

Board of Vocational Nursing and Psychiatric Technicians

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

July 1, 2019 - June 30, 2023

Section 1 – Background and Description of the Board and Regulated Professions

The California Board of Vocational Nursing and Psychiatric Technicians (Board or BVNPT) protects consumers from unprofessional and unsafe licensed vocational nurses (VNs) and psychiatric technicians (PTs). Public protection is the highest priority of the Board in exercising its licensing, regulatory and disciplinary functions. The BVNPT is part of the Department of Consumer Affairs (DCA).

The Vocational Nurse Program was created by the Statutes of 1951, Chapter 1689, and the Psychiatric Technician Program was created by the Statutes of 1959, Chapter 1851. The oversight of the two professions was melded into one Board in 1959. In 1998, the name changed from the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

Authorized by Chapter 632 of the Statutes of 2021 (AB 1536, Low), the BVNPT administers the laws related to the practice of licensed vocational nurses and psychiatric technicians. This authorization expires on January 1, 2025, unless extended by legislative action.

Vocational Nurses (VNs) provide basic nursing care to clients under the direction of a physician, registered nurse, or licensed naturopathic doctor. The VN utilizes scientific and technical expertise and manual skills. A VN's scope of practice typically includes, but is not limited to, provision of basic hygienic and nursing care, measurement of vital signs, basic client assessment, documentation, performance of prescribed treatments, and administration of prescribed medications. A VN may also perform non-medicated intravenous therapy and blood withdrawal upon successful completion of a separate Board-approved certification. The Vocational Nursing Practice Act, Business and Professions Code section 2840 et. seq. governs the functions of VNs in California.

Psychiatric Technicians (PTs) provide care for mentally disordered or developmentally disabled clients under the direction of the director of those services. The director may be a physician, psychologist, rehabilitation therapist, social worker, registered nurse or other professional. The PT utilizes scientific and technical expertise and manual skills to provide care and training for clients with mental disorders and developmental disabilities. A PT's scope of practice typically includes, but is not limited to, basic hygiene and nursing care; measurement of vital signs, performance of prescribed treatments, administration of prescribed medications,

implementation of behavioral management techniques, crisis intervention, sensory and perceptual development assessment, social and vocational training, and the facilitation of individual and group therapeutic activities. In 1970, the Psychiatric Technician certification was changed to a licensure program through Senate Bill 298. The Psychiatric Technician Law, Business and Professions Code sections 4500 et. seq. governs the functions of PTs in California.

Structure of the Board

The Board has eleven members with a public member majority (six public members and five professional members). There are two Vocational Nurse and two Psychiatric Technician designated seats. Nine members are appointed by the Governor, one by the Speaker of the Assembly and one by the Senate President Pro Tempore.

Six members constitute a quorum for transacting business at any Board meeting. All meetings are subject to the Bagley-Keene Open Meetings Act. Most Board meetings are webcast, and the links are posted on the BVNPT's website. In response to the COVID-19 pandemic, Governor Newsom issued Executive Order (EO) N-29-20 on March 17, 2020, which made certain exemptions to the Bagley-Keene Open Meetings Act authorizing a state body to hold open meetings via teleconferencing.

Business and Professions Code (BPC) 2848 section requires the Board to meet at least twice yearly, and the Board typically sets four regular meetings per year. Prior to the COVID-19 pandemic, those meetings alternated between Sacramento and another site, usually in Southern California. The Board's meeting calendar is approved two years in advance and posted on the Board's website. The Board also occasionally sets special meetings in between its regular meetings when required.

Between July 1, 2019, and June 30, 2023, the Board convened nine special meetings accommodating issues that required action before the next meeting. Agendas, minutes and materials for these meetings are posted on the Board's website. These meetings included:

- October 30, 2019: Review and approval of Sunset Review Report
- February 3, 2020: Discussion of regulations to enact AB 2138
- April 24, 2020: Discussion of regulations to enact AB 2138
- January 26, 2021: Discussion and action on 2021 rulemaking calendar and the Board's petitioner reinstatement hearings
- March 30, 2021: Discussion of Board Response to Legislature's Sunset Review Background Paper
- June 17, 2021: Discussion and action on proposed legislation and rulemakings to implement AB 2138 and program pass rate standards
- April 7, 2022: Discussion and action to initiate an emergency rulemaking and amend and adopt regulations to initiate a regular rulemaking to implement AB 1536: New School Program Approval Process
- September 22, 2022: Closed session for discussion of licensee disciplinary case
- December 9, 2022: Discussion and possible action to consider submittal of modified proposed text as public comment to the Respiratory Care Board: Title 16, California Code of Regulations Section 1399.365, Basic Respiratory Tasks and Services.

Regular Board meetings consist of a full day of Board business. The Board also historically held a full day of petitioner hearings. However, at the February 2021 Board Meeting, the Board voted to refer petitioner hearings to the Office of Administrative Hearings to reduce the backlog of petitions due to the limited number of hearing slots at the board meetings. This policy change alleviated the backlog of petitions, which allowed the Board to meet its mandate of protecting the public while authorizing qualified licensees back into the workforce. Twice a year, the Board meets in Sacramento and adds a day dedicated to Board training and development.

Default Decision Delegation

In the Board's 2021 Sunset legislation, the Board was directed to delegate the adoption of default decisions to the Executive Officer. The Board voted unanimously to implement that delegation at the February 2022 Board meeting. Since this delegation, the Executive Officer has signed nearly 150 Default Decisions, reducing the time that the Respondents await final processing, and reducing the number of cases that Board Members are sent to review and vote upon.

1. Describe the make-up and functions of each of the board's committees.

Committee Structure

At a special meeting facilitated by DCA's office of Strategic Organizational Leadership and Individual Development (SOLID) on June 21, 2019, the Board members discussed the Committee structure and their priorities. The new Committee Structure was approved by the Board in August 2019. Committees are appointed by the Executive Committee for two years or as needed. The Executive Committee is also authorized to appoint members to ad hoc committees for specific projects.

The current Committees:

- Education and Practice
- Enforcement
- Executive
- Legislation and Regulations
- Licensing and Evaluations

The BVNPT utilized teleconferencing for all two-member committee meetings, rather than requiring members to commit a full day of their time travelling to Sacramento for a one or two-hour meeting.

Table 1a. Attendance			
Tammy Endozo (Licensed Vocational Nurse Member)			
Date Appointed:	9/30/2013		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	N
Board Meeting	11/20-22/2019	Sacramento, CA	Y

Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Appointment Expired	6/31/2020		

Dr. Bernice Bass de Martinez (Public Member)			
Date Appointed:	5/7/2015		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-21/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21, 2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Appointment Expired	6/31/2020		

Paul Sellers (Psychiatric Technician Member)			
Date Appointed:	5/18/2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-21/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	N
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Resigned from Board	9/2020		

Paula Amezola de Herrera (Public Member)			
Date Appointed:	7/14/2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	N
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22, 2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	N
Board Meeting	2/20-21/2020	Burbank, CA	N
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y

Board Meeting	8/21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	WebEx	Y
Resigned from Board	1/2021		

Donna Norton (Licensed Vocational Nurse Member)			
Date Appointed:	6/9/2016		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	N
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/30-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	WebEx	Y
Special Board Meeting	1/26/2021	Teleconference	N
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	N
Board Meeting	5/20-21/2021	WebEx	Y
Appointment Expired	6/31/2021		

Cheryl Turner (Public Member)			
Date Appointed:	5/8/2017		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Resigned from Board	11/2021		

Melissa Rubalcava (Psychiatric Technician Member)			
Date Appointed:	11/14/2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	N
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Resigned from Board	6/2021		

Tara Rooks (Licensed Vocational Nurse Member)			
Date Appointed:	10/22/2020		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/18-20/2020	WebEx	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	N
Board Meeting	5/30-21/2021	WebEx	N
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	N
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	N
Special Board Meeting	9/22/18/2022	WebEx	N
Board Meeting	11/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento. CA	N
Resigned from Board	4/2023		

Aleta Carpenter (Public Member)			
Date Appointed:	9/25/2020 (second term)		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y

Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	N
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

John Dierking (Public Member, Senate Rules Appointee)			
Date Appointed:	10/13/2020 (second term)		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y

Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

Kenneth Maxey (Public Member, Assembly Speaker Appointee)			
Date Appointed:	5/1/2021 (second term)		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	N
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

Dr. Carel Mountain (Educator Member)			
Date Appointed:	9/23/2020 (second term)		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/15-16/2019	Burbank, CA	Y
Special Board Meeting	10/30/2019	Teleconference	Y
Board Meeting	11/20-22/2019	Sacramento, CA	Y
Special Board Meeting	2/3/2020	Teleconference	Y
Board Meeting	2/20-21/2020	Burbank, CA	Y
Special Board Meeting	4/24/2020	Teleconference	Y
Board Meeting	5/22/2020	Teleconference	Y
Board Meeting	8/20-21/2020	Teleconference	Y
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

Abraham Hill (Psychiatric Technician Member)			
Date Appointed:	11/20/2020		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/18-20/2020	Teleconference	Y
Special Board Meeting	1/26/2021	Teleconference	Y
Board Meeting	2/17-19/2021	Teleconference	Y
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	Y
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y

Special Board Meeting	4/7/2022	Teleconference	N
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	N
Board Meeting	3/2-3/2023	Sacramento, CA	N
Board Meeting	5/18-19/2023	WebEx	Y

Taisha Brown (Public Member)			
Date Appointed:	2/19/2021		
Meeting Type	Meeting Date	Meeting Location	Attended?
Special Board Meeting	3/30/2021	WebEx	Y
Board Meeting	5/20-21/2021	WebEx	N
Special Board Meeting	6/17/2021	WebEx	Y
Board Meeting	8/20/2021	WebEx	Y
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	N
Board Meeting	5/19-20/2022	Sacramento, CA	Y
Board Meeting	8/12/2022	WebEx	N
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	N
Board Meeting	3/2-3/2023	Sacramento, CA	N
Board Meeting	5/18-19/2023	WebEx	Y

Adrienne Luce (Public Member)			
Date Appointed:	11/04/2021		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y
Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	N
Board Meeting	8/12/2022	WebEx	Y
Resigned from Board	9/2022		

Nelly Nieblas (Public Member)			
Date Appointed:	11/03/2021		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/19/2021	WebEx	Y
Board Meeting	2/18/2022	WebEx	Y

Special Board Meeting	4/7/2022	Teleconference	Y
Board Meeting	5/19-20/2022	Sacramento, CA	N
Board Meeting	8/12/2022	WebEx	Y
Special Board Meeting	9/22/2022	WebEx	Y
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	18-Y 19-N

Lessie Moore (Psychiatric Technician Member)			
Date Appointed:	10/28/2022		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	11/18/2022	WebEx	Y
Special Board Meeting	12/9/2022	WebEx	Y
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

Rashima Sonson (Public Member)			
Date Appointed:	01/11/2023		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	3/2-3/2023	Sacramento, CA	Y
Board Meeting	5/18-19/2023	WebEx	Y

Gloria Guzman (Licensed Vocational Nurse Member)			
Date Appointed:	03/24/2023		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	5/18-19/2023	WebEx	Y

Table 1b. Current Board Member Roster					
Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Dr. Carel Mountain	12/7/2018	09/23/2020	6/1/2024	Governor	Educator
John Dierking	2/9/2016	10/13/2020	10/13/2024	Senate	Public
Taisha Brown	2/19/2021		6/1/2023	Governor	Public
Aleta Carpenter	7/11/2017	9/25/2020	6/1/2024	Governor	Public
Abraham Hill	10/20/2020		6/1/2024	Governor	Psychiatric Technician
Kenneth Maxey	3/20/2017	5/1/2021	6/1/2024	Assembly	Public
Nelly Nieblas	11/3/2021		6/1/2025	Governor	Public

Lessie Moore	10/14/2022		6/1/2023	Governor	Psychiatric Technician
Rashima Sonson	1/11/2023		6/1/2025	Governor	Public
Gloria Guzman	3/24/2023		6/1/2024	Governor	Licensed Vocational Nurse
Vacant			6/1/2023	Governor	Licensed Vocational Nurse

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it affect operations?

The Board did not experience quorum issues impacting its ability to meet between 2019 and 2023. Table 1a illustrates each Board Member's appointment information and attendance at Board meetings during this reporting period. Also attached is a table documenting the members' submission of mail ballots.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

Renewal Postcards

In January 2020, the Board introduced postcards for license renewals to replace a one-page letter in an envelope. This practice saved thousands of dollars in paper, printing costs and postage. The postcard directed licensees to renew via the BreEze licensing system. This resulted in 98% of the licensing population renewing online, which immediately updated their license.

Precedential Decisions

The Board adopted and published its first Precedential Decision on December 1, 2020, relevant to licensed vocational nurse scope of practice violations at a skin care salon. In a specific case, an LVN injected Botox, Juvederm, Kybella and Glutathione; performed platelet rich plasma therapy and vitamin drips; and performed skin growth removal procedures. All procedures were beyond the LVN scope of practice. The statement/decision was sent to the Board's listserv, chambers of commerce and business associations in Southern California, the Bay Area and the Sacramento region.

The second Precedential Decision was adopted on November 18, 2021, relevant to a licensed vocational nurse scope of practice inquiry about the administration of medicinal cannabis as part of a care plan or treatment plan, including those incorporated into an Individual Education Plan (IEP). The Board determined that an LVN may administer medicinal cannabis to a public school student as part of an IEP, if all the specified condition of the care plan are met and, provided the medicine is otherwise administered as ordered and directed, the LVN would not commit professional misconduct subject to disciplinary action by administering the medicinal cannabis. In addition, to the extent the LVN performs the act of administering medicinal cannabis to a student as described in the physician's order or care plan, the Board may be precluded from penalizing or taking disciplinary action against the LVN based solely on the act of administering the medication under the provisions of Health and Safety Code section 11362.8.

The third Precedential Decision was adopted on December 1, 2022. The two holdings for the decision were:

Reconsideration: The Board will ordinarily limit reconsideration of a decision based on new or different facts to those instances where the evidence offered to support those facts existed at the time of the decision but was, in the exercise of reasonable diligence, impossible to present before the decision was rendered.

Cost Recovery: A cost reimbursement award should not ordinarily be made payable only upon reinstatement particularly where, as here, the award has already been reduced due to the present inability to pay the full amount of the reasonable investigation and enforcement costs in the case.

4. Describe any major studies conducted by the board.

None.

5. List the status of all national associations to which the board belongs.

The BVNPT is a voting member of the National Council of State Boards of Nursing (www.ncsbn.org). NCSBN is a not-for-profit organization whose US members include the nursing regulatory bodies in the 50 states, the District of Columbia and four US territories. The Delegate Assembly, NCSBN's voting body, convenes during the organization's annual meeting in August. Activities includes discussion and voting on NCSBN business items and election of individuals to the Board of Directors and Leadership Succession Committee. The Delegate Assembly is composed of two representatives from each member board of nursing.

The BVNPT's NECs currently participate on NCSBN's advisory committees on the NCLEX and have participated on some subcommittees. Staff members regularly attend conference calls, webinars and other discussions. In addition, Enforcement staff members attend NCSBN's Basic Board of Nursing Investigative Training programs.

In 2020 and 2021, the NCSBN held virtual business meetings. The EO and Board President attended the Midyear meetings in June and the Annual Meetings in August. Both the EO and Board President attended the 2023 Midyear Meeting in Seattle. Because of scheduling conflicts, neither attended the 2023 Annual Meeting in Chicago.

