



EXECUTIVE COMMITTEE MEETING MINUTES

March 07, 2024

**2535 Capitol Oaks Drive, Ste. 205
 Sacramento, CA 95833
 via WebEx Webinar**

Board Members Present:

Dr. Mountain, Board President, Chair
 Mr. Dierking, Board Vice President

Staff Present:

Ms. Yamaguchi, Executive Officer
 Mr. Ito, Assistant Executive Officer
 Ms. Wood, Chief, Enforcement Division
 Dr. McLeod, Lead Nursing Education Consultant
 Ms. Brown, Licensing Manager
 Ms. Arreola, Licensing Supervisor
 Mr. Hall, Licensing Supervisor
 Ms. Archibald, Intake & Enhanced Screening Manager
 Mr. Prouty, Discipline Manager
 Mr. Weiler, Probation Manager
 Mr. Delgado, Enforcement Supervisor
 Ms. Ball, Board Administrative Analyst (moderator)

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
 Ms. Schieldge, Attorney IV, Board Regulations Counsel
 (joined in progress)

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:04 p.m.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Mr. Swenson introduced himself.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito updated the committee on operations projects. He shared an update on the space planning project and what staff is doing to allow the most cost-effective and space efficient office space for the board. Staff continues to work collaboratively with DCA HQ and DGS. The security system has had all documentation submitted and staff is awaiting the final approval; once approved, installation is expected to move quickly. As of this meeting, the board has not been contacted by the FBI in regard to the audit the DOJ notified the board about. He continued to share that staff has submitted a concept proposal to continue the limited term positions that are currently in the Education Division. He shared a high-level overview of the internal process of how the Executive Team will work through the proposal. Mr. Ito announced that the board HR analyst, Cheryl DeCristofaro is retiring at the end of the month. He reminded the members that the Form 700 Filings are due by April 2, 2024.

Committee Discussion:

Dr. Mountain asked if the FBI audit is related to Operation Nightingale. He answered no, it is not; the audit is to ensure that the board is following protocols with confidential documents. These audits are random, and staff is unaware of a schedule.

Mr. Dierking asked who will be accepting member per diem and expense reimbursement requests after Ms. DeCristofaro retires. Mr. Ito shared that he will be handling this duty.

4. Enforcement Division Report – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood shared that the division is doing well; numbers are holding steady, and staff is able to process and close inquiries within reasonable timeframes.

She continued by providing an update on Operation Nightingale. There are approximately 30 cases still open of the 200 cases received. Some of these cases are endorsement licenses, therefore the board must wait for the state in which their license was issued to respond with the findings of their review. Other cases require the board to wait to hear from the BRN to determine closure or action. Management is very comfortable with where Operation Nightingale is, and staff is ready to move into Sunset Review.

Ms. Wood shared and congratulated Jay Prouty, Discipline Manger, on receiving a DCA Excellence Award.

Committee Discussion:

Mr. Dierking asked a clarifying question in regard to the cases under Operation Nightingale. Ms. Wood confirmed the origin of the cases and how they are being handled and how staff will move forward in different situations.

5. Education Division Update – Judith McLeod, Lead Nursing Education Consultant.

Dr. McLeod shared that there are two (2) proposed programs that are ready to be approved this month. There are likely about three (3) more within the coming months that will be ready for approval.

All students from Healthcare Career College, which was removed from the list of approved schools at the last Board Meeting, have been placed at other approved schools in the area. The University of Antelope Valley is now working through an involuntary closure due to financial difficulties; more students will likely need to be placed elsewhere.

The Division has seen a significant uptick in curriculum re-approvals due to the federal Title IV regulatory changes. NECs continue to work on the upcoming Public Service Announcement (PSA) and are on track to have it drafted in coming days.

Committee Discussion:

Dr. Mountain expressed her appreciation for the upcoming PSA and how it is really going to make a positive impact and really be a valuable resource to ensure students make safe decisions in regard to their nursing school career.

Mr. Dierking asked Dr. McLeod what kind of impact is being anticipating for the new/proposed schools in regard to the new Title IV Regulations. Dr. McLeod shared that the current new programs are adjusting their curriculum prior to their approval to ensure compliance with the regulation. Then, in the event the regulation is updated, they may add hours that they had initially intended to include.

6. Licensing Division Update – Shelley Brown, Licensing Manager.

Ms. Brown shared that the Divisions processing stats are still good and within goal; however due to the new phone system, the board is still unable to obtain phone statistics. She does not have an update on when the statistical data will be available, the Department's IT Department is working on the programming, and she is hopeful it will be available soon. She continued to share that the division still has five (5) Licensing Technician vacancies and two (2) Licensing Analyst positions. Interviews were recently conducted for the Technician positions and are awaiting HR approval to move forward. The Licensing analyst position(s) are still pending interviews.

