative data considered by the Board to be informative to consumers, which could include the average number of complaints received against licensees in a given region, locality or area of practice.
- (4) A general disclaimer, if any, as the Board may deem appropriate.
- (d) A consumer complaint may not be disclosed if one of the following conditions exists:
- (1) The complaint is deemed without merit.
 - (2) Board jurisdiction cannot be established.
 - (3) The complaint is unrelated to professional conduct.
 - (4) The complaint involves a non-consumer matter.
 - (5) Disclosure is prohibited by statute or regulation.
 - (6) Disclosure might endanger or injure the complainant.
 - (7) Disclosure might compromise the investigation and/or prosecution.
- records showing the disciplinary history of all current license holders and will provide to the public, upon request, whether a current license holder has ever been disciplined and, if so, when and for what offense. A copy of documents related to that action including the accusation, proposed decision, stipulation and/or final decision will be provided to the public upon request.
- (e) Information to be Provided Regarding Disciplinary Actions - The Board maintains records showing the disciplinary history of all current license holders and will provide to the public, upon request, whether a current license holder has ever been disciplined and, if so, when and for what offense. A copy of documents related to that action including the accusation, proposed decision, stipulation and/or final decision will be provided to the public upon request.

Note: Authority cited: Section 4504, Business and Professions Code; and Section 6253.4, Government Code. Reference: Sections 4520, 4521 and 4521.2, Business and Professions Code; and Sections 6252, 6253, 6253.2, 6253.4, 6255, 6260, 11503 and 11504, Government Code.

History:

1. Renumbering of former section 2579.11 to new section 2579.20, including amendment of subsections (c) and (e), as well as editorial corrections of subsections (a) and (c)(3), filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

Article 5. Schools for Preparation of Psychiatric Technicians

2580. Approved Schools for Preparation of Psychiatric Technicians. [Repealed]

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4530, 4531 and 4532, Business and Professions Code.

History:

1. New Article 5 (Sections 2581 through 2589) filed 12-28-61; effective thirtieth day thereafter (Register 61, No. 26).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Change without regulatory effect amending section heading filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2581. Procedure for Approval.

(a) The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

- (1) Philosophy of the program.
- (2) Conceptual framework.
- (3) Terminal objectives to indicate expected student outcomes upon successful completion of the program.
- (4) Curriculum objectives.
- (5) Course outlines.
- (6) Course objectives.
- (7) Instructional Plan.
- (8) Evaluation methodology for curriculum.
- (9) Faculty who meet the qualifications set forth in Section 2584.
- (10) Clinical facilities.
- (11) Evaluation methodology for clinical facilities.
- (12) Admission criteria.
- (13) Screening and selection criteria.
- (14) Number of students.

(A) A school may admit alternate students in each new class to replace students who may drop out.

(B) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.

(C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.

(D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.

(E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.

(15) Evaluation methodology for student progress.

(16) Resources for provision of counseling and tutoring services for students.

(17) Student policies:

(A) Credit granting.

(B) Attendance.

(C) Grievance.

(18) Organizational chart.

(19) Proposed Starting date.

(20) Evidence of program resources to include, but not be limited to:

(A) Description of the geographic area and community to be served by the proposed program;

(B) Clinical affiliations available for student clinical experience; and

(C) Existing nursing and psychiatric technician programs with which clinical affiliations are shared.

(b) An institution may commence a new psychiatric technician program upon Board approval.

(c) A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

(d) Approval will be granted by the Board when a psychiatric technician program demonstrates that it meets all requirements as set forth in this Chapter and in Chapter 10, Division 2, of the Business and Professions Code.

(e) The approval period shall be for a term of four years unless the Board grants an extension.

(1) An extension may be granted when the program demonstrates to the satisfaction of the

Board that it is in full compliance with all requirements as set forth in this Chapter and in Chapter 10, Division 2 of the Business and Professions Code.

(2) The extension may be granted for a period not to exceed four years.

(f) Six months prior to the date of approval expiration, a program may apply for continued approval based upon submission of documentation satisfactory to the Board pursuant to Section 2581 (a). A subsequent inspection or review may be conducted by a Board representative.

(g) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4515, 4530, 4531 and 4532, Business and Professions Code.

History:

1. Amendment of subsection (d) and new subsection (e) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
4. Repealer and new section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
5. Amendment filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
6. Repealer of subsections (a)(14)-(a)(14)(B), new subsections (a)(14)-(a)(14)(E) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
7. New subsection (a)(16), subsection renumbering and amendment of newly designated subsection (a)(20) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
8. Editorial correction of subsection (a)(14)(A) (Register 2013, No. 30).
9. Change without regulatory effect amending section heading and subsections (a) and (d)-(g) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).
10. Amendment of subsections (c) and (f) filed 8-21-2014; operative 10-1-2014 (Register 2014, No. 34).

2581.1. Provisional Approval.

(a) Provisional approval means a program has not met all requirements as set forth in this Chapter and in Chapter 10, Division 2 of the Business and Professions Code.

