

## Board of Vocational Nursing and Psychiatric Technicians 2535 Capitol Oaks. Drive Suite 205, Sacramento, CA 95833-2945 P (916) 263-7800 | F (916) 263-7855 | www.bvnpt.ca.gov BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, GOVERNOR



## ENFORCEMENT COMMITTEE MEETING MINUTES

Agenda Item 9.B.

October 23, 2023

Via WebEx

**Board Members Present Via** 

**Teleconference:** Mr. Ken Maxey, Public Member, Chair

Ms. Lessie Moore, PT, Licensee Member

Staff Present

Via Teleconference: Ms. Elaine Yamaguchi, Executive Officer

Mr. Mark Ito, Assistant Executive Officer

Ms. Antoinette Wood, Enforcement Division Chief

Mr. Ken Swenson, DCA Legal Counsel

Ms. Kristy Schieldge, DCA Regulatory Counsel

Mr. Jay Prouty, Discipline Manager

Ms. Maggie Archibald, Intake and Enhanced Screening

Manager

Mr. Eric Delgado, Licensee Applicant Case Review Unit

Supervisor

Ms. Stacie Higashi, Supervising Special Investigator

Mr. Jeff Weiler, Probation Manager

- 1. Call to Order and Introduction of Committee Members (not recorded)
  - a. Chair Maxey called the meeting to order at 3:05 PM.
- 2. Roundtable with Enforcement Managers (00:20)
  - a. Statistics Review of each unit within the Division (00:27)
    - i. Intake and Enhanced Unit (00:44)
      - Ms. Wood provided stats and updates for Intake and Enhanced Screening
    - ii. Licensee Applicant Case Review Unit (1:11)
      - Ms. Wood provided stats and updates for Licensing Application, Complaint & Review
    - iii. Special Investigations (1:50)
      - Ms. Higashi provided stats and updates for the Special Investigation Unit

- 2. **Mr. Maxey** asked for clarification of what an "older case" means.
- 3. **Ms. Higashi** provided clarification.
- iv. Division of Investigation (3:38)
  - 1. **Ms. Wood** provided stats for Division of Investigation
- v. Discipline (4:13)
  - 1. **Mr. Prouty** provided stats and updates for Discipline Unit
- vi. Probation (5:20)
  - 1. **Mr. Weiler** provided stats and updates for Probation Unit
- 3. Continuing Education Audit (5:50)
  - a. Mr. Ito went over the Continuing Education Audit. The Board is planning on rolling out the CE audit process within the next couple of months. We will start by auditing a small percentage of the total Probationer population every month. The Board will work with the Department to get the Breeze system ready for this implementation. The Board will ensure the public is protected by ensuring that our licensees meet the CE requirements. The status of this audit will be reported at the next committee meeting.
- 4. Nightingale update (8:13)
  - a. Ms. Wood went over the Nightingale update. Nightingale cases are cases resulting from an ongoing federal investigation of LVN/RN schools that had inappropriately given diplomas for work not completed. Most of the cases BVNPT are addressing appear to be current LVN's who may have taken additional schooling to become an RN, or to become licensed in another state.
  - b. **Ms. Moore** asked how many cases we are dealing with.
  - c. **Ms. Wood** stated we have approximately 150 cases (opened and closed cases in total) but more cases are coming in weekly and monthly. We are also working with BRN for licensees who had obtained LVN properly but had attempted to obtain their RN fraudulently.
  - d. **Mr. Maxey** asked if the mentioned 150 cases are being contacted by FBI or is the Board contacting them?
  - e. **Ms. Wood** stated that FBI sends us the list of persons who potentially bought transcripts/diplomas, and did not complete the program appropriately. We then work with the Licensing Division to determine whether or not they were properly licensed. In most cases, the licensee graduated from brick and mortar approved California programs. In some cases, those programs are still open, so we confirm with the program that the person graduated/completed the work they said they did on their application.
  - f. **Ms. Wood** also updated the committee about a California entity that is not an approved school. It appears there may be some attempted fraud, and

- we are working with the Division of Investigations to make a determination.
- g. **Mr. Maxey** requested that the committee be kept apprised of status updates on this matter.
- 5. Substance Abuse PSA (update) (12:16)
  - a. Next PSA
    - i. Licensees and the Enforcement Process
    - ii. Probation- Licensee's role and responsibilities
  - Ms. Wood reported that the Substance Abuse PSA was completed, and it
    was sent to all the Board members. Ms. Wood thanked Ms. Moore for her
    participation. We received positive feedback during our outreach. At the
    Executive Committee Meeting, Members John Dierking and Carel Mountain
    requested that Education work on a PSA about how to vet and choose an
    approved program/school as a response to theissues brought forth by
    Nightingale. Therefore, we will step back on our next PSAs.
  - The committee concurred on stepping back.
- 6. Regulatory Updates (13:16)
  - a. Disciplinary Guidelines
    - Ms. Schieldge provided updates as she is still working on this package. It is a lengthy process, and she hopes to get the rulemaking file to the Director in early November.
- 7. Suggestions for Future Agenda Items (14:08)
  - a. **Mr. Maxey** commented on what a great job the Board, DCA and Governor's Office are doing on Diversity, Equity, and Inclusion (DEI). Mr. Maxey thanked Ms. Wood and the team for their work.
  - b. No suggestions for future agenda items.
- 8. Schedule next Enforcement Committee Meeting (14:45)
  The next committee meeting is scheduled foranuary 16, 2024; 3:00 p.m. to 5:00 p.m.
- 9. Adjournment of open meeting at (15:37). Ms. Yamaguchi spoke with Board members regarding Enforcement Division structural issues/ organizational compaction.

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. Towards 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.