Committee Discussion: None

7. Legislation and Regulations – Elaine Yamaguchi, Executive Officer.

The board's sunset hearing is Tuesday and Ms. Yamaguchi will share the link to the web broadcast of the hearing. There will be about six (6) boards, and BVNPT is currently scheduled to be last to speak. She shared that she and Dr. Mountain have been working on prep and feel very prepared for the hearing. The background paper written by the committee staff is very positive which provides more confidence and

encouragement. The board will have 30-days from the hearing to respond to the committee. A meeting will need to be convened to approve the response, likely in mid-April.

Ms. Yamaguchi shared that the Disciplinary Guidelines regulations package has been moved from DCA to Agency for review and approval. The Director of DCA did express concern with the language of standard term 13 re: voluntary surrender of a license; specifically, the language outlining this option while on probation, when surrendering is also a disciplinary action used. If there are edits; the new language will need to be approved by the board.

Ms. Yamaguchi gave the committee an update on the directives the board made to staff to compose a letter to the federal government regarding the new Title IV Rulemaking. She shared a high-level overview of conversations and concerns she has received from the programs regarding this regulation.

Ms. Yamaguchi shared an overview on the current legislation session and went over the bills staff has identified and are tracking, including but not limited to the Sunset Bill, and the Nursing Compact Bill.

Committee Discussion:

Mr. Dierking asked for clarification, that if this is a standard term, what do other boards state. Ms. Schieldge confirmed that this is a new issue for her, as other boards have same/similar language, so she is looking forward to continued conversation.

Mr. Dierking asked if NCSBN has weighed in on the Title IV Regulations. Ms. Yamaguchi shared that they have had some comments in conversation, but not necessarily anything she would consider “weighing in.”

Dr. Mountain mentioned that the Nursing Compact has been raised in the past but has never gone through. Ms. Yamaguchi shared history of this bill and the compact itself, including some of the concerns both BVNPT and the BRN have in regard to California joining the Compact.

8. Board Schedule – Elaine Yamaguchi, Executive Officer

Ms. Yamaguchi thanked the board members for their participation and expressed her satisfaction with the Thursday training day and the robust conversations the day allotted the members to have with each other and executive management.

Ms. Yamaguchi continued to share that the next Board meeting is scheduled for May 16-17, 2024 in Sacramento. She believes, as of this meeting, that it may be able to be shortened to a one-day business meeting on Friday, May 17, 2024.

Committee Discussion:

Both members approve scheduling the meeting to a one-day business meeting on Friday May 17.

Mr. Dierking commented that at the February Board Meeting, Member Hill expressed his interest in the formation of a Psychiatric Technician (PT) Ad Hoc Committee to facilitate conversations with two PT licensee members (himself and Ms. Moore) to address current topics of concern and/or ways to improve the current culture of the PT industry. Ms. Yamaguchi shared an overview of the historic conversations and current needs and concerns of the Psychiatric Technician field, including current preliminary plans for moving forward.

9. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared the current ballots response spreadsheet and shared she continues to not have any concerns with members participating in voting. Everything has been going very well, and quorum has not been an issue.

The current committee matrix was shared, aside from members resigning and the addition of the ad hoc committee, there have been no edits to the assignments. No member has requested a transfer either; however, being one member down, and it being a licensee seat, executive staff is hesitant to shift anything else at this time.

Motion: To approve the proposed Committee Matrix as presented to the committee.
Motion/second: Mr. Dierking/Dr. Mountain

Motion carried with a unanimous vote of two (2).

Committee Discussion:

Dr. Mountain and Mr. Dierking agree with how the current assignments are placed.

10. Next Executive Committee Meeting: TBD April 2024.

Next Executive Committee Meeting is scheduled for April 11, 2024 from 2:00 – 4:00 p.m. or until the completion of business.

11. Suggestions for Future Agenda Items.

No items were suggested.

12. Adjournment.

Dr. Mountain adjourned this meeting at 3:10 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President



EXECUTIVE COMMITTEE MEETING MINUTES

April 11, 2024

**2535 Capitol Oaks Drive, Ste. 205
Sacramento, CA 95833
via WebEx Webinar**

Board Members Present:

Dr. Mountain, Board President, Chair
Mr. Dierking, Board Vice President

Staff Present:

Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer
Dr. McLeod, Lead Nursing Education Consultant
Ms. Brown, Licensing Manager
Ms. Arreola, Licensing Supervisor
Mr. Hall, Licensing Supervisor
Ms. Archibald, Intake & Enhanced Screening Manager
Mr. Prouty, Discipline Manager
Mr. Weiler, Probation Manager
Ms. Ball, Board Administrative Analyst (moderator)

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
Ms. Schieldge, Attorney IV, Board Regulations Counsel
(joined in progress)

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:06 p.m.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Mr. Swenson and Ms. Schieldge introduced themselves.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito shared that our HR liaison retired as of March 29th; recruitment will open soon to fill that vacancy. In the interim, board members can submit per diem and expense reimbursement requests to Mr. Ito. Mr. Ito shared the current

administrative staff and their roles at the board and concluded by sharing management is working on some reorganization of the unit. He continued to share some information on the current statewide expenditure freeze and how the staff is navigating the current procedures in place to ensure only mission-critical spending. He shared an update on the space planning; staff is moving forward with discussions and negotiations with DCA facilities staff, DGS, and the building management. Staff is in the final stages of getting the new security system up and running.

