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(Includes Amendments Through June 1, 2009)

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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 7-12-52)

Chapter 1. Vocational Nurses

Article 1. General Provisions

2500. Location of Offices.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2853, Business and Professions Code.
History:

1. Chapter 25 (# 2500 through 2558) filed 7-8-52; effective thirtieth day thereafter (Register 29, No. 2).
2. Amendment filed 12-10-64; effective thirtieth day thereafter (Register 64, No. 24).
3. Amendment filed 7-20-71; effective thirtieth day thereafter (Register 71, No. 30).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2501. Tenses, Gender, and Number.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2854, 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).

2502. 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) "Accredited school of vocational nursing," "accredited school," and "school" mean a school of vocational nursing which has been accredited by the Board pursuant to Sections 2880-2884 of the Code (the Vocational Nursing Practice Act), and whose graduates, if otherwise qualified, are eligible to apply for a license to practice vocational nursing.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 101, 2841, 2873 and 2881, Business and Professions Code.

History:

1. Amendment of subsection (a) filed 7-20-71; effective thirtieth day thereafter (Register 71, No. 30).
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 (d) (Register 84, No. 2).
4. 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).
5. Repealer of subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2503. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; issue 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 calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; 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 the Board, the assistant executive officer.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2847, 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. Editorial correction (Register 84, No. 2).

2504. 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 2854, Business and Professions Code. Reference: Sections 136 and 2892, 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 1-14-98; effective thirtieth day thereafter (Register 98, No. 3).

2504.1. 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 2841.1 and 2854, Business and Professions Code. Reference: Sections 144, 2847, 2854, 2875, 2878, and 2878.6, 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.

Article 2. Application for License

2506. Form.

Applications for license shall be made upon the form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2866, Business and Professions Code.
History:

1. Renumbering from Section 2510 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Editorial correction (Register 84, No. 2).

2507. Place of Filing.

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

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2853, Business and Professions Code.
History:

1. Renumbering from Section 2511 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction (Register 84, No. 2).

2508. 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.

Permit	Maximum period of time in 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.	Maximum period of time after the filing of a complete application in which the Board will notify applicant of a permit decision.	Actual Processing Time Based on Prior Two Years Minimum Median Maximum		
Initial License	90 days	365 days	127	183	387 days
Interim Permit	30 days	60 days	3	10	22 days
Temporary License	30 days	30 days	1	15	30 days
Intravenous Therapy (IV), Blood Withdrawal (BW) and IV/BW Certificate	30 days	30 days	1	15	30 days
Continuing Education (CE) Providers	30 days	30 days	1	15	30 days
Renewals - CE Providers	30 days	30 days	1	15	30 days
Renewals - License	60 days	90 days	10	51	94 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 5-03-91; operative 6-02-91 (Register 91, No. 24).

Article 3. Examinations

2510. Scope of Examinations.

The examination for licensure as a licensed vocational nurse shall be the NCLEX-PN® examination of the National Council of State Boards of Nursing, Inc.

Note: Authority cited: Sections 851 and 2854, Business and Professions Code. Reference: Section 2870, Business and Professions Code. History:

1. Renumbering from Section 2520 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment filed 2-3-87; effective thirtieth day thereafter (Register 87, No. 6).

2511. 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 fees prescribed by Section 2895 of the code.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2868, 2869, 2871 and 2895, Business and Professions Code.

History:

1. New section filed 7-25-60; effective thirtieth day thereafter (Register 60, No. 16).
2. Renumbering from Section 2520.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment 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).

2512. 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 the two years after it is originally submitted or within two years after last notification of deficiency.
 - (2) The applicant fails to submit the initial license fee within two years after notification by the Board.
 - (3) The applicant fails to take the licensing examination within two years after the first assigned date or within two years after last failing the examination.

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

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2867 and 2867.5, Business and Professions Code.

History:

1. New section filed 9-11-70; effective thirtieth day thereafter (Register 70, No. 37).
2. Renumbering from Section 2520.2 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2513. Eligibility to Reapply for Licensure Examination After Third Examination Failure.

History:

1. New section filed 12-19-55; effective thirtieth day thereafter (Register 55, No. 18). For history of former section, see Register 54, No. 7.
2. Amendment filed 6-9-59; effective thirtieth day thereafter (Register 59, No. 9).
3. Amendment filed 12-6-66; effective thirtieth day thereafter (Register 66, No. 43).
4. Amendment and renumbering from Section 2521 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
5. Repealer filed 12-4-75; effective thirtieth day thereafter (Register 75, No. 49).

2514. 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) Vocational nursing 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 2854, Business and Professions Code. Reference: Sections 2866, 2867, 2868, 2869 and 2873, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Renumbering from Section 2522 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Amendment filed 7-24-96; effective thirtieth day thereafter (Register 96, No.30).

Article 4. Licenses

2516. Eligibility for Licensure.

Persons who desire to qualify for licensure under Section 2873 of the code must meet the requirements of one of the following:

(a) Completion of a course in vocational or practical nursing in a school accredited by another state, provided that the course completed is substantially equivalent to that prescribed by Section 2533 of this chapter; or,

(b) Completion of the following experience and pharmacology course:

(1) Completion within the 10 years prior to the date of application of not less than 51 months of paid general duty inpatient bedside nursing experience in a clinical facility, at least half of which shall have been within five years prior to the date of application. Paid general duty inpatient bedside nursing 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 licensed vocational nurse.