NCSBN is the developer and administrator of the National Council Licensure Examinations (NCLEX) for both Registered and Practical Nursing. It is managed by Pearson Vue, a nationwide third-party vendor. California's Vocational Nurses must take the NCLEX-PN to be licensed. Details on the BVNPT's role in the examination process are in the Licensing Division section.

There are no nationwide or statewide organizations for the Psychiatric Technicians.

Section 2 – Fiscal and Staff

Fiscal Issues

6. *Is the board's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.*

The Board of Vocational Nursing and Psychiatric Technicians is continuously appropriated through the annual Budget Act. It is a Special Fund entity, financed by applicants, licensees, new and continuing program approval fees for prelicensure training programs and Continuing Education provider fees.

7. *Describe the board's current reserve level, spending, and if a statutory reserve level exists.*

Please see Table 2. The Board's projected reserve level for 2022-23 is 4.9 months, and this is projected to increase because the current revenue generated is greater than our expenditures. The Board does not currently have a statutory reserve level.

8. *Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.*

The Board anticipates that its reserve level will continue to increase. Although there is not a statutory reserve level, the Board will work collaboratively with DCA's Budget Office to ensure that a fee study is completed to determine the appropriate amount for each fee the Board assesses.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24 (projected)	FY 2024-25 (projected)
Beginning Balance	\$6,435	\$4,253	\$4,449	\$2,573	\$7,847	\$13,432
Revenues and Transfers	\$16,702	\$17,721	\$17,201	\$23,323	\$24,621	\$24,747
Total Revenue	\$23,137	\$21,974	\$21,650	\$25,896	\$32,468	\$38,179
Budget Authority	\$16,413	\$17,439	\$16,663	\$17,852	\$18,565	\$17,753
Expenditures	\$17,920	\$17,898	\$19,084	\$18,049	\$19,036	\$18,382
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0

Loans Repaid from General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$5,217	\$4,076	\$2,566	\$7,847	\$13,432	\$19,797
Months in Reserve	3.5	2.6	1.7	4.9	8.8	12.7

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The Board does not currently have any general fund loans.

10. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

As a point of comparison, in 2019-20, the BVNPT's Enforcement expenses made up approximately 41 percent of the total expenditures. Licensing expenses were 20 percent, and Administration expenses comprised about five percent. Our pro rata contribution was approximately 33 percent.

In 2020-21, the Enforcement expenses made up approximately 46 percent of the total expenditures. Licensing expenses were 21 percent, and Administration expenses comprised about five percent. Our pro rata contribution was approximately 29 percent.

In 2021-22, the Enforcement expenses made up approximately 45 percent of the total expenditures. Licensing expenses were 21 percent, and Administration expenses comprised about five percent. Our pro rata contribution was approximately 29 percent.

In 2022-23, the Enforcement expenses made up approximately 44 percent of the total expenditures. Licensing expenses were 24 percent, and Administration expenses comprised about five percent. Our pro rata contribution was approximately 27 percent.

The Board's enforcement expenses continue to decrease because of efficiencies created within the division. Most notably, the Division Chief and management reviewed the existing staff configuration and the work assigned and requested some personnel reclassifications. For example, Program Technician IIIs are more appropriate for some units than Staff Service Analysts. Another important economy was studying the policy and practice of referring cases to the DCA Division of Investigations. This enabled the BVNPT to keep more investigations in-house, assigning them to the Board's unit of Special Investigators, saving a significant amount of funds and reducing the risk of case aging.

Table 3. Expenditures by Program Component

Dollars in Thousands	FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$3,536	\$3,239	\$3,378	\$4,199	\$3,793	\$4,174	\$3,658	\$3,655
Examination	\$0	\$57	\$0	\$11	\$0	\$0	\$0	\$12
Licensing	\$3,037	\$202	\$3,054	\$376	\$3,429	\$327	\$3,617	\$426
Administration *	\$850	\$47	\$714	\$71	\$792	\$61	\$775	\$73
DCA Pro Rata	\$0	\$5,431	\$0	\$4,784	\$0	\$5,115	\$0	\$4,412
Diversions (if applicable)								
TOTALS	\$7,423	\$8,976	\$7,146	\$9,441	\$8,014	\$9,677	\$8,050	\$8,578
<i>*Administration includes costs for executive staff, board, administrative support, and fiscal services.</i>								

11. Describe the amount the board has contributed to the BreEZe program.

These costs are contained in the BVNPT's pro rata contribution.

12. Describe license renewal cycles and history of fee changes in the last 10 years.

BVNPT licenses must be renewed every two years, and the fees are assessed each licensing cycle.

Effective January 1, 2019, the VN biennial renewal fee changed from \$150 to \$220 and the PT biennial renewal fee changed from \$300 to \$220. This change was authorized by SB 1480 (Chapter 571 of the Statutes of 2018, Hill). The legislation established a statutory limit which was intended to carry the Board for at least five years, but unexpected increases in costs made another fee increase necessary.

In 2021-22, the Board worked with the DCA's Budget Office and with Counsel to adjust fees via the regulatory process. The Board was projected to be insolvent by the end of 2021-22. The Board adjusted its fees to the statutory maximum, including the VN and PT biennial renewal fees. Effective October 1, 2022, the VN biennial renewal fee was changed from \$220 to \$300 and the PT biennial renewal fee was changed from \$220 to \$300.

Table 4. Fee Schedule and Revenue

Fee	Current Fee Amount	Statutory Limit	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	% of Total
			Revenue	Revenue	Revenue	Revenue	Revenue
Delinquent Fees	\$150		\$3	\$0	\$0	\$0	0.0%
Delinq Ren VN	\$150	\$150	\$235	\$267	\$248	\$272	1.3%
Delinq Ren PT	\$150	\$150	\$17	\$18	\$16	\$20	0.1%
Other Regulatory Fees	\$2		\$1	\$0	\$0	\$0	0.0%
Admin Fine and Citation VN	Various	Varies	\$63	\$70	\$49	\$54	0.3%
Copy Rec/Cert Let VN	\$2	n/a	\$1	\$1	\$1	\$1	0.0%
Interim Permit Fee VN	\$50	\$50	\$4	\$6	\$8	\$11	0.0%
Dup Lic/Wall Cert VN	\$50	\$50	\$9	\$10	\$9	\$11	0.0%
Verification of Lic VN	\$150	\$150	\$173	\$218	\$233	\$300	1.2%
PT BW Cert	\$50	\$50	\$0	\$0	\$0	\$1	0.0%
PT CE Prov Approval	\$250	\$250	\$0	\$0	\$0	\$0	0.0%
Dup Lic/Wall Cert PT	\$50	\$50	\$1	\$1	\$1	\$1	0.0%
Verification of Lic PT	\$50	\$50	\$0	\$0	\$0	\$0	0.0%
Admin Fine and Citation PT	Various	Varies	\$8	\$16	\$9	\$8	0.1%
OSHP BVNPT		\$5	\$0	\$0	\$0	\$0	0.0%
FTB Cite and Fine Collection		n/a	\$6	\$1	\$13	\$8	0.0%
Over/Shorts Fees		n/a	\$0	\$0	\$0	\$0	0.0%
Copy Rec/Cert Let PT		n/a	\$0	\$0	\$0	\$0	0.0%
IV/BW/Combo Cert Fee	\$50	\$50	\$80	\$96	\$89	\$209	0.6%
Other Regulatory License and Permits			\$53	\$0	\$0	\$0	0.1%
Initial Lic VN	\$300	\$300	\$1,429	\$1,551	\$1,584	\$2,373	9.0%
App Fee-CA Graduate VN	\$300	\$300	\$1,402	\$1,470	\$1,455	\$2,062	8.3%
Re-Exam Fee VN	\$150	\$300	\$883	\$1,078	\$1,058	\$1,544	5.9%
VN IV/BW Course Provider	\$150	\$250	\$5	\$5	\$4	\$5	0.0%
VN CE Prov Approval		\$250	\$2	\$3	\$2	\$2	0.0%
Initial Lic PT	\$300	\$300	\$83	\$70	\$53	\$80	0.4%
App Fee-CA Graduate PT	\$345	\$345	\$94	\$96	\$79	\$112	0.5%
Re-Exam Fee PT	\$345	\$345	\$64	\$61	\$48	\$58	0.3%
PT BW CE Prov Approval		\$250	\$0	\$0	\$0	\$0	0.0%
PT Interim Permit	\$50	\$50	\$0	\$0	\$0	\$0	0.0%
Refunded Reimbursements		n/a	-\$2	-\$6	-\$8	-\$9	0.0%
Over/Short Fees		n/a	\$0	\$0	\$0	\$0	0.0%
Suspended Revenue		n/a	\$9	\$1	\$4	\$5	0.0%

Prior Year Revenue Adjustment		n/a	-\$54	-\$15	-\$10	-\$7	-0.1%
App Fee-Endorsement PT	\$300	\$300	\$0	\$1	\$0	\$1	0.0%
App Fee-Equivalency Pt	\$375	\$375	\$7	\$7	\$6	\$4	0.0%
App Fee-Equivalency VN	\$330	\$330	\$341	\$430	\$462	\$498	2.2%
App Fee-Endorsement VN	\$300	\$300	\$127	\$223	\$306	\$255	1.2%
VN Program Initial App	\$5,000	\$5,000	\$0	\$0	\$110	\$55	0.2%
VN Program Final Approval	\$15,000	\$15,000	\$0	\$0	\$0	\$90	0.1%
VN Program Expedite Approval	\$5,000	\$5,000	\$0	\$0	\$0	\$20	0.0%
Misc Serv To Public General		n/a	\$0	\$0	\$0	\$1	0.0%
Investment Income - Surplus Money Investments		n/a	\$162	\$35	\$21	\$160	0.5%
Escheat Unclaimed Checks, Warrants, Bonds, and Coupons		n/a	\$5	\$4	\$1	\$0	0.0%
Canceled Warrants Revenue		n/a	\$11	\$5	\$6	\$6	0.0%
Canceled Warrants Expenditures		n/a	\$0	\$1	\$0	\$0	0.0%
Misc Revenue		n/a	\$0	\$0	\$0	\$0	0.0%
Dishonored Check Fee		n/a	\$1	\$1	\$1	\$1	0.0%
Misc Revenue FTB Collection		n/a	\$1	\$0	\$1	\$1	0.0%
Settlements and Judgments - Other		n/a	\$0	\$15	\$0	\$0	0.0%
Renewal Fees			\$17	\$0	\$0	\$0	0.0%
Biennial Renewal VN	\$300	\$300	\$10,553	\$10,965	\$10,926	\$13,743	60.0%
Reinstate Fee VN	Variable	Varies	\$1	\$2	\$6	\$5	0.0%
VN CE Prov Renewal		\$250	\$2	\$4	\$3	\$6	0.0%
Biennial Renewal PT	\$300	\$300	\$878	\$981	\$971	\$1,179	5.2%
Reinstate Fee PT	Various	Varies	\$0	\$1	\$0	\$0	0.0%
PT CE Prov Renewal		\$250	\$1	\$0	\$1	\$1	0.0%
PT BW Course Prov Renewal	\$250	\$250	\$0	\$1	\$0	\$1	0.0%
Over/Short Fees Renewals		n/a	\$0	\$0	\$0	\$0	0.0%

Refunds		n/a	\$1	\$0	\$0	\$0	0.0%
VN IV/BW Course Prov Renewal	\$250	\$250	\$9	\$5	\$9	\$11	0.0%
OSHP BVNPT		\$5	\$16	\$22	\$40	\$21	0.1%
VN Prog Continued Approval	\$5,000	\$5,000	\$0	\$0	\$80	\$135	0.3%
PT Prog Continued Approval	\$5,000	\$5,000	\$0	\$0	\$20	\$10	0.0%
Reimbursements-Private Sectors		n/a	\$1	\$0	\$0	\$0	0.0%
Fingerprint Reports		n/a	\$37	\$51	\$59	\$52	0.3%
Reimbursements - Other		n/a	\$0	\$0	\$0	\$0	0.0%
FTB Cost Recovery		n/a	\$6	\$0	\$29	\$38	0.1%
BVNPT Cost Recovery		n/a	\$223	\$266	\$285	\$274	1.4%
Total Revenue (in thousands)			\$16,968	\$18,038	\$18,289	\$23,686	\$76,981

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-038-BCP-2020-GB	2020-21	Licensing staff Augmentation	1.5 NEC .5 PT II	1.5 NEC .5 PT II	\$225,000	\$225,000	\$ 50,000	\$ 50,000
1111-121-BCP-2022-GB	2022-23	Chapter 632 Statutes of 2021 (AB 1536)	2.0 NEC 1.0 AGPA	2.0 NEC 1.0 AGPA	\$ 450,000	\$ 450,000	\$ 75,000	\$ 75,000

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

Since the BVNPT's last Sunset Review, staff turnover in Licensing has increased. This may be attributed to several issues. First, the Program Technicians are considered entry level positions, and are among the lowest paid. Given that, it is common to see Program Technicians promoting in one year or less. Second, Program Technicians are generally assigned duties at BVNPT that cannot be performed remotely, which also contributes to lack of interest or quick turnaround.

Finally, the changes in minimum qualifications for classifications like Staff Service Analysts have led many individuals to seek eligibility and apply for those higher paid positions, rather than Program Technicians. The recent state employee contract agreements created special salary adjustments, which may alleviate this problem.

The BVNPT's historic recruitment and retention challenges for Nursing Education Consultants (NEC) have improved since the last Sunset Review. NEC positions are notoriously difficult to fill as the experience and skills needed are unusual combinations. In many cases, the individuals most prepared for this work are directors and senior leaders at the schools BVNPT regulates, and which pay sometimes nearly twice as much as the State pays. As above, though, the new contracts created a special salary adjustment for the NECs.

The 2021 Sunset legislation authorized the BVNPT to add two NECs and one AGPA as limited term employees, and while the recruitment and hiring processes were lengthy, the Education Division is now at full strength: eight NECs, two AGPAs and one Program Technician, reporting to a Supervising Nursing Education Consultant. Much of the credit for the successful rebuilding of the Education Division goes to the vision, leadership and tireless work of the new Supervising Nursing Education Consultant, Beth DeYoung. Ms. DeYoung had served as an NEC for more than five years, and in 2019, stepped into a team leadership role under SNEC Marie Cordeiro, who retired from the BVNPT in the summer of 2022.

Enforcement Division Chief Antoinette Wood, who joined the BVNPT staff in 2020, painstakingly reviewed and analyzed the workload and the workforce of the Enforcement units and employees. Over the past three years, Ms. Wood developed a nimbler staffing structure, which not only ensures that the appropriate classifications were assigned the appropriate duties, it created potential annual savings. This effort was coupled with an analysis of the changing trends in caseloads, which allowed the Division to move some positions to other units to accommodate changing caseloads. Additionally, regular and routine audits and more management oversight has helped ensure that the BVNPT's case aging and backlogs did not see any undue increases. Last, the reassignment of cases from the Division of Investigation (DOI) to the in-house special investigators has also improved the Division's efficiency. At this writing, the total savings to the board resulting from these changes has been approximately \$600,000. The Enforcement Division also created a [Knowledge Transfer plan](#), and the [Enforcement Division Overview](#) to handle concerns about succession planning and retention concerns.

In the summer of 2022, former Assistant Executive Officer (AEO) Vicki Lyman retired from state service. With the assistance of the DCA Office of Human Resources, the BVNPT hired an extremely qualified AEO, Mr. Mark Ito, who had been serving as the Executive Director at

the Board of Osteopathic Medicine, and whose career had begun at the BVNPT many years earlier. Mr. Ito was able to join BVNPT in September of 2022.

