



LEGISLATIVE AND REGULATIONS COMMITTEE MEETING MINUTES

June 13, 2024

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

Board Members Present:

Ms. Carpenter, Public Member, Chair
 Ms. Sonson, Public Member

Staff Present:

Ms. Yamaguchi, Executive Officer
 Mr. Ito, Assistant Executive Officer
 Dr. McLeod, Lead Nursing Education Consultant
 Dr. Fairchild, Nursing Education Consultant
 Ms. Gomez, Nursing Education Consultant
 Dr. Thomson, Nursing Education Consultant
 Ms. Silverman, Nursing Education Consultant
 Ms. Brown, Licensing Division Manager
 Mr. Hall, Licensing Supervisor
 Mr. Weiler, Administration Manager
 Mr. Gonzales, Education Analyst
 Ms. Ball, Board Administrative Analyst (moderator)

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
 Ms. Schieldge, Attorney IV, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Ms. Carpenter, Chair.

Ms. Carpenter called the meeting to order at 10:42 a.m.

Committee members introduced themselves.

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

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

3. Legislative Update – Ms. Yamaguchi, Executive Officer.

Status of Sunset Review: AB 3255 (Committee)

Ms. Yamaguchi shared that the board Sunset Bill has moved to the Senate and is set to be heard on July 1st. This would be a good time to make any edits, if there are any. Ms. Yamaguchi shared that the Committee seems pleased and is currently offering a four-year cycle for the next Sunset, which is the maximum time allowed.

AB 1991 (Bonta) - Licensee and registrant records

Ms. Yamaguchi shared a high-level overview of this bill, mandatory reporting of licensee data. This bill is in the Senate and is scheduled to be heard on June 17th.

AB 2862 (Gipson) - Licenses: African American applicants

Ms. Yamaguchi shared a high-level overview of this bill. This bill is also in the Senate and will be heard on the 24th. She shared that staff has reported to DCA HQ that this bill could actually increase the processing time for licenses versus expediting that as its intent. Ms. Schieldge shared that this bill would also require regulations to implement the changes but expressed concern about how to make the requirements legally defensible. Through conversation, Ms. Yamaguchi suggested bringing this bill to the board in August to contact the Governor or contact the author with suggested actions as voted on by the board.

Proposed action to the full board; Oppose unless amended. Share a drafted letter for the full board to approve.

Move/second: Carpenter/Sonson.

AB 3127 (McKinnon) – Mandated Reporters

Ms. Yamaguchi shared that this bill is also moving through the legislature and is in Senate Appropriations.

SB 1451 (Ashby) – Professions & Vocations

Ms. Yamaguchi shared a high-level overview of this bill; related to Respiratory Care Board (RCB). This bill creates a training for LVNs. Board staff continue to work with RCB Executives and Counsel to make certain all parties concerns are addressed and mutually agreed upon definitions and implementation. Ms. Yamaguchi shared an overview of the historic actions taken on this matter and how DCA HQ is helping broker the discussion(s) between the boards.

SB 1067 (Smallwood-Cuevas) - expedited licensure process: medically underserved area or population

Ms. Yamaguchi shared that this bill has been amended to include a Sunset date of 2029. Ms. Yamaguchi shared similar concerns on this bill as the AB 2862; this may

actually increase the processing time for the BVNPT. Ms. Schieldge confirmed that this bill would also require regulations to implement.

4. 2024 Rulemaking Update – Ms. Yamaguchi, Executive Officer.

California Code of Regulations, Title 16, Division 25, Chapter 1, Article 5 and Chapter 2, Article 5 - review Article 5, Ch. 1 (VN) & Ch. 2 (PT) for recommendations for regulatory revisions

Ms. Yamaguchi shared that the NECs have been working on this for quite some time and continue to work on it to put forth a comprehensive and complete package.

Rulemaking to Amend 16 California Code of Regulations (CCR) sections 2524 and 2579.10 (Disciplinary Guidelines and Uniform Standards Regarding Substance-Abusing Licensees)

Ms. Schieldge shared that the public comment period closed at the beginning of June. No public comment was received. Staff is now preparing the final packet for Director review and approval to submit to the Office of Administrative Law. Potential implementation could be as early as October 2024 or January 1, 2025.

5. Federal Rulemaking RE: Instructional Hours

Ms. Yamaguchi shared an overview that the Federal Department of Education has passed a new regulation that the maximum curriculum hours to receive Title IV funding/financial aid is 1530 hours. 1530 is currently California's minimum requirement. The Department has requested language in the budget trailer bill; this language will extend the deadline to fully implement. This will allow for best practices in safely implementing this new regulation.

6. Suggestions for Future Agenda Items

Updates on the above agenda discussions to keep track of the bills. Legislative and Regulations Committee Strategic Plan.

7. Schedule Next Legislative and Regulation Committee Meeting: TBD July 2024

The Legislative and regulations Committee's next meeting is scheduled for July 25, 2024 from 10:30am – 12 noon.

8. Adjournment.

Ms. Carpenter adjourned this meeting at 11:44 a.m.