(A) Such experience shall be verified by the employer showing specific dates of employment.

(B) The 51 months experience prescribed above shall include a minimum of each of the following:

- 48 months medical-surgical nursing;
- 6 weeks maternity or genitourinary nursing;
- 6 weeks pediatrics nursing.

(C) Experience in any one or combination of the following areas may be substituted for a maximum of 8 months of medical-surgical experience:

1. Communicable Disease Nursing
2. Public Health Nursing
3. Occupational Health Nursing
4. Office Nursing (M.D.)
5. Psychiatric Nursing
6. Operating Room Nursing
7. Private Duty Nursing (performed in acute care facilities only)
8. Emergency Room Nursing
9. Out Patient Clinic
10. Post Anesthesia Recovery Nursing
11. Hemodialysis Nursing
12. Rehabilitation Nursing
13. Gerontological Nursing
14. Emergency Medical Technician service

(D) Applicants with formal nursing education may submit official transcripts for evaluation of possible credit in lieu of paid inpatient bedside nursing experience.

(E) Applicants reapplying on the basis of experience acquired subsequent to the date of the original application shall show that the qualifying experience has been completed within 10 years prior to the date of reapplication and that at least half of such experience has been within five years prior to the date of reapplication.

(2) The applicant must submit proof of completion of a course of at least 54 theory hours of pharmacology. The course shall include but not be limited to:

- (A) Knowledge of commonly used drugs and their action
- (B) Computation of dosages
- (C) Preparation of medications
- (D) Principles of administration

(3) Verification of work experience shall include certification from the R.N. director or supervisor that the applicant has satisfactorily demonstrated the following knowledge and skills:

- (A) Basic Bedside Nursing

1. Ambulation techniques
 2. Bedmaking
 3. Urinary Catheter care
 4. Collection of specimens
 5. Diabetic testing
 6. Administration of a cleansing enema
 7. Feeding patient
 8. Hot and cold applications
 9. Intake and Output
 10. Personal hygiene and comfort measures
 11. Positioning and transfer
 12. Range of motion
 13. Skin care
 14. Vital signs
 15. Communication skills, both verbal and written, including communication with patients who have psychological disorders
- (B) Infection control procedures (may be demonstrated in classroom, lab, and/or patient care settings.)
1. Asepsis
 2. Techniques for strict, contact, respiratory, enteric, tuberculosis, drainage, universal and immunosuppressed patient isolation.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873, Business and Professions Code.
History:

1. New subsection (d) filed 12-23-76; effective thirtieth day thereafter (Register 76, No. 52). For prior history, see Register 75, No. 36.
2. Amendment of subsection (b) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
3. Amendment of subsection (c) filed 3-29-79; effective thirtieth day thereafter (Register 79, No. 13).
4. Amendment of subsection (d)(2) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8).
5. Amendment of subsection (d) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
7. Amendment of subsection (b)(2) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
8. Amendment filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
9. Amendment filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
10. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2516.5. Eligibility for Licensure – Military.

In order to establish proof of active duty service and training in the medical corps of any of the armed forces pursuant to Section 2873.5 of the code, an applicant must submit the following to the Board:

- (a) Transcripts or "Certificate of Release or Discharge from Active Duty (DD 214) showing completion of basic course of instruction in nursing required by his or her particular branch of the armed forces;
- (b) DD 214 or other military document showing that service in the armed forces has been under honorable conditions, or whose general discharge has been under honorable conditions; and
- (c) Military service evaluations showing the dates of service, wards assigned and duties performed for each assignment.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873.5, Business and Professions Code.
History:

1. New Section filed 5-04-07; operative 6-3-2007 (Register 2007, No. 18).

2517. Eligibility for Licensure Without Examination.

An applicant shall be eligible for licensure without examination, pursuant to Section 2872.1 of the code, provided that the applicant:

- (a) presents satisfactory proof of a current and valid license as a vocational nurse or practical nurse, or in an equivalent capacity, by another state, a territory of the United States, or a foreign country; and

(b) took the National League for Nursing State Board Test Pool Examination for Practical Nurses or the National Council Licensing Examination for Practical Nurses, and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2872.1, Business and Professions Code.

History:

1. Amendment of subsection (c) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31). For prior history, see Register 75, No. 36.
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2517.5. 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 on the renewal form 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 licensee is renewed in an inactive status, or is actively serving in the military outside the country.
- (4) A licensee 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, a licensee shall disclose on the renewal form whether, in the prior renewal cycle, 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 \$300 not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee shall disclose any disciplinary actions against his or her license.

(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: Sections 144, 2841.1, 2854, Business and Professions Code. Reference: Sections 144, 2841.1, 2854, 2878, 2878.6, 2878.8, 2892.1, and 2892.3, 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.

2518. Renewal of License, Eligibility to Qualify 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 the nurse's license in California, or can otherwise establish to the satisfaction of the Board, that the nurse is qualified to engage in practice as a licensed vocational nurse, shall also be exempted from such examination requirements.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.4, Business and Professions Code.

History:

1. Renumbering from Section 2532 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history see Register 61, No. 26.
2. Amendment filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2518.5. Scope of Vocational Nursing Practice.

The licensed vocational nurse 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 2854, Business and Professions Code. Reference: Sections 2859, 2860.5, 2860.7, 2878(a) and 2878.5, 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).

