



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
**Board of Vocational Nursing and Psychiatric Technicians**  
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945  
Phone 916-263-7800 Fax 916-263-7855 www.bvnpt.ca.gov



**Board of Vocational Nursing  
and Psychiatric Technicians  
Department of Consumer Affairs  
Board Meeting Minutes**  
<https://youtu.be/dFukGWbv6uM>

**DATE:** Friday, February 18, 2022

**BOARD MEMBERS  
PRESENT:**

Dr. Mountain, President, Education Member  
Mr. Dierking, Vice President, Public Member  
Ms. Brown, Public Member  
Ms. Carpenter, Public Member  
Mr. Hill, Psychiatric Technician Member  
Ms. Luce, Public Member  
Mr. Maxey, Public Member  
Ms. Nieblas, Public Member (arrived approx. 9:30 a.m.)  
Ms. Rooks, Licensed Vocational Nurse Member

**STAFF PRESENT:**

Ms. Yamaguchi, Executive Officer  
Ms. Lyman, Assistant Executive Officer  
Ms. Wood, Enforcement Chief  
Ms. Cordeiro, Supervising Nursing Education Consultant  
Ms. Brown, Licensing Manager  
Ms. dela Rosa, Nursing Education Consultant  
Ms. DeYoung, Nursing Education Consultant  
Dr. Fairchild, Nursing Education Consultant  
Ms. Gomez, Nursing Education Consultant  
Dr. McLeod, Nursing Education Consultant  
Ms. Silverman, Nursing Education Consultant  
Ms. Maracino, Education Analyst  
Ms. Pires, Legislation and Regulations Specialist  
Mr. Prouty, Discipline Unit Manager  
Ms. Ball, Legislation and Regulations Analyst  
Ms. Archibald, Personnel Liaison, HR  
Ms. Dano, Discipline Unit Analyst

**DCA STAFF PRESENT:** Mr. Swenson, Board General Counsel

Board Meeting  
February 18, 2022

Dr. Mountain called the meeting to order at 9:02 a.m. Dr. Mountain shared procedures for proper conduct of the virtually (WebEx) hosted meeting. Dr. Mountain took attendance of Board members by roll call and a quorum was established.

**Agenda Item 2 Introduction of Board Staff**

Ms. Yamaguchi introduced Board staff. Mr. Swenson, DCA Legal Counsel introduced himself.

**Agenda Item 3 Board Officer Elections**

Mr. Swenson facilitated elections. Dr. Mountain was unanimously re-elected as President. Mr. Dierking was nominated and unanimously and re-elected as Vice President.

**Agenda Item 4 Review and Approval of Meeting Minutes**

Meeting Minutes for November 19, 2021 – Review and Approval.

Motion: Approve the minutes from November 19, 2021, if no errors or omissions.  
Moved/Seconded: Ms. Luce/Ms. Carpenter

**Board Discussion:** None.

**Public Comment:** None.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Brown	Yes
Ms. Carpenter	Yes
Mr. Hill	Yes
Ms. Luce	Yes
Mr. Maxey	Absent
Ms. Nieblas	Absent
Ms. Rooks	Yes

Motion passed unanimously.

**Agenda Item 5 Fiscal Budgets - Updates**

**A. Fund Condition Updates and Recommendations Parts I & II**

Mr. Loyd, from Department of Consumer Affairs (DCA) Budget Office provided updates regarding the Board of Vocational Nursing and Psychiatric Technicians' (BVNPT) Fund Condition Statement and the projected revenues and expenditures for the current year.

Referencing the Board materials, the fund condition statement shows that at the end of PY (past year) 20/21, the Board collected \$17.7 million in revenue and had \$17.9 million in total expenditures with a total of \$4.07 million in reserves, equaling 2.7 months. Note: The reserve approximates the amount of time that the Board could continue normal operations without any revenue source.

In the current year (CY), the Board is projected to collect \$18.2 million in revenue and \$18.7 in expenditures; this does not include the projected \$550,000 overage in the Attorney General, Office and Administrative Hearing, and Enforcement expenditures, which is above the current budgeted amounts. Due to implementation of AB 1536, the Board is expecting additional revenue from the fees from new school programs as early as the last quarter of this fiscal year; but most of this revenue comes in the next fiscal year.

Budget year projections do not include increased fines for enforcement actions. As the Board sees new revenues materialize, there is an increase in the reserve balance. Any additional legislative or unanticipated events will increase the pressure on the funds. The budget office will continue to monitor and keep open lines of communication with the Executive team for future needs or actions necessary.

**Board Discussion:** None.

**Public Comment:** None.

#### A. Fund Condition Updates and Recommendations Part III

Assistant Executive Officer Vicki Lyman provided a synopsis of how board staff will present a series of presentations to inform and educate the Board regarding the budget's ongoing structural imbalance. The May 2022 meeting will kick-off this series with a presentation focusing on the budget for personnel services. It is important that all board members understand the changes that have been made at the board and how those changes impact how the Board does business. For example, in October 2018, there was a re-organization of the Licensing Division; as a direct result, there was a decrease in incoming calls. This is significant to the customers service provided to our applicants, licensees, and other stakeholders.

The August 2022 Board Meeting may contain a presentation on the costs related to the Enforcement Division. This will be an enlightening discussion and explain the annual Department of Justice budget augmentation in greater detail. However, this topic is just a suggestion, and board staff is happy to address any other concerns board members may have related to the budget.

**Board Discussion:** None.

**Public Comment:** None.

#### **Agenda Item 6**

#### **Education – Reports, Recommendations, and Possible Actions**

A. Education Division Report – Ms. Cordeiro.

Ms. Cordeiro provided an overview of the Education Division Report and highlighted the progress on the new proposed school programs. February 17, 2022 was the last training with the proposed schools to prep them to have all their documents ready so that the review can go smoothly and move efficiently by their nursing education consultant (NEC). Schools must have their packet submitted by May 2, 2022 and then the Board has sixty (60) days to process the initial application. At the beginning of this cohort there were twenty (20) programs; following the training, there were thirteen (13), and there may be fewer by the May deadline. Schools are dropping for various reasons, such as their inability to find a program director, not having someone to write their curriculum, and in some cases, finding that it is not as easy as they thought to start a nursing program.

As for staff updates, the budget change proposal was approved to hire two (2) NEC's and one analyst. Recruitment begins in May for these positions.

The Education Division has received the report from the Organizational Improvement Office, and it is being reviewed. The results and findings may be presented to the Board at the May 2022 board meeting.

**Board Discussion:** Dr. Mountain commended the work with the new schools, showing patience to teach them the process and commented that it made her sad that programs were struggling to find directors; this shows what is going on in nursing right now, and is cause for concern. Ms. Carpenter asked if there are interviews setup or NEC candidates in mind? Ms. Cordeiro shared that recruitment will not likely begin until May, and the information has been shared with program directors and other potential opportunities to put the word out about the openings.

**Public Comment:** None.

- I. Review and Approval of Executive Officer Program Decisions, Reports from November 2, 2021 to December 30, 2021.

**Board Discussion:** None.

**Public Comment:** None.

Motion: Approve and adopt the Executive Officer program decisions from the date, November 2, 2021 to December 2021.

Moved/Seconded: Ms. Luce/Mr. Hill

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent

Ms. Luce	Yes
Ms. Nieblas	Absent
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

- II. Review, discussion, and possible action on Nursing Education Consultant (NEC) recommendations for emergency COVID-19 teaching modalities.

Ms. Cordeiro deferred agenda item to Ms. Yamaguchi. Ms. Yamaguchi confirmed that this item was approved and adopted at the August 2021 meeting. This agenda item was listed if there was a new action required; no new action required at this time.

**Board Discussion:** None.  
**Public Comment:** None.

B. Education Committee Report – Dr. Mountain.

Dr. Mountain shared that the Education Committee did not meet during the quarter, therefore there is no committee update.

**Board Discussion:** None.  
**Public Comment:** None.

C. Reconsideration of Provisional Approval.

- I. Healthcare Career College, Vocational Nursing Program – Ms. dela Rosa, NEC.

Dr. Mountain shared the Board’s apologies that this agenda item was inadvertently put under the wrong category; this is a “Request to Admit Students”.

Ms. dela Rosa confirmed that there was no additional information to add to her report at this time.

Dr. Mountain requested comment from the program representative. Ms. dela Rosa confirmed that a representative was not present at this time.

