BVNPT

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

2019-2020 Board Members Administrative Procedures Manual

APPROVED BY BOARD: August 16, 2019

Revised October 2020

MEMBERS OF THE BOARD

CAREL MOUNTAIN, NURSING EDUCATOR MEMBER, BOARD PRESIDENT
Appointed: December 2018

JOHN DIERKING, PUBLIC MEMBER (Senate Rule Appointee), BOARD VICE PRESIDENT
Appointed: February 2016

PAULA AMEZOLA DE HERRERA, PUBLIC MEMBER
Appointed: July 2017

ALETA CARPENTER, PUBLIC MEMBER
Appointed: July 2017

ABRAHAM HILL, PT MEMBER
Appointed: October 2020

KEN MAXEY, PUBLIC MEMBER (Speaker's Appointee)
Appointed: March 2017

DONNA NORTON, LVN MEMBER
Appointed: January 2014

TARA ROOKS, LVN MEMBER
Appointed: October 2020

CHERYL TURNER, PUBLIC MEMBER
Appointed: May 2017

MELISSA RUVALCABA, PT MEMBER
Appointed: November 2019

VACANT, PUBLIC MEMBER

TABLE OF CONTENTS

Chapter	Description	Page
1	Introduction	4
2	Board Meeting Procedures	6
3	Travel and Salary Per Diem	9
4	Board Member Accountability	13
5	Board Member Training	18
6	Election and Responsibilities of Board Officers	20
7	Executive Officer	22
8	Board Committees	23
9	Enforcement and Discipline	24

APPENDIX A: Committee Structure

APPENDIX B: Sample Travel Forms

CHAPTER 1: INTRODUCTION

1.1: Mission

The Department of Consumer Affairs (DCA), Board of Vocational Nursing and Psychiatric Technicians (Board), serves and protects the public by licensing qualified and competent vocational nurses and psychiatric technicians through ongoing educational oversight, regulation, and enforcement.

1.2: Vision

Access to the highest quality patient care for all.

1.3: Values

- Accountability
- Excellence
- Inclusiveness
- Integrity
- Professionalism
- Transparency
- Trust

1.4: Overview

The Board of Vocational Nursing was established in 1951, and in 1959, merged with the Psychiatric Technician program to become the California Board of Vocational Nursing and Psychiatric Technicians. The jurisdiction of the Board is mandated by the Vocational Nursing Practice Act, Business and Professions (B&P) Code, Division 2, Chapter 6.5, Sections 2840-2895.5, and Psychiatric Technicians Law, B&P Code, Division 2, Chapter 10, Sections 4500-4548, which are implemented and enforced by the Board.

To achieve this mandate, the Board:

- Establishes the minimum requirements for examination and licensure.
- Establishes educational standards for the approval of Vocational Nursing (VN) and Psychiatric Technicians (PT) schools in California.
- Adopts regulations to clarify the performance, practice and disciplinary standards for its licensees.
- Enforces regulations governing the continued approval of VN & PT schools in California.
- Enforces regulations governing LVNs and PTs by taking appropriate disciplinary action against licensees efficiently and effectively.

1.5: Composition

Business and Professions Code sections 103, 2841, 2842, and 2843

The Board is composed of up to eleven members with a public member majority (i.e., six public members and five licensed members). Nine members are appointed by the Governor, one by the Speaker of the Assembly, and one by the Senate Rules Committee.

No member shall serve more than two consecutive full terms. One term is four years. Board Members serve in non-salaried positions but are paid $100.00 per diem for each day actually spent in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

This procedure manual is updated as necessary and provided to Board Members as a ready reference of important laws, regulations, and Department and Board policies. It is designed to help guide the actions of the Board Members and inform the public.

CHAPTER 2: BOARD MEETING PROCEDURES

2.1: Frequency of Meetings

Business and Professions Code sections 2848, 2849, and 2850

The Board typically meets four times annually to make policy decisions, make decisions on disciplinary matters, and review committee recommendations. Special meetings may be held at any time as the Board may elect, or as called by the President of the Board, or at the request of at least five members of the Board. Meetings may be held at any time and place by the written consent of all members of the Board.

The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the attending public and licensees.

