



EXECUTIVE COMMITTEE MEETING MINUTES

March 6, 2025

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

Board Members Present: Dr. Mountain, Board President, Chair
 Mr. Hill, Board Vice President

Staff Present: Ms. Yamaguchi, Executive Officer
 Mr. Mark Ito, Assistant Executive Officer
 Dr. McLeod, Supervising Nursing Education Consultant
 Ms. Higashi, Supervising Special Investigator
 Ms. Brown, Licensing Manager
 Mr. Hall, Licensing Supervisor
 Ms. Arreola, Licensing Supervisor
 Ms. Wood, Chief, Enforcement Division
 Mr. Prouty, Discipline Manager
 Ms. Hudson, Intake & Enhanced Screening Manager
 Ms. Vierra, Probation Manager
 Mr. Weiler, Admin Manager (moderator)

DCA Staff Present: Ms. Butu, General Counsel for the Board
 Ms. Schieldge, Board Regulations Counsel

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 herself and board staff. Ms. Yamaguchi welcomed Mr. Hill in his new role as Vice President. Ms. Butu, Board General Counsel, introduced herself. Ms. Schieldge, Regulations Counsel for the Board, introduced herself.
3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito reported that the Governor issued an executive order to reduce our budget which includes a position vacancy drill. He explained that the board's current appropriation has been reduced by approximately \$600,000. Mr. Ito noted that he, Ms. Yamaguchi, the staff, and the Budget Office have worked collaboratively to identify cost savings, resulting in positive budget projections for the board. However, Mr. Ito emphasized the importance of being conservative with our spending and adhering to our current year's appropriation. Additionally, Mr. Ito mentioned that the board is considering a hiring freeze to achieve salary savings. Effective March 2025, the board will stop covering credit card transaction fees, and these costs will be redirected to licensees due to budgetary constraints. This change is projected to save the board an estimated \$300,000 annually. Mr. Ito also reported that the board has submitted several Budget Change Proposals (BCP). Furthermore, Mr. Ito updated that the Governor has issued an executive order regarding hybrid teleworking requiring all state employees to report to the office four days a week. The board is awaiting further guidance from CalHR and the DCA Executive Office. Mr. Ito stated he will provide future updates on all these items.

Committee Discussion:

Dr. Mountain inquired about the hiring freeze and whether the board currently has many open positions. Dr. Mountain also wanted to know if these positions would be lost due to the hiring freeze. Mr. Ito clarified that the hiring freeze is more of an informal internal measure. Mr. Ito explained that it is primarily a temporary cost-saving strategy and is not mandated by the Governor

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

Ms. Wood reported that Operation Nightingale still has a few cases open, which are currently with the Enforcement Division and also with a few previous boards where the cases originally originated. Ms. Wood informed us that the Enforcement Division received a new potential case involving a licensee applying from a previously closed school.

Ms. Higashi shared an update on the Operation Nightingale cases being investigated by her division. Ms. Higashi advised the case documentation has been received and her team is working toward finalizing their investigations to be completed by the end of March.

Committee Discussion:

Mr. Hill requested a brief description of Operation Nightingale. Ms. Wood explained that this operation was initiated by the FBI to address schools that were issuing transcripts and diplomas for money without any actual educational instruction taking place. These schools were caught during the operation, which is why it was named "Operation Nightingale."

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

Dr. McLeod announced that the Education Division has approved the establishment of five new schools. Additionally, Dr. McLeod stated that in March the NECs will complete a presentation on how to properly fill out a letter of intent. Dr. McLeod hopes this will reduce the ongoing training required for programs regarding their letters of intent.

Dr. McLeod also mentioned that a new PT program should be operational by June.

The occupational analysis has begun, with positive feedback already received from the initial responses. Dr. McLeod updated on the analysis that it was completed in mid-January.

