

AGENDA ITEM #4.A.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Board of Vocational Nursing and Psychiatric Technicians
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**Board of Vocational Nursing
and Psychiatric Technicians
Department of Consumer Affairs
Board Meeting Minutes**

<https://www.youtube.com/watch?v=TvF67EfSoFs&feature=youtu.be>

DATE: Friday, May 22, 2020

EXECUTIVE ORDER: Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency -- (Executive Order N-29-20, March 17, 2020, paragraph 11.)

**BOARD MEMBERS
PRESENT:**

Ms. Endozo, Board President
Dr. Bass de Martinez, Board Vice President
Ms. Amezola de Herrera, Public Member
Ms. Carpenter, Public Member
Mr. Dierking, Public Member
Mr. Maxey, Public Member
Dr. Mountain, Education Member
Ms. Norton, Licensed Vocational Nurse Member
Ms. Rubalcava, Psychiatric Technician Member
Mr. Sellers, Psychiatric Technician Member
Ms. Turner, Public Member

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Raney, Enforcement Chief
Ms. Cordeiro, Supervising Nursing Education Consultant
Mr. Prouty, Discipline Unit Manager
Ms. Brown, Licensing Manager
Ms. Lee, Administration Manager
Ms. Gomez, Nursing Education Consultant (NEC)
Ms. Valdez, NEC
Ms. DeYoung, NEC
Dr. Fairchild, NEC
Ms. Silverman, NEC
Ms. Clayworth, NEC
Ms. Saavedra, Budget Analyst
Ms. Penales, Licensing Analyst
Ms. Pires, Legislation Analyst

Ms. Nguyen, Human Resources Analyst
Ms. Park, Enforcement Analyst

DCA STAFF PRESENT: Mr. Swenson, Board General Counsel
Mr. Jackson, Board Regulatory Counsel

Agenda Item 1 Call to Order, Roll Call and Establishment of Quorum

Board President Ms. Endozo called the meeting to order at 9:03 a.m., Friday, May 22, 2020 via WebEx. Ms. Endozo took attendance of Board Members by roll call, and confirmed quorum.

Agenda Item 2 President’s Remark

Ms. Endozo reported that due to COVID-19, the Board referred the petitioners’ cases scheduled for May 2020 to the Attorney General’s Office (AGO) to schedule hearings with the Office of Administrative Hearings (OAH).

Agenda Item 3 Introduction of Board Staff

Department of Consumer Affairs (DCA) Legal Staff introduced themselves. Executive Officer, Ms. Yamaguchi, introduced herself and the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) staff.

Agenda Item 4 Board Meeting Minutes Review and Approval

A. February 21, 2020

Motion: Approve minutes for February 21, 2020 as corrected.

Moved/Seconded: Mr. Maxey/Mr. Sellers

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Abstain
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes

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Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

Board Discussion:

Ms. Turner noted a correction: she was present for agenda items one through twelve.

Public Comment:

None

B. April 24, 2020

Motion: Adopt the April 24, 2020 minutes.

Moved/Seconded: Ms. Norton/Ms. Amezola de Herrera

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

Board Discussion:

None

Public Comment:

None

Agenda Item 5 Education

- A. Education Division Report
- B. Education Committee Report
- C. Consideration of Provisional Approval

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- i. Gavilan College, Vocational Nursing Program – Ms. Gomez

Motion: Approve the NEC’s report and adopt the recommendations.

Moved/Seconded: Ms. Norton/Ms. Turner

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

- ii. Los Angeles Job Corps Vocational Nursing Program – Dr. Fairchild

Motion: Approve the NEC’s report and adopt the recommendations.

Moved/Seconded: Ms. Carpenter/Dr. Mountain

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

D. Request to Admit Students by Programs on Provisional Approval

- i. Angeles Institute, Vocational Nursing Program – Dr. Fairchild

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Dr. Fairchild made an update for recommendation number two, the recommendation that the Executive Officer consider approval of the class at the July 7, 2020 Executive Officer Review to confirm that the program theory objectives be an online format and fifty percent of clinical hours conducted via simulation.

Motion: Approve the NEC's updated report and adopt the recommendations.

Moved/Seconded: Dr. Mountain/Ms. Norton

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

- ii. Institute of Technology, Clovis, Vocational Nursing Program – Ms. Valdes

Motion: Approve the NEC's report and adopt the recommendations.

Moved/Seconded: Ms. Norton/Mr. Maxey

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

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- iii. Institute of Technology, Modesto, Vocational Nursing Program – Ms. Valdes

Motion: Approve the NEC’s report and adopt the recommendations.

Moved/Seconded: Ms. Amezola de Herrera/Ms. Carpenter

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

- iv. North West College, Riverside, Vocational Nursing Program – Ms. Silverman
Ms. Silverman added that the school provided a simulation plan for online and on campus. She recommends the Executive Officer remove the July 7, 2020 date to allow the director to submit documents for a start and end date of each terms and the locations where they will receive live clinical experience.