(b) Provisional approval shall be granted for a period determined by the Board.

(c) The Board may place any program on provisional approval when that program does not meet all requirements as set forth in this Chapter and in Section 2581. If the program has not met all requirements at the end of the initial provisional approval period, provisional approval may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.

(d) Any program holding provisional approval may not admit "new" classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional approval.

(e) A program placed on provisional approval shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional approval.

(f) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for revocation of provisional approval.

(g) A program whose provisional approval has been revoked shall be removed from the Board's list of approved programs. The status of students as potential applicants for licensure will be determined by the Board.

(h) A program that is removed from the Board's list of approved programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a psychiatric technician program for a minimum period of one calendar year.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4515 and 4532, Business

and Professions Code.

History:

1. New section filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
3. Change without regulatory effect amending section heading and section filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2582. Reports.

(a) The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not approval will be continued.

(b) A school shall report to the Board within ten days of the termination of a faculty member.

(c) A material misrepresentation of fact by a psychiatric technician program in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4531 and 4532, Business and Professions Code.

History:

1. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
3. New subsection (c) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
4. Amendment of subsection (d) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
5. Change without regulatory effect amending subsections (a) and (c) and Note filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2583. Faculty. Report of Changes. [Repealed]

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4531, Business and Professions Code.

History:

1. Amendment filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2584. Faculty Qualifications.

(a) A school shall submit qualifications of the proposed faculty members for approval by the Board prior to employment.

(b) Each psychiatric technician program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 2, Article 5 (commencing with Section 2580 et seq.).

(c) Requirements for specific faculty positions are as follows:

(1) **Director.** A director of a psychiatric technician program shall have completed a course or courses offered by an approved school with instruction in administration, teaching, and curriculum development and shall meet the qualifications of subsection (A) or (B) below:

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an approved school; and
3. Have a minimum of 3 years experience as a registered nurse; one year shall be in

teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or a minimum of three years experience in nursing administration or nursing education within the last five years.

(B) Licensed Psychiatric Technician

1. Hold a current California active license as a psychiatric technician; and

2. Hold a baccalaureate degree from an approved school; and
3. Have a minimum of three (3) years experience as a psychiatric technician; one (1) year shall be in teaching or clinical supervision, or a combination thereof, in a state approved psychiatric technician school within the last five (5) years; or have a minimum of three (3) years experience in mental health administration or education within the last five (5) years.

(2) **Assistant Director:** An assistant director of a psychiatric technician program shall have completed a course or courses offered by an approved school with instruction in (1) teaching, (2) curriculum development, and (3) administration, and shall meet the qualifications of subsection (A) or (B) below:

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an approved school; and
3. Have a minimum of 3 years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or have a minimum of three years experience in nursing administration or nursing education within the last five years.

(B) Licensed Psychiatric Technician

1. Hold a current California active license as a Psychiatric Technician; and
2. Hold a baccalaureate degree from an approved school; and
3. Have a minimum of 3 years experience as a licensed psychiatric technician; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved psychiatric technician school within the last five years; or have a minimum of three years experience in mental health administration or education within the last five years.

(3) **Instructor:** An instructor in a psychiatric technician program shall have had or be currently attending a course in teaching and shall meet the requirements of subsection (A) or (B) below:

(A) Registered Nurse

1. Hold a current California active license as a Registered Nurse; and
2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year full- time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of 2 years experience as a registered nurse or licensed psychiatric technician within the last 5 years.

(B) Licensed Psychiatric Technician

1. Hold a current active California license as a psychiatric technician; and
2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year full- time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of two years experience as a psychiatric technician within the last five years.

(4) **Additional Faculty:** Persons who have the qualifications to teach in a community college or a state university in California, or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirements for vocational education credential may teach curriculum content as specified in Section 2587(e).

(5) **Teacher Assistant:** A teacher assistant in a psychiatric technician program shall:

(A) Hold a current active California license as a psychiatric technician or registered nurse; and

(B) Have a minimum of two years of experience as a psychiatric technician or registered nurse in the care of mentally disordered or developmentally disabled clients within the last five years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4531 and 4532, Business and Professions Code.

History:

1. Amendment of subsection (c)(1)(C) filed 11-12-71; effective thirtieth day thereafter (Register 71, No. 46). For prior history, see Register 71, No. 11.
2. Amendment filed 2-20-76; effective thirtieth day thereafter (Register 76, No. 8).
3. Amendment filed 9-15-77; effective thirtieth day thereafter (Register 77, No. 38).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (c) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment of subsection (c) filed 2-4-87; effective thirtieth day thereafter (Register 87, No. 6).
7. Amendment of subsection (c) filed 4-12-89; operative 5-12-89 (Register 89, No. 23).
8. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
9. Amendment of subsection (c)(1)(B)3. filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
10. Amendment of subsections (b), (c)(1) and (c)(2) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
11. Amendment of subsections (c)(4)-(c)(5)(B) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
12. Change without regulatory effect amending subsections (c)(1), (c)(1)(A)2.-3., (c)(1)(B)2.-3., (c)(2), (c)(2)(A)2.-3., (c)(2)(B)2.-3., (c)(3)(A)2. and (c)(3)(B)2. filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2585. General Requirements.