Motion: Approve and adopt the NEC’s recommendations.  
Moved/Seconded: Mr. Dierking/Ms. Brown

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes

Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Lost connection
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

**Board Discussion:** None.

**Public Comment:** None.

II. LAUSD, Maxine Waters Preparatory Center, Vocational Nursing Program – Dr. Fairchild, NEC.

Dr. Fairchild confirmed that there was no additional information to add to her report at this time. However, she did want to compliment the program director and administrative staff for their hard work to correct all violations and their commitment to excellent education and nursing.

Dr. Mountain requested comment from the program representative. Ms. Padilla, Program Director, shared her thanks to Dr. Fairchild for her guidance, support, all her efforts and advice.

Motion: Approve and adopt the NEC's recommendations.

Moved/Seconded: Ms. Brown/Mr. Hill

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

**Board Discussion:** None.

**Public Comments:** None.

D. Request to Admit Students

- I. Cypress College, Psychiatric Technician Program, Dr. McLeod, Nursing Education Consultant.

Dr. McLeod confirmed that there was no additional information to add to her report at this time.

Dr. Mountain requested comment from the program representative. Dr. McLeod confirmed that a representative was not present at this time.

Motion: Approve and adopt the NEC's recommendations.

Moved/Seconded: Ms. Carpenter/Ms. Luce

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

**Board Discussion:** None.

**Public Discussion:** None.

- II. Southeast Career College, Vocational Nursing Program, Ms. dela Rosa, Nursing Education Consultant.

Ms. dela Rosa confirmed that there was no additional information to add to her report at this time.

Dr. Mountain requested comment from the program representative. Ms. Domingo appreciated this opportunity to request for replacement of their graduating class. She would appreciate the approval for this replacement class.

Motion: Approve and adopt the NEC's recommendations.

Moved/Seconded: Ms. Carpenter/Mr. Hill

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes

Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

Dr. Mountain stopped the meeting for a break. Resumed the meeting at 10:45 a.m. Resumed meeting at 1:32:34 (recording paused) with Agenda Item 6. F. I.

**Board Discussion:** Due to connectivity issues, at the advice of Counsel, this item/motion was laid on the table and a new motion to proceed with the agenda was so moved.

New motion: Lay this motion on the table and proceed with the items and return to this matter.

Moved/Seconded: Mr. Dierking/Ms. Carpenter.

Roll call vote:

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously. (Resumed with original motion at 01:27:30)

**Public Discussion:** None.

E. Request to Admit Students.

- I. CNI, Vocational Nursing Program, Dr. Fairchild, Nursing Education Consultant.

Dr. Fairchild confirmed that there was no additional information to add to her report at this time. Dr. Fairchild did also compliment the program for their outreach program and for their work with past graduates to increase their



pass rates.

Dr. Mountain requested comment from the program representative. Ms. Velasco, Program Director, thanked their NEC, the Board, and the Executive staff for the recommendation to give CNI this opportunity to start a new cohort.

Motion: Approve and adopt the NEC's recommendations.  
Moved/Seconded: Ms. Luce/Ms. Nieblas

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed unanimously.

**Board Discussion:** Ms. Luce commended them for being 15% above the states average pass rate.

**Public Comment:** None.

II. Premiere Career College, Vocational Nursing Program, Dr. Fairchild, Nursing Education Consultant.

Dr. Fairchild shared additional information related to the violation listed at the end of the report. On February 8, 2022, Dr. Fairchild received documents from the program director related to the program's admission of 22 students that scored below the required score of 50% on the Test of Essential Academic Skills (TEAS) entry assessment. The submitted documents state that the school decided to give the students who scored below 50 (but did well on their other assessment tools) a chance to get into the program but under strict observation and remediation. Students who did not qualify for admission were notified promptly. The screening and selection are very specific that students must meet qualifications for admission standards, and students who do not qualify for admission are not enrolled. Therefore, the program is now, in addition to the admission policy, in violation of section 2526a.13 of title 16 of the CCR as they are not following their own screening and selection criteria.

Dr. Mountain requested comment from the program representative.

Mr. Malabanan, Program Director, thanked Dr. Fairchild for guidance and support in the request to admit students.

Motion: Approve and adopt the NEC's recommendations.  
Moved/Seconded: Ms. Carpenter/Mr. Hill

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Abstain

Motion passed with 7 in the affirmative and 1 abstention.

**Board Discussion:**

Dr. Mountain asked Mr. Malabanan about the update given by Dr. Fairchild, specifically that there are multiple studies linking TEAS scores to program completion and NCLEX pass rates for both RN's and LVN's. The latest study for LVN's was done in 2017 and indicated clearly that students need to score 63.89% on the TEAS to have success in program completion and for passing the NCLEX. Premiere's entrance qualification policy states that students need to score 50% which is below that 63.89%, and there are students who are coming in with TEAS score of 24.7%. A score that low is a pretty clear indicator that this student probably won't pass the NCLEX and why does Premiere allow students in the program that most likely will not pass the NCLEX, and will likely also be struggling to complete the program? And then they are completing the program, and not able to pass the exit exam. They are never considered completers. Dr. Mountain is struggling with these concepts and hoping Premiere can clear this up so that she has a better understanding of how Premiere is able to do this with students when they are probably never going to pass the NCLEX.

Mr. Malabanan thanked Dr. Mountain for her questions and responded with the following information. Premiere's current records are based on students who did not have TEAS in the past. They only started accepting students who are passers of TEAS this June and have not evaluated that yet. The current NCLEX pass rate for the 4th quarter is 100%; seven out of seven students who took the NCLEX passed. That is through the support of faculty, and Premiere provided review at no cost to the graduates. Premiere requires them to take the comprehensive predictor in the ATI greenlight as two of the

requirements to be considered graduates. Another update, two of the two graduates this year, which may not be reflected in the report yet, have passed the NCLEX.

Dr. Mountain asked to confirm that only seven students took the NCLEX and asked how many students were in the class as a whole. She continued asking to confirm how many should have taken the NCLEX? Mr. Malabanan shared that that was cohort 54 and that 14 students of that cohort were able to pass as graduates, nine of them have taken and passed the NCLEX, while the remaining five are still taking their Assessment Technology Institute (ATI) review and seeing the reviewers on a regular basis to help them prepare for the NCLEX.

Dr. Mountain asked whether or not the school is charging these students additional tuition for these services, since they are considered non-completers. Mr. Malabanan confirmed that the individualized, weekly review is no additional cost.

Dr. Mountain asked for the cost of this program. Mr. Malabanan shared that the cost of this program is around \$32,600. This cost is all inclusive, including the program, all reviews, the ATI, the position of ATI, board vitals, all the modules in ATI and the ATI program.

Dr. Mountain asked to confirm that students cannot be considered completers unless they pass the exit exam. Mr. Malabanan confirmed that there are currently two requirements to be considered a graduate: pass the comprehensive predictor exam and achieve an ATI green light.

Dr. Mountain reiterated her original question which is, why is Premiere letting students in with a TEAS score of 24.7 when their chances of ever passing that exit exam or passing the NCLEX is statistically very low? It concerns Dr. Mountain that there are other programs at Premiere, and she believes the LVN program is the only one that sits for a Board. Mr. Malabanan shared that they also have a surgical technology program that sits for a certification exam.

Dr. Mountain expressed concern that Premiere has this faction of students that are coming in that have the deck stacked against them and they are paying \$32,000 when there is a good chance that they will never be completers of the program and will never sit for the NCLEX. Mr. Malabanan shared that this violation has been corrected. In December, in consultation with Dr. Fairchild, the school did not admit students who did not pass the TEAS. Dr. Mountain asked if Premiere would consider passing the TEAS at 50%? Mr. Malabanan shared that the school would consider increasing the recommendation of pass at 63.89%.

Dr. Mountain asked for additional counsel from Dr. Fairchild regarding this claim. Dr. Fairchild shared that the violation has not been corrected. The third class of admitted students met the requirements. However, the violation was

not identified until after those students were admitted, therefore the violation has not been corrected at this time.

Dr. Mountain thanked Dr. Fairchild for the clarification and asked if there are any other questions from the Board?

Dr. Mountain continued to ask how many students have graduated in this past year that are considered non-graduates? Mr. Malabanan answered that there are 10 students that are non-graduates, 14 are graduates. Dr. Mountain continued, of those 14, nine have taken the NCLEX and passed? Mr. Malabanan confirmed, yes, nine out of fourteen have passed, and the rest of the graduates are still doing the ATI program to prepare for their NCLEX.

Dr. Mountain asked how many of those students that are considered non-graduates are testing through Method 3? Mr. Malabanan answered all of them. To which Dr. Mountain responded that none of them would show up on your NCLEX scores the way it is currently put, because only completers are shown, isn't that correct? Mr. Malabanan confirmed, yes.