Dr. McLeod shared expressed her intention to closely examine IV blood withdrawal programs. Dr. McLeod has received several complaints over the past six months concerning a specific program in Orange County. It was noted that the program had informed a student that only sixteen hours of theory were required, while the actual requirement is twenty-seven hours of theory and nine hours of clinical training. Dr. McLeod reported the program has claimed to have received special permission from the board regarding this discrepancy.

Dr. McLeod reported that an investigation has been initiated, and a letter was sent to the program requesting clarification about their practices. Dr. McLeod has confirmed that the program is not meeting the necessary regulations. Dr. McLeod hopes to have the program closed within the next few weeks.

There is talk about what is going to happen to the current students and if they were certified correctly.

Committee Discussion: None.

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

Ms. Brown provided a staffing update stating that she filled the vacant SSA position by hiring Gabby Arreola from within the organization. Ms. Brown mentioned that they interviewed candidates for Gabby's former position and have extended a conditional offer.

Ms. Brown reported that there was a discussion regarding the progression to NURSYS. Ms. Brown referred this topic to Ms. Yamaguchi. Ms. Yamaguchi indicated that the board is currently waiting on a few items related to Breeze and will provide future updates on this matter.

Committee Discussion: None

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

Ms. Yamaguchi reported that the new legislative season has begun and is currently collaborating with supervisors and managers to monitor all bills that may impact the board. Ms. Yamaguchi noted that she will prioritize high-priority bills. Ms. Yamaguchi updated that one significant bill would allow or mandate the Board of Registered Nursing to permit online out-of-state schools, as well as California residents wishing to enroll in those schools, to participate in clinicals within California. Additionally, Ms. Yamaguchi discussed a new bill that was similar to one introduced last year that aims to expedite licensing procedures for descendants of slaves. Ms. Yamaguchi mentioned that this particular bill will be presented to the Board.

Ms. Yamaguchi also announced that the clinical technical regulations package concerning delegation authority has been finalized. Ms. Yamaguchi updated that the board will focus on the selection and approval processes for schools and programs, topics that were discussed during the February board meeting. Furthermore, Ms. Yamaguchi reported that the Board has received authorization to create a retired licensee category and will be working on this initiative.

Ms. Schiedge provided an update regarding the delegation of certain functions. The approval package has been cleared by OAL and will take effect on April 1, 2025. She explained that the regulations specify the duties that the Executive Officer is authorized to perform.

Ms. Schiedge addressed two points brought up by Ms. Yamaguchi. Ms. Schiedge clarified that there is currently no status that allows a license to practice after retirement or return to practice if they choose to do so. The Board only offers options for active, inactive, canceled licenses, or allowing a license to expire. Ms. Schiedge updated the challenge is that if a license has been inactive for a prolonged period, the licensee cannot reinstate it. Ms. Schiedge advised in response to sunset legislation, the Board is proposing a new option for licensees to apply for a retired license.

Committee Discussion: None

8. Independent Contractor Status for Licensees – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi updated that she has no updates at this time.

Committee Discussion: None

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

Ms. Yamaguchi advised that the board will likely need to reconsider committee assignments, as the board will be losing Mr. Maxey and Mr. Dierking. Ms. Yamaguchi reported that the Governor's office has indicated that Dr. Mountain and Ms. Carpenter can be reappointed. Ms. Yamaguchi shared that she has been in contact with the Governor's office about filling the vacant positions on the board.

Ms. Yamaguchi mentioned that one committee, specifically the Enforcement Committee, will need to be revised due to Mr. Maxey's departure. This issue will be brought up at the board meeting in May.

Ms. Yamaguchi noted that the May upcoming board meeting will span two days: Thursday will be dedicated to board training and orientation, while Friday will be the Board Meeting.

Ms. Yamaguchi reported on whether we should hold the August board meeting, highlighting the challenges of holding meetings within our tight budget this year and the uncertainty of our budget for the following fiscal year. Ms. Yamaguchi mentioned that we could also consider holding a teleconference meeting if necessary.

