Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
Legislative and Regulations Committee Meeting Report

DATE: Wednesday, July 8, 2020
TIME: 2:00 P.M. – 4:00 P.M.
LOCATION: Board of Vocational Nursing and Psychiatric Technicians 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA (Via Teleconference)

COMMITTEE MEMBERS PRESENT: Mr. Dierking, Chairperson
Ms. Carpenter, Board Member

COMMITTEE MEMBERS ABSENT: None

STAFF PRESENT: Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Cordeiro, Supervising Nursing Education Consultant
Ms. Clayworth, Nursing Education Consultant
Ms. Shuman, Nursing Education Consultant
Ms. Maracino, Education Analyst
Mr. Matsumoto, Education Analyst
Ms. Nguyen, Human Resources Liaison
Ms. Pires, Legislative Analyst

DCA STAFF PRESENT: Mr. Jackson, DCA Senior Staff Attorney III
Mr. Swenson, DCA Senior Staff Attorney III

PUBLIC MEMBERS PRESENT: None

Agenda Item 1: Call to Order and Roll Call

Committee Action:
- Mr. Dierking called the Meeting to order at 2:10 p.m. on Wednesday, July 8, 2020.

Agenda Item 2: Legislative Tracking and Calendar
Agenda Item 3: Legislative Update
a) AB 2028 (Aguiar-Curry, Gonzalez): State Agencies: meetings
b) AB 2854 (Assembly Committee on Business & Professions): Sunset Legislation
c) SB 1474 Business and Professions

Committee Action:
- Committee moved to adopt a “support” position on Assembly Bill 2854 (Assembly Committee on Business & Professions): Sunset Legislation and refer the position to the Board.

Agenda Item 4: Rulemaking Update
a) Implementation of AB 2138: Reduction in barriers to employment
b) Section 100 Applicant, Licensee, and Continuing Education Provider Fees
c) Regulation Package to further increase fees
d) Instructor Licenses and School Pass Rate Percentages Rule Making

Committee Action:
- Committee moved to approve the amended language of Section 2537 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations and refer the amended language to the Board.
- Committee moved to approve the amended language of Section 2537.1 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations and refer the amended language to the Board.
- Committee moved to approve the amended language of Section 2590 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) and refer the amended language to the Board.
- Committee moved to approve the amended language of Section 2590.1 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians) and refer the amended language to the Board.
- Committee moved that the Board authorize the staff or the Executive Officer to begin the regulatory process to amend only Title 16, Division 25, Chapter 1 Section 2530 for Vocational Nurses amending (l), and (l)(1) and add (l)(2) and; and only Title 16, Division 25, Chapter 2, Article 5, Sections 2585 to reflect amendment to (l), and (l)(1), and add (l)(2), as reflected in the proposed language received in the meeting packet.

Agenda Item 5: Discussion and Possible Action: Strategic Plan

Agenda Item 6: Suggestion for Future Agenda Items

Agenda Item 7: Schedule next Legislative and Regulation Committee Meeting
Committee Action:

- The next Legislative and Regulations Committee meeting is scheduled for October 2, 2020, at 2:00 p.m.

The meeting was adjourned at 2:57 p.m.
AGENDA ITEM #8.A

**SB 1474**: Board Sunset extension

**AB 2854**: Default Delegation
MEMORANDUM

DATE August 14, 2020
TO Board Members
FROM Elaine Yamaguchi
Executive Officer
SUBJECT Update on the Operating Budget and a Proposed Increase in Applicant, Licensee and Continuing Education Program Fees

The purpose of this memo is to provide the Board with the following information:
1. The status of the operating budget
2. The history of most recent fee increases, and
3. A proposal to submit a regulatory package to increase applicant, licensee, and continuing education (CE) program provider fees.

Operating Budget
The Department of Consumer Affairs (DCA) Budget Office is responsible for development and tracking of the Board’s operating budget. Using historical costs and revenues as well as the projected costs and revenues, DCA Budgets analyzed the Board’s fund condition. For a number of reasons, the Board’s projected expenses exceed its projected revenues. Specifically, the current reserve for economic uncertainties may be depleted around the 4th quarter of 2022 if the Board continues its budgetary path.