Dr. Mountain stated that it makes Premiere look really good; to which Mr. Malabanan agreed. He continued to share that currently they are also providing intensive review sessions even for non-graduates at no cost. Dr. Mountain continued to point out that they can still take the NCLEX multiple times through Method 3 and it would never affect the way Premiere appears with the graduates, correct? Mr. Malabanan confirmed, yes.

Dr. Mountain asked if there were additional comments or questions from the Board. Mr. Hill requested clarification, as Mr. Malabanan started this item with thanking the Board for approval, however, upon review of the report, the NEC is recommending denial for the request to admit this fulltime evening class. Dr. Fairchild confirmed that the recommendation is to deny the fulltime class and for closure of the program effective immediately.

Mr. Malabanan requested to read their appeal letter that was sent February 14<sup>th</sup> to the Board and requested that a copy of the letter be displayed on the screen as a visual.

Dr. Mountain requested Counsel address this request. Counsel Swenson shared that there are restrictions on the timeliness of documents to be presented to the Board and since this presentation may cause a delay in a busy Board agenda, it would be a wise choice for the Board to refer this matter to the Education and Practice Committee for recommendation at the May Board Meeting. He anticipated that reading the letter and the various exhibits into the record would result in an undue consumption of time at today's Board Meeting. To confirm, reading the letter will cause an undue consumption of time, it would be inappropriate at the Board meeting, and if Mr. Malabanan wants to address these issues in as much detail as he has indicated, it should be referred to the Education and Practice Committee and

brought before the Board at the next regularly scheduled meeting. Mr. Swenson then advised that referral to committee is at the Chair's discretion; therefore, no need for public comment, as there is no motion necessary.

Mr. Malabanan requested that the President of the school give a statement. At the Chair's discretion, Dr. Mountain allowed the comment under the same time constraints of other comments.

Dr. Fe Ludovico-Aragon offered to clarify and reiterate that the school has been in operation and serving this community for the past 30 years. The LVN program has been open for the last 18 years. Before the students go into the nursing program, there is a three-month, pre-LVN program, where students are taught anatomy, physiology, and medical terminology preparing students for the LVN program. This is also part of the assessment; students go through this for three months and must pass with a score of 80% to be considered for admission into the LVN program. This cost is included in the tuition fees as previously mentioned; the tuition fees cover everything they need to succeed in the program. They never expected to be placed in this situation; to pull the plug on their program based on one violation about one assessment that is new and is not necessarily the only way to determine if a student will be successful. Her plea, before the Board closes the program is to please bear in mind that there are students that will be affected, the Board will be removing their hope, they are here because they want to help their community, to put their lives on the line during this pandemic. There are also instructors and other members of staff who put their lives on the line every day, to help the community. They work very hard for this program, every day. If the Board decides to move forward with closing this program, explain why.

Dr. Mountain requested that Dr. Fairchild address what would happen to the students in the event of closure. Dr. Fairchild agreed to explain, but, first, she commented/shared that since 2014, there have been four violations of failing to meet their admission policy, three violations failing to follow the screening and selection criteria, and three violations for failing to appropriately utilize faculty members, additional faculty, and teacher assistants properly. These violations are included with other violations, but these are continued violations over the last several years. Dr. Fairchild then shared what would happen in the event that the program closed, other programs would come in to help and support, as well as the Bureau for Private Postsecondary Education (BPPE). Dr. Fairchild shared that there are seven programs within close proximity to Premiere; five are within 5.5 miles. There are a lot of programs and assistance in the community for the students this would affect.

Ms. Yamaguchi addressed that procedurally, there is already a motion on the floor to accept and approve the NEC recommendations and Dr. Fairchild has clarified her recommendations; therefore, to refer to committee, you will need the motion maker and seconder to withdraw the current motion. Counsel confirmed the need to withdraw the current motion to refer to committee or a motion can be made to lay this on the table. The other option is to move

forward with the current motion and vote on this now. There has been adequate discussion on this matter.

Dr. Mountain determined that unless the Board has an objection, she would like to move forward with the motion on the table. No objections were received. The pending motion is to approve and adopt the recommendations of the NEC.

**Public Comment:**

Janette: Mother of a student at Premiere who also works there. Asked the Board to please, let the current students finish as they are close to graduation.

Theresa: A parent of a student of Premiere who also graduated from this school 19 years ago. She has seen the great success of many graduates from this school. She believes this school helps individuals make a difference in the community. She wants the Board to please consider the effect this will have on all the students.

Lisa: Senior staff member at Premiere College. They work hard and all violations have been corrected. Placing the school on probation has helped improve. They do not believe this violation provides cause to revoke their license.

Counsel Swenson shared that program representatives have had a full and fair opportunity to present their position on this matter. It would be redundant to allow additional members of the faculty or staff to make comments on the behalf of the program. Unless there are members of the public wishing to comment, the comment period may be closed, and we can move on to a roll call vote.

Dr. Mountain closed public comment unless there is public comment from someone not affiliated with the school. No additional comments provided.

F. Consideration of Provisional Approval.

Counsel announced that it has been requested that the following items be dropped from the agenda. They may be placed on a future agenda at the Education and Practice Committee's request.

Items dropped:

- I. Advanced College, Salida, Vocational Nursing Program, Ms. Silverman, Nursing Education Consultant.
- II. Advanced College, Stockton, Vocational Nursing Program, Ms. Silverman, Nursing Education Consultant.

**Agenda Item 7. Executive Officer's Report – Ms. Yamaguchi**

Ms. Yamaguchi opened her report with congratulating Dr. Mountain and Mr. Dierking on their re-election; and looks forward to working with them in this capacity for another year.

Ms. Yamaguchi continued sharing that the Board Members have received the written report; asking if any Members have any questions or comments. None received.

A. Discussion and possible action to implement AB 1536; Ratification of Approval and Adoption of Bulletins and Forms.

Ms. Yamaguchi reminded Members that these documents were reviewed, discussed, and approved previously, allowing the implementation of AB 1536. On the advice of Counsel, these documents have been brought back for a final ratification now that the law is in effect (as of January 1, 2022).

I. Bulletin #1: Processing Applications for Approval of New School Programs in 2022.

Motion: To ratify the previous approval and adopt the bulletin.  
Moved/Seconded: Mr. Hill/Ms. Brown

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Muted
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Motion passed with seven yes votes.

**Board Discussion:** None.

**Public Comment:** Jenny Johnson – Vice President of Government Relations at Calbright College; They were disappointed to learn that this bulletin will actually limit new applications to schools already on the wait list. They are currently preparing an application for submission. Ms. Johnson gave a brief history of the college. As a community college they believe they can provide a quality and affordable education for students. They are able to offer flexibility and affordability allowing them to apply for additional program approval which is critical to address the ongoing healthcare staffing crisis. They are requesting a reconsideration of the review of new institutions seeking Board approval.

II. Bulletin #2: New Fees for Education Programs.

Motion: To ratify the previous approval and adopt the bulletin.  
Moved/Seconded: Mr. Dierking/Ms. Carpenter.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.

**Public Comment:** None.

III. Letter of Intent to Submit Application for Initial Approval for New School Program for Proposed Programs Currently on Waiting List.

Motion: To ratify the previous approval and adopt the bulletin. Note from both Ms. Yamaguchi and Counsel, this motion is specifically to adopt the version that was presented before the Board in November 2021. The most recent version has been edited.

Moved/Seconded: Ms. Carpenter/Mr. Hill.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.



**Public Comment:** None.

- IV. Initial Program Application Instructions Vocational Nursing Program  
Ms. Yamaguchi shared that both items IV and V have been submitted to the Board with non-substantive changes. Counsel confirms that these are non-substantive changes and can move forward with a two-motion process.

1<sup>st</sup> Motion: To ratify the previous approval and adopt the form.  
Moved/Seconded: Ms. Carpenter/Ms. Luce.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.

**Public Comment:** None.

2<sup>nd</sup> Motion: To approve and adopt the revised version of the Initial Program Application Instructions Vocational Nursing Program.  
Moved/Seconded: Ms. Nieblas/Ms. Carpenter.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.

**Public Comment:** None.

V. Initial Program Application Instructions Psychiatric Technician Program.

This item is procedurally the same as the previous item; same non-substantive changes between versions presented to the Board.

1<sup>st</sup> Motion: To ratify the previous approval and adopt the form.  
Moved/Seconded: Ms. Carpenter/Mr. Hill

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.