2518.6. Performance Standards.

(a) A licensed vocational nurse 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 Sections 2878 and 2878.5 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 vocational nurse 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 2878.1 of the Business and Professions Code.

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

Note: Authority cited: Sections 2854, Business and Professions Code. Reference: Sections 101.6, 108, 2859, 2878, 2878.1, and 2878.5, 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 10-11-07 (Register 2007, No. 37).

2518.7. Private Duty Nursing Defined.

Private duty patient care 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 services are contracted directly between the nurse and the patient or entity acting on the patient's behalf. A licensed vocational nurse (LVN) must provide private duty nursing services under the direction of a registered nurse who directs nursing care and/or the patient's physician who directs medical care. The supervisor must be responsible for direction to the private duty LVN regarding the respective nursing and medical procedures. The direction provided by the registered nurse or physician to the LVN must be available at least by telephone.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2859, Business and Professions Code
History:

1. New Section filed 5-04-07: operative 6-3-07 (Register 2007, No. 18).

2519. Gross Negligence.

As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 "gross negligence" means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed vocational nurse, 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 of care.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854, 2873, 2880, 2881, 2881.1, 2882-2884, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).

2. Renumbering from Section 2533 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

2520. Incompetence.

As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 "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 vocational nurses.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854, 2873, 2880, 2881, 2881.1, 2882-2884, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).

2. Renumbering from Section 2534 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

2520.1. Child Abuse Reporting.

Pursuant to Penal Code Section 11166, licensed vocational nurses 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 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(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).

2520.2. Elder Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 9381, licensed vocational nurses 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 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(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).

2520.3. Dependent Adult Abuse Reporting.

Pursuant to Welfare and Institutions Code Section 15630(a), licensed vocational nurses are mandated to report any known or suspected instance of dependent adult 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 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(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).

2520.4. Licensee Mandatory Reporting.

A licensed vocational nurse shall report, in writing, to the Board the commission of any act by another person that is prohibited by Business and Professions Code Sections 2878, 2878.1 and 2878.5. 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 2878.

Note: Authority cited: Sections 2854, Business and Professions Code. Reference: Sections 2859, 2878, 2878.1, and 2878.5, 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).

2520.5. Employer Mandatory Reporting.

Employers of licensed vocational nurses shall report, in writing, to the Board the suspension or termination for cause (as defined in Business and Professions Code Section 2878.1(c)) of any licensed vocational nurse in its employ. The report shall be made within 30 calendar days from the effective date of the suspension or termination. Failure to make a report to the Board as required under this section shall constitute a violation of Business and Professions Code Section 2878.1.

Note: Authority cited: Sections 2854, Business and Professions Code. Reference: Sections 2859, 2878, 2878.1, and 2878.5, Business and Professions Code.

History:

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

2521. 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 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse 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 6.5, 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 2854, Business and Professions Code. Reference: Sections 475, 480, 490, 2875, 2876, 2878, 2878.5 and 2878.6, Business and Professions Code.

History:

1. New section filed 4-1-75; effective thirtieth day thereafter (Register 75, No. 14).
2. Renumbering from Section 2536 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 6-1-2000; operative 6-30-2000 (Register 2000, No. 22).

2522. 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 2787.7 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 2854 Business and Professions Code. Reference: Sections 480, 482, 488, 490, 492, 2876, 2878, and 2878.7, Business and Professions Code.

History:

1. Amendment of section heading and section and new Note filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

2522.5. Rehabilitation Criteria for Suspensions or Revocations. Repealed.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 488 and 492, Business and Professions Code.

History:

1. New section filed 4-1-75; effective thirtieth day thereafter (Register 75, No. 14).
2. Renumbering from Section 2537.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment of subsection (b) filed 3-4-78; effective thirtieth day thereafter (Register 78, No. 9).
4. Repealer filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

2523. 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 licensed vocational nurse who fails to report a suspension or termination for cause of that licensee as specified in Section 2878.1 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, 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878, and 2878.1, 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).

2523.1. Exceptions. Repealed

Note: Authority cited: Sections 125.9, 148 and 2854, 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).

2523.2. 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 2520.5, the suspension or termination for cause of a licensed vocational nurse.
- (d) The fine for each Class "B" violation shall be no less than \$1,001 nor more than \$2,500. A Class "B" violation includes:
 - (1) A violation that results in or could have results 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 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878, and 2878.1, 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).

2523.3. 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 Vocational Nursing Practice Act 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 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New Section filed 7-27-95; effective thirtieth day thereafter (Register 95, No. 30)
2. Amendment filed 1-14-98; effective thirtieth day thereafter (Register 98, No. 3).

2523.4. 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 2854, 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)

2523.5. 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 the 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 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878, and 2878.1, 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).

2523.6. 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 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 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878, and 2878.1, 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).

2523.7. Notification to Other Boards and Agencies.

The issuance and disposition of a citation shall be reported to other boards of vocational nursing, registered nursing and other regulatory agencies.

Note: Authority cited: Sections 125.9, 148 and 2854, 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)

2524. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.) the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines", (Rev. 6/19/2007), which are hereby incorporated by reference. Deviation from these 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 factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 2854, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 2875, 2876 and 2878, Business and Professions Code; and Section 11425.50(e), Government Code.