The State of California implemented a 9.23 % salary reduction for State employees, effective July 1, 2020, to help balance the State budget. The Board’s budget will not benefit from this salary reduction; any savings realized from the salary reduction will be sent to the State’s General Fund to help offset the State’s budget needs.

History
In 2018, Senate Bill 1480 authorized the Board to increase most fees, add new fees to some CE program providers that previously did not pay a fee. Several fees were also reduced. In addition, the Board proposed creating a new fee to charge for the review, approval, and monitoring of schools. The Senate staff recommended that the fees on school programs be deferred until BVNPT had engaged in more stakeholder outreach.

The approved fee changes took effect on January 1, 2019 and should have increased revenues enough to keep pace with increasing expenditures, so that another licensee fee change would not be necessary until the 2025-26 fiscal year.
As the Board is already aware:
• Operating costs increased more than anticipated and we now project a deficit starting sometime around the 4th quarter of 2022, which requires the Board to increase its revenue stream.
• The Office of the Attorney General significantly increased the charges to all Department of Consumer Affairs Boards and Bureaus. This cost increase came as a surprise and significantly impacted every Board and Bureau budget.
• Any increase in revenues comes with a pro rata increase in Statewide General Administrative Expenditures. When the projected increase of the new fees was measured against the projected expenditures, the increase in general administrative costs (pro rata) was not factored into our initial projections.
• In 2019, the Board was not able to secure a sponsor for the school fee legislation.
• At the May 22, 2020 Board meeting, the Board members approved the following motion:
  “to...authorize the 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 4 years, but not more than $50,000; $5,000 for the processing and monitoring of a school program on provisional approval every 6 months, but more than $10,000 every 6 months; school programs on provisional approval for 3 consecutive years will result in the Board’s removing the school program from the list of approved schools”

Recommendation
After careful consideration of the projected budgetary expenditures and revenues, I recommend that the Board authorize staff to amend regulations to increase applicant, licensee, and CE program provider fees. The amount of the fee increases for license application by examination, initial license fee, and bi-annual renewal fees will be $55.00, and all the other fee increases will be 25%. The attached chart illustrates the specific fee changes described above.

The amount of the fee increases is based on the projected costs of the Board and the amount of revenue needed to fund those projected costs. If, for example, (1) the actual costs are lower than the projected costs, (2) the actual revenues are higher than the projected revenues, or (3) the Board is successful in obtaining the statutory authority to charge a fee to school programs; the Board may not need to increase fees by the amounts noted above. With that possibility in mind, I also recommend that the Board authorize staff to reduce the amount of the fee increase proposed in this memo. Any and all changes will be reported to the Executive Committee, with the estimated amounts of fee reductions, and followed by a report to the full Board.

Agenda Item 8.A.III.