2.2: Board Member Attendance

Board Members are expected to attend Board and assigned Committee Meetings in their entirety. The entirety of a meeting shall mean from the date and time of the beginning of the meeting as set forth by the official agenda, until the adjournment. A Board Member shall contact the Board President and the Executive Officer as soon as possible when she or he is unable to attend a scheduled Board or Committee Meeting and ask to be excused for a specific reason. Failure to provide notice of an absence, at least 24 hours in advance, shall constitute an unexcused absence, unless the member can furnish proof of an emergency.

2.3: Board Member Participation

Each Board Member is expected to be prepared and to participate in all discussions and deliberations of every Committee to which he/she has been appointed and the full Board, including disciplinary hearings.

Any two unexcused absences in a calendar year will result in the Executive Committee's evaluation and possible recommendation to the Governor or appointing authority for removal from the Board.

2.4: Public Notice/Information at Board Meetings

Government Code section 11120 et seq.

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of state bodies. It specifies meeting notice and agenda requirements and prohibits discussing or acting upon matters not included in the agenda. Any general discussion of examinations or disciplinary procedures shall be held in public.

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, discuss pending litigation, and review personnel issues where a public discussion would compromise the integrity of these subjects. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session,

the agenda shall cite the specific statutory section and subdivision authorizing the closed session.

Board Members are expected to read and abide by the guidance provided by the DCA Legal Counsel. Board members are required to adhere to open meeting requirements as specified in the Bagley-Keene Open Meeting Act, which is available at the DCA Board Member website (www.dcamembers.ca.gov) in the publications section.

2.5: Quorum

Business & Professions Code section 2851

Six members of the Board constitute a quorum for transaction of business at any meeting of the Board. At a meeting duly held at which a quorum of six members or more are present, concurrence of a majority of the members of the Board present shall be necessary to constitute an act or decision of the Board.

2.6: Notice of Meetings

Government Code section 11125

As mandated by the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) must occur no later than 10 calendar days in advance of the meeting. Though not expressly mandated in this specific code section, this is widely interpreted to include posting on the Board's website. The notice must include a staff person's name, work address, and work telephone number to provide further information prior to the meeting. Meetings of Board Committees with more than two Board Members are subject to these requirements.

The website may include copies of all documents for review at the proposed meetings. In addition, any materials provided to Board Members in open session during the scheduled meeting may be added to the Board's website within 10 days following the meeting. All materials uploaded to the website must be ADA-compliant. Materials that require substantial reconfiguring may not be posted immediately and a hard copy may be requested.

2.7: Agenda Items

Board Policy

Future agenda items are generally discussed and agreed upon at a full Board meeting. Agenda items for a Board meeting from any source, including Board members, must be submitted to the Executive Officer at least 30 days prior to the scheduled meeting. The Executive Officer must confer with the Board Executive Committee prior to adding items to the meeting agenda.

2.8: Record of Board Meetings

Board Policy

The minutes are a summary, not a transcript of each Board and/or Committee Meeting. They shall be prepared by Board staff and submitted for review and approval by Board Members as soon as possible following the actual meeting. Once approved, the minutes shall serve as the official record of the meeting and may be posted on the Board's website.

2.9: Audio and Video Recording
Government Code section 11124.1 et seq. and Board Policy

The meeting may be, but is not required to be, audio/video recorded, and/or broadcast live via the Internet. Recordings may be disposed of upon Board approval of the minutes; but broadcasts may be kept available in perpetuity.

2.10: Meeting Rules
Board Policy

The Board will use Robert's Rules of Order as a guide when conducting the meetings to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act).

2.11: Opportunity for Public Comment
Government Code sections 11125 and 11125.7

Every Board meeting agenda contains an agenda item that allows for public comment on matters not on the agenda. Board Members may not act or discuss matters presented by the public under these agenda items. The matter may be suggested for a future agenda item or for follow-up by Board staff.

2.12: Teleconference Meetings
Government Code section 11123

Meetings of the full Board that are held via teleconference are subject to the same notice requirements of the Open Meeting Act. The meeting notice must be published at least ten days in advance and must include the physical location of each Board Member attending the meeting remotely. A Board Member must be at each publicly noticed location. The public is permitted to attend the meeting at any of the locations listed on the meeting notice during an open session of the meeting. The public is not permitted to attend any part of the meeting that is designated as closed session.