History:

1. New Section filed 10-23-96; operative 11-22-96 (Register 96, No. 43).
2. Amendment filed 6-1-2000; operative 6-30-2000 (Register 2000, No. 22).
3. Editorial correction relocating article 5 heading from section 2524 to section 2525 (Register 2006, No. 22)
4. Editorial correction implementing repealer of Appendix A and amending History 2 (Register 2007, No. 37).
5. Amendment filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

2524.1. 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 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 written 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.

(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 written request.

Note: Authority cited: Section 2854, Business and Professions Code, Section 6253.4, Government Code; Reference: Sections 2875, 2876, 2878, 2878.1 and 2878.5, Business and Professions Code; and Sections 6252, 6253, 6253.2, 6253.4, 6254, 6255, 6260, 11503, and 11504, Government Code.

History:

1. New Section filed 3-2-06; operative 4-1-06 (Register 2006, No. 9).

Article 5. Schools of Vocational Nursing

2525. Accredited Schools of Nursing – Definition.

(See Section 2502 (c) of this chapter.)

History:

1. Renumbering from Section 2550 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Editorial correction relocating article 5 heading from section 2524 to section 2525 (Register 2006, No. 15).

2526. Procedure for Accreditation.

(a) The institution shall apply to the Board for accreditation. 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 2529.
- (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) List of 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 programs with which clinical affiliations are shared.

(b) An institution may commence a new vocational nursing program upon Board approval.

(c) A Board representative shall make a survey visit prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

(d) Accreditation will be granted by the Board when a vocational nursing program demonstrates that it meets all requirements as set forth in this chapter and in chapter 6.5. Division 2 of the Business and Professions Code.

(e) The accreditation 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 6.5, 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 accreditation expiration, a program may apply for continued accreditation based upon submission of documentation satisfactory to the Board. A subsequent survey visit may be conducted by a Board representative.

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

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2880, 2881 and 2883, Business and Professions Code.

History:

1. Amendment and renumbering from section 2551 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history, see Register 75, No. 28.

2. Amendment of subsection (c)(4)(B) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).

3. Amendment of subsection (a), repealer of subsections (a)1.-(b), new subsections (a)1.-(e) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

4. Editorial correction deleting duplicate section (Register 92, No. 18).

5. Amendment filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).

6. Amendment 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).

2526.1. Provisional Accreditation.

(a) Provisional accreditation means a program has not met all requirements as set forth in this chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.

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

(c) The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional accreditation period, provisional accreditation 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 accreditation 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 accreditation.

(e) A program placed on provisional accreditation 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 accreditation.

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

(g) A program whose provisional accreditation has been revoked shall be removed from the Board's list of accredited 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 accredited programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2880, 2881 and 2883, Business and Professions Code.

History:

1. New section filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).

2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2527. Reports.

(a) The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not accreditation 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 vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2883, Business and Professions Code.

History:

1. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
2. Renumbering from section 2552 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
4. New subsection (c) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
5. Editorial correction deleting duplicate section (Register 92, No. 18).
6. Amendment to subsection (c) filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).

2528. Faculty – Report of Changes.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2882, Business and Professions Code.

History:

1. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
2. Renumbering from Section 2553 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Repealer of subsection (b) filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Repealer filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).

2529. Faculty Qualifications.

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

(b) Each vocational nursing 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 1, Article 5 (commencing with Section 2525 et seq.).

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

(1) **Director:** A director of a vocational nursing program shall:

- (A) Hold a current California active license as a Registered Nurse; and
- (B) Hold a baccalaureate degree from an accredited school; and
- (C) Have a minimum of three years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or 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; and
- (D) Have completed a course or courses offered by an accredited school with instruction in administration, teaching, and curriculum development.

(2) **Assistant Director:** An assistant director of a vocational nursing program shall:

- (A) Hold a current California active license as a Registered Nurse; and
- (B) Hold a baccalaureate degree from an accredited school; and
- (C) Have a minimum of three years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or 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; and
- (D) Have completed a course or courses offered by an accredited school with instruction (1) in teaching, (2) curriculum development, and (3) administration.

(3) **Instructor:** An instructor in a vocational nursing program shall have or be currently attending a course offered by an accredited school 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 accredited school; or a valid teaching credential; or have completed a minimum of one year full-time teaching experience in a state accredited or 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 registered nurse or licensed vocational nurse within the last five years.

(B) Licensed Vocational Nurse:

1. Hold a current California active license as a Vocational Nurse; and
2. Hold a baccalaureate degree from an accredited school; or a valid teaching credential; or have completed a minimum of one year full-time teaching experience in a state accredited or 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 vocational nurse 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 2533(e).

(5) **Teacher Assistant:** A teacher assistant in a vocational nursing program shall:

- (A) Hold a current California active license as a Vocational Nurse or Registered Nurse; and
- (B) Have a minimum of two years of experience as a licensed vocational nurse or registered nurse within the last five years.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2883, Business and Professions Code.

History:

1. Amendment of subsection (c) filed 4-12-89; operative 5-12-89 (Register 89, No. 23). For prior history, see Register 87, No. 6.
2. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
4. Amendment of subsection (c) filed 12-29-04; operative 1-28-2005 (Register 2004, No. 53).

2530. 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 assigned to the 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 2530(a).
- (2) Adequacy of clinical experience as specified in section 2534.
- (3) Licensure examination pass rates as specified in section 2530 (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 accredited vocational nursing 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 accreditation.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2881 and 2882, Business and Professions Code.