Like many state entities, the BVNPT is experiencing salary compaction issues which have required changes in reporting relationships and created redundancies and possible communication gaps. For example, the Supervising Special Investigator (SSI) earns a higher pay rate than the Staff Service Manager II, who is the BVNPT's Enforcement Chief and hence, cannot report directly to the Chief. Until the Board can develop and implement a permanent structural solution, the SSI reports to the Assistant Executive Officer, which adds a significant amount of work for the AEO.

Finally, the BVNPT has not yet discussed a Succession Planning manual for the Executive Officer. The current Executive Officer has no immediate plans to retire or change employment and serves at the pleasure of the Board, and in the event of an unplanned vacancy, the AEO, Enforcement Chief, and SNEC would all be able to lead the Board in an interim capacity. The National Council for State Boards of Nursing (NCSBN) has published an EO succession planning manual, but it is quite outdated, and does not address the specifics of California and the BVNPT. The Board should develop an EO Succession Planning Manual as soon as is practicable.

15. Describe the board's staff development efforts and total spent annually on staff development.

The Board does not have an annual budget for staff development; however, it has a modest annual budget of \$12,000 for training. The Board prioritized staff development in both internal and external trainings. For example, the Board has spent over \$1,800 on the Office of Administrative Law 3-day Rulemaking Course; over \$3,800 with the Counsel on Licensure, Enforcement, and Regulation's National Certified Investigator and Inspector Training Programs; over \$300 has been spent on staff CPR and AED certification trainings; and over \$4000 has been spent with CalHR's California Leadership Academy for Supervisor Development. The NCSBN convenes two trainings each year for specialized nursing board investigators, and BVNPT has sent at least two team members to these training each year.

In addition to the external trainings, Board management encourages staff to utilize the DCA LMS opportunities whenever feasible. To advance camaraderie, activities such as an annual Holiday Lunch, occasional "socials" and Staff Appreciation Day(s) are hosted by management and partially offset by fundraising.

16. What are the board's performance targets/expectations for its licensing¹ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The performance targets and expectations for licensing programs is four to six weeks. Since the BVNPT processes both online and in-house applications, the online applications are processed quickly and usually have fewer deficiencies. Currently, we are exceeding expectations and processing both in-house and online applications in two weeks or less except for equivalency applications, discussed in the next section.

Vocational Nurse Applications (in days)			
Fiscal Year	VN School Apps	VN Equivalency Apps	VN Endorsement Apps
2019-20	10	232	75
2020-21	10	209	87
2021-22	9	87	83
2022-23	9	79	95

Psychiatric Technician Applications (in days)			
Fiscal Year	PT School Apps	PT Equivalency Apps	PT Endorsement Apps
2019-20	27	25	N/A
2020-21	16	493	N/A
2021-22	8	342	N/A
2022-23	10	187	N/A

Initial Licensure (in days)		
Fiscal Year	VN Initial Licensure	PT Initial Licensure
2019-20	3	6
2020-21	3	2
2021-22	3	3
2022-23	2	2

17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

¹ The term "license" in this document includes a license certificate or registration.

VN Equivalency applications continue to be the BVNPT's chief licensing obstacle. Equivalency applications are submitted by individuals who are attempting to qualify for the licensure examination using education and experience, or a combination of education and experience, equivalent to that acquired in an approved school of vocational nursing. Equivalency applications can be complex, lending itself to long processing times due, in part, to the required documentation and the amount of time required to analyze the documentation. There can be a great deal of back-and-forth between the analyst and applicant and/or related third parties communicating application deficiencies and requirements. For example, foreign nursing school transcripts must be evaluated by a nationally accredited credentialing agency, such as the Commission of Graduates of Foreign Nursing Schools (CGFNS), to determine program equivalency and employment experience documentation is painstakingly analyzed to assess the content and depth of the applicant's experience and training compared to the training and education acquired in an approved school of vocational nursing.

The lengthiest processing times typically involve applicants who are attempting to use equivalent experience to qualify for the licensure examination. The laws and regulations are quite clear for these applicants, but it often takes more than a year, if at all, for applicants to provide adequate documentation to determine if they have sufficient nursing experience that encompasses the breadth and depth of experience equivalent to that performed by the licensed vocational nurse. It is paramount that nursing experience documentation is submitted accurately and completely and is thoroughly evaluated for BVNPT to maintain their mission to protect the public by licensing qualified and competent vocational nurses and psychiatric technicians.

The equivalency application method, while time consuming, provides a crucial career path to individuals who did not take a traditional route to obtaining a license. The BVNPT supports maintaining this access for licensure, but by necessity, must ensure the veracity and accuracy of all documents submitted by or on behalf of and applicant before an application may be approved. Recent rises in allegations of fraud and misleading advertisements underscore that necessity.

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

Table 6. Licensee Population					
		FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Vocational Nurse	Active	106,444	107,989	106,500	108,905

Table 6. Licensee Population

	Inactive	2,443	2,438	2,525	2,424
	Delinquent	23,830	23,974	23,413	24,300
	Out of State	15,058	15,737	7,634	8,098
	Out of Country	79	64	48	40
Psychiatric Technician	Active	9,194	8,970	8,819	8,671
	Inactive	311	304	307	306
	Delinquent	1,948	1,875	1,808	1,843
	Out of State	760	678	227	237
	Out of Country	5	5	4	4

*Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both. **Not Tracked during this period*

Table 7a. Licensing Data Vocational Nurses

Type		Received	Approved	Abandoned	Pending Applications			Cycle Times	
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps (Days)	Incomplete Apps (Days)
FY 2020-21	Exam	8,324	7,913	923	2,909	**	**	10	104
	Endorsement	1,021	663	54	**	**	**	10	104
	License	8,071	7,704	54	709	**	**	2	102
	Renewal	49,494	49,591	91	30,293	**	**	2	N/A
FY 2021-22	Exam	8,864	7,684	1,654	2,517	**	**	9	90
	Endorsement	1,396	1,083	79	**	**	**	11	103
	License	9,088	8,299	277	947	**	**	2	103
	Renewal	55,394	49,065	5,306	30,663	**	**	1	N/A
FY 2022-23	Exam	8,944	8,497	815	2,045	535	1,510	8	78
	Endorsement	905	764	211	1192	226	966	10	120
	License	8,389	8,403	0	96	2	94	1	15

Table 7a. Licensing Data Vocational Nurses

	Renewal	50,081	50,038	71	31,907	**	**	1	N/A
<p>* Outside Board Control are deficient applications that have been worked by staff. Within Board control are applications that have not been processed.</p> <p>**Not Tracked during this period</p> <p>***Inaccuracies in marking applications deficient inflates the completed applications processing times</p>									

Table 7a. Licensing Data Psychiatric Technicians

Type		Received	Approved	Abandoned	Pending Applications			Cycle Times	
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps (Days)	Incomplete Apps (Days)
FY 2020-21	Exam	387	366	21	82	**	**	14	84
	License	322	321	0	5	**	**	1	N/A
	Renewal	4,413	4,421	8	2,597	**	**	1	N/A
FY 2021-22	Exam	357	304	61	78	**	**	6	65
	License	249	241	9	5	**	**	1	18
	Renewal	4,833	4,329	507	2,494	**	**	1	N/A
FY 2022-23	Exam	357	348	26	89	11	78	9	57
	License	291	293	0	1	0	1	1	14
	Renewal	4,288	4,288	2	2,539	**	**	1	N/A
<p>* Outside Board Control are deficient applications that have been worked by staff. Within Board control are applications that have not been processed.</p> <p>**Not Tracked during this period</p> <p>***Inaccuracies in marking applications deficient inflates the completed applications processing times.</p>									

Table 7b. License Denial

	FY 2020-21	FY 2021-22	FY 2022-23
License Applications Denied (no hearing requested)	22	17	24
SOIs Filed	13	22	9
Average Days to File SOI (from request for hearing to SOI filed)	4	13	5
SOIs Declined	2	0	0

SOIs Withdrawn	3	1	1
SOIs Dismissed (license granted)	1	1	0
License Issued with Probation / Probationary License Issued	5	8	4
Average Days to Complete (from SOI filing to outcome)	281	141	179

19. How does the board verify information provided by the applicant?

The BVNPT relies on a combination of documents supplied by applicants and primary source documents submitted by third parties. The third-party documents include receipt of signed/sealed official transcripts or records of nursing programs, secured server online verification of examination results from national test vendors, and secured server fingerprint results transmitted from the Department of Justice.

Staff verifies that documents submitted in hardcopy are true, accurate and legal by:

- Ensuring the envelopes for transcripts sent by the institution are received directly from the institution, sealed, and marked official.
 - Reviewing the package for foreign credential evaluations to ensure the document was received directly from the foreign credentialing evaluation service, appropriately sealed, and contains all supporting documentation.
 - Reviewing work experience verification forms to ensure that the signature and work experience verification information included on the forms are original (not a photocopy) and contacting the employer and supervisor to verify the accuracy of the information provided on the form and confirming that the form was completed and signed by the supervisor and not the applicant.
- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

The BVNPT requires a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check. All applicants are required to complete a live-scan or a manual fingerprint card. A license is not issued until the Board receives the background information from DOJ.

Over the last four years, the BVNPT has not denied an application based solely on the applicant's failure to disclose information on the application for licensure. Due to AB 2138, the BVNPT no longer requires the disclosure of criminal information in the application but does still require the disclosure of other board discipline.

When the BVNPT receives an application where the applicant has failed to disclose other Board discipline, the Board requests the submission of a written explanation detailing the events of the underlying incident. At this time, the applicant is encouraged to submit any

evidence of mitigation or rehabilitation, to ensure all facts are reviewed prior to a decision being made.

Upon review of all these documents, including the certified discipline records, at least two of the Board Enforcement Division management team reviews the application and determines if the application may be approved without restriction. Should the initial two managers not agree, there will be a review conducted by the Enforcement Division Chief (if they were not one of the two initial managers conducting the review) and possibly the Attorney General's Office.

It should be noted that the failure to disclose may be used as an aggravating factor, if warranted, in support of a denial if the decision is appealed and goes to the Attorney General's Office, but it will only be used in instances where the underlying conduct itself warrants the denial of licensure.

The Board's current data system does not contain the data necessary to give a count of applications where failure to disclose was used as an aggravating factor in the denial of the application.

b. Does the board fingerprint all applicants?

The BVNPT requires a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check. All applicants are required to complete a live-scan or a manual fingerprint card. A license is not issued until the Board receives the background information from DOJ.

c. Have all current licensees been fingerprinted? If not, explain.

The Board began requiring fingerprints from all applicants for licensure effective January 1, 1998. For licensees that were not previously fingerprinted, the Board's regulations were amended to require licensees whose licenses expired on or after April 1, 2009, to submit a complete set of fingerprints for processing as a condition of license renewal.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

The Board uses NURSIS for applicants who are applying for a license by endorsement of an out-of-state application. NURSIS is a comprehensive electronic information system that includes the collection and storage of a nurse's personal information, licensing information, disciplinary information, and license verifications. NURSIS is the only national database for verification of nurse licensure, discipline, and practice privileges for VNs, and is available to member boards of the National Council of State Boards of Nursing (NCSBN).

The BVNPT does not check NURSIS for non-endorsement applicants or license renewals. The application and renewal forms include questions inquiring whether they

have had any license disciplined by a government agency. If they answer yes, the application or renewal is sent to the Enforcement Division for investigation.

e. Does the board require primary source documentation?

The Board requires primary source documentation. All diplomas and transcripts must be original documents submitted from the issuing institution. Primary source documentation also assists the BVNPT in determining if the applicant has been truthful in the application process, since the documentation submitted is compared to the information the applicant provided on the application. To avoid the potential submission of fraudulent documents, the BVNPT does not accept school transcripts from the applicant.

Transcripts received in a language other than English will also require a certified English-Language translation completed either by the school or by an independent professional translator who is not related to the applicant. The BVNPT may require that foreign transcripts be sent to either the Commission of Graduates of Foreign Nursing Schools (CGFNS) for a credential evaluation services professional report or to other National Association of Credential Evaluation Services (NACES) members for evaluation reports. These reports verify the school's accreditation and determine if the degree is equivalent to a nursing program in the United States.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

To be eligible for licensure in California, persons possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse, provided that he or she successfully demonstrates to the BVNPT that he or she possesses the necessary qualifications and successfully passes the examinations or tests as may, from time to time, be required (BPC section 2873).

The legal requirement to qualify applicants who have completed a course in a US vocational or practical nursing program outside California is that the program and school must be accredited by the Board of Nursing in the US State or Territory in which it is located.

A VN applicant who is already licensed by a similar board in another US State or Territory shall be eligible for licensure without examination, provided that the applicant meets the requirements for licensure:

- Presents satisfactory proof of a current and valid license as a VN or Licensed Practical Nurse, or in an equivalent capacity, by another United States State or Territory; **and**
- Took the NLN State Board Test Pool Examination for Practical Nurses or the NCLEX-PN and passed said examination with a score equal to or above the minimum passing score required by the Board for said exam.

A VN applicant, who is already licensed by a similar board in another country, completed a course of study in another country, or completed a partial course of study and work experience is required to meet the same criteria as any other United States equivalency applicant. As the NCLEX-PN is not currently administered for licensure by any other country, these applicants are required to have their education and work experience requirements evaluated for equivalency to the California VN requirements and then to successfully complete the examination to be eligible for licensure.

A PT applicant who is already licensed by a similar board in another state shall be eligible for licensure without examination provided that the applicant meets all the requirements for licensure:

- Presents satisfactory proof of a current and valid license as a PT in that state; and
- Took the California PT Licensure Examination and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination. (Note: Arkansas administered the California constructed licensure examination to its PT applicants.)

Only three other states license PTs like California; Colorado, Arkansas, and Kansas. There is no national examination.

A PT applicant who is already licensed by a similar board in another country or US State and has not passed the California PT Licensure Examination is required to meet the same criteria as any other California equivalency applicant. As the California PT Licensure Examination is not currently administered in any foreign country, these applicants are required to successfully complete the examination to be eligible for licensure.

A PT applicant who is not licensed and who has completed a course of study in another country or US State or completed a partial course of study and work experience is required to meet the same criteria as any other California PT equivalency applicant. These applicants are required to have their education and work experience requirements evaluated for equivalency to the California PT requirements and then to successfully complete the examination to be eligible for licensure.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

BPC section 2873.5 established authority for the BVNPT to consider United States military education, training, and experience for licensing or credentialing requirements, including college credit equivalency. For consideration of military equivalency, the applicant must have served on active duty in the medical corps of any of the armed forces. For the VN, the applicant must have no less than 12 months rendering bedside patient care. In addition, the applicant must have completed the basic course of instruction in nursing required by the applicant's branch of the armed forces under honorable conditions.

For the PT, the applicant must have no less than 12 months rendering bedside patient care. At least six months of the 12 months must be in a military clinical facility while active duty rendering care to clients with neuropsychiatric or mental disorders. The other six months must be in either a military or civilian clinical facility rendering bedside care to clients with developmental disabilities.

In addition, the PT applicant must have completed two basic courses of instruction. The first requirement is successful completion of the basic course of instruction involving neuropsychiatric or mental disorders nursing in the applicant's branch of the Armed Forces.

The second requirement is successful completion of a course of instruction taken either in the Armed Forces or an accredited school concerning the care of the developmentally disabled client. Consistent with BPC section 4511, evaluating qualifications the BVNPT defines inpatient bedside work experience as "performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by the psychiatric technician."