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.

(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) Each school shall have on file proof that each enrolled student has completed a general education course of study through the 12th grade or evidence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

(1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.

(2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

- (1) Sufficient program resources as specified in Section 2585(a);
- (2) Adequacy of clinical experience as specified in Section 2588.
- (3) Licensure examination pass rates as specified in Section 2585(l).

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved psychiatric technician schools for the same period.

(1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4515, Business and Professions Code.

History:

1. Amendment of subsection (a) and new subsections (f) and (g) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. New subsection (h) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment of subsection (h) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
4. Amendment of subsections (g) and (h) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
5. Amendment of subsection (f) filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
7. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
8. Amendment of subsections (a) and (d), repealer of subsection (j)(3) and subsection renumbering, and new subsections (k)-(k)(2) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
9. Amendment of subsection (h) and new subsections (h)(1), (h)(2), (k)(3) and (l)-(l)(2) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
10. Amendment of subsection (g), repealer of subsection (l)(1), subsection renumbering and amendment of newly designated subsection (l)(1) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
11. Change without regulatory effect amending subsections (k)(3) and (l)-(l)(1) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2585.1. Credit for Previous Education and Experience.

Each school shall have a policy, approved by the Board, for giving credit toward the curriculum requirements.

(a) Transfer credit shall be given for related previous education completed within the last five years. This includes the following courses:

- (1) Approved vocational or practical nursing courses.
- (2) Approved registered nursing courses.
- (3) Approved psychiatric technician courses.
- (4) Armed services nursing courses.
- (5) Certified nurse assistant courses.
- (6) Other courses the school determines are equivalent to courses in the program.

(b) Competency-based credit shall be granted for knowledge and/or skill acquired through experience. Credit shall be determined by written and/or practical examinations.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4511.2, Business and Professions Code.

History:

1. New section filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Change without regulatory effect amending subsections (a)(1)-(3) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

2586. Curriculum Hours.

(a) The course for preparation of psychiatric technicians shall consist of not less than 1530 hours or 50 semester units. The course may be offered on a full or part time basis. One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time.

(b) The course shall consist of not less than 576 hours of theory and 954 hours of supervised clinical experience. The hours of theory and clinical experience shall include a minimum of each of the following:

	<i>Theory Hours</i>	<i>Clinical Hours</i>
Pharmacology	54	
Nursing Science	126	270
Mental Disorders	108	270
Developmental Disabilities	108	270

(c) The school week shall not exceed 40 hours per week.

(d) School days that consist of class attendance only or a combination of class attendance and clinical experience shall not exceed eight hours in length.

(e) Students may be assigned to shifts of up to and including 12-hour length for clinical experience, only.

(f) Students may be granted holidays and vacation days equivalent to those granted by community colleges.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4531 and 4532, Business and Professions Code.

History:

1. Amendment of subsections (b) and (c) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment of subsection (c) filed 7-21-72; effective thirtieth day thereafter (Register 72, No. 30).
3. Amendment of subsection (b) filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsections (a) and (b) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment of subsection (c), repealer of subsection (d), new subsections (d)-(f) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

2587. Curriculum Content.

(a) Psychiatric technician programs shall include theory and correlated clinical experience.

(b) The curriculum shall develop the knowledge, skills, and abilities necessary to care for patients of all ages in current health care settings.

(c) Curriculum content shall be taught in a sequence that results in students' progressive mastery of knowledge, skills, and abilities.

(d) The curriculum content shall include:

- (1) Anatomy and physiology
- (2) Nutrition
- (3) Psychology
- (4) Normal growth and development
- (5) Nursing process
- (6) Communication, both verbal and written
- (7) Nursing science, which shall include:

- (A) Nursing fundamentals
 - (B) Medical/surgical nursing
 - (C) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)
 - (D) Gerontological nursing
 - (8) Patient education
 - (9) Pharmacology, which shall include:
 - (A) Knowledge of commonly used drugs and their actions
 - (B) Computation of dosages
 - (C) Preparation of medications
 - (D) Principles of administration
 - (10) Classifications, treatment programs, and interventions for developmental disabilities.
 - (11) Classifications, treatment programs, and interventions for mental disorders, which shall include addictive behaviors and eating disorders.
 - (12) Leadership
 - (13) Supervision
 - (14) Ethics and unethical conduct
 - (15) Critical thinking
 - (16) Culturally congruent care
 - (17) End-of-life care
- (e) The following related courses may be taught by additional faculty. Additional faculty are persons who have qualification to teach in a community college or a state university in California or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirement for a vocational credential.