History:

1. New section filed 10-4-61; effective thirtieth day thereafter (Register 61, No. 20).
2. New subsections (f) and (g) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
4. Amendment and renumbering from section 2554.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
5. Amendment of subsection (l) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. New subsection (j) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
7. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
8. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
9. Amendment filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
10. Amendment to subsections (h) and (k) and new subsection (l) filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).
11. Amendment of subsection (g), repealer of subsection (l)(1) and subsection renumbering filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2531. Curriculum.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2882, Business and Professions Code.

History:

1. New section filed 6-9-59; effective thirtieth day thereafter (Register 59, No. 9).
2. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Amendment and renumbering from Section 2554.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
4. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
5. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2532. Curriculum Hours.

(a) The course in vocational nursing shall consist of not less than 1530 hours or 50 semester units, and may be given on either a full-time 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 minimum hours required shall be as follows: Theory Hours-576, which shall include a minimum of 54 hours in pharmacology; Clinical Hours-954.

(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 2854, Business and Professions Code. Reference: Sections 2881, 2882, and 2883, Business and Professions Code.

History:

1. Renumbering of Section 2556.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history see Register 72, No. 21.

2. Amendment of subsection (b) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8).

3. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, 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 subsection (a) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

6. Amendment of subsections (c), (d), (e), and (f) filed 12-29-04; operative 1-28-05 (Register 2004, No. 53).

2533. Curriculum Content.

(a) Vocational nursing 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 fundamentals

(6) Nursing process

(7) Communication, both verbal and written, including communication with patients who have psychological disorders

(8) Patient education

(9) Pharmacology which shall include:

(A) Knowledge of commonly used drugs and their action

(B) Computation of dosages

(C) Preparation of medications

(D) Principles of administration

(10) Medical-surgical nursing

(11) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)

(12) Gerontological nursing

(13) Rehabilitation nursing

(14) Maternity nursing

(15) Pediatric nursing

(16) Leadership

(17) Supervision

(18) Ethics and unethical conduct

(19) Critical thinking

(20) Culturally congruent care

(21) End-of-life care

(e) The following related courses may be taught by additional faculty. Additional faculty are persons who have 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 requirement for a vocational credential.

Courses	Maximum Hours of Instruction by Other Professionals Accepted by the Board
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 2526, 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: 2854, Business and Professions Code. Reference: Sections 2881.1, 2882, 2883, Business and Professions Code. History:

1. Amendment filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6). For prior history, see Register 75, No. 36.
2. Reinstatement of section as it existed prior to emergency amendment filed 2-2-76, by operation of section 11422.1(b), Gov. Code (Register 76, No. 23).
3. New subsection (b)(4) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
4. Amendment of subsection (d) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
5. Amendment of subsection (f) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
7. Amendment of subsection (a)(8) and new subsections (a)(8)(A)-(a)(8)(D) 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 filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
10. Amendment filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).
11. Amendment of subsection (e) filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
12. Amendment of subsection (d)(7), new subsections (d)(18)-(21) and amendment of subsection (e) filed 5-4-2007; operative 6-3-2007 (Register 2007, No.18).

2534. 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 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught. Clinical objectives which students are expected to master shall be posted on patient care units utilized for clinical experience.

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

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

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2873, 2881, 2882 and 2883, Business and Professions Code.

History:

1. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51). For prior history, see Register 68, No. 22.
2. Renumbering from Section 2557 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment of subsection (b) filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6).
4. 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).
5. Amendment of subsection (b) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
7. Amendment filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
8. Amendment filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

2534.1. Clinical Preceptorships.

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

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

(c) Preceptor means a registered nurse or a licensed vocational nurse 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 2854, Business and Professions Code. Reference: Sections 2881 and 2882, Business and Professions Code

History:

1. New section filed 6-1-2000; operative 6-30-2000 (Register 00, No. 22).

2535. 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) Accredited vocational or practical nursing courses.

(2) Accredited registered nursing courses.

(3) Accredited 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 skills acquired through experience. Credit shall be determined by written and/or practical examinations.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2881.1, Business and Professions Code.

History:

1. New subsection (a)(6) filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20). For prior history, see Register 77, No. 41; 75, No. 36; 70, No. 37.
2. New subsection (c) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2536. Transcript of Records.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881, 2882 and 2883, Business and Professions Code.

History:

1. Amendment filed 12-10-64; effective thirtieth day thereafter (Register 64, No. 24).
2. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Renumbering from Section 2558 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

Article 6. Revenue

2537. Fees.

The following fees are established:

- (a) The fee to be paid upon the filing of an application is seventy-five dollars (\$75).
- (b) The re-examination application fee (for any examination after the first) is seventy-five dollars (\$75).
- (c) The biennial renewal fee is one hundred twenty dollars (\$120). For licenses that expire on or after July 1, 2009, the biennial renewal fee shall be one hundred fifty dollars (\$150). In addition, an assessment of five dollars (\$5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to section 2895.5 of the Code.
- (d) The delinquency fee is sixty dollars (\$60). For licenses that expire on or after July 1, 2009, the delinquency fee shall be seventy-five dollars (\$75).
- (e) The initial license fee is one hundred twenty dollars (\$120). The initial license fee on or after July 1, 2009, shall be one hundred fifty dollars (\$150).
- (f) The interim permit fee is forty dollars (\$40).
- (g) The duplicate license fee is twenty-five dollars (\$25).
- (h) The endorsement fee is seventy-five dollars (\$75).
- (i) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is ten dollars (\$10).

