



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR  
**Board of Vocational Nursing and Psychiatric Technicians**  
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**LEGISLATIVE AND REGULATIONS COMMITTEE MEETING MINUTES**

**March 23, 2022**

**2535 Capitol Oaks Drive  
Sacramento, CA 95833  
Via WebEx Webinar**

**2:00 p.m. – 4:00 p.m. (or the completion of business)**

**Board Members  
Present:**

Ms. Aleta Carpenter, Board Member, Chair  
Ms. Luce, Board Member

**Staff Present:**

Ms. Yamaguchi, Executive Officer  
Ms. Wood, Enforcement Chief  
Ms. Pires, Legislative and Regulations Specialist  
Ms. Ball, Board Administration Analyst

**DCA Staff Present:**

Mr. Swenson, Board General Counsel

Please note: The WebEx recording content is available upon request.

**1. Call to Order and Roll Call.**

Ms. Carpenter called the meeting to order at 2:00 pm.

Ms. Carpenter introduced herself and Ms. Luce introduced herself.

**2. Staff Introductions – Ms. Yamaguchi.**

Ms. Yamaguchi introduced herself and all present staff.

Mr. Swenson introduced himself.

**3. Legislative and Regulations Strategic Plan – Ms. Yamaguchi.**

Ms. Yamaguchi shared the Legislative and Regulations Committee matrixes that are the Board Strategic Plan supplements. She said that while the pandemic derailed the original plan as written, with the worldwide changes and manner in which adaptation has occurred, this is a great opportunity to revisit the plan to determine what has been accomplished, what needs to be accomplished, and

determine whether the actions are still needed, given current pressing matters. Ms. Yamaguchi shared that the Board has never been so busy in the Legislative and Regulations Unit; opening significant opportunities to the Board for years to come. Over the course of the next few Committee meetings, the agenda will allow to review, discuss, and determine how the Committee can update and proceed with their piece(s) of the Strategic Plan.

Ms. Yamaguchi shared the need and want to increase the Board presence at the Capitol. The pre-pandemic ways of lobbying have shifted, and while it is “easier” now it lacks the face-to-face connection that once occurred. Case in point: many people do not know the difference between a Licensed Vocational Nurse (LVN) and a Registered Nurse (RN); therefore, groundwork will have to be established first and we do not want this to inhibit us as we strive to improve and increase our legislative presence. How we do this will have to be new and revolutionary, so at this time, staff proposes that this committee discuss and determine together how to accomplish this goal.

Ms. Yamaguchi continued to suggest that the Leg/Reg Committee develop a calendar like the rulemaking calendar, but for bill concepts for the BVNPT. This resource will set the Board up to be more successful with moving bill concepts forward. This calendar-like resource will allow annual discussions to add and/or move forward concepts to fill in gaps in authority and/or update outdated laws pertaining to the Board and allow the board to determine the best partnerships, if needed. Ms. Yamaguchi reminded the Committee that right now there is a large budgetary allotment to encourage/incentivize the nursing workforce.

Ms. Yamaguchi reiterated that creating this plan will allow staff to be prepared in the future for successful legislative seasons, promote growth, and potential relationships with allies in the future. This plan will also allow staff to start discussions with other interested parties who have similar desires; or on the other hand, when staff is approached with a concept, allow a more robust conversation.

Ms. Yamaguchi concluded with sharing in true transparency that between the boards Sunset Bill, and the large regulations package that have ensued, staff have been inundated with work and once these packages are complete, there will be time to focus on other needs and this plan will allow staff to be prepared with what can and should logically be completed next.

**Committee Discussion:**

Ms. Carpenter asked whether board staff is thinking about having the entire Board approve any concepts identified and gave an example of a previous situation where the Board approved the concept and the Committee worked through the completion of the task; because it was approved, the Committee was able to move forward without additional approvals. Ms. Yamaguchi answered affirmatively. The Board will need to determine what tasks move forward to collectively determine the “top topic” and the Committee will then prepare

recommendations and work out the details for the Board. Both Ms. Carpenter and Ms. Luce agree with this idea.

Ms. Luce requested that the strategic plan documents be sent to committee members and continued to share her agreement in developing a new normal post-COVID revealing that a lot of people are in the same situation.

#### **4. Legislative Update – Ms. Yamaguchi.**

Ms. Yamaguchi shared that board legislative staff have been working on updating an outdated bill tracker; the new tracker has proven to be more user friendly and offers an increased worth both internally and externally for public reference.