List of Fee Changes
<table>
<thead>
<tr>
<th>Fee Name</th>
<th>Current Fee Charge</th>
<th>Current fees + $55 + 25% increase in other areas</th>
<th>Maximum Fees in statute</th>
</tr>
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<tbody>
<tr>
<td><strong>Vocational Nursing Fee Categories</strong></td>
<td></td>
<td></td>
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<tr>
<td>Application for Licensure by Examination - CA Vocational Nursing Program Graduate <strong>Does not include exam fee</strong> B&amp;P § 2895 (a) (Method 1)</td>
<td>$ 220.00</td>
<td>$ 275.00</td>
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<td>Application for Licensure by Examination - Equivalent Education/Experience <strong>Does not include exam fee</strong> B&amp;P § 2895 (b) (Method 2 - 5)</td>
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<td>Application for Licensure by Endorsement B&amp;P § 2895 (c)</td>
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<tr>
<td>Application for Re-Examination <strong>Does not include exam fee</strong> B&amp;P § 2895 (e)</td>
<td>$ 220.00</td>
<td>$ 275.00</td>
<td>$ 300.00</td>
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<tr>
<td>Biennial Renewal Fee (2 years) B&amp;P § 2895 (f)</td>
<td>$ 220.00</td>
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<tr>
<td>Renewal Delinquent Fee B&amp;P § 2895 (g)</td>
<td>$ 110.00</td>
<td>$ 137.00</td>
<td>$ 150.00</td>
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<tr>
<td>Initial License Fee B&amp;P § 2895 (h)</td>
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<td>$ 275.00</td>
<td>$ 300.00</td>
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<tr>
<td>Interim Permit B&amp;P § 2895 (i)</td>
<td>$ 20.00</td>
<td>$ 25.00</td>
<td>$ 50.00</td>
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<tr>
<td>Duplicate license or wall certificate B&amp;P § 2895 (j)</td>
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<td>$ 31.00</td>
<td>$ 50.00</td>
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<td>Verification of a Calif Licensee's license to another State Board B&amp;P § 2895 (k)</td>
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<td>$ 150.00</td>
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<td>Intravenous (IV), Blood Withdrawal (BW), or (IV with BW) Certification B&amp;P § 2895(l)</td>
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<td><strong>Psychiatric Technician Fee Categories</strong></td>
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<td>Application for Licensure by Examination - CA Psychiatric Tech Program Graduate <strong>Includes exam fee</strong> B&amp;P § 4548(a)</td>
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<td>Application for Licensure by Examination - Equivalent Education/Experience <strong>Includes exam fee</strong> B&amp;P § 4548(b)</td>
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<td>AGENDA ITEM #8.A</td>
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<td>$25.00</td>
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<td><strong>Verification of a California License to another State Board Section B&amp;P § 4548 (k)</strong></td>
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<td><strong>Blood Withdrawal (BW) Certification Section B&amp;P § 4548 (l)</strong></td>
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<td><strong>Biennial Renewal - Intravenous (IV) Course Provider (VN) B&amp;P § 2892.7</strong></td>
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<tr>
<td><strong>IV with Blood Withdrawal (IV with BW) Course Provider (VN) B&amp;P § 2892.7</strong></td>
<td>$150.00</td>
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Agenda Item 8.A.III.
Agenda Item #8.A

California Code of Regulations
Title 16 Professional and Vocational Regulations
Division 25. Board of Vocational Nursing and Psychiatric Technicians
Chapter 1. Vocational Nurses

Applicant/Licensee/CE Provider Fee Increases
for Vocational Nurses

New language is underlined. Deleted language is shown in strikeout.

(1) Amend Section 2537 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing)

§2537. Fees.
Pursuant to section 2895 of the Code, the following fees are established:
(a) The fee to be paid upon the filing of an application for licensure by examination by applicants who have successfully completed the prescribed course of study in a California approved vocational nursing program is two hundred twenty seventy-five dollars ($22075).
(b) The fee to be paid upon the filing of an application for licensure by examination by applicants who are qualified to take the examination by methods other than that specified in section 2537 (a) is two three hundred fifty five dollars ($250305).
(c) The fee to be paid upon the filing of an application for licensure by endorsement is two hundred seventy-five dollars ($22075).
(d) The fee to be paid for taking each examination for licensure shall be the actual cost to purchase the examination from a vendor approved by the board.
(e) The fee to be paid for any re-examination for licensure after the first attempt is two hundred seventy-five dollars ($22075).
(f) The biennial renewal fee to be paid upon the filing of an application for renewal is two hundred seventy-five dollars ($22075). 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. If a license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.
(g) Notwithstanding Section 163.5 of the Code, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time is one hundred ten thirty-seven dollars ($11037).
(h) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.
(i) The fee to be paid for an interim permit is twenty-five dollars ($205).
(j) The fee to be paid for a duplicate license or wall certificate is twenty-five thirty-one dollars ($2531).
(k) The fee to be paid for processing verification of licensure papers to other states is one hundred twenty-five dollars ($10025).
AGENDA ITEM #8.A

(l) The fee to be paid for post-licensure certification in intravenous therapy, blood withdrawal or intravenous therapy with blood withdrawal is twenty-five dollars ($25).

