

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

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

Board of Vocational Nursing and Psychiatric Technicians  
2535 Capitol Oaks Drive, Suite 205  
Sacramento, California

**May 18, 2016**

**Time 10:30 a.m. – 11:30 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office **no later than 5:00 p.m. on May 16, 2016**. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 2854 and 4504 of the Business & Professions Code (BPC), and to implement, interpret or make specific BPC sections, 2841.1, 2859, 4501.1, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

### **INFORMATIVE DIGEST**

This regulatory proposal would add Section 2537.2, Section 2537.3, Section 2590.2 and Section 2590.3, and amend Title 16, CCR Section 2537 and 2590 to reference a revised version of the Board's amendment to now be included within Article 6, Revenue.

Business & Professions Code section 2854 (VN) and section 4504 (PT) authorizes the Board to adopt, amend, or repeal rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of laws and regulations relating to the practice of licensed vocational nursing and psychiatric technicians. Existing law, BPC 2841.1, mandates the protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

## Policy Statement Overview

This proposed regulatory action clarifies and implements Assembly Bill (AB) 1588 (Chapter 742, Statutes 2012) pertaining to temporary license renewal exemptions for California licensed vocational nurses and psychiatric technicians that are on active duty in the military when their license expires; and AB1904 (Chapter 399, Statutes 2012) pertaining to expedited licensure process for applicants who are married to, or in a legal union with, an active duty member of the military who is assigned to a duty station in California under official active duty military orders.

This proposed regulatory action also seeks to clarify and make specific the effective date of a license renewed delinquently and clarifies, updates, and makes technical amendments to the provisions for placing a license on inactive status, and for activating an inactive license.

## Anticipated Benefits of Proposal

The regulatory proposal will implement, clarify, and establish rules pertaining to chaptered Legislation (AB1588 and AB1904) to provide for a temporary license renewal waiver to licensed vocational nurses and psychiatric technicians that are on active duty with the military and provide expedited license application processing for any spouse that is married to, or in a legal union with, an active duty member of the military that is serving in California. This regulatory proposal extends consideration and appropriate allowances to those serving on active duty in the military and their spouses in appreciation of their service to the country.

The proposed regulatory action will reduce or eliminate illegal and unauthorized practice in situations where a licensee renews their license delinquently, thus, furthers the Board's goal which is consumer protection. It also provides clarity and specific direction to licensees to restore an inactive license to active status.

## Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing regulations.

## **FISCAL IMPACT ESTIMATES**

### Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

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

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

**EFFECT ON SMALL BUSINESS**

The Board has made an initial determination the proposed regulations would not affect small businesses. The proposed regulatory action does not implement any new fees that would be imposed on licensed vocational nurses and psychiatric technicians. The proposed regulatory action is administrative in nature and is designed to implement or update processes and procedures to promote and enhance administration of the Board's licensing, regulatory, and disciplinary functions.

**RESULTS OF ECONOMIC IMPACT ANALYSIS:**

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs, creation of new businesses or elimination of existing businesses, or the expansion of businesses in the State of California.

### Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

It will benefit individuals who are serving on active duty in the Armed Forces by providing a temporary license renewal exemption, and for expedited licensing of the spouse of an individual that is serving on active duty in California. The proposed regulatory action will also benefit applicants that have met the requirements for licensure by allowing the Board to issue a limited permit in situations when the applicant's college or university cannot issue an official transcript (a requirement to issue a license) in a timely manner to allow them to practice as a limited permit holder until a license can be issued, thus eliminating a barrier to practice. The proposed regulatory action clarifies rules, processes, and procedures, relating to providing the Board notice of changes in supervision and employment of limited permit holders, the effective date of delinquent license renewals, and activating an inactive license to enhance and promote the Board's administration of its licensing, regulatory and disciplinary functions.

### **CONSIDERATION OF ALTERNATIVES**

The Board has determined that no reasonable alternative considered to the regulation, or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

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

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

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which

the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at **2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.**

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

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

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

**CONTACT PERSON**

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

Name: Carol Northrup  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
Telephone No.: (916) 263- 7854  
Fax No.: (916) 263-7859  
E-Mail Address: Carol.Northrup@dca.ca.gov

The backup contact person is:

Name: Lanessa Guerra  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
Telephone No.: (916) 263-7864  
Fax No.: (916) 263-7855  
E-Mail Address: Lanessa.Guerra@dca.ca.gov

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