CHAPTER 3: Travel and Salary Per Diem

3.1: Travel Arrangements

Board Policy

When travel is approved, Board Members should attempt to make their own travel arrangements, including air, rental car and lodging. All travel must be booked using the Department of General Services' Statewide Travel Program, CalTravel Store at www.caltravelstore.com. Each Board Member will work with a specified member of the administrative team to establish a travel booking profile.

3.2: Travel Approval

Board Policy

Board members must have prior approval from the Board President for all reimbursed travel except for regularly scheduled Board and committee meetings to which the Board member is assigned. Whenever feasible, it is recommended that Board members avail themselves of communication technology, e.g., telephone, video or web conferencing. This saves time and resources for the Board and Board members. For example, when two-person committees hold a regular meeting, the meeting should be conducted via the available communication technology.

The Board President and the Executive Officer must use the Board's annual budget and Department's Travel Guidelines when considering travel requests.

3.3: Out of State Travel

State Administrative Manual section 700, et seq.

All requests for out-of-state travel for persons representing the Board must be prepared by the Executive Officer and approved by the Board President. Out of state travel is ultimately controlled and approved by the Governor's Office. Once approved, Board members will be reimbursed for actual lodging expenses, supported by receipts, and will be reimbursed for meal and supplemental expenses according to current reimbursement rates. Should a Board Member elect to travel prior to approval by the Governor, their ability to represent the Board is decreased, and is at the individual Board member's own risk. Reimbursement may be denied.

Government Code Section 11139.8, subdivision (a)(5) prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that (1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; (2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or (3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

For the most up-to-date list of states under travel restriction, and for more information, please see the State Attorney General's website: https://oag.ca.gov/ab1887

3.4: Travel Claims

State Administrative Manual section 700 et seq.

All expenses are claimed using the CalATERS (California Automated Travel Expense Reimbursement System) Global." Each Board Member will work with a designated member of the administrative team to set up a CalATERS Global account and designate a specified member of the administrative team as an authorized "preparer/submitter."

The Board Member shall provide travel-related receipts and other necessary documentation to the designated preparer/submitter within 30 days of travel and/or work. After the expense claim has been prepared by the designated preparer/submitter, the claim will be reviewed and approved by the designated approver and submitted to the travel unit for processing. Expenses for travel claims submitted after the end of the fiscal year deadline may not be reimbursed that fiscal year.

NOTE: Board Members must obtain and submit relevant travel receipts, even if the Board has paid the expense in advance.

The Department's travel unit uses CalATERS Global to calculate standard mileage reimbursement. If travel includes side trips other than traveling direct from one point to another and returning, each stop must be itemized, an address included, and a written statement detailing the business need.

The Deputy Director of Board and Bureau Services approves the Executive Officer's travel expense claims. The Executive Committee shall review all Board travel claims before final approval.

3.5: Salary Per Diem

Business and Professions Code sections 103 and 2855

Compensation, salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by Business and Professions Code section 103. In relevant part, this section provides for the payment of salary per diem for Board Members "for each **day actually spent** in the discharge of official duties" and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties." Also relevant is the provision that states: "no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."

3.6: Travel Reimbursement and Payment of Salary Per Diem

Board Policy

A. Each Board Member shall receive a per diem of one hundred dollars ($100.00) for attending board meetings, in-person committee meetings/mandatory trainings, and for every eight hours accumulated performing official duties. Official duties shall include review and completion of electronic ballots, meeting preparation, online mandatory training, and Board-related communications.
B. To be reimbursed for time spent on Board business, the member must complete and submit the Board-approved Per Diem Expense Reporting Form.

C. Board Members must account for the number of hours spent fulfilling the designated responsibilities, in increments of hours (e.g., two hours spent in Committee meeting).
D. Reimbursements will be calculated in eight-hour increments. Hours not totaling eight can be carried over to the next month.
E. Meetings or sessions, such as a Board meeting with a closed session following the open session, that exceed eight hours in a single calendar day will be counted as one day.
F. A Board Member may not claim per diem for Board responsibilities on any day when that Board Member also received compensation from the State of California for his or her regular employment.
G. Per Diem Expense Reports are processed differently than Travel Reimbursement Requests. While a Board Member may submit both types of requests under the same cover, the different forms must be completed, and the payments will be processed separately.