Courses	Maximum Hours of Instruction by Other Professionals
Anatomy and physiology	54
Psychology	54
Pharmacology	54
Nutrition	54
Normal Growth and Development	54

(f) All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2581, shall be approved by the Board prior to implementation. Proposed curricular changes must be submitted to the Board in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered. Revisions should include:

- (1) Explanation of changes;
- (2) Rationale for proposed revision;
- (3) Description of revised curriculum materials; and
- (4) Changes to behavioral objectives, if applicable.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4515, 4531 and 4532, Business and Professions Code.

History:

1. Amendment of subsection (b) and (c)(1) filed 4-22-77; effective thirtieth day thereafter (Register 77, No. 17). For prior history, see Register 76, No. 23.
2. Amendment of subsection (c)(1) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
3. Amendment of subsection (c)(3) and new subsection (d) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).

5. Amendment of subsection (d) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. New subsection (i) filed 4-12-89; operative 5-12-89 (Register 89, No. 23).
7. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
8. New subsection (c), subsection relettering, and amendment of newly designated subsection (e) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
9. Amendment of subsection (f) and new subsections (f)(1)-(f)(4) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
10. Amendment of subsection (e) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
11. Amendment of subsection (d)(6) and new subsections (d)(14)-(17) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2588. Clinical Experience.

(a) Schools shall apply on a form provided by the Board for approval of each clinical facility prior to use.

(b) Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2587. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experience consistent with competency-based objectives and theory being taught. Clinical objectives which students are expected to master shall be posted in client care areas utilized for clinical experience.

(c) For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.

(d) Schools are responsible for the continuous review of clinical facilities to determine if the students' clinical objectives for each facility are being met.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4531 and 4532, Business and Professions Code.

History:

1. Amendment of subsections (b) and (d) and repealer of subsection (e) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
2. Amendment of subsection (b) filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6).
3. Reinstatement of subsection (b) as it existed prior to emergency amendment filed 2-2-76, by operation of Section 11422.1(b), Gov. C. (Register 76, No. 23).
4. Amendment of subsection (b) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
5. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
6. Amendment of subsection (b) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
7. Repealer of subsection (e) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

2588.1. Clinical Preceptorships.

(a) With prior Board approval, each psychiatric technician program may offer an optional clinical preceptorship during the last nine weeks of the program.

(b) Preceptorship means an optional clinical experience for selected psychiatric technician students, which is conducted in the last nine (9) weeks of the psychiatric technician program.

(c) Preceptor means a registered nurse or a psychiatric technician on staff at the clinical facility in which the preceptorship will occur who is specially selected and prepared to work with a student during the preceptorship and who shall be responsible for on-site direction of the student's preceptorship.

(d) The program director or designee shall be responsible for the overall management of the preceptorship and final student outcomes.

(e) General Requirements

(1) The preceptorship may be conducted in any health care setting (including acute, subacute, clinic or a combination of settings) wherein the specific clinical objectives can be met.

(2) The goal of the preceptorship shall be the facilitation of students' maximal application of newly acquired knowledge, skills, and abilities in a realistic setting that simulates actual job

performance.

(3) Preceptorships shall not be used for clinical make-up time or remediation.

(4) Prior to implementation of the preceptorship, the director shall apply for Board approval and specify the clinical objectives to be accomplished by the student in the preceptorship facility.

(5) The total length of a student's preceptorship shall not exceed 160 hours.

(6) The total hours per week required of a student for theory and preceptorship attendance shall not exceed 40 hours.

(7) The total hours per day required of a student for theory and preceptorship attendance shall not exceed eight (8) hours.

(8) The preceptorship shall be conducted within the last nine (9) weeks of the program or when presentation of new theory and correlated clinical content has been completed, whichever occurs later.

(9) The maximum instructor-to-preceptorship student ratio is 1:15.

(10) The maximum preceptor-to-student ratio is 1:1.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511, 4531 and 4532, Business and Professions Code.

History:

1. New section filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).

2. Amendment of subsection (c) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

2589. Transcript of Records.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4513, Business and Professions Code.

History:

1. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).

2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

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 fifty dollars (\$150).

(b) The re-examination application fee (for any examination after the first) is 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). If the license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.

(d) For a license that expires on or after July 1, 2009, the delinquency fee is one hundred fifty dollars (\$150).

(e) Effective July 1, 2009, the initial license fee 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 twenty five dollars (\$25).

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

1. Amendment of subsection (b) filed 10-19-77 as an emergency; effective upon filing (Register 77, No. 43). For prior history, see Register 74, No. 31.
2. Amendment of subsection (b) refiled 3-27-78 as an emergency; effective upon filing (Register 78, No. 13).
3. Certificate of Compliance filed 5-9-78 (Register 78, No. 19).
4. Amendment of subsection (b), and new subsection (c) filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20).
5. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
6. Amendment filed 4-7-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 15).
7. Amendment filed 5-12-92; operative 5-12-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).
8. Repealer and new section filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as 1-9-2009 order, including amendment of section and Note, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).
10. Amendment of subsections (a), (b) and (k) filed 8-12-2010; operative 10-1-2010 (Register 2010, No. 33).

