



## **EXECUTIVE COMMITTEE MEETING MINUTES**

**March 16, 2022**

**2535 Capitol Oaks Drive  
Administrative Conference Room  
Sacramento, CA 95833  
Via WebEX**

**Board Members**

**Present:**

Dr. Mountain, Board President  
Mr. Dierking, Board Vice President

**Board Staff Present:**

Ms. Yamaguchi, Executive Officer  
Ms. Lyman, Assistant Executive Officer  
Ms. Wood, Enforcement Chief  
Ms. Archibald, Personnel Liaison  
Ms. Pires, Legislative and Regulations Specialist  
Ms. Ball, Board Administration Analyst

**DCA Staff:**

Mr. Swenson, Board Counsel  
Ms. Schieldge, Board Regulatory Counsel  
Ms. Holmes, Deputy Director, Board and Bureau Relations  
Ms. Coronel, Strategic Business Analyst  
Mr. Bouilly, Facilitator & Strategic Planner

### **Agenda Item 1: Roll Call/Establishment of Quorum**

Dr. Mountain called the meeting to order at 9:45 a.m. She stated that the purpose of the online hearing is the consideration of proposed amendments to sections 2537, 2537.1, 2590, and 2590.1 of the California Code of Regulations as outlined in the Public Notice regarding Fee Schedule, which was noticed in the California Regulatory Notice Register, posted to the Board’s website, and sent to all who requested such notice. She stated that the hearing is held pursuant to the procedures set forth in the Administrative Procedure Act and that the facilitator will begin the hearing at 10:00 a.m. exactly.

Dr. Mountain proceeded with roll call and identified that Mr. Dierking was present.

### **Agenda Item 2: Introduction of Executive Committee Members**

Dr. Mountain identified herself as Board President and Mr. Dierking as Board Vice President of the Board of Vocational Nursing and Psychiatric Technicians, and as the two members of the Executive Committee. She introduced Board Executive Officer,

Elaine Yamaguchi, Board General Counsel, Kenneth Swenson, and Board Regulatory Counsel, Kristy Schieldge.

### **Agenda Item 3: Public Comment for Items Not on the Agenda; Matters for Future Meetings**

Dr. Mountain stated that per Government Code sections 11125 and 11125.7(a), the Committee may not discuss or act on any matter raised during the public comment section, except to place the matter on a future meeting agenda. She then called for public comment for items not on the agenda.

The meeting moderator then opened up the Q and A feature to facilitate public comment for items not on the agenda.

**Public Comment:** None

### **Agenda Item 4: Procedure for Public Hearing**

Dr. Mountain identified the time as 10:00 a.m. and recognized facilitator Elizabeth Coronel from the Department of Consumer Affairs who then provided the procedures for the public hearing.

Ms. Coronel stated that the meeting was being recorded to capture all verbal comments made by the public. She invited submission of public comments via email to [BVNPT.Rulemaking@dca.ca.gov](mailto:BVNPT.Rulemaking@dca.ca.gov).

She stated that any written comments received on the proposal by the deadline would be made a part of the permanent record.

Ms. Coronel stated that the Committee would not respond to any comment but may ask clarifying questions. She stated that responses to timely, relevant, and adverse comments would be considered and discussed at a Board meeting and that the Board will respond to all oral and written comments received in its Final Statement of Reasons, which will be included in the rulemaking file for the proposed regulatory action and posted on the Board's website, and be available from Doris Pires, as stated in the original public Notice. She added that the original Notice, proposed text, and Initial Statement of Reasons are also available on the Board's website and from the same contact person. She stated that a complete copy of the rulemaking file will also be available for review at the Board's office in Sacramento.

She stated that after all interested parties (if any) have been heard, the issue will stand submitted.

She stated that mailing list requests may be emailed to [BVNPT.Rulemaking@dca.ca.gov](mailto:BVNPT.Rulemaking@dca.ca.gov).

Ms. Coronel stated that it is the desire of the Board that the record of the hearing be clear and intelligible, and that the hearing itself be orderly, thus providing all parties with

fair and ample opportunity to be heard.

**Agenda Item 5: Regulation Hearing Regarding the Board's Proposed Amendments to Title 16, California Code of Regulations Sections 2537, 2537.1, 2590, and 2590.1**

**Comment 1:** Coby Pizzotti, Consultant/Partner, Lyles, Wiesmann, Pizzotti & Associates, California Association of Psychiatric Technicians (CAPT)

**Comment Summary:**

The commentor expressed opposition to the proposed amendment to the regulations on behalf of 6,000 state-licensed and certified members working in state hospitals, developmental centers, and prisons and as the professional organization for 12,000 psychiatric technicians in the state of California.

The commentor stated that it is poor judgment for the Board to move forward with the licensee fee increases while there is an LVN and PT vacancy on the board and cited a lack of licensee representation on the board.

The commentor stated that CAPT finds the Board's fund insolvency rationale to be faulty as the board now has a substantially greater revenue source, due to the implementation of AB 1536, which, in part, creates fees for existing and new LVN and PT programs.