Definitions

A. For purposes of determining eligibility for per diem under Business and Professions Code section 103, the term **"Day actually spent**" shall mean any of the following:

- Physical attendance in the meeting room for the commencement of the Board Meeting until its conclusion. The same shall apply to gatherings, events, and other meetings that are approved by the President.
    - Should a Board Member miss part of the meeting, she/he must have that absence excused by the President, or in the President's absence, the Vice President, to claim per diem.
- A cumulative total of eight hours where the member performed any one or more of the following functions, in a reasonable amount of time:
    - Board work that is authorized and assigned by the Board President to be performed at the Board Member's residence or business.
    - The review of materials and disciplinary matters (e.g. electronic ballots) as issued by Board staff to be performed at the Board Member's residence or business.
    - The review of agenda materials prior to a meeting day.
    - Completion of online mandatory trainings.
- **"Day actually spent"** does not include compensation for time spent in route to/from the site of Board business.

B. "Reasonable Amount of Time" shall mean the amount of time it reasonably takes a person to perform a task. The President may use other members' hours or her/his own time to perform the same or similarly related task to determine "reasonable amount of time."

C. Per Diem Claim

- Board Members may only claim per diem using the Board-approved form provided. This form will be available in a PDF-fillable format, or a downloadable form. A copy is included in Appendix B of this manual.

- A separate form must be completed, signed and approved by the Board President for every month in which a Board Member submits a claim. For example, a Board Member must submit separate claim forms for the months of April, May, and June of a given year, and they may submit more than one month's claims at a time, provided that claims in a fiscal year are submitted by July 15th to be paid in the fiscal year of those claims.
- These claims may be subject to verification and audit. By signing a claim, a Board Member attests that all of the information submitted is complete and accurate.

D. Per Diem Reimbursement Approval

The Board President will approve all claim forms and the cumulative hours in accordance with this policy. Staff may not reimburse claims submitted using any other form or document for per diem, nor may they pay a claim that has not been approved by the President or, in the absence of the President, the Vice President.

Authority

A. Business and Professions Code, section 3715 provides:

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

B. Business and Professions Code, section 103 provides (emphasis added):

> "*Each member of a board, …shall receive the moneys specified in this section when authorized by the respective provisions. Each such member shall receive a per diem of one hundred dollars ($100) for each* ***day actually spent*** *in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money. Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment."*

CHAPTER 4: Board Member Accountability

4.1: Improper/Unprofessional Board Member Conduct

Board Policy

A member may be censured by the Board if the Board determines that he/she has acted in an inappropriate manner while conducting Board business.

4.2: Removal of Board Members

Business & Professions Code sections, 106, 106.5, 2845

The Governor or other appointing authority may remove a member of the Board for misconduct, incompetence, or neglect of duty. Notwithstanding any other provision of law, the appointing authority may remove from office a member of a board or other licensing entity in the department if it is shown that such member has knowledge of the specific questions to be asked on the licensing entity's next examination and directly or indirectly discloses any such question or questions in advance of or during the examination to any applicant for that examination.

4.3: Resignation of Board Members

Government Code section 1750

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Director of the Department, the Board President and the Executive Officer.

4.4: Communication with Board Members

The Board's Executive Officer is the main point of contact between the staff and Board Members, and may utilize telephone, email, fax, and traditional mail services to keep the Board Members informed. All official Board emails will be sent to the Board Members assigned email address from the DCA unless the Board Member signs a notice and acknowledgement regarding use of other email. This is for the Board Members' protection, in that all official communications are potentially subject to subpoena and Public Records Act requests.

4.5: Access to Board Files and Records

Board Policy

No Board Member may access a school, licensee, applicant, or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

4.6: Communications with Other Organizations and Individuals

Board Policy

The Executive Officer, his/her designee or the Board President serves as spokesperson to the media or to any individual or organization on board actions, policies or any

communication that is deemed sensitive or controversial. Any Board Member who is contacted by any of the above should terminate the contact and inform the Executive Officer or the Board President. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Executive Officer.

4.7: Contact with Licensees

Board Policy

Board Members must not intervene on behalf of a licensee or school for any reason; they must forward all contacts or inquiries to the Executive Officer.

4.8: Definition of Board Staff

Board Policy

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining. Because of this complexity, all authority and responsibility for management of the civil service staff is delegated to the Executive Officer. Board Members shall not intervene or become involved in specific day-to-day Board office operations or personnel matters. However, the Board must hold the Executive Officer accountable for supervising all day- to-day operations.