2590.1. Provider Fees.

Pursuant to Section 4518 of the Code the application fee for approval as a continuing education provider is one hundred fifty dollars (\$150) every two years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4518, Business and Professions Code. History:

1. New section filed 5-12-92; operative 5-12-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 20).

2591. Waiver of Initial Certificate Fee. [Repealed]

History:

1. Amendment filed 12-28-61; effective thirtieth day thereafter (Register 61, No. 26).
2. Repealer filed 9-27-65; effective thirtieth day thereafter (Register 65, No. 18).

Article 7. Continuing Education

2592.1. Hour Requirements.

(a) Each licensee renewing a license under Section 4544 of the code shall submit proof of having completed, during the preceding two years, thirty (30) hours of continuing education acceptable to the Board.

(b) This section shall not apply to the first license renewal following initial issuance of a license.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code. History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.2. Continuing Education Courses.

(a) The Board will accept each hour of theory or course related clinical experience as one (1) hour of continuing education.

(b) Continuing education courses approved by psychiatric technician or nursing licensing

agencies of this or of other states, or psychiatric technician or nursing organizations of this or other states, or courses considered comparable by the Board will be accepted.

(c) Courses which are prerequisite to or part of a registered nursing or vocational nursing program, or college and university courses related to the psychiatric technician scope of practice will be accepted.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code. History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.3. Course Provider Approval.

(a) An individual applying for approval as a continuing education course provider must:

(1) Complete and submit an application form supplied by the Board entitled, "Application to be a Continuing Education Course Provider for Psychiatric Technicians" (Form 56A-40; 09/05), hereby incorporated by reference.

(2) The content of all courses of continuing education must be relevant to the practice of psychiatric technicians and must:

(A) Be related to the scientific knowledge and/or technical, manual skills required for the practice of psychiatric technicians, or

(B) Be related to direct and/or indirect patient/client care.

(C) Learning experiences are expected to enhance the knowledge of the psychiatric technician at a level above that required for licensure.

(3) The Board will review one course offering when considering course provider approval. Include the following information for the course submitted for review:

(A) Identifying information for the name, location and contact of the provider.

(B) A description of the subject matter of the course as it relates to recent developments in the psychiatric technician field or in any special area of psychiatric technician practice:

(C) The course objectives;

(D) Method(s) of instruction;

(E) Total number of hours in the course and the course location;

(F) Methods of evaluation:

1. for instructor evaluation of student achievement of course objectives; and

2. for student evaluation of course content and course instructor.

(G) Course instructor's qualifications, as specified in Section 2592.4.

(b) The Board will issue approval to the provider. A provider will not be approved for more than a two-year period. Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.

(c) An approved provider shall have a written and published policy, available on request, which provides information on:

(1) refunds in cases of non-attendance

(2) time period for return of fees

(3) notification if course is canceled

(d) The approved provider is required to accept full responsibility for each and every course, including but not limited to recordkeeping, advertising course content, issuance of certificates and instructor qualifications.

(e) Approved providers shall keep the following records for a period of four years:

(1) course outlines of each course given

(2) record of dates and places each course is given

(3) instructor curriculum vitae or resumes

(4) names and license numbers of licensed vocational nurses and/or psychiatric technicians

who take any course offered by the approved provider and a record of any certificate issued to them.

(f) Provider approval is non-transferable.

(g) Approved providers must notify the board within 30 days of any changes in information that was submitted on the most recent approved application to the board.

(h) Approval of a psychiatric technician continuing education course provider may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.
History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2. Amendment of section heading and repealer and new section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2592.4. Course Instructor Qualifications.

Instructors of continuing education courses shall meet two of the following:

(a) Completion of specialized training in the subject matter of the course within two years preceding course approval;

(b) Completion of academic studies related to the subject matter of the course within two years preceding course approval;

(c) Teaching experience in a course with similar subject matter content within the previous two years;

(d) Six months of work experience in the subject matter of the course within the previous three years; or

(e) Experience in the development of academic courses within two years preceding course approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.
History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2. Amendment of section heading, first paragraph and subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2592.5. Course Completion Certificates and Reporting.

(a) At the completion of the course, the provider shall issue a certificate to each licensee.

(b) At the time of license renewal, the licensee shall provide a written statement indicating

(1) the date each course was completed;

(2) provider and course number;

(3) course title; and

(4) total hours of the course.

(c) Licensees are required to maintain a record of continuing education courses taken during the last four (4) years.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.
History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

2592.6. Inactive Licenses.

(a) A license will be placed on inactive status when the renewal fee is paid and continuing education requirements have not been met.

(b) To reactivate an inactive license the licensee must submit proof of thirty hours of continuing

education taken during the preceding two years and have furnished a full set of fingerprints as required by section 2575.5.

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

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
2. Amendment of subsection (b) and Note filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as 1-9-2009 order, including further amendment of section, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).

2592.7. Exemption from Continuing Education Requirements.

(a) At the time of making application for renewal, an applicant for exemption from the continuing education requirements shall make written application to the Board.

