

AMENDED IN SENATE JUNE 25, 2024

AMENDED IN ASSEMBLY APRIL 24, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3255**

**Introduced by ~~Committee on Business and Professions Assembly~~  
Member Berman**  
(Principal coauthor: Senator Ashby)

February 16, 2024

An act to amend Sections 2841, 2846, 2847.1, 2881.2, ~~and 2881.3~~  
~~2881.3~~, and 2883 of, and to add Section 2892.8 to, the Business and  
Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3255, as amended, ~~Committee on Business and Professions~~ *Berman*. Vocational nursing: sunset: licensure.

Existing law, the Vocational Nursing Practice Act, establishes the Board of Vocational Nursing and Psychiatric Technicians of the State of California, which, until January 1, 2025, is charged with various licensing, regulatory, and disciplinary functions related to vocational nursing. Existing law, until January 1, 2025, requires the board to select an executive officer to perform duties as are delegated by the board, as specified. Existing law makes a violation of the act a misdemeanor.

This bill would extend the operation of the above provisions to January 1, 2029. By extending the operation of an existing crime, the bill would impose a state-mandated local program.

Existing law requires the board to annually elect from its members a president, vice president, and other officers as it may deem necessary.

This bill would instead require the board to biennially elect those officers from its members.

Existing law, until January 1, 2025, sets forth an approval process for a vocational nursing school or program to be consistent with specified timelines. Under that timeline, existing law requires the board, upon receipt of a letter of intent to submit an application for approval as a school or program of licensed vocational nursing, to 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. Existing law requires a vocational nursing school or program seeking board approval to respond to the board within 2 weeks of each inquiry or request during all phases. *Existing law designates a school or program as inactive if it does not respond within 2 weeks or fails to pay the required fees.*

This bill would extend the operation of *those provisions setting forth* the approval process to January 1, 2029. The bill would clarify the above-described board notification requirement is contingent on the board receiving a letter of intent that is complete. *If a vocational nursing school or program fails to submit a complete letter of intent, as specified, the bill would require the school or program to be taken out of consideration and would prohibit it from reapplying for 6 months.* The bill would also clarify that the requirement that the school or program seeking board approval respond, within 2 weeks, to the board's inquiries or requests is applicable during all phases of the application process after the school or program has submitted an initial application for approval, as specified. *The bill would expand the grounds on which a school or program is designated as inactive to include failing to submit documentation required by the board in time.*

*Existing law requires the board to inspect or review all schools of vocational nursing in this state, as specified, and to approve schools that meet the requirements provided by the board. If the board determines that any approved school is not maintaining the standard required by the board, existing law requires the board to immediately give notice in writing specifying the defect. Existing law authorizes the removal of the school from the approved list if the school does not correct the defect within a reasonable time.*

*This bill would authorize the board, after establishing regulations for this purpose, to issue a citation and assess a fine, as specified, if a school or program is not maintaining the required standard. If a school or program does not remit the assessed fine within 30 days, the bill*

would authorize the board to place it on provisional approval for up to 6 months or remove it from the approved school or program list, as specified. The bill would prohibit a school or program that is removed from the approved list from applying for approval for 12 months. The bill would clarify that these provisions apply to any vocational nursing school or program.

Existing law prescribes various fees in connection with the issuance of licenses under the act, makes a license expire after 2 years if not renewed, and authorizes an expired license to be renewed at any time within 4 years after its expiration upon filing of an application for renewal and payment of certain fees, as specified.

This bill would, upon application and payment of a prescribed fee, require the board to issue a retired license to a licensee if the licensee holds an unrestricted license on the date of application. The bill would exempt a retired licensee from continuing education requirements and would prohibit a retired licensee from being entitled to practice vocational nursing. The bill would authorize the board to reinstate a retired license to active status if the retired licensee fulfills certain requirements for renewal of a license, including furnishing fingerprints, paying renewal fees, and providing evidence of certain qualifications.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2841 of the Business and Professions
- 2 Code is amended to read:
- 3 2841. (a) There is in the Department of Consumer Affairs a
- 4 Board of Vocational Nursing and Psychiatric Technicians of the
- 5 State of California, which consists of 11 members.
- 6 (b) As used in this chapter, "board" means the Board of
- 7 Vocational Nursing and Psychiatric Technicians of the State of
- 8 California.
- 9 (c) This section shall remain in effect only until January 1, 2029,
- 10 and as of that date is repealed.

1 SEC. 2. Section 2846 of the Business and Professions Code is  
2 amended to read:

3 2846. The board at its first meeting after appointment, and  
4 biennially thereafter at its first meeting in every second year, shall  
5 elect from its members a president, vice president, and such other  
6 officers as it may deem necessary. The officers of the board shall  
7 hold their respective positions during its pleasure.