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

History:

1. Amendment of subsection (a) filed 5-18-84; designated effective 1-1-85 (Register 84, No. 20). For prior history, see Register 83, No. 47.
2. Amendment of subsections (a), (b) and (d) filed 1-22-86; designated effective 4-1-86 (Register 86, No. 4).
3. Amendment filed 8-28-87; operative 8-28-87 (Register 87, No. 35).
4. Amendment of subsections (a), (b) and (e) filed 9-27-89; operative 10-27-89 (Register 89, No. 40.)
5. Repealer of subsections (a) – (f), new subsections (a) – (i) and amendment of Note filed 6-14-2006; operative 1-1-2007 (Register 2006, No. 24).
6. Amendment of subsections (c)-(e) 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.

2537.1. Provider's Fees.

Pursuant to Section 2892.6 of the Code, the following fees for applications for approval of continuing education courses are established:

(a) The fee to be paid upon filing of an application for a continuing education provider is two hundred dollars (\$200).

(b) The biennial renewal fee is two hundred dollars (\$200).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.6, Business and Professions Code.
History:

1. New section filed 3-29-79; effective thirtieth day thereafter (Register 79, No. 13).
2. Amendment filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).
3. Repealer of subsections (a)-(c) and new subsections (a) and (b) filed 6-14-2006; operative 1-1-2007 (Register 2006, No. 24).

2538. Waiver of Initial License Fee.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2892 and 2895, Business and Professions Code.

History:

1. Renumbering from Section 2559.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Repealer filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).

Article 7. Continuing Education

2540. Definitions.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854 and 2892.5, Business and Professions Code.

History:

1. New Article 7 (2540, 2540.1-2540.5) filed 9-30-75; effective thirtieth day thereafter (Register 75, No. 40).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2540.1. Hour Requirements.

(a) Each licensee renewing a license under Section 2892 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 the initial issuance of a license.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.
History:

1. Amendment of subsection (a) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsections (a) and (c) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8.)
3. Amendment filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2540.2. 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 nursing licensing agencies of this or of other states, 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 program, or college/university courses related to the licensed vocational nurse scope of practice will be accepted.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, 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).

2540.3. 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 Licensed Vocational Nurses" (Form 55A-40; 09/05), hereby incorporated by reference.
 - (2) The content of all courses of continuing education must be relevant to the practice of nursing and must:
 - (A) Be related to the scientific knowledge and/or technical, manual skills required for the practice of vocational nursing, or
 - (B) Be related to direct and/or indirect patient/client care.
 - (C) Learning experiences are expected to enhance the knowledge of the vocational nurse at a level above that required for licensure.
 - (3) Submit one course offering for Board review prior to 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 vocational nursing field or in any special area of vocational nursing practice, including course title;
 - (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 2540.4.
- (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 licensed vocational nurse 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 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code History:

1. Amendment of subsections (a)(4) and (c) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment of subsection (a) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2540.4. Course Instructors Qualifications.

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

- (a) Completion within two years preceding course approval of specialized training in the subject matter of the course;
 - (b) Completion of academic studies related to the subject matter of the course within two years of course approval;
 - (c) Experience teaching 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 developing academic courses within two years preceding course approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.
History:

1. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of section heading, first paragraph and subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2540.5. Course Completion Certificates and Reporting.

- (a) At the completion of the course the provider shall issue a certificate to each licensee.
- (b) The licensee shall record on the license renewal form the date each course was completed, provider/course number, course title, and 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 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.
History:

1. Amendment of subsection (b) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2540.6. 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 furnish a full set of fingerprints as required by section 2517.5.

NOTE: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 144, 700, 701, 703, 704, 2854, 2875, 2878, and 2892.5, Business and Professions Code; and Section 11105, Penal Code.

History:

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of subsections (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.

2540.7. 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 such application on a form prescribed by 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 and/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 and/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 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.
History:

1. New section filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20).
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 subsections (a) and (b) (Register 84, No. 2).

Article 8. Intravenous Therapy

2542. Definition.

As used in this Article:

(a) "Intravenous fluids" means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.

(b) "Superimpose" means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.

(c) "Primary infusion line" means the line which provides a direct infusion between the container and the peripheral vein.

(d) "Secondary infusion line" means a line which provides infusion through a lateral access into a primary infusion line.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 135 and 2860.5, Business and Professions Code.

History:

1. New article 8 (sections 2542-2542.5) filed 12-4-75; effective thirtieth day thereafter (Register 75, No. 49).
2. New subsections (c) and (d) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment of section heading, section and Note filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
4. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

2542.1. Intravenous Therapy.

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or secondary infusion lines who has completed one of the following:

(a) A course in intravenous therapy approved by the Board, as defined in Section 2542.3.

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2542.4, that the licensee has been instructed in the subject areas specified in Section 2542.3 and that the licensee has the knowledge, skills and abilities to safely practice venipuncture. For further limitations, see Business and Professions Code section 2860.5.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.
History:

1. Amendment of subsection (b)(3) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsection (b)(3) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, 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 first paragraph and subsection (b) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
6. Repealer and new section filed 2003; filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
7. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

2542.2. Procedure for Certification Course Approval.

(a) A person or institution applying for approval of a certification course in intravenous therapy must complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Intravenous Therapy for Licensed Vocational Nurses" (Form 55ED-6; 09/05), hereby incorporated by reference.