(b) The applicant must show evidence satisfactory to the Board, that during the two-year period immediately prior to the expiration date of the applicant's license, the licensee:

(1) Has been residing in another country for a period of one year or longer reasonably preventing completion of continuing education requirements; or

(2) Has been absent from California because of military or missionary service for a period of one year or longer preventing completion of continuing education requirements; or

(3) Should be exempt from the continuing education requirements for reasons of health or other good cause which includes;

(A) Total physical or mental disability for one year or more and the ability to return to work, as verified by a licensed physician and surgeon or licensed clinical psychologist.

(B) Total physical or mental disability for one year or longer of an immediate family member for whom the licensee has total responsibility, as verified by a licensed physician and surgeon or licensed clinical psychologist.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4517, Business and Professions Code.

History:

1. New section filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
2. Editorial correction of section heading (Register 97, No. 24).

Article 8. Blood Withdrawal

2593. Blood Withdrawal.

A licensed psychiatric technician applying for certification by the Board to withdraw peripheral venous blood from a patient with a mental illness or developmental disability shall complete and submit an application form supplied by the Board entitled "Application to be Certified in Blood Withdrawal for Psychiatric Technicians" (Form 56C-1; 09/05) hereby incorporated by reference. Applicants may qualify for certification in one of the following ways:

(a) Written verification as submitted to the Board by one of the persons specified in Section 2593.3 that the licensed psychiatric technician is competent in the performance of blood withdrawal procedures according to the subject areas specified in Section 2593.2. Written verification shall be provided on a form entitled "Blood Withdrawal Verification for Psychiatric Technicians" (Form 56C-2; 09/05) hereby incorporated by reference.

(b) Satisfactory completion of a course in blood withdrawal, as defined in Section 2593.2 and

taught by an approved course provider as specified in Section 2593.3.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New article 8 (sections 2593-2593.4) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2593.1. Procedure for Certification Course Approval.

(a) A person or institution applying for approval of a certification course in blood withdrawal must complete an application form supplied by the Board entitled "Application to be a Certification Course Provider in Blood Withdrawal for Psychiatric Technicians" (Form 56C-3; 09/05) hereby incorporated by reference.

(b) A blood withdrawal course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a psychiatric technician blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).
2. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2593.2. Approval of Course Content.

(a) A certification course in blood withdrawal for psychiatric technicians shall be taught by an instructor approved as provided in Section 2593.3; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least sixteen hours in length, including 10 hours theory and 6 hours clinical experience, including at least 5 individually supervised venipunctures on live human subjects and at least 3 individually supervised capillary blood withdrawals on live human subjects.

(1) The theory shall include, but not be limited to, the following:

(A) The requirements contained in Section 4502.2 of the Code necessary for a psychiatric technician to perform blood withdrawal;

(B) Psychological preparation of the patient;

(C) Universal precautions for infection control;

(D) Blood withdrawal;

(E) Anatomy and physiology pertinent to peripheral venous blood withdrawal.

(F) Specimen handling:

1. Container and preservative selection;

2. Amount of specimen required;

3. Test requirements, including, but not limited to, acceptable time periods from specimen collection to laboratory processing, temperature requirements, and effect of container motion; and

4. Patient and specimen container identification techniques.

(G) Selection of appropriate equipment:

1. Lancet;

2. Syringe;

3. Vacuum tube;

- 4. Needle (The term “needle” does not include the equipment, methods and procedures used outside of peripheral venous blood withdrawal.); and
- 5. Safety measures related to equipment.
- (H) Methods of blood withdrawal:
 - 1. Capillary blood withdrawal; and
 - 2. Venipuncture.
- (I) Withdrawal site:
 - 1. Selection;
 - 2. Preparation;
 - 3. Technique (including safety measures to protect patients and staff); and
 - 4. Post-procedure care.
- (J) Sterile technique.
- (K) Universal and standard precautions for infection control.
- (L) Possible complications.
- (M) Psychological preparation of the patient.
- (b) Blood withdrawal clinical experience must include:
 - (1) Preparation of equipment for blood withdrawal;
 - (2) Safety factors;
 - (3) Choice of withdrawal site;
 - (4) Choice of device for blood withdrawal;
 - (5) Techniques of venipuncture;
 - (6) Skin puncture practice must include instruction in:
 - (A) Preparation of site; and
 - (B) Preparation of equipment.
 - (7) Universal precautions for infection control.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

- 1. New section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).
- 2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2593.3. Approval of Course Instructors.

To be approved by the Board, a certification course in peripheral venous blood withdrawal for licensed psychiatric technicians must be taught by one of the following persons:

- (a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:
 - (1) Has had a minimum of 6 months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system”; or
 - (2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy.
- (b) A nurse licensed by the California Board of Registered Nursing who within the previous five years:
 - (1) Has had a minimum of 6 months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an “organized health care system”; or
 - (2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy; or
 - (3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.
- (c) A clinical laboratory scientist (technologist), licensed by the California Department of Health Services who within the previous five years:
 - (1) Has had a minimum of 6 months of experience in blood withdrawal in an “organized

health care system”; or

(2) Has had experience teaching courses in blood withdrawal.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).
2. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2593.4. Reports to the Board that the Licensee is Eligible for Board Certification.