**Public Comment:** None.

2<sup>nd</sup> Motion: To approve and accept the revised version of the Initial Program Application Instructions Psychiatric Technicians Program.

Note: Cannot adopt, this form has not been posted online for 30-days as of the date of this meeting.

Moved/Seconded: Ms. Carpenter/Ms. Rooks.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.  
**Public Comment:** None.

- VI. Application for Initial Approval of New School Programs: Vocational Nursing.
- VII. Application for Initial Approval of New School Programs: Psychiatric Technician.
- VIII. Initial Approval of New School Program Required Document Checklist.

These three items require a motion to ratify and adopt. At the advice of Counsel, in the interest of time, this can be taken by one motion.

Motion: To ratify and adopt items VI, VII, and VIII.  
Moved/Seconded: Ms. Carpenter/Ms. Nieblas

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** None.  
**Public Comment:** None.

**B. Executive Committee Report**

Dr. Mountain shared that due to time constraints, meeting minutes were not included in the Board meeting packets. Dr. Mountain will give a report, and, in the future, those minutes will be included.

The Executive Committee reviewed the budget and personnel actions related to recruitment and promotions. Ms. Yamaguchi noted that the Executive Committee regularly receives updates from each Division in addition to updates on Board Member compliance with mandatory training and balloting.

**Board Discussion:** Ms. Carpenter requested clarification of where the Executive Committee reports are. Ms. Yamaguchi confirmed they were not prepared in time for this meeting. All Committee meetings dates will be adjusted to allow preparation of the meeting minutes to be included in the Board member packets.

- I. Discussion and possible action to delegate to the Executive Officer the authority to adopt a decision entered by default and a stipulation for surrender of a license.

Dr. Mountain shared that the Executive Committee also discussed that this issue originated in the Sunset legislation. The Sunset legislation uses the word “shall”; therefore, the Board is required to delegate this authority to the Executive Officer.

The motion from the Executive Committee is for the Board to Delegate to the Executive Officer the authority to adopt a decision entered by default and a stipulation for surrender of a license, effective immediately. As a motion from the committee, this will not require a 2<sup>nd</sup>.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Carpenter	Yes
Mr. Maxey	Absent
Ms. Luce	Yes
Ms. Nieblas	Yes
Ms. Rooks	Yes
Mr. Hill	Yes
Ms. Brown	Yes

Approved unanimously.

**Board Discussion:** Ms. Nieblas requested clarification of this authority. Ms. Yamaguchi explained that sometimes when the Members receive the packets for disciplinary actions from the petitioners, some of those items are a decision from a default which means that the petitioner chose not to respond to the request, to enter a defense, or if the Board wants to stipulate the surrender of a license and they (licensee) do not offer opposition to that stipulation. Overall, there are very few and Ms. Yamaguchi believes it is a very efficient process that several other DCA Boards utilize. This eliminates time while going back and forth with those licensees who choose to not participate in the process which saves Board and staff time. It allows the Board to move on licensees who should not be licensed any longer.

**Public Comment:** None.

**Agenda Item 8 Update from DCA – Deputy Director of Board and Bureau Relations, Carrie Holmes.**

DCA thanks all staff and members for continuing to serve through the pandemic. Ms. Holmes updated attendees with current and future statewide COVID protocols regarding

masking indoors. She recommended to stay up to date and aware of recommendations, because as state representatives, we are required to adhere to state and local orders while carrying out our duties. She continued to share that on January 5, Governor Newsom signed an Executive Order extending the sunset date set by AB 361 allowing Boards and Committees to meet remotely through March 31, 2022. On January 31, new legislation introduced by Assemblymember Quirk, AB 1733, would permanently allow this option. If passed and signed by the Governor, this bill will take effect immediately. All Boards must prepare for in-person meetings after March 31. Ms. Holmes reminded members that before attending board meetings, members must confirm full vaccination with DCA human resources or participate in COVID-19 testing. If members have not done so, they must submit proof of vaccination. The BVNPT Board currently has two vacancies. DCA and the Governor's office are working on these appointments. Ms. Holmes did not have an update on these appointments as of this meeting. Ms. Holmes shared additional news from DCA and how they are looking at the future of the Department and Boards. She shared a reminder that Board Members have mandatory training and reporting requirements. She thanked new members for working to complete required training and paperwork. As a reminder, members need to include Board staff on administrative emails to allow them to have accurate and current records. Each year, all board members are required to submit a Form 700 no later than April 1. All newly appointed or re-appointed members are also required to attend Board member training within the first year of the appointment. If you were appointed or re-appointed more than a year ago and have not attended, please do so. Live virtual trainings are scheduled for March 9, June 15, and October 12. Registration for the Board Member Orientation Training (BMOT) is available through the Learning Management System (LMS), the DCA training portal. Staff can assist you in registering.

**Board discussion:** None.

**Agenda Item 9      Licensing and Evaluations – Report, Recommendations and Possible Actions.**

A. Licensing Division Report – Ms. Raney.

Ms. Lyman shared that Ms. Raney has left the Board for an amazing opportunity. Ms. Lyman continued to share an overview of the completed licensing report, which included the current stats.

Ms. Lyman shared the names of the new team members; followed with a list of current vacancies that are being filled.

For statistical highlights, Ms. Lyman brought to the Boards attention that in 2021 we had an average 95% caller assist rate up from the average 87% caller assist rate in 2020. This means staff answered 95% of the incoming phone calls. The average time on hold decreased by 68% in 2021 from an average of five minutes on hold in 2020 to an average of 1.6 minutes on hold in 2021. There was a slight increase in the amount of time to process vocational nursing applications in January 2021; during that time, it took 3.4 weeks to process compared to the rest of the year, which

is linked to staffing shortages. The processing time was down to less than a week in April 2021; June and September also had processing times of over one week; but remained less than two weeks. When increased times occur, the manager/supervisors review and redirect resources to ensure the backlogs are handled accordingly.

**Board Discussion:** None.

- B. Licensing Committee Report: The licensing committee did not meet this quarter, therefore no report to present.

### **Agenda Item 10 Legislative and Regulations – Report Recommendations, and Possible Actions.**

#### A. Committee Report

Mr. Dierking shared that the minutes from the November 18, 2021 meeting is labeled in the meeting materials as the update for this committee. The committee has not met and are calendaring the next meeting soon.

#### I. Rulemaking Update.

- a) AB 2138 (Chiu Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Vocational Nurses – Title 16, California Code of Regulations (CCR) sections 2521 and 2522. The AB 2138 regulations package was filed with the Office of Administrative Law (OAL) on October 18, 2021; it is currently pending the form 399 from Department of Finance so OAL can complete the review of the package.
- b) Fee Schedule – 16 CCR sections 2537, 2537.1, 2590, and 2590.1 The Notice of Proposed Regulatory Action was filed with OAL on January 14, 2022. Published in the public register on January 28, 2022, beginning a 45-day public comment period. This public comment period concludes Tuesday, March 15, 2022; following the conclusion of this period, the Board will hold a public hearing March 16, 2022 from 10:00am to noon. The Executive Committee will be hosting the public hearing in the context of the Committee meeting. The Board has received several public comments. These will be reviewed along with any additional comments received at the Special Board Meeting being held on April 7, 2022.
- c) Development of Emergency Regulations to Implement the Provisions of AB 1536. Mr. Dierking shared that the Board has taken several actions under agenda item 7 on today's agenda, directly related to this package. These actions are related to the processing of the applications of the new school programs. Today, the Board also handled delegating the Executive Officer with the authority to adopt a decision entered by default, also a result of AB 1536.
- d) Program Pass Rate Standards for Vocational Nursing Programs and Schools for the Preparation of Psychiatric Technicians – 16 CCR sections 2530 and 2585. Mr. Dierking shared that on June 17, 2021 the Board adopted text and authorized staff to initiate the rulemaking process to amend the program pass

standard rates from no more than 10% points below the state average pass rate to a yearly average minimum pass rate of the licensure exam at 75%; this rulemaking package is on hold until staff can complete the emergency regulations mandated by AB 1536.

- e) Rulemaking Calendar for 2022: The calendar was reviewed and adopted at the November 19 2021 Board meeting. This calendar was submitted to DCA who then distributed it to OAL, which publishes it in the California Regulatory Notice Register and on OAL website. The BVNPT will also publish this on the Board's website.

**Board Discussion:** None.

**Public Comment:** None.

### **Agenda Item 11 Enforcement – Report, Recommendations, and Possible Actions.**

#### **A. Enforcement Division Report.**

Ms. Wood, Enforcement Division Chief, provided an overview of the Enforcement Division and their role at the Board.

