



Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
Board Meeting Minutes
<https://youtu.be/U37V5SEF-7w>

DATE: Friday, March 3, 2023

BOARD MEMBERS PRESENT:

- Dr. Mountain, President, Education Member
- Mr. Dierking, Vice President, Public Member
- Ms. Carpenter, Public Member
- Mr. Maxey, Public Member
- Ms. Moore, Psychiatric Technician Member
- Ms. Nieblas, Public Member
- Ms. Sonson, Public Member

STAFF PRESENT:

- Ms. Yamaguchi, Executive Officer
- Mr. Ito, Assistant Executive Officer
- Ms. Wood, Enforcement Chief
- Ms. DeYoung, Supervising Nursing Education Consultant
- Ms. Brown, Licensing Manager
- Ms. dela Rosa, Nursing Education Consultant
- Dr. Fairchild, Nursing Education Consultant
- Ms. Gomez, Nursing Education Consultant
- Ms. Pires, Legislation and Regulations Specialist
- Mr. Prouty, Discipline Unit Manager
- Mr. Birkman, Licensing Supervisor
- Mr. Hall, Licensing Supervisor
- Ms. Ball, Administration Analyst

DCA STAFF PRESENT: Mr. Swenson, Board General Counsel

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

Dr. Mountain called the meeting to order at 9:14 a.m. Dr. Mountain shared housekeeping instructions as well as noting that the meeting was both in-person and online via WebEx. She continued by welcoming our newly appointed member, Ms. Rashima Sonson, appointed January 11, 2023. Dr. Mountain invited Ms. Sonson to share an introduction about herself.

Ms. Sonson shared a high-level overview about herself and her professional background. She concluded with her enthusiasm for serving on the Board.

Agenda Item 2 Pledge of Allegiance

Mr. Maxey led the meeting attendees in the Pledge of Allegiance.

Agenda Item 3 Introduction of Board Staff

Ms. Yamaguchi introduced Board staff. Mr. Swenson, Senior Staff Counsel Attorney III, Board General Counsel introduced himself.

Agenda Item 4 Board Officer Elections

Mr. Swenson led the board elections for both President and Vice President. He referenced the memo included in the meeting materials and shared that it outlined the processes for the elections. Nominations for office of President: Mr. Dierking nominated Dr. Mountain for President. Ms. Carpenter seconded the nomination. Dr. Mountain accepted the nomination. No additional nominations were made.

Mr. Swenson took a roll call vote; advising to state Dr. Mountain's name with the vote and that an Aye or Yes vote will default to a vote for Dr. Mountain.

Member Name	Vote
Dr. Mountain	Abstain
Mr. Dierking	Aye
Ms. Sonson	Aye
Ms. Carpenter	Aye
Ms. Moore	Aye
Mr. Maxey	Aye
Ms. Nieblas	Aye
Ms. Brown	Absent

The presumed motion carried.

Mr. Swenson continued by asking for nominations for the office of Vice President. Dr. Mountain nominated Mr. Dierking. Mr. Maxey seconded the nomination. Mr. Dierking accepted the nomination. No additional nominations were made.

Mr. Swenson took a roll call vote; advising to state Mr. Dierking's name with the vote and that an Aye or Yes vote will default to a vote for Mr. Dierking.

Member Name	Vote
Dr. Mountain	Aye
Mr. Dierking	Abstain
Ms. Sonson	Aye
Ms. Carpenter	Aye
Ms. Moore	Aye
Mr. Maxey	Aye
Ms. Nieblas	Aye
Ms. Rooks	Absent

The presumed motion carried.

Mr. Swenson closed by congratulating the elected President and Vice President.

Agenda Item 5 Review and Approval of Meeting Minutes

A. Meeting Minutes for November 18, 2022 – Review and approval.

Motion: Approve the minutes from November 18, 2022, if no errors or omissions.
Moved/Seconded: Mr. Maxey/Mr. Dierking.

Board Discussion: None.

Public Comment: None.

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

Motion carried unanimously.

B. Meeting Minutes for December 9, 2022 - Review and approval.

Motion: Approve the minutes from December 9, 2022, if no errors or omissions.

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

Board Discussion: None.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes

Motion carried unanimously.

Agenda Item 6 Fiscal and Budgets – Update

Ms. DeFilippo, the Department of Consumer Affairs budget analyst assigned to BVNPT, verbally shared the details provided on the three (3) page document provided in the meeting packet, including current and projected expenditures, revenues, and fund condition. The budget office has no current concerns and will continue to monitor the board’s budget and provide updates to the board’s executive management.

Board Discussion: None.

Public Comment: None.

Agenda Item 7 Education - Reports, Recommendations, and Possible Actions

A. Education Division Report.

Ms. DeYoung provided updates to the Division Report included in the meeting packet. Specifically, seven (7) of the nine (9) initial cohort of school applications have been approved and as of March 1, 2023, the division has received 10 (ten) complete letters of intent for initial approval of a new school or program, and six (6) of the ten have been assigned to an NEC. She concluded by reporting that the vacant program technician position has been filled.