(m) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is twenty-five dollars ($25).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2867.5, 2892.1, 2895, 2895.1 and 2895.5, Business and Professions Code; and Section 6157, Government Code.

(2) Amend Section 2537.1 of Chapter 1, Division 25 of Title 16 of the California Code of Regulations (regarding Vocational Nursing)

§ 2537.1. Provider's Fees.
Pursuant to Sections 2892.6 and 2892.7 of the Code, the following fees are established:
(a) The fee to be paid upon filing of an application for any provider of a course in continuing education is one hundred fifty eighty-seven dollars ($15087).
(b) The biennial renewal fee for any provider of a course in continuing education is one hundred fifty eighty-seven dollars ($15087).
(c) The fee to be paid upon filing of an application from any provider of a course in Intravenous Therapy is one hundred fifty eighty-seven dollars ($15087).
(d) The biennial renewal fee for any provider of a course in Intravenous Therapy is one hundred fifty eighty-seven dollars ($15087).
(e) The fee to be paid upon filing of an application from any provider of a course in Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).
(f) The biennial renewal fee for any provider of a course in Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).
(g) The fee to be paid upon filing of an application from any provider of a course in Intravenous Therapy with Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).
(h) The biennial renewal fee for any provider of a course in Intravenous Therapy with Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).

Note: Authority Cited: Section 2854, Business and Professions Code. Reference: Section 2892.6 and 2892.7, Business and Professions Code.
AGENDA ITEM #8.A

California Code of Regulations
Title 16 Professional and Vocational Regulations
Division 25. Board of Vocational Nursing and Psychiatric Technicians
Chapter 2. Psychiatric Technicians

Applicant/Licensee/CE Provider Fee Increases for Psychiatric Technicians

New language is underlined. Deleted language is shown in strikeout.

(1) Amend Section 2590 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians)

§ 2590. Fees.

Pursuant to Section 4548 of the Code, the following fees are established:

(a) The fee to be paid upon the filing of an application for licensure by examination by applicants who have successfully completed the prescribed course of study in a California approved school for preparation of psychiatric technicians is two three hundred sixty-five twenty dollars ($265320).
(b) The fee to be paid upon the filing of an application for licensure by examination by applicants qualified to take the examination by methods other than that specified in Section 2590 (a) is two three hundred ninety-five fifty dollars ($295350).
(c) The fee to be paid upon the filing of an application for licensure by endorsement is two hundred twenty seventy-five dollars ($22075).
(d) The fee to be paid for taking each examination for licensure shall be the actual cost to purchase an examination from a vendor approved by the board.
(e) The fee to be paid for any re-examination for licensure after the first attempt is two three hundred sixty-five twenty dollars ($265320).
(f) The biennial renewal fee to be paid upon the filing of an application for renewal is two hundred twenty seventy-five dollars ($22075). If a license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.
(g) Notwithstanding Section 163.5 of the Code, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time is one hundred ten thirty-seven dollars ($11037).
(h) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.
(i) The fee to be paid for an interim permit is twenty-five dollars ($205).
(j) The fee to be paid for a duplicate license or wall certificate is twenty-five thirty-one dollars ($2531). (k) The fee to be paid for processing endorsement verification of licensure papers to other states is twenty-five dollars ($205).
(l) The fee to be paid for post-licensure certification in blood withdrawal is twenty-five dollars ($205).
AGENDA ITEM #8.A

(m) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is twenty-five dollars ($25).

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

(2) Amend Section 2590.1 of Chapter 2, Division 25 of Title 16 of the California Code of Regulations (regarding Psychiatric Technicians)

§ 2590.1. Provider Fees.
Pursuant to Section 4518.1 of the Code, the following fees are established:
(a) The fee to be paid upon filing of an application for any provider of a course in continuing education is one hundred fifty eighty-seven dollars ($15087).
(b) The biennial renewal fee for any provider of a course in continuing education is one hundred fifty eighty-seven dollars ($15087).
(c) The fee to be paid upon filing of an application from any provider of a course in Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).
(d) The biennial renewal fee for any provider of a course in Blood Withdrawal is one hundred fifty eighty-seven dollars ($15087).