4.9: Definition of Board Administration

Board Policy

Board Members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer under the direction of the Board President.

4.10: Rules for Contacting Staff

Board Procedure

In order to maintain a clear line of communication, Board Members should contact the Executive Officer directly on all matters, with the following exceptions:

- Board Support Analyst - regarding meeting logistics, travel and per diem.
- Discipline Unit Manager - regarding disciplinary mail votes.
- DCA Legal Counsel - regarding disciplinary procedural questions or ethical questions.

Board members are requested to copy the Executive Officer when contacting any of the above listed staff. Board Members must discuss any deviation from this policy with the Executive Officer to maintain the integrity of this policy.

4.11: Role of Board's Legal Counsel

The Board's legal counsel provides legal guidance and expertise to the Board. Counsel works with the Board in preparing regulations, assists in addressing questions which require interpretation of statutes, and participates in all Board meetings to ensure that business is conducted in accordance with State law.

4.12: Examination Preparation

Board Policy

Board Members shall not perform any function of examination development for the Board or the Department during their term as Board Members.

4.13: External Correspondence

Board Policy

Originals of any correspondence sent or received by Board Members regarding official Board business must be maintained in the Board's office files. Correspondence must be given to the Executive Officer.

4.14: Conflict of Interest

Government Code section 87100 and Board Policy

No Board Member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a financial interest. Any Board Member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board Member who feels he/she is entering into a situation where there is a potential for conflict of interest or the public perception of such, should immediately consult the Executive Officer and the Board President.

It is a conflict of interest for a Board Member to seek office in a professional association or to actively sponsor or support others seeking office in such associations, to use his or her position as a Board Member to further one's own personal interest or concerns, discuss confidential Board business with anyone except other Board members and Board staff, or to publicly espouse opinions on behalf of the Board without specific Board approval to do so.

4.15: Statement of Economic Interests (Form 700)

Government Code section 81000 et seq.
Must be filed upon assuming and leaving office, and annually.

The Political Reform Act requires appointed Board Members to publicly disclose their personal assets and income. The Fair Political Practices Commission (FPPC) is the agency responsible for maintaining the Statement of Economic Interests Form 700. Board Members must complete a Statement of Economic Interest when appointed, annually and when their appointment ends. The Form 700 must be filed annually on or before April 1st. Noncompliance will put the Board and Board Member at risk of sanctions by the FPPC, and possible further actions by the appointing authority.

4.16: Gifts from Applicants, Registrants or Licensees

Board Policy

Gifts of any kind to Board Members from schools, applicants, registrants or licensees of the Board are not permitted.

4.17: Honoraria

Government Code Section 89503 and FPPC Regulations, Title 2, Division 6

As a general rule, members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state Board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Board Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Board Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:

- When an honorarium is returned to the donor (unused) within 30 days.
- When an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed).
- When an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the Board President so that he or she, in consultation with the Executive Officer and staff counsel, may determine whether the potential for conflict of interest exists.

4.18: *Ex Parte* Communications

Government Code Section 11430.10 et seq.

An "*ex parte*" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

> *"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication."*
>
> *Board Members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.*

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter and inform the Executive Officer and the Board's legal counsel.

If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

4.19: Service of Legal Documents

If a Board Member is personally served as a party in any legal proceeding related to his or her capacity as Board Member, he or she must contact the Executive Officer immediately.

4.20: Serving as an Expert Witness

Executive Order 66.2

Pursuant to Executive Order 66-2, no employment, activity, or enterprise shall be engaged in by any gubernatorial appointee which might result in, or create the appearance of resulting in any of the following:

- Using the prestige or influence of a State office for the appointee's private gain or advantage.
- Using state time, facilities, equipment, or supplies for the appointee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by virtue of State involvement for the appointee's private gain or advantage, or the private gain or advantage of another.
- Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the appointee would be required or expected to render in the regular course of hours of his or her State employment or as a part of the appointee's duties as a State officer.

CHAPTER 5: Board Member Training

5.1: Board Member Orientation Training (BMOT)

Business and Professions Code section 45
Must be completed within one year of assuming office

Every newly appointed Board Member shall, within one year of assuming office, complete the training and orientation program offered by the Department regarding, among other things, his/her functions, responsibilities, and obligations as a Board Member.