8 SEC. 3. Section 2847.1 of the Business and Professions Code  
9 is amended to read:

10 2847.1. (a) Except as provided in subdivision (f), the board  
11 shall select an executive officer who shall perform duties as are  
12 delegated by the board and who shall be responsible to it for the  
13 accomplishment of those duties.

14 (b) The executive officer shall not be a member of the board.

15 (c) With the approval of the Director of Finance, the board shall  
16 fix the salary of the executive officer.

17 (d) The executive officer shall be entitled to traveling and other  
18 necessary expenses in the performance of their duties. The  
19 executive officer shall make a statement, certified before a duly  
20 authorized person, that the expenses have been actually incurred.

21 (e) Commencing January 1, 2018, the executive officer  
22 appointed by the board pursuant to subdivision (a) is abolished.  
23 Thereafter, until January 1, 2022, the executive officer shall be  
24 appointed as set forth in Section 2847.3.

25 (f) Commencing January 1, 2022, the executive officer shall,  
26 again, be selected by the board as set forth in subdivision (a),  
27 except that any executive officer in office on December 31, 2021,  
28 shall continue in the position as executive officer of the board until  
29 the position is vacated or the board selects another executive  
30 officer.

31 (g) This section shall remain in effect only until January 1, 2029,  
32 and as of that date is repealed.

33 SEC. 4. Section 2881.2 of the Business and Professions Code  
34 is amended to read:

35 2881.2. (a) The approval process for a school or program shall  
36 be consistent with the following timelines:

37 (1) (A) Upon receipt of a complete letter of intent to submit an  
38 application for approval as a school or program of licensed  
39 vocational nursing, the board shall notify the proposed school or  
40 program of the steps in the approval process and provide an

1 estimated wait time until active assignment to a nursing education  
2 consultant.

3 *(B) A vocational nursing school or program that fails to submit*  
4 *a complete letter of intent within 30 days from the date the board*  
5 *notifies the school or program of deficiencies shall be taken out*  
6 *of consideration for a new school or program and may only reapply*  
7 *after six months.*

8 ~~(B)~~

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

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

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

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

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

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

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

38 (2) (A) Except as provided in subparagraph (B), the final  
39 approval fee shall be in an amount equal to the reasonable costs

1 incurred by the board in the application approval process up to  
2 fifteen thousand dollars (\$15,000).

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

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

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

11 (3) The continuing approval fee shall be in an amount equal to  
12 the reasonable costs incurred by the board in providing oversight  
13 and review of a school or program up to five thousand dollars  
14 (\$5,000) once every four years.

15 (c) If the board makes an initial determination that the cost of  
16 providing oversight and review of a school or program under this  
17 section is less than the amount of any fees required to be paid by  
18 that school or program, the board shall decrease the fees applicable  
19 to that institution to an amount that is proportional to the board's  
20 reasonable costs associated with that school or program.

21 (d) The board may reduce the continuing approval fees, by no  
22 more than one-half of the established fee, for a program that  
23 experiences a reduction in enrollment capacity that directly leads  
24 to a reduction in state funding. The board shall require a program  
25 to provide documentation for the purposes of issuing the fee  
26 reduction.

27 (e) (1) Notwithstanding Chapter 3.5 (commencing with Section  
28 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
29 the board shall, without taking any further regulatory action,  
30 implement, interpret, or make specific this section by means of  
31 provider bulletins or similar instructions until emergency  
32 regulations are adopted pursuant to paragraph (2). The board shall  
33 provide written notice 30 days prior to the adoption of any  
34 instruction under this paragraph and post the notice on its internet  
35 website. It is the intent of the Legislature that the board have  
36 temporary authority as necessary to implement program changes  
37 until completion of the regulatory process.

38 (2) The board shall adopt emergency regulations no later than  
39 June 30, 2022. The adoption of regulations shall be deemed an  
40 emergency and necessary to avoid serious harm to the public peace,

1 health, safety, or general welfare within the meaning of Section  
2 11342.545 of the Government Code, and the board need not make  
3 a written finding of emergency as required by Section 11346.1 of  
4 the Government Code. Notwithstanding subdivisions (e) and (h)  
5 of Section 11346.1 of the Government Code, the board may  
6 annually readopt any emergency regulation authorized by this  
7 section that is the same as or substantially equivalent to an  
8 emergency regulation previously adopted pursuant to this section  
9 until January 1, 2024.