- I. Public Service Announcement Update: BVNPT's Suicide Prevention Video. Ms. Wood shared that the Division is currently working on a public service announcement for suicide prevention with the DCA's Public Information Office. The script will be presented at the next Enforcement Committee meeting, and hope that Members will be willing to participate in this video.

Ms. Wood continued with a high-level overview of the status of the Division and where they are on improving the Division, mostly through audits of each unit. The Division is also focusing on staff training and development to continue to build foundational strengths across the Division.

**Board Discussion:** Ms. Nieblas confirmed that the Strength Finder training was the same she was familiar with; Ms. Wood confirmed it was.

**Public Comment:** Fernando Rugo shared that his license was revoked due to his non-response to the request for a hearing. He is now off probation from the situation and cleared his record. He would like to know if he must wait until the end of his three-year probation period to get his LVN license back.

Counsel advised that this item is non-germane and cannot be discussed. Mr. Rugo may contact Ms. Wood offline to discuss.

#### **B. Enforcement Committee Report.**

Mr. Maxey shared that the Enforcement Division has been diligently working on lowering the case aging and number of cases; the Board is in a better position than they have been in years with less than a thousand cases. As mentioned, they implemented many successful strategies. The knowledge transfer plan to guarantee

development of the Enforcement Division in the future will be provided at the next meeting. For outreach, the Board needs to be able to guarantee licensees clearly understand their scope of practice and any pitfalls in the field; this will require an aggressive outreach plan, which will also be presented at next Enforcement Committee meeting. The Enforcement Division's Board Manual is intended to serve as a crash course for Members to understand the Division's roles and duties.

**Board Discussion:** None.

**Public Comment:** None.

## **Agenda Item 12 Discussion of Committee Structure and Member Roles.**

Ms. Yamaguchi noted that the packet sent to Board members contained the existing committee structure and roles. She explained that the committee structure is important to the Board; these committees are where the really detailed policy conversations take place. It is important to keep this structure rigorous and ensure all Members take an active role and be vocal in the Board's work. In a Board like this, it is essential that the members perform this level of oversight to the work the staff provide. Board members should review the statistics provided, note trends, and ask questions as to the cause of ripples, trends, etc. When Board members make requests for committee assignments, they should consider their own background and expertise. Members should participate as much as they are able on one or even two committees. However, committees should be flexible and nimble and able to redirect if a new or pressing issue(s) arise.

Committees should not meet just to meet. Ms. Yamaguchi proposed ad hoc committees when topics arise. The committee request form is in the Board packet; and should be submitted to Ms. Yamaguchi within the next week so that Board members can be assigned. The proposed structure is then presented to the Executive Committee to confirm the placements. Committee assignments are two years. Ms. Yamaguchi encouraged Board members to add ideas for special projects or topics to the form.

**Board Discussion:** Dr. Mountain and Ms. Luce responded in agreement with ad hoc committees.

Dr. Mountain requested that Ms. Yamaguchi re-send the committee request form to all Board Members in a stand-alone email.

Ms. Nieblas asked about ADA accommodations at schools or testing sites for those with disabilities entering the healthcare field. Ms. Yamaguchi responded that we could schedule an advisory group of non-board members to receive advice from other subject matter experts on this topic. Dr. Mountain included that schools have programs in place to assist with students with disabilities. There are certain areas that make it difficult to become a nurse based on the requirements of the hospitals and facilities (i.e., lifting). Dr. Mountain agrees that anything the Board can do to assist will be good.

Ms. Carpenter asked whether current members serving on two committees will need to submit the form. Ms. Yamaguchi confirmed that all Members need to submit a new



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form. On the form, indicate the current committee, a new committee choice, and the extent to which you want to continue; as well as any additional topics you would like discussed.

Ms. Luce requested information on where there are gaps in committee assignments so that Members are aware of where there is a need. Ms. Yamaguchi responded that the Board should start from scratch with the new placements and will share the current roster in the email with the request form.

**Agenda Item 13 Public Comment not on the agenda.**

**Public Comment:** None.

**Agenda Item 14 Suggestions for future agenda items.**

**Board Discussion:** None.

**Public Comment:** None.

At approximately 12:05 p.m. Dr. Mountain excused all Members for a 45-minute lunch to reconvene at 12:50 p.m. This meeting reconvened to closed session, adjourning the open session at this time.

**Agenda Item 15 Closed Session.**

**Agenda Item 16 Adjourn Meeting.**

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**

Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**

Board President



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
**Board of Vocational Nursing and Psychiatric Technicians**  
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945  
Phone 916-263-7800 www.bvnpt.ca.gov



**Board of Vocational Nursing and Psychiatric Technicians**  
**Department of Consumer Affairs | Board Meeting Minutes**  
<https://youtu.be/dr9SSE1v0CE>

**DATE:** Thursday, April 7, 2022

**BOARD MEMBERS  
PRESENT:**

- Dr. Mountain, President, Education Member
- Mr. Dierking, Vice President, Public Member
- Ms. Carpenter, Public Member
- Ms. Luce, Public Member
- Mr. Maxey, Public Member
- Ms. Nieblas, Public Member

**BOARD MEMBERS  
ABSENT:**

- Ms. Brown, Public Member
- Mr. Hill, Psychiatric Technician Member
- Ms. Rooks, Licensed Vocational Nurse Member (Excused)

**STAFF PRESENT:**

- Ms. Yamaguchi, Executive Officer
- Ms. Lyman, Assistant Executive Officer
- Ms. Wood, Enforcement Chief
- Ms. Cordeiro, Supervising Nursing Education Consultant
- Ms. Brown, Licensing Manager
- Ms. DeYoung, Nursing Education Consultant
- Ms. dela Rosa, Nursing Education Consultant
- Dr. McLeod, Nursing Education Consultant
- Ms. Silverman, Nursing Education Consultant
- Dr. Fairchild, Nursing Education Consultant
- Ms. Maracino, Education Analyst
- Mr. Prouty, Enforcement Manager
- Ms. Pires, Legislative & Regulations Specialist
- Ms. Archibald, Human Resources Analyst
- Ms. Ball, Board Administrative Analyst

**DCA STAFF  
PRESENT:**

- Mr. Swenson, Board General Counsel
- Ms. Schieldge, Board Regulations Counsel
- Ms. Arupo Rodriguez, Assistant Deputy Director, Legal Affairs
- Ms. Holmes, Deputy Director, Board and Bureau Relations
- Mr. Nishimine, DCA Budgets

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

Board President Dr. Mountain called the meeting to order at 1:43 p.m., Thursday, April 7, 2022, via teleconference and WebEx hybrid. Dr. Mountain took attendance of Board Members by roll call, excused Ms. Rooks' absence, and confirmed quorum. For the record, Dr. Mountain corrected the meeting call to order from 2:43 p.m. to 1:43 p.m. and advised it was the April meeting, not the February meeting as mentioned during the call to order.

**Agenda Item 2 Introduction of Board Staff**

Executive Officer, Elaine Yamaguchi. Introduced Board staff and invited DCA Legal Counsel to introduce themselves. General Counsel Swenson and Regulations Counsel Schieldge introduced themselves.

**Agenda Item 3 Board President's Remarks**

**Agenda Item 4 Acceptance of the Minutes from the March 16, 2022, Executive Committee Meeting and Regulation Hearing**

Motion: Accept/Approve the minutes from March 16, 2022.

Moved/Second: Mr. Dierking/Mr. Maxey.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

**Agenda Item 5 Discussion and Possible Action to Consider Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, California Code of Regulations Sections 2537, 2537.1, 2590, and 2590.1 – Fee Schedule**

Ms. Pires shared that the following documents are part of meeting materials for agenda item 5:

- Memorandum – Discussion of Possible Action to Consider Comments
- For review and consideration, Summary of Public Comments Received and Staff Recommendations for Responses to Comments on Proposed Rulemaking to Amend sections 2537, 2537.1, 2590, and 2590.1 of Article 6 of Division 25 of Title 16, California Code of Regulations – Fee Schedule

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- Minutes from Executive Committee Meeting and Hearing on March 16, 2022; just approved by the Board.
- Copies of written comments received during public comment period and hearing and proposed responses.
- November 5, 2021, Memorandum entitled, "Discussion Regarding Fiduciary Responsibilities, Liabilities, and Governing Laws with Respect to the Fiscal State of the Board" authored by Kristy Schieldge, Regulations Counsel.