LEGISLATIVE AND REGULATIONS COMMITTEE MEETING MINUTES

July 18, 2024

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

**Board Members
Present:**

Ms. Carpenter, Public Member, Chair
Ms. Sonson, Public Member

Staff Present:

Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer
Ms. Antoinette Wood, Enforcement Chief
Dr. Fairchild, Nursing Education Consultant
Ms. Gomez, Nursing Education Consultant
Dr. Thomson, Nursing Education Consultant
Ms. Silverman, Nursing Education Consultant
Ms. Brown, Licensing Division Manager
Mr. Jay Prouty, Discipline Manager
Mr. Gabriela Arreola, Licensing Supervisor
Mr. Weiler, Administration Manager (moderator)
Mr. Gonzales, Education Analyst

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
Ms. Schieldge, Attorney IV, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Ms. Carpenter, Chair.

Ms. Carpenter called the meeting to order at 10:01 a.m.

Committee members introduced themselves.

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

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

3. Legislative Update – Ms. Yamaguchi, Executive Officer.

Status of Sunset Review: AB 3255 (Committee)

Ms. Yamaguchi shared that the board's Sunset Bill has reached the Senate Appropriations Committee. Ms. Yamaguchi shared a high-level overview of her discussion with Assembly staff regarding the benefits of including cite and fine language for the board's Education Division to utilize to ensure regulatory compliance with school programs. Ms. Yamaguchi also reported that committee staff sent her a draft of the bill's mirror language for uniformity between the vocational nursing and psychiatric technician practice acts.

AB 1991 (Bonta) – Licensee and registrant records

Ms. Yamaguchi explained that this bill has been substantially amended since it was the last time we discussed it, and that no longer impacts BVNPT.

AB 2862 (Gipson) – Licenses: African American applicants

Ms. Yamaguchi reported the author has withdrawn the bill.

AB 3127 (McKinnon) – Mandated Reporters

Ms. Yamaguchi updated that this bill was held in suspense.

SB 1451 (Ashby) – Professions & Vocations

Ms. Yamaguchi shared a high-level overview of this bill and its history. Ms. Yamaguchi shared issues, such as competing definitions of training and assessment, which would create problems for our licensees. Joint discussion with the Respiratory Care Board (RCB) mitigated some of our board's concerns but further work and discussion with RCB is needed. Ms. Yamaguchi suggested BVNPT provide written comment to RCB's proposed language for their noticed hearing on August 7, 2024. Mr. Swenson clarified the meeting was facilitated by the Deputy Director for DCA's Legal Affairs with an opportunity for RCB's General Counsel, not Regulations Counsel. Mr. Swenson recommended to preserve the board's right to comment by resubmitting the prior comment with a cover letter incorporating those comments by reference. Mr. Swenson discussed the full board may wish to delegate this matter to a policy committee such as this committee or the Executive Committee; however, those committee meetings would be subject to Bagley-Keene requirements. No action by this committee at this time was recommended by Mr. Swenson.

SB 1067 (Smallwood-Cuevas) - expedited licensure process: medically underserved area or population

Ms. Yamaguchi shared that this bill has moved to the consent calendar and there is support for this bill especially after its latest amendments. Ms. Yamaguchi shared her opinion that the more pressing issue is accessibility to schools, especially in

rural areas, rather than a licensure issue. Ms. Schieldge shared the bill is likely to continue to be amended, and those amendments may include an exemption from the Administrative Procedure Act's rulemaking requirements so the Board may not need to undertake the rulemaking process given the inclusion of this exemption. Ms. Schieldge reiterated the recommendation to watch this bill as it continues to be amended.

4. 2024 Rulemaking Update – Ms. Yamaguchi, Executive Officer.

California Code of Regulations, Title 16, Division 25, Chapter 1, Article 5 and Chapter 2, Article 5 - review Article 5, Ch. 1 (VN) & Ch. 2 (PT) for recommendations for regulatory revisions

Ms. Yamaguchi shared this remains a high priority for the Education Division. Ms. Schieldge shared the initial and renewal school application process was approved by the Office of Administrative Law, and the NECs are looking to update the current operating standards and minimum operating standards for schools.

Rulemaking to Amend 16 California Code of Regulations (CCR) sections 2524 and 2579.10 (Disciplinary Guidelines and Uniform Standards Regarding Substance-Abusing Licensees)

Ms. Carpenter, Ms. Yamaguchi, and Ms. Wood expressed their appreciation for Ms. Schieldge's work marshalling this project through the rulemaking process. Ms. Schieldge advised the Office of Administrative Law is conducting their final review and is expecting a response by August 14, 2024. She recommended adopting a habit of revising the Disciplinary Guidelines every 3-5 years as a best practice.

5. Federal Rulemaking RE: Instructional Hours

Ms. Yamaguchi shared that DCA led an interdepartmental effort to get a budget trailer bill signed into law, which serves to extend implementation. Mr. Swenson shared a federal district court issued a temporary restraining order and preliminary injunction prohibiting the federal rule from taking effect.

6. Strategic Plan Review

Ms. Yamaguchi provided a high-level overview of SOLID's strategic plan environmental scan and leadership meeting as a precursor for the board members' strategic planning session scheduled for the August 2024 Board Meeting.

7. Recommendations to Board for Legislative Priorities

Ms. Yamaguchi recommended compiling a list of priorities for the November board meeting.

8. Suggestion for Future Agenda Items

Mr. Swenson recommended the addition of a standing agenda item for the subject of outreach which the Enforcement Committee has found helpful.

9. The Legislative and Regulations Committee's next meeting date for September 2024 will be determined.

10. Adjournment.

Ms. Carpenter adjourned this meeting at 11:08 a.m.