Dr. Mountain expressed her agreement with Ms. Yamaguchi regarding the feasibility of holding three board meetings per year, stating that having only two meetings may be too challenging.

Ms. Schieldge pointed out that it might be necessary to conduct an August meeting in case there are any pending rulemaking issues or other business matters that needed to be addressed. Ms. Schieldge also concurred with Ms. Yamaguchi about the option of a teleconference, noting that we would still need to provide notification for all locations regarding when and where the meeting is held.

Ms. Yamaguchi provided an update to reschedule the November board meeting from November 20-21, 2025, to November 17-18, 2025. Ms. Yamaguchi referred to Mr. Weiler who explained that this change was due to technical issues with the room we typically use, the Evergreen Room. Mr. Weiler suggested using the Headquarters Room, which is available only on the Monday and Tuesday instead of the Thursday and Friday of that same week. Mr. Hill and Dr. Mountain supported this suggestion, and the board will be updated at the May meeting.

Committee Discussion: None

10. Respiratory Care Board's March 2025 Board Meeting Update – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi announced that the Respiratory Care Board Meeting (RCB) is scheduled for March 19, 2025. Ms. Yamaguchi indicated that the meeting will likely

address all prior comments regarding the initial language of the proposed regulations. Ms. Yamaguchi mentioned that the RCB will finalize its approval and will also be working on additional action items. Ms. Yamaguchi stated that the RCB has published its rule-making calendar for the year and will be working on the new packages.

Committee Discussion: None.

11. Next Executive Committee Meeting.

The next Executive Committee Meeting is scheduled for April 3, 2025, from 2:00 – 3:00 p.m. or until the completion of business.

12. Suggestions for Future Agenda Items.

Committee Discussion: None

13. Adjournment.

Dr. Mountain adjourned the meeting at 3:06 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President

EXECUTIVE COMMITTEE MEETING MINUTES

April 3, 2025

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

**Board Members
Present:**

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

Staff Present:

Ms. Yamaguchi, Executive Officer
Mr. Mark Ito, Assistant Executive Officer
Dr. McLeod, Supervising Nursing Education Consultant
Ms. Higashi, Supervising Special Investigator
Ms. Brown, Licensing Manager
Mr. Hall, Licensing Supervisor
Ms. Trimble, Licensing Supervisor
Ms. Wood, Chief, Enforcement Division
Ms. Hudson, Intake & Enhanced Screening Manager
Ms. Vierra, Probation Manager
Mr. Weiler, Admin Manager (moderator)

DCA Staff Present:

Ms. Butu, Board General Counsel
Ms. Schieldge, Board Regulations Counsel

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

Dr. Mountain called the meeting to order at 2:00 p.m.

Committee members introduced themselves.

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

Ms. Yamaguchi introduced herself and board staff. Ms. Butu, Board General Counsel, introduced herself. Ms. Schieldge, Regulations Counsel for the Board, introduced herself.

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

Mr. Ito reported that a budget meeting is scheduled to review the board's projections. Mr. Ito also informed us that we will save approximately 2.3% on the credit card fees that the board has historically covered. Additionally, Mr. Ito provided an update regarding the Governor's executive order to reduce our budget, which includes implementing a position vacancy drill. He explained that the board's current appropriation has been reduced by about \$600,000. Mr. Ito confirmed that the board will operate within our budget appropriation this year and stated that he would provide future updates on all these matters.

Committee Discussion:

Dr. Mountain inquired about the 2.3% credit card fee and asked whether it applied to debit cards as well. Mr. Ito clarified that the savings pertain only to credit card transactions, indicating that he doesn't believe it applies to debit cards, but he will investigate further. Ms. Schieldge expressed that it was her understanding that the board only accepts credit cards.

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

Ms. Wood reported that there are not many updates from the Enforcement Division. She shared that Mr. Maxey, the Enforcement Committee's chair, will be stepping down and there is currently no replacement. Ms. Wood expressed her desire to have both a public member and a licensee member on the Enforcement Committee.