Ms. Schieldge is present to answer any questions regarding these materials. Ms. Nieblas requested a walkthrough of the packet. Ms. Pires deferred to Regulations Counsel.

Ms. Schieldge walked through the documents and noted that each comment received was received either during the public comment period or during the March 16th hearing. For reference, the staff provided a summary and their recommended responses for comments.

Regulations Counsel read a couple comment summaries, including the recommended response(s). Ms. Schieldge reminded the Board that the recommendation of Legal Affairs is to proceed with this rulemaking package so that the Board can meet its statutory obligations and consumer protection mission. Overall, most recommended responses have the same tone leading back to that obligation and mission. The Board received 34 total comments with one in support.

Ms. Schieldge shared that there were a several questions received, and staff responded to those questions. Additionally, there complaints about operations that were not the subject of the rulemaking package and those were not addressed. Comments or complaints not the subject of the rulemaking will need to be a separate agenda item for a future meeting if the Board would like to discuss those issues.

Regulations Counsel confirmed whether Board members would like to walk through all comments and recommended responses. Dr. Mountain iterated that all comments and recommended responses are similar to those that have already been read. Ms. Nieblas confirmed she understood the intent. The Board agreed with the proposed staff recommendations.

The staff's recommendation is to reject comments as specified in the attachment, and to provide responses to the comments as provided in the attachment in the meeting materials. Hearing no disagreements, the recommended motion is to direct the Executive Officer to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated above.

Motion: Direct the Executive Officer to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated above.

Moved/Second: Ms. Carpenter/Ms. Nieblas.

Member Name	Vote
Dr. Mountain	YES

Board Meeting  
April 07, 2022

Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

Public Comment: Note: This is not an opportunity to make new comments, but to comment on those comments that have already been made.

No public comments received in Sacramento, Redding, or Los Angeles.

Public Comments Received via WebEx:

Coby Pizzotti – CA Association of Psychiatric Technicians, believes that since there are no LVN or PT member representatives present, that making any sort of vote without professional representation on the Board is inappropriate. The Board should also include members of the profession when making decisions based on the licensee fees that will affect the entire profession. The other issue is that many of these dollars that this fee increase would go to would fund nursing school accreditation and regulatory programs. Current legislation passed allows the Board to collect fees for those schools and programs; if those fees are not enough to provide the resources that those schools use, then it stands to reason that Board should be raising the fees on the schools. There was an agreement with both the schools and the BVNPT to come back next year and look at the fees to determine whether the fees were sufficient for the BVNPT to provide the resources necessary to do their accreditation and regulatory services for the schools. It is Mr. Pizzotti's understanding that the fees that were agreed to in legislation were preliminary to see how much would be collected in the first year, and assess from there, going into future years to provide or to come back and get new authorization to increase fees on schools and nursing programs. Why come after licensees, who have born the burden for the length of time that the BVNPT has been in existence with their licensing fees? Why is it now when the Board gains a revenue stream, the licensees will still have to subsidize the schools and nursing programs? that doesn't seem to be fair. \*Time expired\*

Anne Lyles - CA Association of Psychiatric Technicians – I have been a licensed Psychiatric Technician for the last 44 years. I have watched this board go up and down with these fees. This organization has assisted this Board in getting the legislation passed so that you could finally support the BVNPT with fees from the schools, because for a long time, you didn't. And so, to increase our fees, with no adequate PT representatives on the Board and before you see how the schools finally paying their fair share is going to impact your budget, it's not timely. It is not the right thing to do, and you are going to be pricing these licensees right out of existence.

No additional public comments received.

Regulations Counsel commented that the Board does not recommend fee increases with joy, but it is an established fact that the Board is losing money on every single application and license renewal that is being processed and every other fee that is being collected. This is documented and has been discussed for over a year. The budget office explained that the funding needed is taken out of the Board's reserve account, which is like a savings account, it is being depleted, and the Board is running out of money. It is not something that any Board in this Department likes to do, but many Boards have increased fees. The underlying data (provided at the November Board meeting), this rulemaking package, the analysis in the Initial Statement of Reasons (ISOR), and the fund condition analyses demonstrate that the Board will run out of money probably by next fiscal year. This is not a decision that anyone enjoys and embraces, but it is part of the Board's duty to make sure operations are maintained. The fee analyses were done solely on the cost of providing the service, not offsetting school approval fees. The staff costed out each service and put a number value associated with it and those numbers show that the Board's costs are beyond each fee collected. Again, it has nothing to do with the other program that was mentioned. This information is in the regulatory documents posted online and in the November Board meeting materials.

**Agenda Item 6      Discussion and Possible Action to Consider Adoption of Proposed Amendments to Amend Title 16, California Code of Regulations Sections 2537, 2537.1, 2590, and 2590.1 – Fee Schedule**

Ms. Schieldge shared that the Board just took action to make decisions on comments received and did not accept any changes to the language based on those comments. This next item brings to your attention an issue that was uncovered during the notice process.

For background, when a file is submitted to the Office of Administrative Law (OAL) they publish the proposed text in the Regulatory Notice Register. During that process, the Executive Officer noticed that the lettering and numbering was off and brought that to the attention of OAL. They indicated that there was a mistake in the proposed text and the mistake is outlined in the memo in the Board packet. Text from the statute made its way into the regulatory proposal under subdivision "D", which caused the lettering and numbering to be off. OAL recommended striking this item and provide public comment for another 15 days on these changes only. The Board is only taking comments on this change and the other clean up changes that are noticed in the Board packet. Those are sections 2537 and 2590 striking subdivision "D", the non-existent text. The other clean-up items are to add/show the existing fees correctly; a couple fee costs were listed incorrectly, and re-lettering done. This requires an additional 15-day public comment period informing the public the Board is correcting those errors. The recommendation is, if there are no adverse comments, to continue with the rulemaking and adopt the text with the increases noticed in January.

Regulations Counsel shared that the recommended motion, if the Board agrees to make these typographical corrections, would be to approve the proposed modified text, direct staff to make all steps necessary to complete the rulemaking process, including sending out the modified

text for an additional 15-day comment period. If after the 15-day comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations and adopt the proposed regulations Title 16 CCR Sections 2537, 2537.1, 2590 & 2590.1 as provided in the modified text notice.

Member Discussion or Questions: Regulations Counsel did point out and make clear to Board members that the fees would become effective, if approved by OAL, on a quarterly schedule. OAL has 30 working days to review the package and file it with the Secretary of State (SOS). If it is filed before May 4<sup>th</sup>, it would be effective July 1; any time after that, but before August 31, it would be effective October 1. In addition, it would be a prospective increase, so if a licensee renews before those dates, it will not affect the licensee until their next renewal. It only affects those licensees that must renew after those dates this calendar year and beyond. In short, it is not immediate and is not retroactive.

Dr. Mountain thanked Ms. Schieldge for this explanation.

Motion: To approve the proposed modified text, direct staff to make all steps necessary to complete the rulemaking process, including sending out the modified text for an additional 15-day comment period. If after the 15-day comment period no adverse comments are received authorize the Executive Officer to make any non-substantive changes to the proposed regulations and adopt the proposed regulations Title 16 CCR Sections 2537, 2537.1, 2590 & 2590.1 as provided in the modified text notice.

Moved/Second: Ms. Luce/Mr. Dierking.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

**Agenda Item 7      Discussion and Possible Action to Initiate an Emergency Rulemaking and Amend and Adopt Regulations and Initiate a Regular Rulemaking to Amend California Code of Regulations, Title 16, Sections 2525, 2526, 2580, and 2581 and to Adopt California Code of Regulations, Title 16, Sections 2537.2 and 2590.2 Relating to AB 1536 – New School Program Approval Process**

Ms. Pires first reviewed the proposed motion, which will be revisited after material review with Counsel Schieldge. The memorandum is an overview of what this agenda item entails. The proposed motion is for the Board to direct staff to take all steps necessary to complete the

emergency rulemaking process, including the filing of the emergency rulemaking package with the Office of Administrative Law (OAL), authorize the Executive Officer to make any non-substantive changes to the emergency rulemaking text and documents, and adopt the proposed regulatory language as written in the Order of Adoption. If no adverse comments are received and the text is approved by OAL, authorize re-adoption as needed and authorize the staff to take all steps necessary to complete the regular rulemaking process, including setting the matter for a hearing if requested, to make the regulations permanent and adopt the proposed regulations at Title 16, CCR Sections 2525, 2526, 2580, 2581, 2537.2 and 2590.2 as noticed. This motion is included in the previously mentioned memorandum for item #7.