(b) A 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 licensed vocational nurse intravenous therapy 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 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment of subsection (c) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2)
2. Amendment of subsections (a) and (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2542.3. Approval of Course Content.

(a) A course in intravenous therapy shall be taught by an instructor approved as provided in Section 2542.4; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least 30 hours in length, including 24 hours theory and 6 hours clinical experience, including at least 3 individually supervised successful venipunctures by each student on live human subjects. The theory shall include, but not be limited to the following:

- (1) The requirements contained in Section 2860.5(c) of the Code necessary for a nurse to start and superimpose intravenous fluids;
- (2) Psychological preparation of the patient;
- (3) Universal precautions for infection control; and
- (4) Intravenous therapy;
 - (A) Indications for intravenous therapy
 - (B) Types of venipuncture devices
 - (C) Types of delivery systems
 - (D) Types of intravenous fluids
 - (E) Preparation and immobilization of the venipuncture site
 - (F) Observation of the patient
 - (G) Regulation of the fluid flow
 - (H) Local and systemic reactions

(b) Intravenous therapy clinical experience must include:

- (1) Preparation of equipment;
- (2) Safety factors;
- (3) Choice of vein;
- (4) Choice of device for intravenous therapy;
- (5) Techniques of venipuncture;
- (6) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment of subsection (a) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of subsections (a), (b)(4) and (b)(5) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2)
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
4. Reorganizing and renumbering of subsections (a)(2)-(10) and (b)(1)-(4) and new subsections (a)(5) and (a)(9) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
5. Amendment filed 7-24-96; effective thirtieth day thereafter (Register 96, No. 30).
6. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2542.4. Approval of Course Instructors.

To be approved by the Board, a certification course 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 six months of experience starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or
- (2) Has had experience teaching courses in 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 six months of experience starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or
- (2) Has had experience teaching courses in intravenous therapy; or
- (3) Has met the requirements for faculty of a Registered Nursing or Vocational Nursing

program.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment of subsections (b)(4) and (b)(5) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of subsection (b)(4) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
3. Amendment of subsection (a) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
4. Amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
5. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).
6. Amendment filed 1-14-98; effective thirtieth day thereafter (Register 98, No. 3).
7. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2542.5. Reports to Board.

(a) The certification course provider in intravenous therapy for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate of Completion Intravenous Therapy For Licensed Vocational Nurses" (Form 55ED-7; 09/05), hereby incorporated by reference, which shall include:

- (1) Course Title;
- (2) Date of course completion;
- (3) Licensee's name, address, telephone number and vocational nurse license number;
- (4) Code number issued by the Board; and
- (5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy upon written notification from the Board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, 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 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

Article 9. Blood Withdrawal

2544. Blood Withdrawal.

A licensed vocational nurse may withdraw blood from a patient when directed by a licensed physician. In addition, the licensed vocational nurse must have:

(a) Satisfactorily completed a course in blood withdrawal approved by the Board, as defined in Section

2544.2; or

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2544.3, that the licensee has been instructed in the subject areas specified in Section 2544.2 and that the licensee has the knowledge, skills and abilities to safely practice blood withdrawal.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Article 9 (Sections 2544-2544.4), filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2544.1. Procedure for Certification Course Approval.

(a) A person or institution applying for approval of a certification course in blood withdrawal must complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-1; 09/05), hereby incorporated by reference.

(b) A 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 licensed vocational nurse 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 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2544.2. Approval of Course Content.

(a) A course in blood withdrawal for licensed vocational nurses shall be taught by an instructor approved as provided in Section 2544.3; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least six hours in length, including 3 hours theory and 3 hours clinical experience, including at least 3 individually supervised venipunctures on live human subjects and at least 3 individually supervised skin punctures on live human subjects. Arterial punctures are optional. The theory shall include, but not be limited to, the following:

- (1) The requirements contained in Section 2860.5(b) of the Code necessary for a nurse to perform blood withdrawal;
- (2) Psychological preparation of the patient;
- (3) Universal precautions for infection control;
- (4) Blood withdrawal;
 - (A) Methods of blood withdrawal;
 1. Skin puncture;
 2. Venipuncture; and
 3. Arterial puncture (optional).
 - (B) Selection of appropriate method;
 - (C) Safety measures;
 - (D) Possible complications; and
 - (E) Preparation of withdrawal sites.

(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 artery (optional);
- (5) Choice of device for blood withdrawal;

- (6) Techniques of venipuncture;
- (7) Techniques of arterial puncture (optional);
- (8) Skin puncture practice must include instruction in:
 - (A) Preparation of site; and
 - (B) Preparation of equipment.
- (9) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

- 1. Amendment and new subsection (c) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
- 2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
- 3. Amendment filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
- 4. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2544.3. Approval of Course Instructors.

To be approved by the Board, a certification course 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 six months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; 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 last five years:
 - (1) Has had a minimum of six months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; 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 six months of experience performing blood withdrawal in an "organized health care system," as defined in Section 2860.5(b) of the Code; or
 - (2) Has had experience teaching courses in blood withdrawal.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

- 1. Amendment of subsection (a) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
- 2. Amendment of subsection (b) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
- 3. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).
- 4. Amendment filed 1-14-98; effective thirtieth day thereafter (Register 98, No. 3).
- 5. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2544.4. Reports to Board.