Committee Discussion:

Dr. Mountain thanked staff for their efforts to maintain the budget.

4. Enforcement Division Report – Mark Ito, Assistant Executive Officer.

In Ms. Wood’s absence, Mr. Ito gave her Enforcement Division Report. He shared that the division has seen an uptick in the complaints being received. At this time, there is not enough data to determine a cause, but will update the committee or the board once determined. Staff has been working with the Office of Administrative Law to move the Disciplinary Guidelines Regulations packet; currently expecting to post and notice for public comment on April 19. Staff will share with the board when this is posted. The report continues to share an update on Operation Nightingale; specifically that the board has received 202 complaints, 21 are currently open and staff anticipates having all closed by August 2024.

Committee Discussion:

None.

5. Education Division Update – Judith McLeod, Lead Nursing Education Consultant.

Dr. McLeod shared that the recruitment is open for a Supervising NEC. There has been an increase in the number of proposed programs; specifically six (6) between January and March and have two (2) more so far in April. She was very happy to report that one (1) of these programs is a new PT Program. Many existing programs have been submitting for curriculum changes to meet the hour requirement, as expected, to comply with the new Title IV Regulations. The division expects to see these continue to come in for the next several months.

The division will be hosting their director forum on May 8, 2024. The NEC’s are looking forward to a robust forum; to date, 115 directors have responded that they will be in attendance.

Committee Discussion:

Dr. Mountain asked for the location of the new PT Program; Dr. McLeod shared it is in Southern California.

Mr. Dierking asked if the PT program was public or private. Dr. McLeod shared that

she believes it is private.

6. Licensing Division Update – Shelley Brown, Licensing Manager.

Ms. Brown shared that a new Licensing Technician started Monday, however four (4) vacancies remain. Though a conditional offer was made on Monday, so there may only be three (3) soon. There are two (2) vacant analyst positions, and the division is working to re-classify one position to an AGPA. Recruitment is open and proceeding as usual.

Committee Discussion:

None.

7. Legislation and Regulations – Elaine Yamaguchi, Executive Officer.

The board’s sunset response paper was intended to be approved at the board meeting on April 10, 2024; however, without a quorum, the board was unable to conduct business. Staff has been in contact with the Legislative Committee staff, who have advised that the Executive Committee may move the response forward and ratify at the May meeting, but asked staff to caution the board that the submitted paper is what will be used to craft our sunset bill, setting priorities for us for the next period. Ms. Yamaguchi provided a high-level overview/walk through of the response paper with the committee prior to any motion to move to submit to the legislature.

No questions or concerns were submitted that made any edits to the drafted response.

Motion: To approve the response as amended and authorize the Executive Officer to submit response subject to ratification by the full board at the next regularly scheduled meeting in May.

Move/second: Dr. Mountain/Mr. Dierking

Motion carried unanimously with a vote of 2.

Ms. Yamaguchi shared that the Disciplinary guidelines package is ready to be posted for public review and comment.

Ms. Schiedge shared that under EO delegated authority make a non-substantive change to the title of the “license surrender” term to “license surrender while on probation”; this addressed the director’s concerns. The package was submitted to the Office of Administrative Law (OAL) on April 8th and have agreed to publish on April 19th for a 45-day public comment period and closing on June 3rd.

Ms. Yamaguchi shared that the department is looking into a legislative fix to the current Federal Title IV Rulemaking situation. Ms. Schieldge shared information she had heard about additional time to meet the new guidelines.

8. Board Schedule – Elaine Yamaguchi, Executive Officer

Ms. Yamaguchi shared that the next board meeting will be a one-day business meeting on Friday, May 17, 2024, in-person in Sacramento at the Evergreen Campus. In addition, it is recommended to start the meeting at 10:00am to allow for more efficient travel.

9. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared a current version of the member votes log; and as usual, there are no concerns, staff is pleased with participation and attentiveness of members.

10. Appointment Recommendations – Discussion and possible action.

Mr. Dierking shared that the federal government and many of its officers have appointment rights to various boards and commissions and counsels. When a vacancy opens, they publish notice in the federal register, recently he saw that there is an open nomination period for a vacancy on the National Advisory Council for Healthcare Research and Quality. He shared background on the counsel and that as he was reviewing the posting; he believes Dr. Mountain would be an ideal candidate for the position and his intent to nominate her. Dr. Mountain was honored to hear this.

Mr. Swenson advised that an individual nomination is allowed; however, there may be questions to determine any incompatibilities or if anything is needed from the board, a board action would be necessary. This unknown is not an impediment to nomination.

11. Next Executive Committee Meeting: TBD June 2024.

Next Executive Committee Meeting is scheduled for June 13, 2024 from 2:00 – 4:00 p.m. or until the completion of business.

12. Suggestions for Future Agenda Items.

No items were suggested.

13. Adjournment.

Dr. Mountain adjourned this meeting at 3:30 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President