Military applicants must submit the Record of Military Service Form, copies of military or civilian service evaluations to verify the inpatient bedside work experience, transcripts or certificates showing completion of an armed forces course involving neuropsychiatric nursing and an armed forces or civilian course from an approved school in the care of the developmentally disabled, documentation of an honorable discharge (DD214), and all required application forms and documents.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes. The VN and PT applications have a check box for veterans. The BreEZe system has a component built into online application and requests this information.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

The BVNPT received the following military education, training, or experience for licensing requirements:

Military Applications				
Fiscal Year	VN Applications	PT Applications	VN Approved	PT Approved
2019-20	95	1	65	0
2020-21	143	2	90	1
2021-22	160	0	104	0
2022-23	124	1	88	0

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

The BVNPT is compliant with BPC section 35.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The BVNPT waived fees for seven VN licensees and zero PT licensees in fiscal year 2018-19 for a total of \$1,540. This did not significantly impact revenue.

e. How many applications has the board expedited pursuant to BPC § 115.5?

Since the effective date of BPC §115.5 the BVNPT expedited the following:

- Military spouses - 25

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

Yes, the BVNPT sends No Longer Interested (NLI) notifications to DOJ when a license is cancelled, surrendered, or revoked, and when an application is abandoned. The NLI notifications are either faxed or mailed to DOJ, depending on the number of NLIs submitted. The BVNPT does not have a backlog of NLI notifications.

Examinations

Table 8. Examination Data ²				
California Examination (include multiple language) if any:				
License Type		PSYCHIATRIC TECHNICIAN		
Exam Title		CALIFORNIA PSYCHIATRIC TECHNICIAN LICENSING EXAMINATION (CAPTLE)		
FY 2019/20	Number of Candidates			523
	Overall Pass %			68%
	Overall Fail %			42%
FY 2020/21	Number of Candidates			506
	Overall Pass %			63%
	Overall Fail %			45%
FY 2021/22	Number of Candidates			402
	Overall Pass %			60%

	Overall Fail %			50%
	Number of Candidates			438
FY 2022/23	Overall Pass %			64%
	Overall Fail %			47%
	Date of Last OA			2019
	Name of OA Developer			DCA OPES
	Target OA Date			2024
National Examination (include multiple language) if any:				
	License Type	VOCATIONAL NURSE		
	Exam Title	NATIONAL COUNCIL LICENSURE EXAMINATION-PRACTICAL NURSES (NCLEX-PN)		
	Number of Candidates			7,676
FY 2019/20	Overall Pass %			74%
	Overall Fail %			36%
	Number of Candidates			8,702
FY 2020/21	Overall Pass %			70%
	Overall Fail %			45%
	Number of Candidates			8,326
FY 2021/22	Overall Pass %			69%
	Overall Fail %			45%
	Number of Candidates			9,261
FY 2022/23	Overall Pass %			76%
	Overall Fail %			42%
	Date of Last OA			N/A
	Name of OA Developer			NCSBN
	Target OA Date			N/A
¹ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to ll license types.				
*Percentages do not total 100% due to duplicate examination attempts.				

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

The National Council of State Boards of Nursing, Inc. (NCSBN) develops and administers the VN licensure examination; the National Council Licensure Examination for Practical Nurses (NCLEX-PN). The Board uses this national examination to test entry-level nursing competence of candidates for licensure as Practical/Vocational Nurses. The NCLEX examinations are computerized adaptive tests and offered only in the English language. The

examination for PTs is hosted by a national examination vendor, PSI, Incorporated. This is a California-specific examination and offered only in the English language.

The NCLEX-PN Next Generation (NGN) launched on April 1, 2023 to better measure nursing candidates' clinical judgment and decision-making abilities through the use of innovative item types. The need to measure this stemmed from information gathered during the 2013-2014 NCSBN Strategic Practice Analysis, which showed newly licensed nurses are increasingly expected to make complex decisions while caring for patients. The BVNPT worked with Program Directors for approximately a year beforehand to prepare them for the transition. So far, there has not been a large change in exam passage.

24. *What are pass rates for first time vs. retakes in the past 4 fiscal years? Are pass rates collected for examinations offered in a language other than English?*

See Table 8.. Neither licensing examination is available in a language other than English.

25. *Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?*

Yes, the BVNPT, via its third-party vendors, uses computer-based examinations for both the VN and PT examinations.

For the NCLEX-PN® examination, Pearson Vue (the contracted administrator) uses adaptive testing. Every time an applicant answers an item, the computer re-estimates the applicant's ability based on all the previous answers and the difficulty of those items. The computer then selects the next item that the applicant should have a 50 percent chance of answering correctly.

With each item answered, the computer's estimate of the applicant's ability becomes more precise. This way, the next item should not be too easy or too hard. The computer's goal is to get as much information as possible about the applicant's true ability level. The applicant should find each item challenging as each item is targeted to the applicant's ability.

The computer decides whether an applicant passes or fails the NCLEX-PN® using one of three rules:

- **Ninety-five percent Confidence Interval Rule**
 - This rule is the most common for NCLEX-PN® candidates. The computer will stop giving items when it is 95 percent certain that the applicant's is clearly above or clearly below the passing standard.
- **[Maximum-Length Exam Rule](#)**
 - When the candidate's ability is very close to the passing standard, the computer continues to give items until the maximum number of items is reached. At this point, the computer disregards the 95 percent confidence rule and decides whether the applicant passes or fails by their final ability estimate.

- If the applicant's ability estimate is above the passing standard, the applicant passes.
- If the applicant's final ability is at or below the passing standard, the applicant fails.
- Run-out-of-time (R.O.O.T.) Rule
 - When the applicant runs out of time before reaching the maximum number of items, the computer has not been able to decide whether the applicant passed or failed with 95 percent certainty and must use an alternate rule.
 - If the applicant has not answered the minimum number of items, the applicant fails.
 - If the applicant has at least answered the minimum number of items, the computer reviews the applicant's last 60 ability estimates:
 - If the applicant's last 60 ability estimates were above the passing standard, the applicant passes.
 - If the applicant's ability dropped below the passing standard, even once, during your last 60 items, the applicant fails. This does not mean the applicant must answer the last 60 items correctly. Each ability estimate is based on all the previous items the applicant has answered.

The California Psychiatric Technician Licensing Examination (CAPTLE) is not adaptive testing. All applicants answer a standard number of questions.

Pearson Vue offers the NCLEX-PN® examination nationwide and in some international locations Monday through Friday. PSI offers the PT examination in 20+ sites in California, Monday through Friday with evening appointments available.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

The DCA Office of Professional Examination Services (OPES) produced an Occupational Analysis in late 2019, and because the Board's bandwidth was severely constricted during the pandemic, the Board never had an official review and discussion. The BVNPT contracted with OPES for a new one, hopefully in 2024. In addition, OPES assists the Board with regular reviews and item writing sessions for the California Psychiatric Technician Licensing Examination (CAPTLE), utilizing the BVNPT's subject matter experts.

School Approvals

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

Vocational Nursing (VN) and Psychiatric Technician (PT) schools or programs are initially approved by the Board of Vocational Nursing and Psychiatric Technicians (Board), based on reports prepared by the BVNPT's Nursing Education Consultants (NECs) after the NECs have worked with the applicants to develop and verify all the required documents, secure all necessary resources, and inspected the schools either through paper surveys, site visits or both. This process has been in effect since June 27, 2022, and was implemented pursuant to emergency regulations adopted under the authority set forth in BPC sections 2881.2 and 4531.1, which were enacted through the Board's prior Sunset legislation (SB 1536 – Stats. 2021, Ch. 632). The Board has re-adopted the emergency regulations effective June 22, 2023 with an expiration date of June 22, 2024 at California Code of Regulations (CCR), title 16, sections 2525, 2526, 2537.2, 2580, 2581, and 2590.2.

The Board's current emergency regulations set the following minimum requirements:

- The content of the Letter of Intent document (the document that begins the approval process for a new school) and the required format for submission;
- The method and process for notifying a school or program of the next steps in the Board's approval process;
- The form and method of submitting a completed application, including required forms and fee;
- The method and process for notifying a school or program when its initial application is complete and the "good cause" criteria for requesting an extension to complete the application;
- Grounds for denying an application (initial or continuing), including for noncompliance with the Board's regulations and on grounds specified in section 480 of the Business and Professions Code (substantially-related criminal convictions, disciplinary action by another state board, knowingly false statements on the application);
- The procedures for notifying an institution of the action taken on the initial application;
- The process for submitting the final approval fee and an invoice for the reasonable costs incurred by the Board in the approval process for the institution;
- The standards for notifying the Board of any material change in circumstances affecting any information contained in any application or submitted in support of any application;
- The method for determining when an approval will expire and the steps the school or program would need to take to apply for continuing approval;

- The form and method for submitting a continuing approval application, including required forms and fee;
- The method and process for notifying a school or program when its continuing approval application is complete, and,
- Alternate student criteria if the school or program elects to admit alternate students to its program.

These regulations also adopted a new fee schedule for applicants and approved schools of vocational nursing or for the preparation of psychiatric technicians, as follows:

- Initial application fee of \$5,000;
- Final approval fee of \$15,000 unless the institution is entitled to a decrease in fees due to actual costs being less proportionate to the actual costs associated with that school or program, or due to affiliation with another Board-approved school or program;
- Final approval fee of \$5,000 for any applicant providing documentation of its affiliation with another approved school or program. Such documentation would include proof of a formal collaborative agreement between the applicant institution and an approved school or program that is in good standing as specified;
- The method for calculating the initial determination by the Board for the reasonable costs for providing oversight and review of an institution;
- The method and documentation requirements for calculating a reduction in fees to \$2,500 for schools or programs experiencing a reduction in state funding resulting in reduced enrollment; and,
- The process the Board uses to provide a school or program a fee payment statement that shows the Board's initial determination of the reasonable costs for providing oversight and review for the school or program's continuing approval application.

Subsequently, the Board has worked to make the emergency regulations permanent through the certificate of compliance process in the Administrative Procedure Act at Government Code section 11346.1. Since adoption of the original emergency regulations in June 2022, the Board has provided numerous webinars to inform prospective applicants of the application and regulatory process.

For Vocational Nursing Schools

The laws for approving schools of vocational nursing are contained in Article 4 (commencing with BPC section 2880) of the Vocational Nursing Practice Act. BPC section 2880 requires the Board to prepare and maintain a list of approved schools of vocational nursing in this

state whose graduates, if they have the necessary qualifications, shall be eligible to apply for a license to practice vocational nursing in this state. An approved school of vocational nursing is one which gives a course of instruction in vocational nursing of not less than 1,530 hours or 50 semester units approved by the Board pursuant to BPC section 2882, whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions and is affiliated or conducted in connection with one or more hospitals.

Per 16 CCR Section 2526

Each school or program shall apply to the Board for approval via a Letter of Intent form as specified and submit a completed initial application that includes required forms and a fee. The letter of intent and initial applications must contain written documentation prepared by the program director and shall include; philosophy of the program, conceptual framework, terminal objectives, feasibility narrative, title and general description of each course, clinical facility placement list, student services list, geographic narrative, curriculum objectives, course outlines, course objectives, instructional plan, remediation criteria, daily lesson plans, faculty qualifications, evaluation methodology for clinical facilities, evaluation methodology for curriculum, evaluation methodology for student progress and faculty meetings, admission criteria, screening and selection criteria, number of students requested, list of resources for provision of counseling and tutoring services for students, student policies (credit granting, attendance, grievance), organizational chart, proposed starting date, and evidence of program resources.

An institution may commence a new vocational nursing program upon Board approval. A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval. Approval will be granted by the Board when a vocational nursing program demonstrates that it meets all regulatory requirements. The approval period shall be for a term of four years and shall expire at 12 midnight four years from the date of issuance by the Board unless the Board grants continuing approval, or the approval period is extended. Continuing approval may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements.

For Psychiatric Technician Schools

The laws for approving schools for the preparation of psychiatric technicians are contained in Article 4 (commencing with BPC section 4530) of the Psychiatric Technicians Law. BPC section 4530 requires the Board to prepare and maintain a list of approved schools which offer an approved program for psychiatric technicians. Per BPC section 4531, the “course of instruction of an approved school shall consist of not less than the number of hours or semester units of instruction required for the other programs administered by the Board. The subjects of instruction shall include the principles of the care of the mentally and developmentally disabled. Clinical inpatient experience shall include the principles of the care of the mentally and the developmentally disabled. Clinical inpatient experience shall be an integral part of that prescribed or equivalent course of study and training. The experience shall be obtained in a state hospital, except where the Board finds that the requirement is not

feasible due either to the distance of a state hospital from the school or the unavailability, as determined by the State Department of Developmental Services or the State Department of State Hospitals, or state hospital clinical training placements.”

Per BPC section 4532, “The board shall provide for the periodic inspection or review of all psychiatric technician schools in this state. Written reports of the inspection or review shall be made to the board, which shall then approve the psychiatric technician schools that meet the standards prescribe by it. If the board determines from a report that any approved school is not maintaining its prescribed standards, it shall immediately give the school a notice in writing specifying the defect. If the defect is not corrected the board shall, after written notice, remove the school from the approved list.”

Per 16 CCR section 2581

Each school or program shall apply to the Board for approval via a Letter of Intent form as specified and submit a completed initial application that includes required forms and a fee. The letter of intent and initial application forms must contain written documentation prepared by the program director and shall include; philosophy of the program, conceptual framework, terminal objectives, feasibility narrative, title and general description of each course, clinical facility placement list, student services list, geographic narrative, curriculum objectives, course outlines, course objectives, instructional plan, remediation criteria, daily lesson plans, faculty qualifications, evaluation methodology for clinical facilities, evaluation methodology for curriculum, evaluation methodology for student progress and faculty meetings, admission criteria, screening and selection criteria, number of students requested, resources for provision of counseling and tutoring services for students, student policies (credit granting, attendance, grievance), organizational chart, proposed starting date, and evidence of program resources.

An institution may commence a new psychiatric technician program upon Board approval. A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval. Approval will be granted by the Board when a psychiatric technician program demonstrates that it meets all regulatory requirements. The approval period shall be for a term of four years and shall expire at 12 midnight four years from the date of issuance by the Board unless the Board grants continuing approval, or the approval period is extended. Continuing approval may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements.

The Role of the Bureau for Private Postsecondary Education (BPPE)

Before privately-owned schools can be approved by the Board to start a VN or PT program, they must be approved to operate in California by the Bureau for Private Postsecondary Education (BPPE). The Board’s initial applications for vocational nursing schools and schools for the preparation of psychiatric technicians contain an application question that requires private postsecondary educational institutions (“schools”) to submit a copy of the official document indicating current approval by the California Bureau for Private Postsecondary Education to operate the school. This is necessary to confirm compliance with the institutional approval requirements contained in the California Private Postsecondary Education Act of

2009 (Education Code sections 94800 and following) and to allow the Board to investigate whether any disciplinary action has been taken by that agency as any such action may be grounds for denial of the application in accordance with BPC section 480.

The BVNPT informs program directors for privately-owned schools that each proposed VN or PT program must be approved by both the Board and BPPE. Conversely, BPPE informs schools applying for their approval for the purpose of beginning VN or PT programs that they must be approved by the Board prior to beginning a VN or PT program. If problems arise during either the Board approval process or the BPPE approval process, the appropriate representatives from the Board and BPPE consult and determine if formal investigation or other action by either or both entities should be taken.

The Board has a Memorandum of Understanding with the BPPE to share information regarding reports and violations at schools.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

California has 168 approved programs, 157 vocational nursing programs and 11 psychiatric technician programs. Each school or program is reviewed for continued program approval every four years. Of these programs, 102 are private, 44 are Community Colleges, and 22 are other public programs.