(a) The certification course provider in blood withdrawal for licensed psychiatric technicians must submit to the Board verification of course completion by filling out section 11 and 12 on Board form entitled, “Application to be Certified in Blood Withdrawal for Psychiatric Technicians” (Form 56C-1; 09/05), hereby incorporated by reference.

(b) The certification course provider shall maintain a list of all psychiatric technician licensees who have completed the blood withdrawal certification course within the preceding four years.

(c) A licensed psychiatric technician is deemed to be Board certified to withdraw peripheral venous blood upon written notification from the Board.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.2, Business and Professions Code.

History:

1. New section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

Article 9. Immunizations and Skin Tests

2594. Immunizations and Skin Tests.

(a) A psychiatric technician, when prescribed by a physician and surgeon, may perform the activities delineated in Section 4502.3 of the Business and Professions Code provided the psychiatric technician has demonstrated competence.

(b) Clinical competence in the administration of immunizations and skin tests by psychiatric technicians shall be determined by a licensed physician and surgeon, physician's assistant, registered nurse, licensed psychiatric technician or licensed vocational nurse who is clinically competent in the performance of the aforementioned procedures.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4502.3, Business and Professions Code.

History:

1. New article 9 (section 2594) and section filed 1-19-99; operative 1-19-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 4).

2595. Definitions.

For the purposes of Section 901 of the Code:

(a) “Community-based organization” means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

(b) "Out-of-state practitioner" means a person who is not licensed in California to provide psychiatric technician services but who holds a current valid and active license or certificate in good standing in another state, district, or territory of the United States to provide psychiatric technician services.

Note: Authority cited: Sections 901 and 4504, Business and Professions Code. Reference: Section 901, Business and Professions Code.

History:

1. New article 10 (sections 2595-2595.3) and section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).

2595.1. Sponsoring Entity Registration and Recordkeeping Requirements.

(a) **Registration.** A sponsoring entity that wishes to provide, or arrange for the provision of, health care services at a sponsored event under Section 901 of the Code shall register with the Board not later than ninety (90) calendar days prior to the date on which the sponsored event is scheduled to begin. A sponsored entity shall register with the Board by submitting to the Board a completed Sponsoring Entity Application for Registration For Free Health Care Event, Form 901-A (3/23/12), which is hereby incorporated by reference.

(b) **Determination of Completeness of Form.** The Board may, by resolution, delegate to its Executive Officer or the Department of Consumer Affairs the authority to receive and process Form 901-A (3/23/12) on behalf of the Board. The Board or its delegatee shall inform the sponsoring entity within fifteen (15) calendar days of receipt of Form 901-A (3/23/12), in writing, that the form is either complete and the sponsoring entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The Board or its delegatee shall reject the registration if all of the identified deficiencies have not been corrected at least thirty (30) days prior to the commencement of the sponsored event.

(c) **Recordkeeping Requirements.** Regardless of where it is located, a sponsoring entity shall maintain, at a physical location in California, a copy of all records required by Section 901 of the Code as well as a copy of the authorization for participation issued by the Board to an out-of-state practitioner. The sponsoring entity shall maintain these records for a period of at least five (5) years after the date on which a sponsored event ended. The records may be maintained in either paper or electronic form. In addition, the sponsoring entity shall keep a copy of all records required by Section 901(g) of the Code at the physical location of the sponsored event until that event has ended. These records shall be available for inspection and copying during the operating hours of the sponsored event upon request of any representative of the Board.

(d) **Requirement for Prior Board Approval of Out-of-State Practitioner.** A sponsoring entity shall not permit an out-of-state practitioner to participate in a sponsored event unless and until the sponsored entity has received written approval of such practitioner from the Board.

(e) **Report.** Within fifteen (15) calendar days after a sponsored event has concluded, the sponsoring entity shall file a report with the Board summarizing the details of the sponsored event. This report may be in a form of the sponsoring entity's choosing, but shall include, at a minimum, the following information:

- (1) The date(s) of the sponsored event;
- (2) The location(s) of the sponsored event;
- (3) The type(s) and general description of all health care services provided at the sponsored event; and
- (4) A list of each out-of-state practitioner granted authorization pursuant to this Article who participated in the sponsored event, along with the license number of that practitioner.

Note: Authority cited: Sections 901, 4501.1 and 4504, Business and Professions Code. Reference: Section 901, Business and Professions Code.