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4518 and 4518.1, Business and Professions Code.
Title 16 Professional and Vocational Regulations
Division 25. Board of Vocational Nursing and Psychiatric Technicians
Chapter 1. Vocational Nursing

New language is underlined. Deleted language is shown in strikeout.

§ 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 Program Director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The Program Director is shall be 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) Program Director: A Program Director of a vocational nursing program shall:
      (A) Hold a current California active license, in good standing, as a Registered Nurse; and
      (B) Hold a baccalaureate degree from an approved school; and
      (C) Have a minimum of three years of experience as a Registered Nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or have a minimum of three years of experience in nursing administration or nursing education within the last five years; and
      (D) Have completed a course or courses offered by an approved school with instruction in nursing administration, teaching, and curriculum development.
   (2) Assistant Program Director: An Assistant Program Director of a vocational nursing program shall:
      (A) Hold a current California active license, in good standing, as a Registered Nurse; and
      (B) Hold a baccalaureate degree from an approved school; and
      (C) Have a minimum of three years of experience as a Registered Nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or have a minimum of three years of experience in nursing administration or nursing education within the last five years; and
      (D) Have completed a course or courses offered by an approved 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 approved school in teaching; and shall meet the requirements of Subsection A or B, below:
      (A) Registered Nurse:
1. Hold a current California active license, in good standing, as a Registered Nurse; and
2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year of full-time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of two years of 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, in good standing, as a Licensed Vocational Nurse; and
2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year full-time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and
3. Have a minimum of two years of experience as a Licensed 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 Instructional Assistant: An teacher Instructional Assistant in a vocational nursing program shall:
(A) Hold a current California active license, in good standing, as a Licensed 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.

(d)(1) Should a disciplinary action be commenced against the California license of any faculty member described in this section the licensee faculty member shall, within 30 calendar days from the commencement of the disciplinary action, report the disciplinary action to the Program Director. The Program Director shall report the action to the appropriate Board representative within 10 calendar days of receiving the information from the faculty member.

(2) Failure to report the disciplinary action shall be considered cause for the removal of the Board’s approval of the faculty member under this section.

§ 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 Instructional Assistant shall work under the direction of an approved Instructor. No more than one Instructional Assistant may be assigned to assist each Instructor. Each Instructional Assistant shall assist the Instructor in skills lab and clinical teaching settings only. The Instructor to whom the Instructional Assistant is assigned shall be available to provide direction to the Instructional 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 Program 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 of seventy-five percent (75%) that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved vocational nursing schools, for the same period.
(1) Failure to maintain the required yearly average minimum pass rate for two one years or eight four consecutive quarters may be cause to place a program on provisional approval.

(2) If deemed necessary by the Board, in its sole discretion, more immediate action may be taken to implement the provisional approval process against a school as set forth in (1)(1) above.
§ 2584. Faculty Qualifications.

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

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

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

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

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

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

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

(A) Registered Nurse
AGENDA ITEM #8.A

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

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

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

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

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

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

(5) Teacher Instructional Assistant: An [teacher] [Instructional] [aAssistant] in a psychiatric technician program shall:
   (A) Hold a current, active California license, in good standing, as a [pPsychiatric tTechnician] or [rRegistered aNurse]; and
   (B) Have a minimum of two years of experience as a [pPsychiatric tTechnician] or [rRegistered aNurse] in the care of mentally disordered or developmentally disabled clients within the last five years.

(6) Should a disciplinary action be commenced against the California license of any faculty member described in this section the licensee faculty member shall, within 30 calendar days from the commencement of the disciplinary action, report the disciplinary action to the Program Director. The Program Director shall report the action to the appropriate Board representative within 10 calendar days of receiving the information from the faculty member.