The commentor stated that it is CAPT's understanding that the fees on new and existing schools, as outlined in AB 1536, do not cover the cost of the resources necessary to provide regulation and accreditation services to LVN and PT programs. The commentor stated that the Board seeks to correct its structural imbalance by increasing fees on those who can least afford it – the licensees.

The commentor cited the history of AB 179 which merged the LVN and PT funds, eliminating the unnecessary need for separate and unequal licensing renewal fee structures (\$150 for LVNs and \$300 for PTs). With the merger of the two funds, the board created one licensee renewal fee at \$220 resulting in a \$70 increase for LVN's and an \$80 decrease for PTs. The commentor stated that the renewal increases to \$300 for both LVN and PTs licensees is unfair, when prelicensure education programs have paid nothing for the services they have used at the Board for over 30 years. The commentor requested that the Board halt the increase of licensee fees until it can realize the impact of the school and program fees on the fund. The commentor, on behalf of CAPT, urged the Board and the hearing authority to deny the request to amend fee increases on licensees at this time.

**Comment 2:** Melissa Vartanian, SEIU 1000

**Comment Summary:**

Agreement with previous comment.

**Comment 3:** Roberta Lawson

**Comment Summary:**

The commentor asked why fees are being increased.

**Comment 4:** Shirley Jones

**Comment Summary:**

The commentor stated that the previous generation of licensees are still maintaining their licenses for sentimental reasons. She added that the Board should consider that many of these older and retired licensees may not be able to pay the increased renewal fees and will abandon the license entirely, instead of maintaining it.

**Comment 5:** Movses Chmbdyan, LVN

**Comment Summary:**

The commentor stated there is a need to know the purpose of the fee increase and an explanation of its purpose (i.e. inflation). The commentor expressed desire for discussion on the support and protection of Vocational Nurses in the workplace so that they may provide better healthcare.

**Comment 6:** Randy Tyer, PT

**Comment Summary:**

The commentor stated that the membership population has been impacted somewhat by the pandemic, but that the fee increase will affect the membership on a long-term basis.

**Comment 7:** Carlos Garcia, CAPT Metro Chapter President

**Comment Summary:**

The commentor stated that the fee increase would be very a significant hardship to our population, especially with regard to the pandemic and current inflation. The commentor stated that this should not happen and that the Board should consider the hardship that it will create for the membership.

**Comment 8:** Jaime Garcia, CAPT Coalinga Chapter President

**Comment Summary:**

The commentor stated that for the Psychiatric Technician licensee fees to go down, and then go up again seems very unproductive, especially in a declared state of emergency. The commentor asked that the increase not proceed in this time of inflation.

**Comment 9:** Toni King CAPT DSH-Stockton Chapter President

**Comment Summary:**

The commentor stated that the fee increase is not a good fit for the membership, citing the pandemic, and the proposed fees being some of the highest among licensing fees.

**Comment 10:** Chelsea Walker, Psychiatric Technician

**Comment Summary:**

The commentor opposed the licensee fee increase citing psychiatric technicians as paying some of the highest licensing fees. The commentor stated that she thought there would be a decrease in the license fee, not an increase. The commentor stated that the fee increase will be a struggle with the pandemic, and rising gas prices. The commentor questions by how much the fees will increase.

**Comment 11:** Coby Pizzotti, Consultant/Partner, Lyles, Wiesmann, Pizzotti & Associates, California Association of Psychiatric Technicians (CAPT)

**Comment Summary:**

The commentor adds to his previous comment that several members of the California State Assembly Business and Professions Committee have signed a letter of opposition to the fee increase, asking for a pause or halt until such time as the Board can receive its full complement of licensee representation appointed to the Board.

**Comment 12:** Gwendolyn Wilson, Licensed Vocational Nurse, Instructor

**Comment Summary:**

The commentor asked that the Board consider that raising the license fees would be a hardship because of the pandemic, and because of the hours that have been cut.

**Comment 13:** Chris Cullen, CAPT Napa Chapter President

**Comment Summary:**

The commentor stated that the membership was actually hoping for a decrease in fees. The commentor stated that the membership is already unduly burdened with many

issues, could not come at a worse time, and is very confusing and distressing to the members. The commentor requested a record of opposition to the proposal.

*Note: Ms. Sandra Bird attempted to verbally comment, but was unable; she was asked to submit her comment by e-mail to [BVNPT.Rulemaking@dca.ca.gov](mailto:BVNPT.Rulemaking@dca.ca.gov)*

### **Agenda Item 6: Closing Remarks**

On behalf of the Board, Mr. Dierking thanked everyone who attended the Public Hearing and made public comment. He thanked everyone who submitted public comment during the 45-day comment period leading up to the hearing.

### **Agenda Item 7: Adjournment**

Dr. Mountain thanked all attendees for their participation and adjourned the meeting at 11:18 a.m.