Board Discussion:

Dr. Mountain asked Ms. DeYoung whether the school applications that are moving forward are for-profit or other programs. Ms. DeYoung confirmed that all are for-profit.

Public Comment: None.

- I. Review and Approval of Executive Officer Program Decisions for period from October 18, 2022 to December 13, 2022.

Board Discussion: None.

Public Comment: None.

Motion: Approve and ratify the Executive Officer Program Decisions for the period from October 18, 2022 to December 13, 2022.

Moved/Seconded: Mr. Maxey/Mr. Dierking.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes

Motion carried unanimously.

B. Discussion and Possible Action – High Stake Assessments

Dr. Fairchild and Ms. Gomez presented a high-level overview of the memorandum provided in the meeting packet, extrapolating key points and explanations of the concept. The memorandum recommends that the Board authorize staff to collect, analyze and share information from California schools regarding the use of high stakes testing. Dr. Fairchild concluded by reminding attendees that the mission of the BVNPT is to protect consumers; and that includes the students of our programs.

Board Discussion:

Dr. Mountain asked of the sixty-six (66) schools noted that use this concept, how many are private for-profit. Dr. Fairchild confirmed that the majority are.

Dr. Mountain asked if those schools that use high stakes are also using some type of admission criteria; and are they using the scores correctly. Dr. Fairchild provided information about the different types of assessment tool options available for schools to use.

Mr. Maxey asked if the board has information on where these schools are located, whether they are across the state or specific geographical areas. Dr. Fairchild and Ms. Gomez confirmed that the schools are across the state. Mr. Maxey asked if the current

data shows the demographics of the students this affects. Dr. Fairchild replied that such data is not available.

Ms. Sonson requested more information regarding the additional research being proposed. Specifically, more details about the criteria and types of measurement that is planned to be used. Dr. Fairchild shared that those details have not been determined yet.

Ms. Nieblas asked to confirm whether there are standardized support programs or required curriculum offered to assist in bringing students up to the academic level necessary to be successful. Dr. Fairchild confirmed that there is nothing in regulations or anything uniform, but schools are required to offer remediation. Remediation is handled by each program individually. Some schools also offer remediation to assist prospective students to meet admission requirements.

Mr. Dierking commented on the definition of high stakes assessment and its similarity to standardized testing. Dr. Fairchild agreed that they are similar and addressed key differences. Ms. Gomez added that when the programs that offer the high stakes are used correctly throughout the program, it is generally fairer and offers better support of the student. Dr. Fairchild shared details about the programs currently on the market. Dr. Mountain agreed with the assessment of the programs available.

Ms. Nieblas asked if it could be an option for the board to work with a public school or other programs to assist with students who may have undiagnosed learning disabilities. Dr. Fairchild offered information about current program offerings for students with learning disabilities.

Ms. DeYoung wanted to make certain to reiterate and better inform the members about details on method three students and how high stakes may artificially inflate a school's pass rate numbers. Dr. Mountain agreed that this concept is very important for everyone to understand.

Public Comment: None.

Motion: To approve the report and adopt the recommendations.

Moved to receive the report and adopt the recommendations of the NEC's regarding high stakes assessment concept.

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

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes

Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes

Motion carried unanimously.

C. Request to Admit Students.

- I. Healthcare Career College Vocational Nursing Program, Ms. dela Rosa, Nursing Education Consultant.

Ms. dela Rosa shared that there is one (1) update to the report included in the meeting packet, and that is that the program has a new director.

Elizabeth Estrada, the director of this program, is looking forward to serving the school and the board. Ms. Estrada requested a previously approved admission of students to be extended. This request could not be discussed, and no action taken during this meeting as it was not the current motion before the board.

Board Discussion: None.

Public Comment: None.

Motion: To approve the report and adopt the NEC recommendation(s).

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

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Abstain
Ms. Nieblas	Abstain

Motion carried with 5 yes and 2 abstain votes.

D. Reconsideration of Provisional Approval Request to Admit Students.

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

Dr. Fairchild had no additional information to add to the report included in the meeting packet.

Annabelle Velasco, director of this program attended this meeting in-person; she did not have any comments, however, did want to thank the board and Dr. Fairchild for their time and support.

Board Discussion: None.

Public Comment: None.

Motion: To approve the report and adopt the NEC recommendation(s).

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

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes

Motion carried unanimously.

Agenda Item 8 Executive Officer’s Report

Ms. Yamaguchi did not have any updates to the report provided in the meeting materials. She continued by reminding members to submit their committee requests. She went on to describe the purpose and responsibilities of the committees; including how the assignments will be confirmed.

Board Discussion: None.

Public Comment: None.