The objectives of this training are to clarify:

- Separate roles of the Executive Officer, the Board, Board Members, and Board staff.
- Conflicts of interest.
- Importance of completing and filing the annual Statement of Economic Interest Form 700 and taking mandatory training.
- Bagley-Keene Open Meeting Act.
- Board Member roles in the policy making process.
- Discipline process and Board members' role as "judge".

5.2: Ethics Training

Government Code section 11146 et seq.
Must be completed within six months of appointment and every odd year thereafter

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat this ethics orientation every two years throughout their term. The training includes important information on activities or actions that are inappropriate or illegal. For example, generally public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel and accepting honoraria. There are limits on gifts.

An online, interactive version of the training is available on the Attorney General's Web site at: http://ag.ca.gov/ethics/. An accessible, text-only version of the materials is also available at the Attorney General's web site. Once you've completed the training, please send a copy of your certificate of completion to the Executive Officer.

5.3: Sexual Harassment Prevention Training

Department Policy EEO 12-01
Must be completed every odd year

The Department of Fair Employment and Housing has determined that the California laws requiring sexual harassment prevention training and education for supervisory employees are also applicable to members of State of California boards and commissions. These laws were established by Assembly Bill 1825 (Reyes, Chapter 933, Statutes of 2004).

In this instance, the State of California is an employer and board/commission members are "supervisory" employees. A supervisor, under the law, is any individual having the authority to hire, transfer, suspend, lay off, recall, promote,

discharge, assign, reward, or discipline employees, or effectively recommend that action. Since board and commission members make those kinds of decisions, it has been interpreted that board/commission members are “supervisory employees” and that the law is applicable to such board and commission members.

5.4: Defensive Driving Training (DDT)

State Administrative Manual (SAM) 0752
Must be completed every four years

In accordance with the California Labor Code, employers must ensure that employees receive general safe and healthy work practices training and specific instructions with respect to workplace hazards associated with their job assignments. Driving a vehicle has its inherent risks; therefore, affected employees must meet the State's Defensive Driver Training (DDT) requirements.

All state employees and Board Members who frequently drive on state business should successfully complete an approved DDT course at least once every four years, in accordance with the State Administrative Manual (SAM) Section 0751 & 0752. This online DDT fulfills the SAM sections.

5.5: BVNPT Onboarding

Board Policy
Must be completed within one year of assuming office and biennially thereafter

Board Members must attend onboarding training specific to the BVNPT. This training is held in the Board’s office in Sacramento and coordinated by the Executive Officer. It is designed to acquaint the Board Members with the staff, structure and programmatic operations, as well as the policies and procedures in this manual.

CHAPTER 6: Election and Responsibilities of Board Officers

6.1: Election of Board Officers

Business and Professions Code section 2846; Government Code section 1750

The Board, annually at its first scheduled meeting, shall elect a President and Vice President from among its members. The newly elected President and Vice President shall assume duties upon close of the meeting at which they were elected.

6.2: Responsibilities of the Board President

It is the role of the President to:

- Preside at open/closed session Board meetings and official regulation hearings.
- Assure that agenda timeframes are followed.
- Appoint committee chairpersons, define the responsibilities of the chairpersons, and make committee appointments.
- Assure that all Board Members adhere to all Board policies.
- Assure that all Board Members are compliant with all mandatory training and accountability measures.
- Serve as delegate or alternate delegate to state and national associations or appoint another Board Member to serve in such capacity.
- Represent the Board in communications relating to Board action or policy or designate another Board Member to represent him/her if necessary.
- Review and approve or disapprove Board Members' travel; such approval shall not be unreasonably withheld.
- Review and approve or disapprove Board Members' travel reimbursement requests, including regularly scheduled Board meetings; such approval shall not be unreasonably withheld.
- Review and approve or disapprove Board Members' Per Diem Salary claim; such approval shall not be unreasonably withheld.
- Assume responsibilities usually vested in or customarily incident to the office of President and otherwise prescribed by law.
- Make decisions respecting emergency or urgent matters between Board meetings.
- Sign Board decisions, rulings and minutes after approval by the Board.
- Serve as liaison between the Board and Department's Deputy Director of Board Support and Services.
- Serve as immediate supervisor of the Executive Officer.

6.3: Responsibilities of the Board Vice President

It is the role of the Vice President to:

- Serve on the Executive Committee.
- In the absence of the President, assume all duties of the President, and when so acting, have all the powers of, and be subject to all the restrictions upon, the President.
- Other projects as assigned by the President.