Ms. Pires deferred to Regulations Counsel, Ms. Schieldge to lead the overview and discussion of this agenda item.

Regulations Counsel explained the differences between regular rulemakings and emergency regulations, which have a much quicker timeline and are temporary. In this case, the legislature gave the Board an extended time period for the emergency regulations. The legislature has deemed this an emergency, and the Board does not have to prove it is an emergency as part of the process. Ms. Schieldge outlined the shortened timeframes for an emergency rulemaking and compared it to the timelines for regular rulemaking. She shared that due to the abbreviated timeframes, the Board will be notified much sooner of any issues with the text presented today, and if there are adverse comments, it will be brought back to the Board. When OAL approves these emergency regulations and files with SOS, they become effective immediately.

The Board must act quickly due to the shortened timeframe for review and approval and may need to meet sooner than the May meeting if there are problems. The Board has until June 30<sup>th</sup> for this regulatory authority. Counsel strongly recommends that the emergency regulations are a starting point, and to immediately begin regular rulemaking activities if approval of the emergency occurs including, holding stakeholder meetings, and getting more input from the regulated community. This way the Board may avoid any issues with the final rulemaking process for adopting these regulations. The Board may get great input from the regulated community that may not have been considered when the emergency regulations were drafted.

Board Member Questions or Comments regarding Emergency Regulations: None received.

Ms. Schieldge presented the materials for this agenda item. The corrected order of adoption is dated April 7 on the footer. The highlighted areas are where edits were made from the previously shared version. Under the Administrative Procedure Act regulations must comply with six standards: authority, necessity, clarity, non-duplication, reference, and consistency. This type of review is performed by the legal office as part of the job duties for the Board.

Ms. Schieldge started with the proposed order of adoption which will be adopted on the abbreviated emergency regulations timeframe. The language is adopted and filed immediately. The Board can make necessary changes now if they are minor. Major changes would require another meeting. When looking at this proposal, new text is underlined. Anything with a ~~strike through~~ is existing text and anything not underlined is existing text. The current



proposal is for sections applicable to both Vocational Nursing Schools (VN) and Psychiatric Technician Schools (PT); all changes discussed to a VN section have been proposed for the equivalent PT section.

Ms. Schieldge walked through the order of adoption document reviewing the definitions contained in section 2525, explaining these have been added because they currently do not exist in statute or regulations. In addition, Business and Professions Code sections 2881.2 & 4531.1 authorize a fee reduction for a final approval fee. Ms. Schieldge shared the proposed definition of an affiliated school to explain the fee reduction, and the definition is being added to ensure consistency in this discount for an affiliated program. Ms. Schieldge reviewed each proposed definition with reasoning/explanation as to why the definition was significant mostly for consistency in future interpretations of the statute.

Ms. Yamaguchi added clarification that regulations are implementation of the law, so what is being presented today is the translation of AB 1536 into the regulations that will allow us to administer the programs. Ms. Yamaguchi wanted to make certain the Board knew that this is all tied to the statute and the regulations, and the forms have been constructed to ensure the clarity and the consistency of our overall program approval process.

Board Member Questions or Comments relating to Definitions: None received.

Ms. Schieldge recommended Board members review the flow chart provided. It is an outline of the approval process for a new program. Ms. Schieldge walked through the language for section 2526 "Procedure for Approval", including how filing a detailed Letter of Intent is useful for the program as well as the Board to determine the proposed workload involved and to calculate the anticipated wait time until assignment of a nursing education consultant.

Subsection "c": Ms. Schieldge gave a high-level overview of what this section required the program to complete for the initial approval process, including the next steps in the approval process and the form(s) associated with the section. More robust text has been added to ensure minimum requirements for Board approval of proposed schools are set and fully explained within the proposed text of the regulation. Ms. Schieldge reviewed and explained in detail each section of the "Application for Approval of New School or Program of Vocational Nursing, Form 55M-2". Note: the same changes have been proposed for the equivalent PT section. For sections 1 through 30 of the Application for Approval of New School, regulations counsel stated that staff determined this information is needed for the core, minimum standards for a school or program's initial approval. All documents listed in this section, the completed form and \$5000 must be submitted to the Board for the initial application review to commence.

Board Member Questions or Comment relating to the Application and subdivision (c): None received.

Subdivision "d": Ms. Schieldge reviewed this section sharing the new text regarding written notice of receipt of a completed or incomplete application: Within 30 days of the date the Board receives an initial application for approval, the Board shall provide written notice regarding

whether the application is complete or what additional documents or fees are required to make the application complete. The written notice shall also specify that the institution has 60 days from the date of the Board's written notice ("60-day submission period") to provide the missing information and the consequences of failing to submit the required fee or information as specified in section 2881.2 of the Code. If requested by the institution prior to the expiration of the 60-day submission period, the Board may provide an institution with an additional 30 days to complete its application for good cause shown as specified in section 2525.

Board Member Questions for Comment relating to subdivision "d": None received

Ms. Schieldge shared that both subdivisions "e" and "f" are existing text, re-lettered due to previous text additions. Staff have recommended keeping this language as it would still be applicable and consistent with the proposed new school approval process.

Ms. Schieldge shared that subdivision "g" is existing text with new text that added grounds for possible denial of the application contained in BPC section 480 (criminal convictions, disciplinary action by another state licensing board, knowingly false statement in the application) as well as the addition of the explanation of the proposed actions the Board could take and notice that the Board would provide after making a decision on an application. These are necessary to implement the Board's existing authority and clarify the process in accordance with BPC section 2881.2. Counsel read this subdivision to the members as part of her review.

Ms. Schieldge shared that subdivision "h" is added text that requires immediate notice to the Board when there is a material change in the circumstances affecting any information contained in the application and read this subdivision to members as part of her review.

Ms. Schieldge shared that subdivision "i" is existing text with new text that sets for the requirements to obtain and maintain continuing approval; including a time expiration at 12 midnight four years from the date of issuance by the Board to ensure approved institutions understand exactly when they expire. Counsel reviewed the continuing approval text with the members and explained that these provisions were necessary to specify the process an institution would need to undertake to ensure their approval does not lapse and what happens if a completed continuing approval application is not filed prior to the expiration date of the current approval (must re-apply as a new applicant).

Ms. Schieldge shared that subdivision "j", detailing the application for continuing approval has both existing language and new text to specify the steps needed to obtain continuing approval with the Board, including the filing of a completed application with the Board. She explained that the review is considered a full and qualitative review of the institution's operations and would require filing a continuing approval application that covers many of the same areas that the initial application covered but with some differences that take into consideration how the school has been operating since the initial approval was issued. She also explained the possible reduction or proration of the final approval fee as required by statute and how that assessment would occur under this proposal consistent with newly proposed section 2537.2. Forms referenced in this section were also reviewed during Counsel's overview of this section.

Ms. Schieldge shared that subdivision “k” is existing text that has been re-lettered due to additions added.

Ms. Schieldge shared that subdivision “l” was stricken from a previous section and relocated to this section; so, it is existing text noted as new text due to the nature of the relocation of the text (and not just a re-lettering due to additions).

Board Member comments or changes to text related to subdivision “e” thru “l”: None received.

Ms. Schieldge moved into the final section, Revenue (section 2537.2). Ms. Schieldge reminded all Board members that the same edits discussed here are being made to the PT revenue section 2590.2 as seen here in the VN section(s). Counsel continued reading through the text providing a high-level overview. All text in this section is new text to implement the fee requirements set by the legislature and to recover some of the costs the Board would incur in administering this program. This would include requirements that the Board reduce the continuing approval fee of \$5,000 where there is a reduction in state funding that directly leads to a reduction in enrollment for a program; or, when the Board makes an initial determination that the cost of providing oversight and review of a school or a program is less than the amount of any fees required to be paid by that school or program in which case, the Board “shall decrease the fees applicable to that institution to an amount that is proportional to the board’s reasonable costs associated with that school or program.” (BPC sections 2881.2(c) and 4531.1(c).) This proposal would set forth those documentation and notification processes for issuing a potential refund if any of the foregoing occurs.

Board Member Questions or Comments related to Revenue overview:

Member Luce asked if there is a situation where a school may decide not to move forward before they know they are getting a reduction in fees. Counsel deferred to staff to address this question. Ms. Lyman shared that we are not aware of this happening in the past, but this process is so new, that if it were to happen, it would be something to consider for a future regulations package. Ms. Schieldge agreed with staff to see how that works. At this time, this is the only way the staff could determine how to comply with the requirement for pro-ration.