10 (3) The initial adoption of emergency regulations and the  
11 readoption of emergency regulations authorized by this section  
12 shall be submitted to the Office of Administrative Law for filing  
13 with the Secretary of State. The emergency regulations shall remain  
14 in effect for no more than one year from the date any regulation  
15 became effective as an emergency regulation.

16 (f) This section shall remain in effect only until January 1, 2029,  
17 and as of that date is repealed.

18 SEC. 5. Section 2881.3 of the Business and Professions Code  
19 is amended to read:

20 2881.3. (a) The board shall maintain a list of inactive  
21 vocational nursing schools and programs seeking board approval.

22 (b) A vocational nursing school or program seeking board  
23 approval shall respond to the board within two weeks of each  
24 inquiry or request during all phases of the application process after  
25 the school or program has submitted an initial application for  
26 approval pursuant to Section 2881.2. A school or program that  
27 does not respond within two weeks, *fails to submit documentation*  
28 *required by the board in time*, or fails to pay the required fees,  
29 shall be designated as inactive.

30 (c) A vocational nursing school or program seeking board  
31 approval that ~~remains~~ *has been* on the inactive list for 90 days *over*  
32 *the course of the application period* shall be taken out of  
33 consideration for a new *school or program* and may only reapply  
34 after six months.

35 SEC. 6. Section 2883 of the Business and Professions Code is  
36 amended to read:

37 2883. (a) It shall be the duty of the board, through an official  
38 representative, to inspect or review all ~~schools of vocational nursing~~  
39 *vocational nursing schools or programs* in this state at such times  
40 as the board shall deem necessary. Written reports of the inspection

1 or review shall be made to the board, which shall thereupon  
2 approve the schools of vocational nursing or programs that meet  
3 the requirements provided by the board.

4 ~~Upon~~

5 (b) (1) Upon receiving the report of the representative, if the  
6 board determines that any approved school of vocational nursing  
7 vocational nursing school or program is not maintaining the  
8 standard required by the board, notice thereof in writing specifying  
9 the defect or defects shall be immediately given to the school.  
10 school or program. If the defects are not corrected within a  
11 reasonable time, the school of nursing or program may be issued  
12 a citation and assessed a fine as specified under subdivision (c)  
13 or removed from the approved list and notice thereof in writing  
14 given to it.

15 (2) Until the board establishes regulations pursuant to  
16 subdivision (c), a school or program may only be removed from  
17 the approved list if defects are not corrected within a reasonable  
18 time.

19 (c) (1) The board may issue a citation, which may contain an  
20 order of abatement or an order to pay an administrative fine, if it  
21 has established, by regulation, a system for the issuance of citations  
22 to a vocational nursing school or program that is consistent with  
23 Section 125.9.

24 (2) In the event that the school or program does not remit the  
25 assessed fine within 30 days, the board may place the school or  
26 program on provisional approval for up to six months or remove  
27 it from the approved school or program list and give it written  
28 notice of the removal.

29 (d) A vocational nursing school or program removed from the  
30 approved list may apply for approval after 12 months from the  
31 date of their removal.

32 ~~SEC. 6.~~

33 SEC. 7. Section 2892.8 is added to the Business and Professions  
34 Code, to read:

35 2892.8. (a) The board, upon application and payment of the  
36 fee established pursuant to subdivision (h), shall issue a retired  
37 license to a licensee if the licensee holds an unrestricted license  
38 on the date of application.

39 (b) An applicant may elect to retire upon renewal or upon  
40 submission of an application to the board as required.



1 (c) A retired licensee shall be exempt from continuing education  
2 requirements.

3 (d) A retired licensee shall utilize their professional title only  
4 with the unabbreviated word “retired” directly preceding or directly  
5 following the professional title.

6 (e) A retired licensee shall not be entitled to practice vocational  
7 nursing.

8 (f) The board may investigate potential violations or take action  
9 against a retired license for a violation of this chapter.

10 (g) The board may reinstate a retired license to active status if  
11 the retired licensee fulfills the requirements for renewal of a license,  
12 including furnishing fingerprints, paying renewal fees, and  
13 providing evidence of the following, as applicable:

14 (1) For a retired licensee who has been retired for four years or  
15 fewer, the amount of continuing education required for the renewal  
16 of an active license.

17 (2) For a retired licensee who has been retired for more than  
18 four years, either a current valid active and clear registered nurse  
19 license in another state, a United States territory, or Canada, or  
20 passing the current examination for licensure.

21 (h) The fee to be paid upon filing the application for a retired  
22 license shall be fifty dollars (\$50) unless a higher fee, not to exceed  
23 one hundred dollars (\$100), is established by the board.

24 ~~SEC. 7.~~

25 *SEC. 8.* No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.