(7) Failure to report the disciplinary action shall be considered cause for the removal of the Board’s approval of the faculty member under this section.

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

§ 2585. General Requirements.
(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.
(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.
(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.
(d) Each [teacher] [Instructional] [aAssistant] shall work under the direction of an approved [iInstructor]. No more than one [teacher] [Instructional] [aAssistant] may be assigned to each [iInstructor]. Each [teacher] [Instructional] [aAssistant] shall assist the [iInstructor] in skills lab and clinical teaching settings only. The [iInstructor] to whom the [teacher] [Instructional] [aAssistant] is assigned shall be available to provide direction to the [teacher] [Instructional] [aAssistant] as needed.
(e) Each [iInstructor] 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 [dDirector].
(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 in the field of psychiatric technicians.
(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

1. Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.
2. Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

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

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

1. Right to contact the Board of program concerns.
2. Credit for previous education and experience.
3. School's grievance policy.
4. List of Board approved clinical facilities.

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

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

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination of seventy-five percent (75%) that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved psychiatric technician schools for the same period.

1. Failure to maintain the required yearly average minimum pass rate for two one years or eight four consecutive quarters may be cause to place a program on provisional approval.
2. If deemed necessary by the Board, in its sole discretion, more immediate action may be taken to implement the provisional approval process against a school set forth in (l)(1) above.

Agenda Item 8.A.IV.

Current Recommended Changes
§ 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.
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(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.
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   (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 40 percentage points of the state average pass rate of seventy-five percent (75%) for first time candidates of approved vocational nursing schools for the same period.

1. Failure to maintain the required yearly average minimum pass rate for two one years or eight four consecutive quarters may be cause to place a program on provisional approval.
2. If deemed necessary by the Board, in its sole discretion, more immediate action may be taken to implement the provisional approval process against a school as set forth in (l)(1) above.
California Code of Regulations
Title 16 Professional and Vocational Regulations
Division 25. Board of Vocational Nursing and Psychiatric Technicians
Chapter 2. Psychiatric Technicians

New language is underlined. Deleted language is shown in strikeout.

§ 2585. General Requirements.
(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.
(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.
(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.
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(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.
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(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.
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(1) Sufficient program resources as specified in Section 2585(a);
(2) Adequacy of clinical experience as specified in Section 2588.
(3) Licensure examination pass rates as specified in Section 2585(l).

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate of seventy-five percent (75%) for first time candidates of approved psychiatric technician schools for the same period.

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

(2) If deemed necessary by the Board, in its sole discretion, more immediate action may be taken to implement the provisional approval process against a school set forth in (l)(1) above.
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### BVNPT Analysis of Fund Condition

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<td>Add 9% prorate cost</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
<td>$375</td>
</tr>
<tr>
<td>Adjusted Expense + 9% prorate cost</td>
<td>$16,677</td>
<td>$16,865</td>
<td>$19,605</td>
<td>$18,936</td>
<td>$19,466</td>
<td>$20,387</td>
<td>$20,950</td>
<td>$21,529</td>
</tr>
<tr>
<td>Reserve for Economic Uncertainties</td>
<td>$7,728</td>
<td>$6,662</td>
<td>$4,447</td>
<td>$3,174</td>
<td>$1,371</td>
<td>$2,813</td>
<td>$3,693</td>
<td>$3,993</td>
</tr>
<tr>
<td>Months in Reserve</td>
<td>5.5</td>
<td>4.1</td>
<td>2.8</td>
<td>2.0</td>
<td>0.8</td>
<td>1.6</td>
<td>2.1</td>
<td>2.0</td>
</tr>
</tbody>
</table>

- **$0 per year School fees**
- **$4,130,770 per year Licensee fees @ $55**
- **$36,788 25% Increase other fees**
- **$ - Cite/Fine Schools**
- **$4,167,558 Total all fee increases**

School Fees Effective: NA  
App/License/other fees eff: 7/1/22  
Assumes 2.8% expenditure increase