The BVNPT's program approval process improved dramatically since the 2021 Sunset Review. There is no longer a waiting list of proposed programs, and generally, new programs who apply through the new processes are fully approved in approximately one year.

Since holding Public Stakeholder Meeting and three online training sessions from October through November 2022 to present the new vocational nursing (VN) and psychiatric technician (PT) emergency regulations (see discussion above in response to Question No. 28) for the program application process for a new school or program, 23 proposed programs have submitted a Letter of Intent for Initial Approval of New School or Program. All 23 proposed programs are vocational nursing programs, 19 are private programs and four are community colleges. Three of the 23 proposed programs have been approved to start a vocational nursing program. Eleven of the 23 proposed programs who submitted a complete Letter of Intent without deficiencies have been assigned to an NEC and working toward program approval. One assigned program was removed from the proposed program list after a 90-day inactive period. The remaining eight proposed programs have not submitted all required documentation with the Letter of Intent.

Authority to Remove Board Approval for VN Schools:

BPC section 2883 provides:

“It shall be the duty of the board, through an official representative, to inspect or review all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the inspection or review shall be made to the board, which shall thereupon approve the schools of vocational nursing that meet the requirements provided by the board.

Upon receiving the report of the representative, if the board determines that any approved school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the approved list and notice thereof in writing given to it.:

Authority to Remove Board Approval for PT Schools:

BPC section 4532 provides:

“The board shall provide for the periodic inspection or review of all psychiatric technician schools in this state. Written reports of the inspection or review shall be made to the board, which shall then approve the psychiatric technician schools that meet the standards prescribed by it.

If the board determines from a report that any approved school is not maintaining its prescribed standards, it shall immediately give the school a notice in writing specifying the defect. If the defect is not corrected the board shall, after written notice, remove the school from the approved list.”

30. What are the board’s legal requirements regarding approval of international schools?

The Board has no legal authority to approve international schools.

Continuing Education/Competency Requirements

31. Describe the board’s continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department’s cloud?**

Licensees must complete 30 contact hours of CE every two years to renew their license with an active status. The 30-hour CE requirement does not apply to the first license renewal following the initial issuance of a license. However, if the license has been delinquent for more than one complete renewal cycle (i.e., more than 24 months) then CE is required.

The competency requirements for courses must be related to the scientific knowledge and/or technical, manual skills required for VN and/or PT practice; related to direct and/or

indirect client care; and provide learning experiences expected to enhance the knowledge of the VN or PT at a level above that required for initial licensure.

There have been no changes in the CE competency requirements since the last Sunset Report.

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

The BVNPT is authorized, but not required, to conduct CE audits of licensees. In 2019, 2.5 percent of the monthly renewing population were selected for audit. The Board mailed a letter requesting all documents related to the licensee's CE for that renewal period. The licensee had 30 days to comply. If they did not comply, a second letter via certified mail was sent, requesting the CE documents be submitted within 15 days of the second notice. If the licensee did not comply with the second notice, the file was turned over to the Enforcement Division. The Enforcement Division notified the licensee via certified mail that they were receiving a citation and fine for non-compliance. This process was also followed for licensees who did not change their address and the letter was returned. It should be noted that neither statute nor regulation specifically require the BVNPT to initiate or maintain any type of CE audit.

c. What are consequences for failing a CE audit?

The consequences for failing a CE audit include the licensee not having updated knowledge on their profession and incurring a monetary fine. Using the process described above, the Enforcement Division mails the licensee a certified letter explaining the citation and fine process for non-compliance.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

After BVNPT's CE Audit debacle of 2016, the Board embarked upon a carefully planned program, with a modest launch. After studying and planning a starting place, the Board began audits on June 3, 2019, auditing 2.5 percent of the renewal population for that renewal cycle, or 116 VN and 10 PT audit letters per month.

The Enforcement Division issued the following citation and fines:

- Psychiatric Technicians (PTs): 5 (\$1,850 total)
- Vocational Nurses (VNs): 47 (\$18,700 total)

In 2020, CE audits were suspended per the Governor's Executive Order N-39-20 which included a temporary waiver of the continuing education requirement for individuals whose active licenses expired between March 31, 2020, and June 30, 2020.

The Board plans to recommence CE Audits in 2024.

e. What is the board's CE course approval policy?

As specified in California Code of Regulations, title 16, sections 2540.3 (VN) and 2592.3 (PT), the BVNPT is authorized to approve providers and their continuing education courses for VNs and PTs who meet minimum application requirements and standards for course content, learning experiences and objectives, instructor qualifications, advertising, issuance of certificates and records retention. Approval of a continuing education course provider may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in its regulations.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The NECs approve CE providers and their courses. Individuals seeking approval as course providers are required to complete an application that identifies the initial course to be offered. That course must:

- Be related to the scientific knowledge and/or technical, manual skills required for VN and/or PT practice;
- Be related to direct and/or indirect patient/client care; and
- Provide learning experiences expected to enhance the knowledge of the VN or PT at a level above that required for initial licensure.

Additionally, the NECs analyze and evaluate these elements of proposed courses:

- **Course Description:**
Pursuant to regulatory requirements, each course must be related to the practice of VNs and/or PTs.
- **Learning Objectives:**
Providers are required to identify objectives for the proposed course that are clearly stated in measurable terms. Such objectives specify the learning standards students are expected to meet upon course completion.
- **Course Hours:**
The Provider must specify the number of theory and clinical hours to be awarded upon successful completion of the proposed course.
- **Evaluation Methodology:**
Providers are required to include the methodology by which the course and students are evaluated.
- **Textbooks or Required References:**
Providers are required to include the name of textbook or references material used for instruction of the course.

g. How many applications for CE providers and CE courses were received? How many were approved?

CE PROVIDERS

Year	New	Renewals	Total
2020	42	35	77
2021	16	40	56
2022	25	44	69
2023*	43	31	74

CE COURSES			
Year	New	Renewals	Total
2020	12	12	24
2021	18	25	43
2022	17	20	37
2023*	5	18	23

IV/BW/IV-BW PROVIDERS			
Year	New	Renewals	Total
2020	102	83	185
2021	32	85	117
2022	38	90	128
2023*	83	182	265

h. Does the board audit CE providers? If so, describe the board's policy and process.

The BVNPT does not audit CE providers.

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

The BVNPT has not reviewed the CE policy to move towards performance-based assessment of the licensee's continuing competence. Prior to 2021, the absence of a full complement of NECs hindered any attempt to focus on changes to the CE policy. The priority of staff time and resources since the Sunset Review in 2021 has been focused upon the new program application and approval processes. This issue may be addressed in the future now that the BVNPT has a dedicated SNEC and a full complement of NECs, and the approval process has been well established in the community.

The Education Division clarified and modernized the IV/BW and CE information on our website by giving clear instructions of how to go through the process smoothly including the process to become a provider. We are also modernizing the forms to comply with ADA standards and to comply with statutory changes related to fees.

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
Licensed Vocational Nurses	2 years	30	2.5 in FY 2019-20
Psychiatric Technicians	2 years	30	2.5 in FY 2019-20

Section 4 – Enforcement Program

32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

In May 2015, the BVNPT Enforcement Division implemented the use of performance measures as defined by the DCA's [Consumer Protection Enforcement Initiative \(CPEI\)](#). The performance measures focus on effective and timely investigation of complaints and adjudication of disciplinary actions. DCA developed the performance measures as a transparent system of performance measurement to facilitate stakeholder review of the Board's progress toward meeting its enforcement goals and targets.

Since the 2019 Sunset Report, the BVNPT's Enforcement Division has consistently met or exceeded the CPEI Performance Measurement targets in all established performance measures except for PM 4, average number of days to close cases transmitted to the Attorney General for formal disciplinary action. The staff has consistently worked with the Office of the Attorney General (OAG) to reduce the average cycle time for completion of these cases.

To support the continued improvement of case processing timeframes, the Enforcement Division implemented and expanded the Fast Track program with the OAG. Additionally, the Enforcement Division has been transmitting all formal discipline case referrals to the OAG using Cloud technology, which has a significant impact on several elements of the formal discipline process timeline, such as greater security of confidential case materials, improved case referral timelines, and decreased costs associated with transmission of formal discipline case referrals.

ENFORCEMENT DIVISION – PERFORMANCE MEASURES (IN DAYS)

PERFORMANCE MEASURE	DESCRIPTION	TARGET AVERAGE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
PM 2 Intake – Cycle Time	Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.	30	6	4	2	3
PM 3 Investigation – Cycle Time	Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation).	360	237	231	207	169
PM 4 Formal Discipline – Cycle Time	Average number of days to close cases transmitted to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).	540	785	847	787	754
PM 7 Probation Intake – Cycle Time	Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.	15	5	6	2	3
PM 8 Probation Violation Response – Cycle Time	Average number of days from the date of the violation of probation is reported, to the date the assigned monitor initiates appropriate action.	30	3	5	1	1

33. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The volume of enforcement investigations first assigned, closed, and pending at the close of the fiscal years remained consistent over the past three fiscal years. The Enforcement Division assigned an average of 2,045 cases to investigation and closed an average of 1874

cases by the close of each fiscal year. In addition, the number of investigations pending at the close of each fiscal year also remained consistent at an average of 1,002 cases, which is a drastic drop from the prior sunset reports average of 1,414.

More than 50 percent of the Enforcement Division investigation caseload is the reporting of arrests and/or convictions of applicants for licensure or licensees. A significant challenge in managing the processing timelines for these cases is the length of time between the arrest of the individual and the resolution of the matter in the criminal court system.

Strategic Plan

The Enforcement Division has been working on completing its portion of the BVNPT 2020-2025 Strategic Plan by working on several documents with the Enforcement Committee, as follows:

Outreach Plan

The BVNPT Enforcement Division created an [outreach plan](#) to ensure that licensees and applicants are educated prior to their inclusion in the enforcement process. The Enforcement Committee, who led this effort, is hopeful that this ensures consumer safety by having nurses and psychiatric technicians who understand what inappropriate behaviors are not acceptable and how to avoid them.

This outreach plan has successfully launched two Public Service Announcements (PSA). The first PSA, entitled [Mental Health in the Profession: Seeking Help and Knowing You're Not Alone](#), was created due to a noted increase in licensee mental health concerns during the pandemic. The second PSA, entitled [Substance Abuse in the Profession](#), was created to address the noted increase in licensees diverting medication, and substance abuse related criminal cases.

Both PSAs are sent out on a routine basis, to all licensees and consumers whose email addresses are on file. The PSAs are also distributed around specific times of year, where they might best address the concerns. An example of this is sending out the Mental Health PSA out during the holidays, when more mental health stress may occur.

In addition to the two PSAs, the Enforcement Division created an email reminder to all licensees about the dangers of intoxicated driving. This was inspired by a noted increase in intoxicated driving arrests on and around major holidays and appears to have resulted in fewer criminal cases.

Both the PSAs and the intoxicated driving reminder have been shared with the Education Division's approved school programs so that the programs can better educate their students about these issues prior to entering the profession as licensees. The Enforcement Division Chief attends all the Education Division's Director Forums, to provide Program Directors and their staff with suggestions and examples with which they can educate their students on the enforcement process, and hopefully, how to avoid it.

Knowledge Transfer

The Enforcement Division management has worked to ensure that the Division staff has onboarding and ongoing training and education to create efficiencies and streamline processes. Enforcement Managers routinely work cases to determine if there are any barriers to case completion, find potential efficiencies, and to ensure that managers have a clear understanding of the work that they oversee to better train and direct their teams.

The Board approved the [Enforcement Division Knowledge Transfer Plan](#), which articulates the work to ensure that all staff are properly and fully trained. This plan also ensures that as new staff are hired, or staff who have significant programmatic knowledge leave, that there is not a knowledge loss.

Due to the high level of knowledge that is needed to be a successful Enforcement Division staff member, the [Enforcement Division Overview](#) discusses the work from a higher level, to create a general overview understanding.. This will assist staff in seeing the “bigger picture” and help them understand how important their portion of the work is to consumer safety.

Routine Audits of Staff Performance and Workflow of Case Closure

The Enforcement Division conducts a weekly review of open cases, their license status, and the last time the case was worked. For cases controlled by the Enforcement Division, there are specific timeline expectations for each of the units.

For the Intake and Enhanced Screening Unit, which handles lower-level complaints, staff are expected to “work” a case at least every thirty days, and have cases completed within 120 days of receipt of the case. Any cases not meeting this timeline are discussed with the specific staff member(s), their manager, and the Enforcement Division Chief.

For the Licensee Applicant Case Review Unit (LACRU), which handles criminal cases, it is expected that staff will “work” their cases every 30 days, which will include checking the court website or working with District Attorneys to determine if charges will be filed. Cases are routinely reviewed by the Enforcement Division Chief to determine if there are other means that the Division can use to expedite the cases.

Enforcement Committee

Equity Training

Recently, the Committee requested that the Division staff participate in an equity training to protect against unconscious bias that can directly affect underprivileged communities, and in healthcare, their health. The Committee wanted to ensure that the Enforcement Division “are making the right decisions about licensees and applicants, for the right reasons.”

The entire Enforcement Division took the unconscious bias training together, and there was excellent feedback about it from managers and staff. The training allowed everyone to discuss their unconscious biases and look at things from a new perspective.

Committee Support of Initiatives

The Enforcement Committee Chair, Ken Maxey has been incredibly supportive and helpful in creating initiatives that support consumer safety. Mr. Maxey's role in the success of the Enforcement Division cannot be understated, and neither can his commitment to Diversity, Equity and Inclusion for our consumers, licensees and applicants.

Website Updates

The Enforcement Division has made changes to our website to ensure that we are properly supporting our licensees and protecting the consumers, which has decreased our call volume in the Enforcement Division, allowing staff to focus more of their time on case closures.

For Applicants

While the Enforcement Division is unable to tell someone in advance if their application will be approved, they have collected all of the applicable legal provisions and placed these resources on the [Applicant with a Criminal History](#) webpage.

For Licensees

The Enforcement Division has a robust website that explains the discipline process, and how an arrest can affect their license. There are also quick links for licensees to find the [Laws and Regulations](#) they are required to follow.

For Licensees on Probation

The Enforcement Division created a Frequently Asked Questions page, to help licensees on probation better understand their commitments. During a review of recent Petitions to Revoke Probation, it was noted that licensees on probation can struggle with meeting the requirement to practice for at least six months, while on probation. To help address this issue, links to resources such as the Employment Development Department's (EDD) website, locations of resource rooms with computers, and referrals to supportive services including childcare, housing and transportation assistance have been posted. Another online resource, [CalJOBS](#), that allows licensed professionals to search for jobs using their license by zip code, was also included. The BVNPT is confident that these resources are assisting licensees on probation in meeting their obligation to work in their licensed capacity.

Disciplinary Guidelines

The Enforcement Division has also been working on updating the Disciplinary Guidelines, to make it easier for the licensee on probation to understand the requirements, and to keep consumers safe. These Guidelines have not been updated in many years. The Board approved changes to the Guidelines effective August 25, 2023, and the package is currently pending review with the DCA prior to submission to the Office of Administrative Law.

For Consumers

To support complainants, we have clearly articulated the complaint investigation process on our website, including graphics. The website defines the types of findings a complaint can have, and examples of what an investigation with those types of findings might look like. This appears to have lowered our call volume and assisted consumers in better understanding the process. The Enforcement Division also added a list of [accusations filed by month](#), for interested consumers to review.

