

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulation: Applications, Application Review Requirements, Military Exemptions, Renewals, Delinquent Renewals, and Inactive Status.

Sections Affected: Title 16 of Division 25 of the California Code of Regulations (CCR)

Amend Section 2537 Vocational Nurses (VN)
Amend Section 2590 Psychiatric Technicians (PT)

Introduction:

The Board of Vocational Nursing and Psychiatric Technicians (Board) is mandated to protect consumers from licensees who practice in an unsafe, incompetent, or impaired manner. In accordance with Business and Professions Code sections 2841.1 (VN) and 4501.1 (PT), protection of the public shall be the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions.

This proposed action will establish rules for a temporary waiver of license renewal fees and professional development requirements for licensed vocational nurses and psychiatric technicians who are on active duty in the military. Additionally, this proposed action seeks to establish expedited license application processing for an applicant who is the spouse of an individual that is serving on active duty who is stationed in California.

Specific Purpose of each adoption, amendment or repeal:

This proposed action will establish rules for the temporary waiver of license renewal requirements for a licensee who is serving on active duty as a member of the United States Armed Forces or the California National Guard (hereafter referred to as Armed Forces) when the license expires. This proposed action is not meant or intended in any way to circumvent licensure laws that are designed for public protection. Language contained in this proposed action establishes and clarifies that during the period the license renewal requirement is temporarily being waived, the licensee is prohibited from providing services to the public.

Establishment of this proposed action will require that a licensee keep the Board apprised of his or her status and provide the Board notice, in writing, within 60-days of his or her notice of discharge. Since the purpose of this proposed action is to provide a temporary waiver of renewal requirements while a licensee is serving on active duty, it is necessary to establish a timeframe for the licensee to renew their license after their discharge.

Therefore, language contained in the proposed action establishes that a licensee must pay the biennial renewal fee and complete the continuing competency requirements

necessary for active renewal within 6 months of their discharge. Any licensee that missed the 6-month deadline would then subject their license to delinquent renewal fee penalties. The Board seeks these amendments to: 1) establish rules and procedures for implementing new legislation Assembly Bill (AB) 1588 (Chapter 742, Statutes 2012) to exempt current licensees serving in the Armed Forces from renewal requirements during active duty; and, 2) implement AB1904 (Chapter 399, Statutes 2012) to establish expedited license application processing for an applicant who is the spouse of an individual that is serving on active duty who is stationed in California.

The anticipated benefit of this regulatory action is to provide support, recognition, and demonstrate appreciation for those serving in the Armed Forces who protect our freedom and way of life. This regulatory action implements appropriate allowances and considerations for licensees and spouses who are serving on active duty.

Amendments contained in this proposed regulatory action are designed to eliminate premature resumption to practice that requires a vocational nursing or psychiatric technician license; until it can be verified all renewal requirements have been met.

Underlying Data

None.

Fiscal Impact in General

This proposed regulatory action will not an adverse economic impact on affected individuals (licenses and applicants who fall under the Board's jurisdiction) who comply with the laws, regulations, and standards of licensed vocational nursing and psychiatric technicians.

Economic Impact Assessment

This proposed regulatory action is intended to provide temporary financial relief to practitioners who are serving on active duty in the military when their license expires. It will also establish an expedited application license review process for the spouse of any individual that is serving on active duty who is stationed in California, reducing any barrier to practice.

This regulatory proposal will have the following effects:

- It is not expected to eliminate jobs within the State of California because the components of this regulatory proposal are designed to promote jobs and eliminate unnecessary barriers.
- It will not create new business or eliminate existing business within California because it relates only to VN and PT military requirements for licensure.
- It will not affect the expansion of businesses currently doing business within the State of California because it relates only to VN and PT military requirements for licensure.

- This regulatory proposal benefits the health and welfare of California residents because it provides for a temporary waiver of license renewal requirements for licensees who are serving on active duty in the Armed Forces. The regulatory proposal prevents the licensee from being penalized for their service, by having their license fall into delinquency and possible suspension. This regulatory proposal also reduces or eliminates delays in the initial licensing process for the spouse of an individual that is serving on active military duty in California due to the spouse's displacement, and in appreciation and support of their spouse's service.
- This regulatory proposal does not affect the state's environment because it relates only to VN and PT military requirements for licensure.
- This regulatory proposal does not affect worker safety because it only addresses VN and PT military requirements for licensure.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is being proposed or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.