Motion: Approve the NEC’s updated report and adopt the recommendations.

Moved/Seconded: Ms. Norton/Mr. Maxey

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Not Present
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

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The motion carried.

- v. Premiere Career College – Dr. Fairchild
Dr. Fairchild noted the discrepancies on the report dating December 2020, which should have been December 2019.

Motion: Approve the NEC’s report as updated and adopt the recommendations.

Moved/Seconded: Ms. Norton/Dr. Bass de Martinez

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

- vi. University of Antelope Valley – Ms. Silverman

Motion: Deny the request to admit a full-time class of thirty students on July 7, 2020. Deny the request to admit a full-time class of thirty students on November 16, 2020. Place the matter for further consideration on the August 2020 Board calendar.

Moved/Seconded: Ms. Norton/Dr. Mountain

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

Agenda Item 6 Executive Officer's Report

- A. Fund Condition
- B. COVID-19
- C. Staff Recognition

Board Discussion:

None

Public Comment:

None

Agenda Item 7 Executive Committee

- A. Committee Reports for March, April, May 2020

Board Discussion:

None

Public Comment:

None

Agenda Item 8 Licensing and Evaluations

- A. Licensing Division Report
- B. Licensing and Evaluations Committee Report

Board Discussion:

None

Public Comment:

None

Agenda Item 9 Legislation and Regulations

- A. Committee Report
 - i. Legislative Tracking and Calendar
 - ii. Action on new legislation: AB 2028 (Aguiar-Curry) State agencies: meetings.
The Committee moved to adopt the staff recommendation of Oppose Unless Amended on AB 2028 (Aguiar-Curry) and refer to the Board for adoption.

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Motion: Oppose AB 2028 unless amended.

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

iii. BVNPT School Pass Rate Regulations

Motion: Authorize staff to begin the regulatory process to amend Title 16, Division 25, Chapter 1 Article 5, Sections 2529 2530 for Vocational Nurses and Title 16, Division 25, Chapter 2, Article 5, Sections 2584 and 2585 to reflect the language detailed in the committee's report and allow staff to make non-substantive changes.

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

iv. School Fees Legislation

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Motion: Authorize staff to seek legislation to charge school programs fees for reviewing, processing and monitoring various functions of school programs in the amounts as follows:

\$25,000 for the filing of an application for approval of a new school program, but not more than \$50,000; \$25,000 for authorizing the continuing approval of an existing school program every four years, but not more than \$50,000; \$5,000 for the processing and monitoring of a school program on provisional approval every six months, but not more than \$10,000 every six months; school programs on provisional approval for three consecutive years will result in the Board's removing the school program from the list of approved schools.

Member Name	Vote
Ms. Endozo	Abstain
Dr. Bass de Martinez	Abstain
Ms. Amezola De Herrera	Abstain
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Yes
Dr. Mountain	Abstain
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	No
Ms. Turner	No

The motion carried.

v. Section 100 update from Legal Counsel.

Agenda Item 10 Enforcement

- A. Enforcement Division Report
- B. Enforcement Committee Report

Board Discussion:

None

Public Comment:

None

Agenda Item 11 Board Calendar Discussion and Possible Action

Motion: To prepare the Board to host an online Board meeting August 20-21, 2020 and to limit the petitioner hearings to five hearings.

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Moved/Seconded: Mr. Sellers/Dr. Mountain

Member Name	Vote
Ms. Endozo	Yes
Dr. Bass de Martinez	Yes
Ms. Amezola De Herrera	Yes
Ms. Carpenter	Yes
Mr. Dierking	Yes
Mr. Maxey	Not Present
Dr. Mountain	Yes
Ms. Norton	Yes
Ms. Rubalcava	Yes
Mr. Sellers	Yes
Ms. Turner	Yes

The motion carried.

Board Discussion:

None

Public Comment:

None

Agenda Item 12

Public Comment on Items Not on the Agenda

Public Comment:

None

Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Section 11125 and 11125.7(a)].

Agenda Item 13

Suggestions for Future Agenda Items

Board Discussion:

Ms. Rubalcava will send an inquiry to Mr. Swenson regarding the use of the abbreviation PT behind licensee's name as not to be confused with Physical Therapist.

Follow up report from Ms. Yamaguchi about the line item for cost recovery.

Public Comment:

None

Agenda Item 14 Adjourn Open Session

Ms. Endozo adjourned the meeting at 3:15 p.m.

Agenda Item 15 CLOSED SESSION

The Board will convene in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate and vote on disciplinary matters.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification to participate in the meeting may make a request by contacting: Vicky Saavedra, Associate Governmental Program Analyst at (916) 576-3473, email: Vicky.Saavedra@dca.ca.gov or send a written request to the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Prepared by: _____

Date: _____

Elaine Yamaguchi

Executive Officer

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Approved by: _____

Date: _____

Tammy Endozo, LVN
Board President