Table 9a. Enforcement Statistics			
	FY 2020-21	FY 2021-22	FY 2022-23
COMPLAINTS			
Intake			
Received	1,015	984	1,369
Closed without Referral for Investigation	378	207	191
Referred to INV	658	783	1,168
Pending (close of FY)	0	0	9
Conviction / Arrest			
CONV Received	1,135	863	1,039
CONV Closed Without Referral for Investigation	23	22	82
CONV Referred to INV	1,085	840	930
CONV Pending (close of FY)	0	0	9
Source of Complaint ³			
Public	646	478	648
Licensee/Professional Groups	577	347	542
Governmental Agencies	651	752	825
Internal	75	71	90
Other	1	4	32
Anonymous	200	195	271
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	2	2	2
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	11	4	6
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	7	3	4
INVESTIGATION			
Desk Investigations			
Opened	1,541	1,447	1,871
Closed	1,533	1,548	1,744
Average days to close (from assignment to investigation closure)	192	202	164
Pending (close of FY)	809	697	820
Non-Sworn Investigation			
Opened	141	165	341
Closed	208	119	326
Average days to close (from assignment to investigation closure)	399	225	129
Pending (close of FY)	69	85	101
Sworn Investigation			
Opened	150	91	162

³ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Closed	177	119	123
Average days to close (from assignment to investigation closure)	442	343	329
Pending (close of FY)	126	100	137
All investigations ⁴			
Opened	1,832	1,703	2,374
Closed	1,909	1,796	1,928
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	270	228	185
Average days for investigation closures (from start investigation to investigation closure)	258	226	182
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	535	440	403
Average days from receipt of complaint to investigation closure	260	227	182
Pending (close of FY)	1,046	892	1,070
CITATION AND FINE			
Citations Issued	148	93	134
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	408	353	323
Amount of Fines Assessed	\$103,033	\$63,383.00	\$77,312.00
Amount of Fines Reduced, Withdrawn, Dismissed	\$3,503	\$4,625.00	\$950.00
Amount Collected	\$86,373	\$39,652.00	\$46,707.00
CRIMINAL ACTION			
Referred for Criminal Prosecution	115	95	116
ACCUSATION			
Accusations Filed	174	192	183
Accusations Declined	7	6	4
Accusations Withdrawn	5	2	0
Accusations Dismissed	2	4	5
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	91	80	73
INTERIM ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Issued	1	1	1
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	0	0	0
Petition to Compel Examination Ordered	0	0	0
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)	221	206	223
AG Cases Pending Pre-Accusation (close of FY)	0	0	37

⁴ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

AG Cases Pending Post-Accusation (close of FY)	164	155	105
DISCIPLINARY OUTCOMES			
Revocation	97	79	89
Surrender	44	20	37
Suspension only	0	0	1
Probation with Suspension	0	0	0
Probation only	70	72	61
Public Reprimand / Public Reapproval / Public Letter of Reprimand	7	8	8
Other	4	2	4
DISCIPLINARY ACTIONS			
Proposed Decision	69	44	42
Default Decision	94	79	89
Stipulations	37	59	46
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	225	184	184
Average Days from Closure of Investigation to Imposing Formal Discipline	326	255	260
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	842	765	720
PROBATION			
Probations Completed	55	60	76
Probationers Pending (close of FY)	299	307	272
Probationers Told	25	26	25
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	56	32	26
SUBSEQUENT DISCIPLINE⁵			
Probations Revoked	24	17	9
Probationers License Surrendered	28	26	19
Additional Probation Only	14	13	8
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	2	2	3
SUBSTANCE ABUSING LICENSEES			
Probationers Subject to Drug Testing	174	148	163
Drug Tests Ordered	4659	3787	3892
Positive Drug Tests	481	240	308
PETITIONS			
Petition for Termination or Modification Granted	4	8	13
Petition for Termination or Modification Denied	3	1	5
Petition for Reinstatement Granted	42	43	47
Petition for Reinstatement Denied	17	20	9
DIVERSION			
New Participants	The BVNPT does not have		

⁵ Do not include these numbers in the Disciplinary Outcomes section above.

Successful Completions	A Diversion Program
Participants (close of FY)	
Terminations	
Terminations for Public Threat	
Drug Tests Ordered	
Positive Drug Tests	

Table 10. Enforcement Aging

	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	867	614	694	915	3,092	36%
91 - 180 Days	352	338	353	402	1,442	18%
181 - 1 Year	473	450	356	339	1,618	20%
1 - 2 Years	440	375	510	214	1,537	19%
2 - 3 Years	141	112	78	36	367	5%
Over 3 Years	21	20	18	24	81	1%
Total Investigation Cases Closed	2,294	1,909	1,796	1,928	7,927	
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	56	26	35	39	156	17%
1 - 2 Years	102	75	65	67	308	34%
2 - 3 Years	66	59	45	67	237	26%
3 - 4 Years	58	47	43	19	16	19%
Over 4 Years	0	15	6	9	30	3%
Total Attorney General Cases Closed	281	222	194	201	898	

34. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The following is a comparison of Attorney General case aging between FYs 2014-15 and 2015-16 as reported in the BVNPT 2016 Biennial Sunset Review Report and FYs 2016-17, 2017-18, 2018-19:

CASE AGING		
	FYs 2014-15 & 2015-16	FYs 2016-17, 2017-18 & 2018-19
Attorney General Cases	Average	Average
Closed Within:		
0 - 1 Year	1%	13%
1 - 2 Years	24%	37%
2 - 3 Years	35%	28%
Over 3 Years	40%	22%

Since the last Sunset Review, the percentage of Attorney General cases closed within the target average of 560 days (1 ½ years) increased. The BVNPT anticipates that the processing timelines for Attorney General cases will continue to improve as the aging backlog continues to decrease.

35. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)? If so, explain why.

The BVNPT's policy is consistent with DCA's [Complaint Prioritization Guidelines \(Guidelines\)](#). In May 2015, the Enforcement Division implemented the use of the CPEI case referral acceptance matrix in accordance with the Guidelines. In December 2017, the Guidelines were revised. The Enforcement Division continues to follow the Guidelines in prioritization of complaints. Specifically, the Enforcement Division prioritizes complaints as follows: Routine, High, or Urgent. Complaints prioritized as High or Urgent are referred to the DOI. Over the past three fiscal years, the Enforcement Division referred an average of 200 per year to the DOI for investigation.

36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Pursuant to [BPC section 801](#), insurers providing professional liability insurance to BVNPT licensees shall report any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, errors or omission in practice or by his or her rendering of unauthorized professional services.

[BPC section 802](#) requires uninsured licensees to report any settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused negligence, errors or omission in practice, or by his or her rendering of unauthorized professional services.

[BPC section 2878.1](#) mandates reporting by a VN of known violations of the Vocational Nursing Practice Act. [BPC 4521.2](#) mandates reporting by a PT of known violations of the Psychiatric Technician Law.

All licensees are required to disclose, at the time of license renewal all convictions since their last license renewal.

The OAG Bay Area Licensing team is currently working to increase communication with the county District Attorneys. This has assisted with Penal Code 23 cases, which are cases in which someone who has been issued a professional license has an order to suspend their

practice until the completion of their criminal case. This increase in communication has been beneficial to the Enforcement Division and consumer safety.

a. What is the dollar threshold for settlement reports received by the board?

[BPC section 802](#) requires uninsured licensees to report any settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused negligence, error or omission in practice, or by his or her rendering of unauthorized professional services.

b. What is the average dollar amount of settlements reported to the board?

The Board receives settlement information from the [National Practitioner Data Bank](#), managed by the [National Council of State Boards of Nursing](#). The data could not be converted to this report.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, entered into with licensees.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The Enforcement Division does not enter into stipulated settlements prior to the filing of an Accusation, Statement of Issues (administrative appeal of the denial of an application for licensure), and/or Petition to Revoke Probation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

Over the past four years, the BVNPT settled 565 cases, post-accusation, and 239 cases resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Over the past four years, the BVNPT settled forty-seven percent of all disciplinary cases (Accusations and Statement of Issues) and twenty percent resulted in a hearing. Thirty-three percent of all disciplinary cases resulted in the issuance of a default decision.

38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

No, the BVNPT does not operate with a statute of limitations.

39. Describe the board's efforts to address unlicensed activity and the underground economy.

Complaints alleging unlicensed activity are categorized as "High" according to the Guidelines, and these complaints are referred to the DOI for investigation. If investigation substantiates the allegation of unlicensed activity and it rises to the level of a criminal violation, the DOI may submit the case to the local District Attorney (DA) for criminal prosecution.

In cases where the DA declines to prosecute the criminal violations or the violations are less egregious such that criminal prosecution is not warranted, [BPC sections 125.9](#) and [148](#) provide statutory authority to issue a citation for unlicensed practice.

In conjunction with BPC sections 125.9 and 148, [CCR section 2523.3](#) provides the BVNPT with authority to issue a citation for unlicensed practice of vocational nursing and [CCR §2579.5](#) provides the BVNPT with authority to issue a citation for performing services for which licensure is required under the Psychiatric Technician Law. Unfortunately, since a citation is not considered formal discipline, the Enforcement Division is unable to deny an application based solely on a citation. It would increase consumer safety if there was a specific allowance for the Board to deny an application based on a citation issued for unlicensed activity.

Both [CCR sections 2523.3](#) (VN) and [2579.5](#) (PT) provide that each citation shall contain an order of abatement and specify that authorized sanctions shall be separate from, and in addition to any other civil or criminal remedies.

The Board's first [precedential decision](#) in which a Licensed Vocational Nurse performed treatments at a skin care salon and medical spa concluded that the Licensed Vocational Nurse could not administer Botox, Juvederm, and Kybella injections, perform platelet rich plasma therapy, vitamin drips or skin growth removal procedures, or inject glutathione since of all these procedures are beyond their scope of practice.

Using this decision, the Enforcement Division reached out to the [Governor's Office of Business and Economic Development](#) (GO-Biz) as owners of medical spas or other related businesses may reach out to them for COVID relief funds. Furthermore, GO-Biz has a much larger social media presence. The Enforcement Division reached also out to business associations in Southern California, Sacramento, and the Bay Area as medical spas are predominantly in these areas. Additionally, Medical Spa Associations were contacted and informed of the decision.

The Enforcement Division also emailed every person on our subscription list, which at the time was 3,565 licensed vocational nurses, psychiatric technicians, educators, and other interested parties. While BVNPT cannot directly connect this outreach to the result, staff has noted an increase of complaints relating to LVN's offering these services, which are beyond their scope of practice.

In 2023, the Board met with the [Board of Barbering and Cosmetology](#) to discuss the potential overlaps in licensing populations that may be violating both Boards' scope of practice. This partnership has helped to accelerate the process and remove bad actors from the public. The Board also met with [Board of Barbering and Cosmetology](#) and the [Medical Board of California](#) to discuss best practices, potential investigative avenues, and public education opportunities.

Cite and Fine

40. Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The Citation (Cite) and Fine Program is an efficient and cost-effective mechanism to educate and obtain compliance from licensees who violate the Vocational Nursing Practice Act or the Psychiatric Technicians Law. The Cite and Fine Program provides an alternative to formal discipline for those cases where a violation is substantiated and warrants more than a Notice of Warning but does not rise to the level of formal disciplinary action. A citation and fine is not a disciplinary action; however, it is subject to public disclosure in accordance with the California Public Records Act.

There have been no changes to the regulations related to citation and fine since the BVNPT 2019 Biennial Sunset Review Report.

CCR sections 2523.2 (VN) and 2579.4 (PT) set forth the classes of violations as Class A, Class B, or Class C and the authorized fine range for each class as well as the factors to determine the class violation. CCR sections 2532.3 (f) and 2579.4 (f) each state "Notwithstanding the administrative fine amounts specified in subsections (d) and (e), a Class B or Class C citation may include a fine of no more than \$5,000..." if one or more of listed circumstances apply.

Further, CCR sections 2523.2 (VN) and 2579.4 (PT) each state "The fine for each Class 'A' violation shall not exceed \$10,000 per violation." A Class 'A' violation is defined as the failure of an employer to report to the Board the rejection from assignment, suspension, termination, or resignation for cause of a licensed vocational nurse or psychiatric technician.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

The BVNPT uses cite and fine as an efficient, cost-effective mechanism to address less egregious violations of the Vocational Nursing Practice Act and Psychiatric Technicians Law. In addition, the issuance of cites and fines is effective in educating and obtaining compliance from licensees.

Citations are issued for less serious violations involving matters including, but not limited to failure to report a change of address, some criminal convictions, documentation errors, and other issues that do not rise to the level of an administrative action.

The BVNPT recently issued its first citation to a provider agency for failing to report the serious injury to a child by a licensed vocational nurse. It appears that this has prompted the agency to report concerns in a timely manner, and to report all concerns.

42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

The BVNPT does not have a Disciplinary Review Committee. Appeals are handled at the informal level by the Discipline Unit manager, and at a formal level by referral to an Administrative Law Judge (ALJ) for hearing and proposed decision and then sent to the Board for action on the proposed decision.

Fiscal Year	Number of Informal Office Conferences	Number of Administrative Appeals
2019-2020	9	17
2020-2021	8	9
2021-2022	3	4
2022-2023	3	3

43. What are the five most common violations for which citations are issued?

Type of Citation	Average Issued Over Last 3 Years
Arrest - Alcohol	127
Other	28
Unlicensed Practice	20
Arrest - Other	20
Falsify Medical Records	15

44. What is average fine pre- and post- appeal?

Average citation fines pre- and post- appeal				
	FY 2019-20	FY 2020-2021	FY 2021-22	FY 2022-23
# Citations issued	111	148	93	134
Total fine amount issued (pre-appeal)	\$67,170	\$103,033	\$63,383	\$77,312
Average fine amount issued (pre-appeal)	\$605	\$696	\$682	\$577
Total appeal reductions	\$4,599	\$3,503	\$4,625	\$950
Total fines after reductions (post-appeal)	\$62,571	\$99,530	\$58,758	\$76,362
Average fine amount (post appeal)	\$564	\$672	\$632	\$570

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The BVNPT uses the [Franchise Tax Board \(FTB\) Interagency Intercept Program](#) to collect outstanding fines associated with citations issued to both licensed and unlicensed individuals. In accordance with the Intercept Program, three Demand for Payment notices are issued and, if compliance is not obtained, the matter is referred to the Intercept Program for collection via the individual's tax refund. As this process requires a social security number, in instances where the Enforcement Division does not have an individual's social security number, the outstanding fine may be deemed uncollectable.

Cost Recovery and Restitution

46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

BPC section 125.3 authorizes the BVNPT to request reimbursement for reasonable costs incurred as the result of investigation and prosecution of an administrative disciplinary matter. All costs recovered are deposited into the Enforcement Division Reserve Fund.

The BVNPT seeks cost recovery in all cases where it is authorized. Cost recovery is a standard term of probation in the Disciplinary Guidelines and is sought whether the matter is resolved through stipulated settlement or issuance of a Proposed Decision by an Administrative Law Judge after an administrative hearing.

The Enforcement Division may negotiate to reduce costs as incentive to reach a stipulated settlement. This strategy is beneficial for all parties involved as it reduces adjudication costs and processing timelines. Settlement also provides for greater public protection as the matter is resolved more expeditiously.

As with any other disciplinary decision, the Board members must consider and vote to adopt all stipulated settlements before they become effective.

In matters that result in revocation or voluntary surrender of a license, the individual may petition for reinstatement of the license after a statutorily established waiting period.