5. Investigations Division Update – Stacie Higashi, Supervising Special Investigator. Ms. Higashi provided an update on the Operation Nightingale cases being investigated by her division, stating that the investigations have now been completed.

Committee Discussion: None

6. Education Division Update – Judith McLeod, Supervising Nursing Education Consultant.

Dr. McLeod provided an update regarding the education division's presentation on the letter of intent process, which took place on March 17, 2025. The session had eighty-two attendees. She explained the letter of intent and how the process works, noting that many schools discontinue their participation due to not following the correct procedures. However, she mentioned that the process will now be easier for those schools. Additionally, Dr. McLeod announced that the Education Division approved the establishment of seven new schools. Dr. McLeod reported that an occupational analysis for the Psychiatric Technicians profession is nearly complete and that the examination review and item writing is underway and is expected to be completed in by mid-April. Dr. McLeod also shared that a survey regarding the name change for psychiatric technicians was distributed at the beginning of the month,

with results expected around the middle of April. More information will be provided at the May board meeting.

Committee Discussion: Mr. Hill inquired about the other participants in the training, specifically how many represented vocational nurse programs and how many represented psychiatric technician programs. Dr. McLeod responded that the majority of attendees were from Vocational Nurse programs, although there was representation from psychiatric technicians as well.

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

Ms. Brown provided a staffing update stating that she hired Corey Trimble from within the organization to fill the SPT II position.

Committee Discussion: None

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

Ms. Yamaguchi reported that the new legislative season is quite busy and active. Ms. Yamaguchi updated the team has been creating a list of bills that we want to monitor closely. Ms. Yamaguchi provided an update on the different types of bills and their purposes. Ms. Yamaguchi reported one significant bill would require the Board of Registered Nursing to permit online out-of-state schools, as well as California residents who wish to enroll in those schools, to participate in clinicals within California. Ms. Yamaguchi noted that we are currently facing challenges with clinical sites, as some sites do not want to accommodate VN students at all. She opined this situation is more about transparency and accountability. Dr. Mountain commented on the unrealistic nature of this and highlighted how limited clinical sites are, emphasizing that it should be discussed at every meeting.

Ms. Yamaguchi also reported on SB 389, which is sponsored by the school nurses' organization. Ms. Yamaguchi updated this bill specifically outlines what VNs can provide or perform at school sites. Dr. Mountain inquired whether the bill mentions suctioning, and Ms. Yamaguchi updated that the Respiratory Care Board (RCB) discussed the bill at their last meeting and has decided not to oppose or support it.

Ms. Yamaguchi mentioned SB 470, which removes the sunset provision of the current version of the Bagley-Keene Act. This is an important bill that the board will be monitoring closely.

Ms. Yamaguchi stated that the Governor and the administration have indicated that the budget committee and appropriations committees will be holding a lot of bills this year. Ms. Yamaguchi also updated that the Governor also proposed that the Business, Consumer Services, and Housing Agency will be restructured into two Cabinet level agencies, one focusing on housing and homelessness issues while the other will protect consumer interests.

Ms. Yamaguchi indicated that addressing the retired license rulemaking project will be a top priority for the board. Ms. Yamaguchi referred to Ms. Schieldge, who informed her that they are working on issues that turned out to be more complicated than initially thought. Ms. Schieldge updated that there are provisions in the regulations regarding allowing people to return to practice if they have been out of practice for more than four years after retiring. However, there are some concerns about how this would be implemented, so we need to work through those issues. Ms. Schieldge noted that a meeting with the budget office will be necessary, as allowing a retired license status could financially impact the board by potentially increasing the number of individuals exiting active status, which might affect the board's revenue.