- (a) The certification course provider in blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate of Completion Blood Withdrawal For Licensed Vocational Nurses" (Form 55ED-2; 09/05), hereby incorporated by reference, which shall include:
 - (1) Course title;
 - (2) Date of course completion;
 - (3) Licensee's name, address, telephone number and vocational nurse license number;
 - (4) Code number issued by the Board; and
 - (5) Number of course hours, specified as theory and clinical hours.

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

(c) A licensed vocational nurse is deemed to be Board-certified in blood withdrawal upon written notification from the Board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, 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 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

Article 10. Intravenous Therapy/Blood Withdrawal

2547. Definition.

As used in this Article:

(a) "Intravenous fluids" means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.

(b) "Superimpose" means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.

(c) "Primary infusion line" means the line which provides a direct infusion between the container and the peripheral vein.

(d) "Secondary infusion line" means a line which provides infusion through a lateral access into a primary infusion line.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. New article 10 (sections 2547-2547.5) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
2. New subsections (c) and (d) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment of section heading, section and Note filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5)
4. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

2547.1. Intravenous Therapy/Blood Withdrawal.

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or secondary infusion lines and perform blood withdrawal who has completed one of the following:

(a) A course of instruction in intravenous therapy and blood withdrawal approved by the Board.

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2547.4, that the licensee has been instructed in the subject areas specified in Section 2547.3 and that the licensee is knowledgeable and competent in the practice of venipuncture and blood withdrawal.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
3. Amendment of first paragraph filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
4. Repealer and new section filed 2003; filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
5. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

2547.2. Procedure for Certification Course Approval.

(a) A person or institution applying for approval of a certification course in intravenous therapy and

blood withdrawal must complete and submit an application form supplied by the Board entitled "Application to be a Certification Course Provider in Intravenous Therapy/Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-11; 09/05), hereby incorporated by reference.

(b) A 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 licensed vocational nurse intravenous therapy and 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 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment of subsections (a) and (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).

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

2547.3. Approval of Course Content.

(a) A course in intravenous therapy and blood withdrawal shall be taught by an instructor approved as provided in Section 2547.4; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least 36 hours in length, including 27 hours theory and 9 hours clinical experience, including at least 3 individually supervised successful venipunctures and 3 individually supervised skin punctures by each student on live human subjects. Arterial punctures are optional. The theory shall include, but not be limited to, the following:

(1) The requirements contained in Section 2860.5(b) and (c) of the Code necessary for a nurse to start and superimpose intravenous fluids and perform blood withdrawal;

(2) Psychological preparation of the patient;

(3) Universal precautions for infection control;

(4) Intravenous Therapy;

(A) Indications for intravenous therapy;

(B) Types of venipuncture devices;

(C) Types of delivery systems;

(D) Types of intravenous fluids;

(E) Preparation and immobilization of the venipuncture site;

(F) Observation of the patient;

(G) Regulation of the fluid flow; and

(H) Local and systemic reactions.

(5) Blood Withdrawal;

(A) Methods of blood withdrawal;

1. Venipuncture;

2. Skin puncture; and

3. Arterial puncture (optional).

(B) Selection of appropriate method;

(C) Safety measures;

(D) Possible complications; and

(E) Preparation of withdrawal sites.

(b) Intravenous therapy and blood withdrawal clinical experience must include:

(1) Preparation of equipment for intravenous therapy and blood withdrawal;

(2) Safety factors;

(3) Choice of vein;

(4) Choice of artery (optional);

(5) Choice of device for intravenous therapy and blood withdrawal;

(6) Techniques of venipuncture;

(7) Techniques of arterial puncture (optional);

(8) Skin puncture practice must include instruction in:

(A) Preparation of site; and

(B) Preparation of equipment.

(9) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, 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 of subsections (a), (a)(2)(A) and (a)(2)(F), new subsections(a)(3), (a)(4)(C) and (a)(4)(G) including renumbering or relettering, and reorganizing and renumbering of subsections (b)(1)-(7) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Editorial correction of subsection (a)(4)(A) (Register 96, No. 30).
4. Amendment of subsections (a)(5)(A)(2), repealer of second subsection (b)(4),renumbering of second subsection (b)(5) to (b)(6), amendment of newly designated subsection (b)(6)(B), and new subsection (b)(7) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
5. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2547.4. Approval of Course Instructors.

To be approved by the Board, a certification course 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 six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

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

(b) A nurse licensed by the California Board of Registered Nursing who within the previous five years:

(1) Has had a minimum of six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in intravenous therapy and blood withdrawal; or

(3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code History:

1. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).
2. Amendment filed 1-14-98; effective thirtieth day thereafter (Register 98, No. 3).
3. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2547.5. Reports to Board.

(a) The certification course provider in intravenous therapy and blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate of Completion Intravenous Therapy/Blood Withdrawal For Licensed Vocational Nurses" (Form 55ED-12; 09/05), hereby incorporated by reference, which shall include:

(1) Course title;

(2) Date of course completion;

(3) Licensee's name, address, telephone number and vocational nurse license number;

(4) Code number issued by the Board; and

(5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy and blood withdrawal certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy and blood withdrawal upon written notification from the Board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, 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 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

2555. Curriculum Plan.

History:

1. Amendment filed 9-4-53; effective thirtieth day thereafter (Register 53, No. 15).
2. Repealer filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).

2556. Basic Curriculum.

History:

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