History:

2595.2. Out-of-State Practitioner Authorization to Participate in Sponsored Event.

(a) Request for Authorization to Participate. An out-of-state practitioner (“applicant”) may request authorization from the Board to participate in a sponsored event and provide such health care services at the sponsored event as would be permitted if the applicant were licensed by the Board to provide those services. An applicant shall request authorization by submitting to the Board a completed Request For Authorization To Practice Without A California License, Form 901-B (3/23/12), which is hereby incorporated by reference, accompanied by a non-refundable, and non-transferrable processing fee of fifty dollars (\$50). The applicant shall also furnish either a full set of fingerprints or submit to a Live Scan process to establish the identity of the applicant and to permit the Board to conduct a criminal history record check. The applicant shall pay any costs for furnishing the fingerprints. The fingerprint requirement shall apply only to the first application for authorization that is submitted by the applicant if no more than four years have passed since the last Request for Authorization, Form 901-B (3/23/12) was received by the Board.

(b) Response to Request for Authorization to Participate. Within twenty (20) calendar days of receiving a completed request for authorization, the Board shall notify the sponsoring entity or local government entity administering the sponsored event, whether that request is approved or denied.

(c) Denial of Request for Authorization to Participate.

(1) The Board shall deny a request for authorization to participate if:

(A) The submitted Form 901-B (3/23/12) is incomplete and the applicant has not responded within seven (7) calendar days to the Board's request for additional information.

(B) The applicant has not met all of the following educational and experience requirements:

1. Completion of a course of instruction and training in a school accredited by the Board or another United States province, provided that the course completed is substantially equivalent to that prescribed by Section 2587 of this chapter.

2. Taken and passed an examination that is substantially equivalent to the Board's Psychiatric Technician licensure examination as prescribed by Section 2570 of this chapter.

(C) The applicant has failed to comply with a requirement of this Article or has committed any act that would constitute grounds for denial of an application for licensure by the Board.

(D) The applicant does not possess a current valid license in good standing. The term “good standing” means the applicant:

1. Has not been charged with an offense for any act substantially related to the practice for which the applicant is licensed by any public agency.

2. Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed upon the applicant's professional conduct or practice, including any voluntary surrender of license.

3. Has not been the subject of an adverse judgment resulting from the practice for which the applicant is licensed that the Board determines constitutes evidence of a pattern of negligence or incompetence.

(E) The Board has not received a criminal history report for the applicant from the California Department of Justice.

(2) The Board may deny a request for authorization to participate if any of following occurs:

(A) The request is received less than twenty (20) calendar days before the date on which the sponsored event will begin.

(B) The applicant has been previously denied a request for authorization by the Board to participate in a sponsored event.

(C) The applicant has previously had an authorization to participate in a sponsored

event terminated by the Board.

(D) The applicant has participated in three or more sponsored events during the twelve (12) month period immediately preceding the current application.

(d) Appeal of Denial. An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in section 2595.3 (d).

Note: Authority cited: Sections 144, 901, 4501.1 and 4504, Business and Professions Code. Reference: Sections 901 and 4502.3, Business and Professions Code.

History:

1. New section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).

2595.3. Termination of Authorization and Appeal.

(a) **Grounds for Termination.** The Board may terminate an out-of-state practitioner's authorization to participate in a sponsored event for any of the following reasons:

(1) The out-of-state practitioner has failed to comply with any applicable provision of this Article, or any applicable practice requirement or regulation of the Board.

(2) The out-of-state practitioner has committed an act that would constitute grounds for discipline if done by a licensee of the Board.

(3) The Board has received a credible complaint indicating that the out-of-state practitioner is unfit to practice at the sponsored event or has otherwise endangered consumers of the practitioner's services.

(b) **Notice of Termination.** The Board shall provide both the sponsoring entity or the local government entity administering the sponsored event, and the out-of-state practitioner with a written notice of the termination, including the basis for the termination. If the written notice is provided during a sponsored event, the Board may provide the notice to any representative of the sponsored event on the premises of the event.

(c) **Consequences of Termination.** An out-of-state practitioner shall immediately cease his or her participation in a sponsored event upon receipt of the written notice of termination.

Termination of authority to participate in a sponsored event shall be deemed a disciplinary measure reportable to the national practitioner data banks. In addition, the Board shall provide a copy of the written notice of termination to the licensing authority of each jurisdiction in which the out-of-state practitioner is licensed.

(d) **Appeal of Termination.** An out-of-state practitioner may appeal the Board's decision to terminate an authorization in the manner provided by Section 901(j)(2) of the Code. The request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act.

(e) **Informal Conference Option.** In addition to requesting a hearing, the out-of-state practitioner may request an informal conference with the Executive Officer regarding the reasons for the termination of authorization to participate. The Executive Officer shall, within thirty (30) days from receipt of the request, hold an informal conference with the out-of-state practitioner. At the conclusion of the informal conference, the Executive Officer may affirm or dismiss the termination of authorization to participate. The Executive Officer shall state in writing the reasons for his or her action and mail a copy of his or her findings and decision to the out-of-state practitioner within ten (10) days from the date of the informal conference. The out-of-state practitioner does not waive his or her request for a hearing to contest a termination of authorization by requesting an informal conference. If the termination is dismissed after the informal conference, the request for a hearing shall be deemed to be withdrawn.

Note: Authority cited: Sections 901, 4501.1 and 4504, Business and Professions Code. Reference: Section 901, Business and Professions Code.

History:

1. New section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35)