Committee Discussion: None

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

Ms. Yamaguchi reported that she is pleased with the prompt receipt of votes, and we are currently receiving enough votes. Dr. Mountain inquired about the number of board members we are losing. Ms. Yamaguchi informed us that the board will be losing Mr. Maxey and Mr. Dierking. Ms. Yamaguchi also mentioned that the others who may leave have been notified and advised to contact the Governor's office if they wish to continue serving on the board. Ms. Yamaguchi stated that she has reached out to the Governor's office regarding filling the vacant positions on the board. Ms. Yamaguchi reported that Anne Hawley will temporarily take on some responsibilities to assist boards in securing appointments. Ms. Yamaguchi's top priority is to ensure a quorum after June.

Ms. Yamaguchi provided an update on committee assignments and noted that the Education and Practice Committee has not been discussed recently. Ms. Yamaguchi explained that the committee has not met for some time because reviewing school reports has become redundant, as those reports will be presented at the board meetings within a month or two. Additionally, Ms. Yamaguchi mentioned that this is the only committee that requires public notice, while the other advisory committees are two-member committees, allowing for greater flexibility. Ms. Yamaguchi noted that the Enforcement Committee is losing Mr. Maxey, and Ms. Moore could take on the leadership role for that committee. Ms. Yamaguchi anticipates more updates in July when we will be notified about the new board members joining us, and the others confirmed for the next term.

Ms. Yamaguchi raised the question of whether we should hold the August board meeting, citing the challenges of convening meetings within our tight budget this year and the uncertainty regarding our budget for the upcoming fiscal year. Ms. Yamaguchi proposed canceling the August board meeting and suggested discussing this further at the May board meeting. Ms. Yamaguchi also mentioned

exploring options for remote locations that board members could use to participate in meetings.

Ms. Yamaguchi announced a rescheduling of the November board meeting, moving it from November 20-21, 2025, to November 17-18, 2025. Ms. Yamaguchi referred to Mr. Weiler, who explained that this change was necessary due to technical issues with the Evergreen Room, which we typically use. Ms. Yamaguchi would like the board to accept this change at the May board meeting.

Committee Discussion: None

10. Respiratory Care Board's March 2025 Board Meeting Update – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi referred to Dr. McLeod, who attended the Respiratory Care Board's (RCB) meeting, which was held in conjunction with a national association meeting for respiratory care professionals. Dr. McLeod mentioned that the RCB had been invited to conduct their meeting simultaneously. Dr. McLeod noted that the RCB is looking to return to requiring a bachelor's degree as the entry-level qualification for respiratory therapists.

Dr. McLeod also addressed the topic of the school nurse bill, stating that school nurses assured the board that the primary focus was on allowing suctioning, and they understood the nurses' position on this matter. Additionally, Dr. McLeod provided an update that the RCB had reviewed the regulations discussed in recent years and that no changes had been made; however, they had vetoed some regulations.

Dr. McLeod mentioned that discussions were ongoing regarding home health and community care regulations. A board member spoke with Dr. McLeod after the meeting, and expressed concern over the idea that suctioning would not be permitted in homes or during in-home care, emphasizing that this should be included in the regulations. Dr. McLeod acknowledged this concern and indicated that it would be considered at their next meeting, where they would discuss the matter in more detail.

Dr. McLeod also noted that Mr. Dierking attended the RCB meeting and expressed his desire to collaborate with the board on these issues. The RCB thanked him for his input. Dr. McLeod shared that they had discussions with several board members and that they would like to partner to provide respiratory care education. Ms. Schieldge inquired whether they had considered that if the school nurses' bill were to pass, it might necessitate further changes to their regulations. Dr. McLeod responded that, interestingly, the school nurses indicated that the issue was mainly about suctioning, suggesting they may not have reviewed all the relevant documents.

Committee Discussion: None.

11. Next Executive Committee Meeting.

The next Executive Committee Meeting is scheduled for June 5, 2025, from 2:00 – 3:00 p.m. or until the completion of business.

12. Suggestions for Future Agenda Items.

Committee Discussion: None

13. Adjournment.

Dr. Mountain adjourned the meeting at 2:58 p.m.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President