6.4: Filling Officer Vacancies

Board Policy

If the office of the President becomes vacant, the Vice President assumes the office of the President on an interim basis and until the election of officers at the next scheduled Board meeting.

6.5: Committee Chairs

Committee Chairs are appointed each year by the Executive Committee and upon a vacancy. Board Members may communicate with the Executive Committee and request to be assigned a chair position.

Role of the Committee Chair:

- Preside over the Committee's meeting.
- Work with the Executive Officer and other assigned staff to develop agendas, discuss goals, and provide analysis, feedback and direction.
- Present Committee Reports to the full Board at the next public meeting.
    - This includes, but is not limited to: presenting recommended actions, providing background information, and requesting further action.

CHAPTER 7: Executive Officer

7.1: Appointment

The Board generally appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board. However, per the Board's 2017 Sunset Review legislation, AB 1229, for the period from January 1, 2018-December 31, 2019, this appointment shall be made by the Governor's Office.

7.2: Role

The Executive Officer is the Board's Chief Executive Officer. He or she implements the policies developed by the Board.

7.3: Recruitment

The Board must institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It must also utilize proven equal employment opportunity and personnel recruitment procedures.

7.4: Evaluation and Selection

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees and handle conflict resolution and complaint mediation. The Executive Officer must also demonstrate effective written and verbal communication skills and have knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets.

The selection of a new Executive Officer is an item of business, which must be included in a written agenda and transacted at a public meeting.

7.5: Performance Appraisal

Memo OHR 2/14/2013; Government Code section 11126(a) and Board Policy

The Board evaluates its Executive Officer on an annual basis. Approximately two months before the meeting, the Board President will direct that all Board Members receive a copy of the evaluation form with instructions to complete their evaluations individually and forward them directly to the Board President. The Board President will review all evaluations and collate the ratings and comments for all Board Members to review.

Each year, the evaluation of the Executive Officer will be placed on the agenda. The Board Members will meet first in closed session to determine what action, if any, needs to be taken. The Board Members will then meet with the Executive Officer to discuss the appraisal. Further actions will be taken in accordance with the Open Meeting Act.

CHAPTER 8: Board Committees

8.1: Standing Committees

Committees serve as an essential component of the full Board to address specific issues referred by the public or recommended by staff. The present committee structure does not require a quorum because any decision of the committee must be voted on by the full Board to become policy. The committees are typically composed of two Board Members who are charged with gathering public input, exploring alternative approaches to issues, analyzing the data collected, and making a recommendation to the full Board.

Upon approval by the full Board, the full listing and description of the Board's current Committees will be included in this Manual's Appendix.

8.2: Committee Appointments

The Executive Committee determines committee composition, whether standing or ad hoc; however, committee members may make recommendations for new members. Committee member terms expire at the discretion of the Executive Committee.

Ad hoc committees may be established by the Board as needed. Members and chairpersons will be appointed by the Executive Committee. Ad hoc committees may include the appointment of non-Board Members.

8.3: Committee Reports

Each committee chair provides a report of its meeting to the full Board at its next regularly scheduled public meeting. The Board can approve the committee report with any and all recommendations contained in the report, or approve a portion of the report, and discuss certain items and vote on them separately.

CHAPTER 9: Enforcement and Discipline

The Board has established a robust enforcement program to ensure that timely and appropriate disciplinary action is taken against unprofessional, incompetent, or grossly negligent practitioners. A more comprehensive Enforcement Manual will be developed and distributed to the Board for review and approval.

9.1: Investigation

The Board receives complaints from the public, government, law enforcement, licensed professional groups, internal, other states or anonymously. Additionally, the Board receives reports of allegations and criminal convictions.

The Board investigates complaints to determine if there has been a violation of the Vocational Nursing Practice Act or the Psychiatric Technicians law utilizing Board analysts, Special Investigators, and the DCA, Division of Investigation (DOI).

If an investigation substantiates violations of the Vocational Nursing Practice Act or the Psychiatric Technicians law, the Board may issue a Notice of Warning, a Citation and Fine, or if the violations are egregious, the matter may be referred to the Office of the Attorney General for formal disciplinary action.