Ms. Yamaguchi continued with sharing that at the April 7<sup>th</sup> Board meeting, staff will be bringing before the Board two bills for discussion and an official position; specifically, AB 1733 that will hybridize the old Bagley-Keene with how public meetings have been facilitated through the pandemic. Public meetings virtual availability allowed a significant increase and participation access to Members and staff, as well as the public; most importantly, the cost savings has also been noticed by the Government. Finally, there is AB 1662, a more troubling bill. Over the years, there have been a lot of bills and regulations about criminal convictions and licensure, this has led to many conversations and efforts for workarounds. This new bill, AB 1662, would allow a person to request the board to make a pre-licensure determination based on their background, if the board would issue them a license, even before the person has applied or enrolled in a program. The workload this bill will generate combined with the looseness of the bill, as written, is very problematic. Board staff is working on an analysis for the Board to review, discuss and take possible action on an official position.

The two bills mentioned are the first two staff has identified for action necessary while there are other bills of interest that have not been fleshed out yet. Specifically, the Respiratory Care Board (RCB) has their sunset bill and have mentioned creating a training program for LVN's to be trained on specific respiratory equipment and board staff also knows the Naturopaths would like LVN's to work for them; the legislation is not quite complete, so we continue to have internal discussions and not quite ready to bring forward until there is more information. If any Committee members hear of something new or existing, please do not hesitate to let staff know.

#### **Committee Discussion:**

Ms. Luce commented on the second bill (AB 1662) that while it is a negative impact on the applicant to complete a program and were unable to be licensed there must be other ways to address the concerns this bill addresses.

Ms. Yamaguchi responded that there is a current law the board is working under that requires similar information to be on our website, informing the public of what criteria is looked at et al. With transparency, these cases are determined on a

case-by-case basis, so even if two applicants have the same charge, the details of their individual case will differ. The BVNPT has this information online, but what the board doesn't know is what admission criteria the schools have and whether they are stricter or more lenient. An example the board has used in past similar conversation is, having a habitual shoplifter could have a conflict being in a patient's home, with access to their purse or their personal belongings, though it does not appear on the surface to be a conflict.

#### 5. **2022 Rulemaking Update – Ms. Pires.**

The 2022 rulemaking calendar was shared onscreen.

Ms. Pires shared the 2022 rulemaking calendar, updating Members that the calendar has been vetted by DCA and was sent to be published online by the Office of Administrative Law (OAL); as of the morning of the meeting, it had not been published. The calendar is the planned action of the Board for this year's rulemaking.

Ms. Pires continued by walking through the calendar item by item for the Members, elaborating with additional background information and other reference-type material to ensure a complete understanding of the need and processes involved in each package.

Ms. Pires provided a package specific update on the Substantial Relationship and Rehab Criteria regulations. A result of legislation, the Psychiatric Technician package was approved at the end of 2021. The Vocational Nurse package was just approved by OAL and was sent to Department of Finance (DOF). Staff was recently updated that DOF has approved the package, therefore once the documents are received, staff will submit the approval to OAL, and the package will be final.

Mr. Swenson added that the calendar also functions as a public notice, in transparency, allowing the public to be aware of what the board is working on.

Ms. Pires concluded by noting that once the calendar is published by OAL, it will also be posted on the BVNPT website.

**Committee Discussion:** None.

#### 6. **Suggestions for Future Agenda Items.**

Ms. Carpenter requested an update on the two bills discussed.

Ms. Pires requested additional work on the Strategic Plan.

**Committee Discussion:**

Ms. Luce commented that she appreciates any advice on where she can add the most value, as a new Member, she wants to be supportive and help move items

forward in any manner. Ms. Yamaguchi assured Ms. Luce that all members add value and perspective. She continued to share that all questions are welcome to keep staff on track and to ensure all viewpoints are considered, don't be shy, any member may think of something that was not considered. This committee is more overarching and will see topics across all divisions and acts as an extra sounding board. It is critically important to take policy and move it into action; it is time for us to do more. Ms. Carpenter added that all Members backgrounds and qualifications bring new and differing depths to discussions.

Ms. Luce asked whether the financial security of the Board affects this committee. Ms. Yamaguchi responded that the Fee Schedule regulations package is a main agenda topic of the April 7<sup>th</sup> meeting. After the meeting, after the regulations package is completed, the Board will need to look into contracting a third party to conduct a revenue study to examine the current revenue structure, what the projected future revenue actuals are, et al to build a sustainable Board; this needs to happen before out 2024 sunset.

**7. Schedule next Legislative and Regulations Committee Meeting.**

The Committee discussed where or not there were specific days and/or times that are best. It was said that afternoons are better and later in the week are preferred, but not Fridays. Wednesday afternoons worked well; all agreed.

April 27 was proposed – all members agreed and confirmed April 27 from 2-4pm.

**8. Adjournment.**

Ms. Carpenter adjourned the meeting at 2:49 p.m.