Ms. Yamaguchi asked to clarify Member Luce’s question and whether Ms. Schieldge answered her question. Member Luce confirmed that her question was answered.

In line with this questioning, Ms. Schieldge shared that there is a definite prospect that the BVNPT will not receive fees for a program that may be unable to pay the final approval fees; and it would be very costly to sue them for the fees, since there is no other option to pursue revenue recovery for a program that is not yet licensed.

Ms. Schieldge continued her review of the Revenue section with subdivision “d” noting that the potential reduction of fees for the continuing approval (or renewal) is somewhat more palatable since the Board would still get paid upfront for the services it provides and only provide a refund under this proposal if the Board determines that the costs are less than what was originally charged.

Ms. Schieldge completed Chapter 1 for the VN programs and shared that Chapter 2 is the same process under PT profession and educational programs. The concepts are the same and the proposal would be to proceed with the same types of regulatory requirements as was previously covered under the VN program approval process.

Ms. Schieldge reiterated the motion for the record. To direct staff to take all steps necessary to complete the emergency rulemaking process, including the filing of the emergency rulemaking package with the Office of Administrative Law (OAL), authorize the Executive Officer to make any non-substantive changes to the emergency rulemaking text and documents, and adopt the proposed regulatory language as written in the Order of Adoption. If no adverse comments are received and the text is approved by OAL, authorize re-adoption as needed and authorize the staff to take all steps necessary to complete the regular rulemaking process, including setting the matter for a hearing if requested, to make the regulations permanent and adopt the proposed regulations at Title 16, CCR Sections 2525, 2526, 2580, 2581, 2537.2 and 2590.2 as noticed.

Motion: See above.

Moved/Second: Mr. Dierking /Ms. Carpenter & Mr. Hill.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

Board Member Discussion: No additional discussion received.

Public Comment: None received.

Ms. Schieldge requested to excuse herself from the meeting and deferring to General Counsel Swenson, for the remainder of the meeting. Dr. Mountain thanked her and excused her.

## **Agenda Item 8      Education Division Update, Discussion and Possible Action**

- A. Dear Colleague Letter Regarding Procedure for Accepting and Processing Applications for New Schools or Programs (03/17/2022).

Ms. Yamaguchi shared that this letter has been sent out programs on the wait list that had expressed interest in applying and every current program and stakeholder to ensure they

are aware of the new process.

**B. Bulletin #3 *Abolishment of Waiting List for New School Program Applications and Procedure for Processing New School Program Applications (Rev 03/08/2022).***

Ms. Yamaguchi shared that the Board has been issuing advisory bulletins as notice of operational changes. Bulletin 3 clarifies and confirms that moving forward the Board will not be engaging in the practice of a wait list. The bulletin also lays out that as of 2023, the Board will accept and process applications specifically based on the emergency regulations, and the processes the Board adopts. The accompanying memo was sent to those programs on the wait list that had expressed interest in applying. The information was also sent to the current programs and stakeholders to ensure they knew of the new process. In addition, this bulletin has been posted online for 30 days with no official comments. The motion recommended is to adopt and approve Bulletin 3.

Board Member Discussion: None received.  
Public Comment: None received.

Motion: To adopt and approve Bulletin 3.  
Moved/Second: Mr. Maxey /Ms. Luce.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

**Agenda Item 9 Legislative Report, Discussion, and Possible Action**

A. [AB 1662](#) (Gipson): Licensing boards: disqualification from licensure: criminal conviction.

Ms. Yamaguchi reviewed the staff analysis and the text of AB 1662 and provided a high-level overview of the bill language, as written. She explained the reasoning behind the staff recommendation and shared that the staff analysis includes concerns raised leading to the recommendation for the Board to officially oppose this bill.

Board Member Discussion: None received.  
Public Comment: None received.

Motion: To officially oppose AB 1662 as written.

Moved/Second: Ms. Carpenter /Ms. Luce.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT
Ms. Luce	YES
Mr. Maxey	ABSTAIN
Ms. Nieblas	ABSTAIN
Ms. Rooks	ABSENT

Motion Passed.

B. [AB 1733](#) (Quirk): State bodies: open meetings.

Ms. Yamaguchi share that AB 1733 would have enhanced today's Board meeting. This bill would create a permanent extension of some of the waivers of the Bagley-Keene Act that the Board utilized over the past two (2) years. Specifically, this would allow the Board, when needed, to utilize the online platforms without the requirement of noticing centralized location(s), as these locations must be posted and open to the public. Board members could meet from their own office or home. The past two years have been an interesting experiment, because most Boards under DCA and anyone with public meetings, have not just seen the ability to meet quorum and conduct business but also, an increase public attendance.

These two bills were placed on the agenda today to officially forward our positions to the authors offices and committees that will be hearing these bills. As an emergency bill, AB 1733 will be fast tracked and as soon as it is approved; including that it will go into effect immediately upon approval and not wait until January 1, 2023. Theoretically, our November meeting could allow us to meet virtually, again. And, again, as mentioned, had this policy been in place today, Ms. Rooks and Mr. Hill would have been able to attend.

Board Member Discussion: None Received.

Public Comment: None Received.

Motion: To officially support AB 1733 as written.

Moved/Second: Mr. Maxey /Ms. Carpenter.

<b>Member Name</b>	<b>Vote</b>
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Brown	ABSENT
Ms. Carpenter	YES
Mr. Hill	ABSENT

Ms. Luce	YES
Mr. Maxey	YES
Ms. Nieblas	YES
Ms. Rooks	ABSENT

Motion Passed.

**Agenda Item 10 Public Comment on Items Not on the Agenda**

**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 Sections 11125 and 11125.7(a)].*

Public Comment Received: Ann Marie Kopeikin – Professor Emerita Santa Barbara City College; 22 years educating VN students and 16 years as the VN director. Concerned and wants to bring attention to the structural racism created by the BVNPT’s excessive curriculum hours, specifically the 954 clinical hours required. This is unintentional, but the burden placed on people of color and non-traditional students, who are largely minorities is indisputable. The sheer number of clinical hours, 954, which in most cases is two to three times greater than other states, creates and maintains inequity for minority students in the state of California. She was made aware of this when working with a colleague who went to an LPN school program in the state of Washington where their minimum required hours are 300. She was so grateful for the education she received, and is completing her BSN now, because the hours did not pose an undue burden to people who are not traditional students. This allowed her, along with her fellow minority classmates, to participate and succeed in their educational goal of completing an LPN program and gaining licensure. These non-traditional students are generally low-income or single mothers who must work 20-32 hours a week to pay rent and eat. They do not have the luxury to spend 24 hours a week in clinical and 10 hours a week in the classroom. The 954 clinical hours are a burden and they disproportionately hurt minority students who are trying to balance school and work and home commitments. When non-traditional students, along with those that are second language learners, struggled, dropped out, or failed out it was not because of ability, but because of the burden of the mandated hours. These hours are a barrier to educating minority and non-traditional students and the time to change that is now. Equity for being students in California is needed now. As other states have minimum hour requirements, they have maintained high standards, so can California. Students must be given a chance to succeed by decreasing this burden immediately and moving toward equity for all. State of Texas changed their requirement of 840 hours in 2018 to sufficient to meet program of study requirements, and since then, they increased their pass rates from 86 percent to 89 percent in 2019. Please change CCR Title 16 Division 25 Chapter 1 Article 5 Section 2532 now. Put an end to this structural racism. If you want to require a minimum it would be 575; but make it sufficient to meet the program requirements. Thank you for listening to me.

No additional comments received.

### **Agenda Item 11     Suggestions for Future Agenda Items**

Member Nieblas asked about oversight regarding people with disabilities who go through these programs. What are the compliances with ADA for people with visible and non-visible disabilities and what is that exercise like? This kind of compliance is important, and it would protect the Board from discrimination lawsuits.

General Counsel Swenson advised to not discuss matters not on the agenda; any discussion would be violation of Bagley Keene Open Meeting Act. This item may be considered for a future agenda.

Ms. Yamaguchi extended a recommendation to President Mountain to add this to the next Executive Committee agenda to determine next steps; whether to assign to a committee or create an ad-hoc committee. Dr. Mountain acknowledged this recommendation.

No additional comment received.

### **Agenda Item 12     Adjournment**

Dr. Mountain Adjourned the meeting at 4:22 p.m.

***The mission of the California Board of Vocational Nursing and Psychiatric Technicians (Board) is to protect the public. Public protection is paramount to the Board and its highest priority in exercising its licensing, regulatory, and disciplinary functions. Toward this end, the Board ensures that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice, and by educating consumers of their rights.***