The Board recently approved its third [precedential decision](#), related to cost recovery. The decision states, in part, that a cost reimbursement award should not ordinarily be made payable only upon reinstatement particularly where, as here, the award has already been reduced due to the present inability to pay the full amount of the reasonable investigation and enforcement costs in the case.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

See Table 11. The Enforcement Division believes that much of the cost recovery ordered will be uncollectable in matters that result in revocation of licensure. It should be noted that the Enforcement Division does use the FTB Intercept program.

48. Are there cases for which the board does not seek cost recovery? Why?

The Administrative Procedures Act (APA) does not provide for cost recovery in cases where an applicant appeals the denial of an application for licensure. Therefore, the BVNPT does not seek costs recovery in cases where a Statement of Issues is filed.

49. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

Where a license has been revoked or voluntarily surrendered, in accordance with FTB Intercept Program requirements, the Enforcement Division issues three Demand for Payment notifications and if compliance is not obtained, the matter is referred to the Intercept Program for collection via the individual's tax refund.

50. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The BVNPT does not engage in efforts to obtain restitution for individual consumers. However, in cases where the subject of a board disciplinary action has made restitution, the restitution is considered as a mitigating factor in considering any potential stipulated settlement.

Table 11. Cost Recovery¹				
	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Total Enforcement Expenditures	\$6,775,000	\$7,577,000	\$7,967,000	\$7,313,000
Potential Cases for Recovery *	284	222	194	201
Cases Recovery Ordered	284	222	194	201
Amount of Cost Recovery Ordered	\$897,022.44	\$982,499.39	\$1,009,780.03	\$752,199.58
Amount Collected	\$241,067.50	\$30,191.12	\$48,226	\$26,346.86
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

¹ Cost recovery may include information from prior fiscal years.

Section 5 – Public Information Policies

51. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The BVNPT posts its agendas online ten days in advance of meetings, per the Bagley-Keene Open Meeting Act. The draft (unapproved) minutes are included in the meeting packet for action at the next Board meeting, and when finalized, archived with the applicable meeting agenda. In other words, the draft minutes of a February Board meeting are in the May Board agenda packet and following the minutes' approval at the May meeting, the finalized minutes are appended to the archived February agenda. These archived materials are available online for five years and upon request. The BVNPT reserves the right to charge a small fee for providing copies.

The BVNPT posts other important information on its website, including announcements, information for licensees and stakeholders, nursing education program information, and enforcement information.

It is important to note that like all state entities, the BVNPT must ensure that its online content is compliant with the Americans with Disabilities Act (ADA) and some archived materials may no longer be available at this writing. New materials, especially those with complex images and tables, may not be posted immediately.

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board webcasts most of its regular meetings and posts the recorded meetings on YouTube, but occasionally has scheduling conflicts with other DCA webcast schedules. Meeting locations that can accommodate the large Board meetings in webcast and hybrid formats are limited. The intent is to webcast all public meetings. Like the minutes, the webcasts are posted with the applicable agenda and available a week after the meetings.

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

The Board approves a biennial meeting calendar and posts it online at www.bvnpt.ca.gov

54. Is the board's complaint disclosure policy consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure? Does the board post

accusations and disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)?

The BVNPT's complaint disclosure policy is consistent with the DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. California Code of Regulations sections 2524.5 (VN) and 2579.20 (PT), operative June 3, 2012, outlines the disclosure of complaint and disciplinary action information under the Public Records Act, Government Code section 6250 et seq. Further, the BVNPT posts all accusations and disciplinary actions to the respective licensee record through the BreEZe online license verification system.

55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

Consumers can access VN and PT licensing records online via DCA's BreEZe portal. BVNPT's website has a link to BreEZe and instructions on checking licenses and filing complaints. The licensee information includes issuance date, expiration date, name, license type, primary status, secondary status (i.e., probation) qualification (IV/BW), disciplinary actions, and public record actions that includes case number, document type and when the document was posted.

56. What methods are used by the board to provide consumer outreach and education?

The BVNPT relies on several methods for consumer outreach and education. First, if education-related information needs to be disseminated, the NECs send an email blast to the education program directors. If the BVNPT needs information, the NEC's survey the education program directors. This two-way communication is effective yet only reaches a small audience.

The BVNPT established social media accounts in March 2019 on Facebook and Twitter. So far, we depend upon the main website and word of mouth.

Both the Enforcement and Education Divisions worked with DCA's media office and produced YouTube videos. The Enforcement posted Public Service announcements for our licensees, discussing suicide prevention and substance abuse awareness. The Education Division is currently working on a video to present information on how to select the nursing education program that best fits an individual's needs. In addition, the Education Division has posted the recorded webinars about the new program application process and the regular Program Directors' Forums.

Online Practice Issues

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

This issue does not affect the BVNPT as our licensees do not practice independently.

Section 7 – Workforce Development and Job Creation

58. What actions has the board taken in terms of workforce development?

The BVNPT supported DCA's Earn and Learn project in 2018 and 2019. This project, responding to AB 2105 (Rodriguez, 2016), directed DCA to engage in a stakeholder process to update policies and remove barriers to licensure, including the facilitation of Earn and Learn training programs. BVNPT participated in discussions aimed at identifying and reducing the shortages in the nursing and mental health workforce. The final report is posted on DCA's website.

The Education Division invites current and prospective program leaders to webinars and forums to provide training, updated information on policies and procedures, and networking opportunities.

More recently, staff has met with education community and employee organization representatives to discuss issues that have been affecting the supply and demand for seats at the schools, and the future job market.

59. Describe any assessment the board has conducted on the impact of licensing delays.

The BVNPT has not conducted a specific assessment or analysis on the impact of licensing delays in the past three years. BVNPT has continued to show strong performance in processing times and customer service. We attribute this progress to the strong internal management and ongoing training. While the Licensing Division staff has been chronically understaffed since the last Sunset Review, there has not been a significant deterioration in the processing and customer services.

60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The BVNPT conducts semiannual forums for the Directors and staff of VN and PT programs. These forums present new information on processes and requirements and provide tutorials and other information to help the programs. One powerful example of the efficacy of this forum is the usage of the cloud storage technology for schools. In February 2018, only six schools utilized this technology to upload their school and graduation information to the BVNPT Evaluators. By mid-2019, nearly all schools use it. This contributed to the sharp reduction in processing time. Information is received by the BVNPT in one transmission, immediately and completely.

61. Describe any barriers to licensure and/or employment the board believes exist.

The BVNPT considers cost of and access to the education programs to be one of the most critical barriers to licensure.

Currently, more than 60 percent of the VN programs in California are private for-profit institutions and charge upwards of \$35,000 for a program that generally takes slightly over a year to complete. Most of these programs are well-run and produce skilled healing arts professionals. Unfortunately, there are no guidelines or criteria driving what a school may charge a student, and the value may be inconsistent from school to school.

The remaining programs are run through public education systems, most notably the California Community Colleges. These excellent programs charge much less than their private counterparts, but their enrollment is much smaller, and qualified students must either wait or apply to another costlier program.

62. Provide any workforce development data collected by the board.

N/A

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

Since 2021, the BVNPT's focus has been placed upon the mission of increasing the number of prelicensure training programs throughout the state and has encouraged potential applicants to consider new programs in underserved areas of the state.

As stated earlier, the cost of the programs can be a significant barrier to individuals from these communities. The BVNPT supports the earn and learn concept, although these opportunities are somewhat scarce. The BVNPT also supports increasing the number or capacity of less costly public programs, and incentive programs like loan forgiveness for public service.

Section 8 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

The BVNPT is in full compliance with the Uniform Standards for Substance Abusing Licensees. The EO participated in the 2018 Substance Abuse Coordinating Council, convened by DCA in compliance with SB 796 (Hill, Chapter 600, Statutes of 2017). The Council was charged with reviewing Uniform Standard #4 related to drug testing and determining whether the standard should be updated.

Currently, the Board is updating its Disciplinary Guidelines and will move the new Guidelines through the rulemaking process in 2024.

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The BVNPT implemented the use of the CPEI case referral acceptance matrix in May 2015. Implementation required an analysis of the case intake process and resulted in significant changes to the process.

66. Describe how the board is participating in development of BreZE and any other secondary IT issues affecting the board.

The BVNPT participates in the BreZE Licensing, Enforcement, Cashiering and Reports user group sessions. The user groups are a collaboration of staff of boards and bureaus to discuss issues and potential solutions to the BreZE system. We were invited and participated in a select group of boards and bureaus to evaluate potential product updates to the BreZE system.

Section 9 – Board Actions and Responses to COVID-19.

67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.

The BVNPT worked cooperatively with the schools and programs to ensure that they could continue to educate future nurses and psychiatric technicians, but within the cautions from

the Centers for Disease Control and state and county Public Health authorities. Generally, this included teaching classes online, and providing some flexibility in the administration of clinical assignments. These policies did not require statutory or regulatory authority.

Section 10 – Board Action and Response to Prior Sunset Issues

RESPIRATORY CARE FUNCTIONS. The BVNPT was working with the Respiratory Care Board on a scope of practice issue, but progress has stalled at the regulatory level. Should VNs be authorized to care for ventilated patients and adjust ventilators? Should PTs also be allowed?

2021 Staff Recommendation: The BVNPT should continue to work with the Committees, the Respiratory Care Board, and stakeholders to determine the necessary clarifications surrounding the care of ventilated patients, including distinctions between home care and other settings.

Status 2023: At their October 24, 2023 meeting, the Respiratory Care Board (RCB) authorized their staff to seek an author for legislation. The Board briefly discussed the concepts driving this language last year, which would seek to implement the Legislature’s directions from SB 1436 (Chapter 624, Statutes of 2022).

SB 1436 allowed the Respiratory Care Board (RCB) to identify the basic respiratory tasks and services that could be safely delivered by licensed vocational nurses (LVNs). Although the bill carved out specific home health care services, other licensed “home and community based” facilities and patients would not have been covered, placing individuals at risk of being re-institutionalized and/or losing access to daily living services. This new proposed legislation seeks to expand upon this.

While their current proposal makes good progress in BVNPT’s perspective, there are still concerns that we hope to be able to resolve before staff will present an analysis and recommendation for a position.

Issue #1: The LVN scope of practice has always been the same in any setting. All licensees currently have the same opportunity for training and Continuing Education courses acknowledged by the BVNPT. We absolutely support the need for consistent training in this very important patient care area, but we are against specifying particular healthcare settings they can practice in after training.

Issue #2: BVNPT does not agree with the RCB definition of basic respiratory care services. For example, basic respiratory assessment, tracheal suctioning, removal, cleaning, and replacement of inner cannula, and chest auscultation are all learned in the VN program. To remove these areas within the LVN curriculum is to reduce the California LVN scope of practice. This could result in fewer professionals to perform these tasks at the facilities that are not in the proposed language. The RCB had proposed rulemaking

last year to set this definition, with which the BVNPT expressed concerns. We hoped to present these concerns at a public hearing, but this has not yet been scheduled. RCB must still promulgate regulations, and this will most likely happen next year.

Issue #3: We appear to have differences in the definition of basic assessment. An LVN's basic assessment is gathering and reporting data, not developing a plan of care based on the collected data and certainly not initiating action.

Staff hopes to work with RCB as they proceed with this bill and looks forward to working with RCB and stakeholders to develop training policies and resources going forward. It is possible that staff will need to address this with the Board before the regularly-scheduled meeting in February. BVNPT hopes that this progress will continue to the topic of mechanical ventilators.

Discussions have been limited to the roles and training of LVNs. BVNPT also hopes to address the roles and training of the PTs regarding respiratory care functions and mechanical ventilators with the RCB in the near future. The BVNPT does not, at this time, suggest any statutory changes in this area, although some clarifications of the language in the regulations pertaining to the scope of practice to ensure consistency is under discussion.

INDEPENDENT CONTRACTORS. Does the new test for determining employment status, as prescribed in the court decision *Dynamex Operations West Inc. v. Superior Court*, have any unresolved implications for BVNPT licensees working as independent contractors?

Status 2023: Prior to this Sunset report, the Board did not have official discussions on Dynamex, as our licensees practice under the supervision and direction of a physician or registered nurse at medical facilities, for home health providers or in other healthcare settings where they are considered employees, not independent contractors, including work for licensed naturopathic doctors.

This issue has recently emerged as a concern to the BVNPT, as the Board has received reports of temporary job posting services recruiting LVNs and assigning them to shifts without verifying that there is correct supervision onsite and have compensated them as 1099 independent contractors. The Board has started some investigations and had some internal discussions and communications with the Department of Industrial Relations.

PROGRAM APPROVAL FEE. The BVNPT currently expends significant resources on the approval of VN and PT educational programs but does not charge a fee. Should the BVNPT be authorized to charge fees for program approval, and if so, what amounts?

Status 2023: The BVNPT's 2021 Sunset Renewal Bill, AB 1536, authorized a fee structure for new and continuing program approvals, commencing January 1, 2022. This new fee structure, coupled with the revised program approval processes, helped establish an understanding of the work that the NECs provide to programs. However, the new structure does not include a fee for programs placed on provisional approval, which is a time-intensive process. The overall fees are

much lower than those assessed by the Board of Registered Nursing, and do not defray the entire cost that the BVNPT incurs. In the meantime, the BVNPT increased licensee and CE provider fees to the statutory limits to ensure the Board's solvency. The BVNPT recommends an in-depth revenue study to determine an appropriate and sustainable revenue structure as soon as there is adequate data regarding the impact of all the recent fee changes.

MEDICAL SPAS. The BVNPT reports an increase in the improper provision of dermatological procedures by VNs in medical spas. Are there changes needed to ensure patient safety and the proper delegation of procedures?

2021 Staff Recommendation: The BVNPT should discuss any ambiguities in the training and scope of VNs relating to cosmetic and dermatological procedures, its partnership with the Medical Board of California in investigating physician supervision issues, and whether there are changes needed to prevent consumer harm.

Status 2023: The Board adopted a Precedential Decision regarding improper dermatological procedures by VNs in medical spas, which allows us to act upon similar complaints going forward. This decision was narrowly tailored and would not be applicable to new cases unless they are circumstantially similar. Chapter 713 of the Statutes of 2022 (SB 994, Jones), which authorized licensed Naturopathic Doctors to direct and supervise LVNs, codified the meat of the precedential decision but has not yet been placed in regulations.

SB 994 has the potential to increase the risk of LVNs exceeding their scope, as naturopathy is such a new field and not included in the basic prelicensure training program curriculum. Many naturopathic clinics operate in conjunction with medical spas. The BVNPT will continue to work with the Naturopathic Medicine Board and will be developing regulations in 2024.

In 2023, the BVNPT started working in partnership with the Barbering and Cosmetology Board to address practitioner complaints that overlap the two Boards' jurisdictions. This grew to include other healing arts boards in discussions of how to ensure that the care and services performed in medical spas and similar facilities are legitimate procedures, performed in safe facilities, by appropriate personnel.



Section 11 – New Issues

NOTE: Suggested statutory changes below are all in the Vocational Nursing Practice Act. Once language is finalized, it will be applied in the Psychiatric Technician Law.

TECHNICAL CHANGES

The following suggested amendments are aimed at clarifying current statute and increasing Board efficiency. The first would strengthen the Board's stability and leadership. The second ensures that the Board has an accurate accounting of these funds each year and prevents the time-intensive tasks for the Board, the Department and the State Controller's Office to reopen prior fiscal years.

AMENDMENT 1: Biennial Board Elections

CURRENT LANGUAGE

2846.

The board at its first meeting after appointment, and annually thereafter at its first meeting in each year, shall elect from its members a president, vice president, and such other officers as it may deem necessary. The officers of the board shall hold their respective positions during its pleasure.