Agenda item 9 Board Update from DCA

Brian Clifford of the DCA Executive Office shared updates from the office regarding projects and plans including, the DCA Diversity Equity and Inclusion (DEI) Steering Committee, Strategic Plans, board member mandatory trainings, and Form 700 annual filings.

Ms. Yamaguchi offered staff assistance to any member that needs assistance in registering for the BMOT training.

Board Discussion: None.

Public Comment: None.

Agenda Item 10 Licensing and Evaluations – Report, Recommendations, and Possible Actions

A. Licensing Division Report.

Ms. Brown shared that there were no updates to the report provided in the meeting packet and offered to answer any questions.

Board Discussion: None.

Public Comment: None.

Agenda Item 11 Legislative and Regulations – Report, Recommendations, and Possible Actions

A. Bill Tracking.

Ms. Yamaguchi shared that thousands of new bills were introduced this year. Staff has identified bills to track and potentially put before the board for a position. She shared the trends they were seeing that may affect the board. Ms. Yamaguchi shared an informative timeline of the movement and steps to how bills move through the houses. Staff looks forward to working with the new legislative and regulations committee once members are confirmed.

Ms. Yamaguchi requested that the board consider a motion, that if there are any bills that would require the board to act prior to the May meeting, delegating interim authority to the executive committee to direct staff to take action and ratify the committees' decisions at the May meeting. Mr. Swenson confirmed that the full board may make this motion and advised that if the committee exercises this authority, the committee meeting must be noticed as a public meeting.

Board Discussion: None.

Public Comment: None.

Motion: To delegate interim authority to the executive committee to direct staff to take action prior to the next meeting. All actions will be reported out and ratified at the meeting.

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

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Sonson	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Maxey	Yes
Ms. Nieblas	Yes

Motion carried unanimously.

I. 2023-2024 Legislative Season.

Ms. Pires shared additional information of what staff is seeing as far as trends as it relates to types/topics addressed in the proposed bills. She shared that at a recent DCA legislative roundtable it was shared that there are bills to add additional boards to the department. Ms. Pires shared information, highlighting, AB 1722 (Dahle) a bill that will affect LVN's through the education code as it relates to hiring school nurses.

Board Discussion:

Dr. Mountain asked detailed questions about AB 1722. Ms. Pires confirmed that the information she is seeking has not yet been shared or addressed to her knowledge.

B. Implementation of 2021-2022 Chaptered Bills.

- I. Ms. Yamaguchi shared that the Respiratory Care Board is moving forward with seeking approval to develop new legislation following considerable public comment and discussions with stakeholders regarding SB 1436. This new proposed legislation will make provisions to broaden the original bill scope. If approved, this bill has potential to move quickly, and may require staff to utilize the approved motion to delegate authority to the executive committee.
- II. Ms. Yamaguchi continued with an update on SB 994, Direction of LVNs by Naturopathic Doctor. The boards have had some discussion, but nothing has moved forward.

Board Discussion:

Dr. Mountain asked if we have any information on how many LVN's work under a naturopathic doctor. Ms. Yamaguchi confirmed that the board does not have that information.

C. Rulemaking Update.

- I. Ms. Pires shared that the certificate of compliance for AB1536, the new school program approval process, has recently been approved by agency. This will be published in the notice register March 10th. This will initiate the 45-day public comment period.

Board Discussion: None.

Public Comment: None.

Agenda Item 12 Enforcement – Report, Recommendations, and Possible Actions

A. Enforcement Division Report.

Ms. Wood shared an update on petitioner hearings. Specifically, 135 hearing have been completed since February 2021; had there not been board intervention and we stayed on the same path, that number would be 40. The division currently has 22 pending hearings, 13 cases with a hearing date, and 9 cases awaiting a hearing date.

- I. Ms. Wood shared that the disciplinary guidelines have been submitted to legal and staff hope to have them back to take to the committee at its next meeting; the next step after the committee will be to bring it to the full board.

Board Discussion: None.

Public Comment: None.

B. Enforcement Committee Report.

Mr. Maxey shared updates on the work of the committee and division. His update included how the division has implemented multiple cost savings efforts. The committee and division continue to discuss outreach and education regarding enforcement.

Board Discussion:

Dr. Mountain thanked Mr. Maxey for the continued efforts on the PSAs.

Public Comment: None.

Agenda Item 13 Public Comment on Items Not on the Agenda.

No comments received.

Agenda Item 14 Suggestions for Future Agenda Items

Ms. Yamaguchi shared that the NCSBN will be attending the May board meeting to present and participate in robust conversation with the board.

Mr. Dierking mentioned a couple other bills that may peripherally affect the board and its licensees.

Agenda Item 15 Closed Session

Prior to retiring to closed session:

Counsel advised to have the members approve to not return to open session. This can be done by confirming no objection.

No objection received.

Agenda Item 16 Adjourn Meeting

Meeting moved to closed session. Closed session adjourned by noon.

Prepared by: _____ Date: _____

Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President