SUGGESTED AMENDMENT

2846.

The board at its first meeting after appointment, and **biennially** ~~annually~~ thereafter at its first meeting in **every second** ~~each~~ year, shall elect from its members a president, vice president, and such other officers as it may deem necessary. The officers of the board shall hold their respective positions during its pleasure.

AMENDMENT 2: Timely Processing of Per Diem and Reimbursement Requests

CURRENT

LANGUAGE

2855.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

SUGGESTED AMENDMENT

2855.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

2855.1

The Board must process all requests for per diem and reimbursement of expenses no later than the close of the fiscal year in which the expenses were incurred.

TIME LIMIT FOR LICENSING EXAMINATION

Currently, an applicant may apply to take the NCLEX or CAPTLE examination indefinitely, as long as they are current on the application fees. California is one of the few states that does not place a reasonable limit on either the number of allowed retakes or the length of time after graduation that an individual may apply to take the NCLEX. An applicant's skills and knowledge decrease sharply after they complete the training programs, and their possible success taking the NCLEX decreases similarly. Schools and programs are held accountable for the rate of NCLEX passage for their graduates. Many provide assistance but are not always able to contact individuals who graduated more than a few years ago, especially if the program has changed ownership and/or management. Establishing a reasonable time limit for an individual to test before being required to enroll in remedial courses would save the Board staff time and resources.

The Board of Registered Nursing may wish to be included in this legislation.

AMENDMENT 3: Time limit for NCLEX retakes

CURRENT

LANGUAGE

2871.

Any applicant who fails to pass the first examination may take a second examination upon payment of the fee required by this chapter.

SUGGESTED AMENDMENT

2871.

Any applicant who fails to pass the first examination may take a second examination upon payment of the fee required by this chapter.

2871.1

An applicant may not renew their application for authorization to take the examination after five years from the date of their first authorization without proof of successful completion of a remedial course at a board-approved program.

ALTERNATE PATHWAYS TO LICENSURE

Currently, individuals who do not graduate from California-approved prelicensure training programs or have military training may apply to take the NCLEX via Method 3 (education and experience) or Method 5 (experience only, plus a pharmacology course) These applications take a great deal more time to process, as the documentation required from the applicants is substantial and detailed. Applicants are also often confused about the alternate methods to successfully apply to take the NCLEX.

Of late, there have been businesses purporting that they can help a Certified Nursing Assistant become an LVN in one year; something that cannot be guaranteed. This suggested clarification would help to ensure that applicants apply under the correct methodology and are protected from paying for non-approved programs and services. The Board is also evaluating better forms of documentation verification and may consider regulatory language.

AMENDMENT #4: Alternate Pathways to Licensure

CURRENT LANGUAGE

2873.

Any person possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that the person successfully demonstrates to the board that the person possesses the necessary qualifications, and successfully passes the examinations or tests as may from time to time be required by the board.

SUGGESTED LANGUAGE

2873.

(a) Any person possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that the person successfully demonstrates to the board that the person possesses the necessary qualifications, and successfully passes the examinations or tests as may from time to time be required by the board.

(b) All applicants must successfully complete a 54-hour pharmacology course from an approved Continuing Education Provider or Approved Program.

(c) Education, for the purpose of consideration for licensure, is defined as coursework exclusive of pharmacology, that is successfully completed at an approved school of vocational or registered nursing.

(d) Falsification of any documents submitted as part of an application may result in permanent disqualification.

PROGRAM FEES

The Board appreciated the Legislature's authorization in 2021 for the current fee structure. These suggested changes would amend the existing structure to accommodate a Provisional fee, increase the levels of the existing approval fees, and create a sliding scale fee for continued

program approval. These changes would bring the Program Fee Schedule closer to the actual Board expenses in regulating and approving programs.

AMENDMENT 5: Adjust School Program Fee Schedule

CURRENT LANGUAGE

2881.2

b) A school or program of vocational nursing seeking approval by the board shall remit to the board for deposit in the Vocational Nursing and Psychiatric Technicians Fund fees in accordance with the following schedule:

(1) The nonrefundable initial application fee shall be in an amount equal to the reasonable costs incurred by the board in reviewing and processing the application up to five thousand dollars (\$5,000).

(2) (A) Except as provided in subparagraph (B), the final approval fee shall be in an amount equal to the reasonable costs incurred by the board in the application approval process up to fifteen thousand dollars (\$15,000).

(B) The final approval fee for an applicant program that meets all of the following criteria shall be an amount equal to the reasonable costs incurred by the board in the application approval process up to five thousand dollars (\$5,000):

(i) The program is affiliated with an approved school or program that is in good standing.

(ii) The program utilizes the curriculum and policies approved by the board for the approved school or program.

(3) The continuing approval fee shall be an amount equal to the reasonable costs incurred by the board in providing oversight and review of a school or program up to five thousand dollars (\$5,000) once every four years.

SUGGESTED AMENDMENT

2881.2

b) A school or program of vocational nursing seeking approval by the board shall remit to the board for deposit in the Vocational Nursing and Psychiatric Technicians Fund fees in accordance with the following schedule:

(1) The nonrefundable initial application fee shall be in an amount equal to the reasonable costs incurred by the board in reviewing and processing the application up to ~~fifteen~~ five thousand dollars **(\$15,000)**.

(2) (A) Except as provided in subparagraph (B), the final approval fee shall be in an amount equal to the reasonable costs incurred by the board in the application approval process up to ~~twenty-five~~ ~~fifteen~~ thousand dollars **(\$25,000)**.

(B) The final approval fee for an applicant program that meets all of the following criteria shall be an amount equal to the reasonable costs incurred by the board in the application approval process up to ~~fifteen~~ ~~five~~ thousand dollars **(\$15,000)**:

(i) The program is affiliated with an approved school or program that is in good standing.

(ii) The program utilizes the curriculum and policies approved by the board for the approved school or program.

(3) **(A)** The continuing approval fee shall be an amount equal to the reasonable costs incurred by the board in providing oversight and review of a school or program up to ~~fifty~~ ~~five~~ thousand dollars **(\$50,000)** once every four years, assessed on a sliding scale.

(B) The continuing approval fee schedule shall be based upon the school's annual enrollment, as follows:

(i) For programs with an annual enrollment between 1-35: ten thousand dollars (\$10,000)

(ii) For programs with an annual enrollment between 36-100: twenty-five thousand dollars (\$25,000)

(iii) For programs with an annual enrollment between 101-200: thirty five thousand dollars (\$35,000)

(iv) For programs with an annual enrollment in excess of 201: fifty thousand dollars (\$50,000)

(C) Should a program increase its total annual enrollment in an amount that places it in the next level, the program shall be assessed a prorated sum based upon the new enrollment for the number of years remaining in the program's approval cycle.

(4) The nonrefundable fee for schools placed on Provisional Approval shall be in an amount equal to the reasonable costs incurred by the board in providing oversight and review of a school or program up to ten thousand dollars (\$10,000) for every twelve month period that the program remains on Provisional Approval, in addition to the regularly-scheduled continuing approval fee assessed once every four years.

HOURS OF INSTRUCTION

California's regulatory requirements for the hours of instruction are significantly higher than other states. It has been suggested that this can create a barrier to licensure for some. This suggested change will allow the Board to adjust or refocus the required hours to reflect new developments and needs in the field, as well as examining the equity of the Board's requirements.

AMENDMENT 6: Required Hours of Instruction

CURRENT LANGUAGE

2881.

An approved school of vocational nursing is one which has been approved by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, gives a course of instruction in vocational nursing of not less than 1,530 hours or 50 semester units approved by the board pursuant to Section 2882 whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions and is affiliated or conducted in connection with one or more hospitals.

One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time.

SUGGESTED AMENDMENT

2881.

An approved school of vocational nursing is one which has been approved by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, gives a course of instruction in vocational nursing of not less than **the required number of hours of instruction determined by the Board** ~~1,530 hours or 50 semester units approved by the board~~ pursuant to Section 2882 whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions and is affiliated or conducted in connection with one or more hospitals.

One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time.

PROGRAM APPROVAL PROCESS

These suggested changes would clarify the language enacted by AB 1536, aiding in better efficiency for the process.

AMENDMENT 7: Program Approval Process

CURRENT LANGUAGE

2881.2.

(a) The approval process for a school or program shall be consistent with the following timelines:

(1) (A) Upon receipt of a letter of intent to submit an application for approval as a school or program of licensed vocational nursing, the board shall notify the proposed school or program of the steps in the approval process and provide an estimated wait time until active assignment to a nursing education consultant.

(B) Upon active assignment of a nursing education consultant, the school or program shall submit an initial application for approval within 60 days.

(2) (A) Within 30 days of the date the board receives an initial application for approval, the board shall notify the school or program whether the application is complete.

(B) A notice that an initial application is not complete shall specify what additional documents or payment of fees the school or program is required to submit to the board to make the application complete.

(3) Within 60 days from the date the board notifies the school or program that the initial application is not complete, the school or program shall provide the missing information. If a school or program fails to submit the required information, the board shall take the application out of consideration consistent with subdivision (c) of Section 2881.3. The board may provide a school or program with an additional 30 days to complete its application.

(4) Within six months of the date the board receives an initial application for approval as a school or program, the board shall approve the school or program, deny approval, or notify the school or program that corrective action is required.

SUGGESTED AMENDMENT

2881.2.

(a) The approval process for a school or program shall be consistent with the following timelines:

(1) (A) Upon receipt of a **complete** letter of intent to submit an application for approval as a school or program of licensed vocational nursing, the board shall notify the proposed school or program of the steps in the approval process and provide an estimated wait time until active assignment to a nursing education consultant.

(B) A vocational nursing school or program, who fails to submit a complete letter of intent within 30 days from the date the Board notifies the school or program of

deficiencies, shall be taken out of consideration for a new program and may only reapply after six months.

~~(B)~~ (C) Upon active assignment of a nursing education consultant, the school or program shall submit an initial application for approval within 60 days.

(2) (A) Within 30 days of the date the board receives an initial application for approval, the board shall notify the school or program whether the application is complete.

(B) A notice that an initial application is not complete shall specify what additional documents or payment of fees the school or program is required to submit to the board to make the application complete.

(3) Within 60 days from the date the board notifies the school or program that the initial application is not complete, the school or program shall provide the missing information. If a school or program fails to submit the required information, the board shall take the application out of consideration consistent with subdivision (c) of Section 2881.3. ~~The board may provide a school or program with an additional 30 days to complete its application.~~

AMENDMENT 8: List of Inactive Programs

CURRENT LANGUAGE

2881.3. (a) The board shall maintain a list of inactive vocational nursing schools and programs seeking board approval.

(b) A vocational nursing school or program seeking board approval shall respond to the board within two weeks of each inquiry or request during all phases. A school or program that does not respond within two weeks, or fails to pay the required fees, shall be designated as inactive.

(c) A vocational nursing school or program seeking board approval that remains on the inactive list for 90 days shall be taken out of consideration for a new program and may only reapply after six months.

SUGGESTED AMENDMENT

2881.3.

(a) The board shall maintain a list of inactive vocational nursing schools and programs seeking board approval.

(b) A vocational nursing school or program seeking board approval shall respond to the board within two weeks of each inquiry or request during all phases **of the application process.** A school or program who submits an initial application for approval that does not respond within two weeks or fails **to submit the required documentation within the allotted time** or fails to pay the required fees, shall be designated as inactive.

(c) A vocational nursing school or program seeking board approval that remains on the inactive list for 90 days, **who fails to submit the required documentation within the allotted time or fails to pay the required fees,** shall be taken out of consideration for a new program and may only reapply after six months.

PROGRAM REGULATION AND OVERSIGHT

This suggested change will ensure that programs address their statutory and/or regulatory violations in a timely manner.

AMENDMENT 9: School Cite and Fine Authority

CURRENT LANGUAGE

2883.

It shall be the duty of the board, through an official representative, to inspect or review all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the inspection or review shall be made to the board, which shall thereupon approve the schools of vocational nursing that meet the requirements provided by the board.

Upon receiving the report of the representative, if the board determines that any approved school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the approved list and notice thereof in writing given to it.

SUGGESTED AMENDMENT

2883.

(a) It shall be the duty of the board, through an official representative, to inspect or review all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the inspection or review shall be made to the board, which shall thereupon approve the schools of vocational nursing that meet the requirements provided by the board.

(b) Upon receiving the report of the representative, if the board determines that any approved school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be **issued a citation and assessed a fine.** ~~removed from the approved list and notice thereof in writing given to it.~~

(c) In the event that the school does not remit the assessed fine within thirty (30) days, the Board may consider placing the program on Provisional Approval for up to six months, or removing it from the approved program list and notice thereof in writing given to it.

(d) Programs removed from the approved list may apply for approval after twelve months from the date of their removal.

RETIREMENT OF LICENSES

This suggested change would conform BVNPT to language recently enacted by Chapter 449 of the Statutes of 2023 (AB 633, Patterson). Currently, VNs can only allow their licenses to lapse (become delinquent, expire, or cancel), or be placed in an inactive status, which all require payment of a fee. BPC section 464 (AB 2859 (Low, Ch. 473, Statutes of 2016) authorized Boards to establish by regulation, a retired category of licensure for its licensees who are not actively engaged in the practice of their profession. This amendment will codify a means to obtain a retired status and establish a license class and specific fee structure, with no negative impacts upon the licensee. The Board believes that some retired nurses request inactive status rather than having a “delinquent” or “cancelled” status because of a possible negative connotation associated with those license statuses. By providing a means to obtain a retired status, nurses who are no longer practicing can avoid the possible stigma in their professional community from having a license placed in a “delinquent” or “cancelled status” and would also be relieved from the expense of renewal fees and continuing education for a license they are no longer using. Finally, allowing nurses to officially retire their licenses would reduce the possibility of fraudulent use of a license by unqualified individuals.

AMENDMENT 10: Retirement of Licenses

CURRENT LANGUAGE

2892.7.

The board shall collect an initial approval and a biennial renewal fee in the amount of one hundred fifty dollars (\$150) unless a higher fee, not to exceed two hundred fifty dollars (\$250), is established by the board, from any provider of a course in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal, who requests approval by the board of such a course for purposes of intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal requirements under this chapter. That fee, however, shall not exceed the regulatory cost required for the board to administer the approval of intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal courses by intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal providers.

SUGGESTED AMENDMENT

2892.8.

(a) The board shall collect a fee in the amount of fifty dollars (\$50.00) unless a higher fee, not to exceed one hundred dollars (\$100) is established by the board, from any licensee who requests that their license be placed in a “retired” status at any time, providing that the license has not been cancelled.

(b) The Board shall conduct an Enforcement review prior to the retirement of any license and may choose to deny the retirement request for consumer safety reasons.

(c) In order to restore the retired license issued pursuant to this section, the holder of the license shall meet the following:

(i) Pay an application fee consistent with applying for a new license.

(ii) Certify on a form provided by the Board, that they have not committed any act or crime constituting grounds for denial of licensure.

(iii) Comply with the fingerprint submission requirements of a new application for licensure

(iv) Complete the amount of continuing education required for the renewal of an active license

(v) If the license has been retired for more than four years, prior to the license being moved from retired status to active status, they must take and pass the NCLEX test.

Section 12– Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Board's Committee Structure
- C. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- D. Major studies, if any (cf., Section 1, Question 4). NA
- E. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 2, Question 15).
- F. Provide each quarterly and annual performance measure report for the board as published on the DCA website
- G. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys. NA