9.2: Disciplinary Action

The Board has authority to revoke, suspend, or place on probation any license if the licensee has violated a provision of the law governing the profession (Business and Professions Code, Division 2, Chapter 6.5, Article 3). Further, the Board has authority to deny licensure to anyone convicted of a crime substantially related to the profession or who has done any act which, if done by a licensee, would be grounds for revocation or suspension of the license.

All proceedings are conducted in accordance with the California Administrative Procedures Act (APA), the Attorney General's (AG) Office, and the Office of Administrative Hearings (OAH) to ensure that disciplinary actions are handled in a fair and judicious manner.

Cases may be resolved in one of three ways: stipulated settlement, proposed decision, or default decision.

Stipulated Settlement: A negotiated agreement between the Board and Respondent. Board Members may adopt, reject (and set for hearing), or make a counter offer that, if accepted, will dispose of the matter.

Proposed Decision: Issued by an Administrative Law Judge (ALJ) after having heard the matter at a hearing. Board Members may adopt the proposed decision, reject (non-adopt) the proposed decision, and after review of the transcripts and the record, develop its own decision, remand (return) the decision to the ALJ for additional evidence, make technical or minor changes to the proposed decision, and/or mitigate (lessen, reduce) the proposed penalty.

Board Members deliberation of stipulated settlements, proposed decisions, and default decisions happens via electronic mail balloting and/or during closed session at a Board

meeting. Whether the matter is submitted to the Board Members electronically or as part of closed session depends largely upon timing. Board staff processes all matters in the manner most efficient. If sufficient time exists between receipt of the matter by Board staff and the next regularly scheduled Board meeting, the matter will be sent to the Board Members electronically for deliberation and voting. If there is not sufficient time between the receipt of the matter and the next regularly scheduled Board meeting, the matter will be submitted to the Board Members during closed session.

Stipulated settlements, proposed decisions, and default decisions submitted to the Board Members electronically are assigned a deadline for submission of the vote. If a Board Member wishes to discuss a particular aspect of the matter, the Member must complete the electronic mail ballot "hold for discussion" and note the reason for requesting the hold. If two votes are cast to hold a case for discussion, the matter will be scheduled for discussion during closed session at the Board's next regularly scheduled Board meeting.

Stipulated settlements, proposed decisions, and default decisions submitted to the Board Members for deliberation during closed session, whether directly or as the result of a vote to "hold for discussion", will be presided over by DCA staff counsel and in accordance with the APA and the Bagley-Keene Open Meeting Act.

The possible outcomes of a formal discipline matter include: revocation, suspension, probation, public reproval/reprimand, or dismissal.

9.3: Contact with Complainant/Respondent

Board Members must not directly participate in complaint handling, resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee. If a Board Member is contacted by a complainant/respondent or his/her attorney, the Board Member should refer the individual to the Executive Officer.

Board decisions are public. Board deliberations are not.

Appendix A

Committee Structure

Committee	Lead Staff	Committee Purpose	Committee Functions	Performance Measurements	Meeting Frequency
Education and Practice	Supervising Nursing Education Consultant	The Education and Practice Committee: • Evaluates educational programs and policies that serve Board stakeholders.	The functions of the Education and Practice Committee include: • Program Assessment; • Review proposals and recommend action to full Board regarding schools, programs, policies and regulations; • Evaluate operations of Education Division; • Address Scope of Practice issues; • Inform stakeholders and public about nursing education programs, consumer safety, and Board priorities; • Recognize program successes; and • Implement Strategic Plan goals.		Quarterly, and as needed.
Licensing and Evaluations	Licensing Manager	The Licensing and Evaluation Committee: • Provides oversight to application and licensing functions; and • Reviews and oversees complaint trends.	The functions of the Licensing and Evaluation Committee include: • Review licensing and applicant processes at a policy level to ensure customer satisfaction; • Inform stakeholders and public about Licensing and Evaluations processes, consumer safety, and Board priorities; • Review Continuing Education Audit program; • Review and analyze Board complaint trends and management, and recommend action to full Board as needed; • Recognize program successes; and • Implement Strategic Plan goals.		Quarterly, or as needed.
Legislative & Regulation	Executive Officer	The Legislative and Regulation Committee:	The functions of the Legislative and Regulation Committee include:		Quarterly and as needed, based on Legislative and

		• Monitors, reviews, and recommends actions on current legislation and rulemaking proposals; • Develops and advances new legislation and regulations to protect and benefit the Board and its stakeholders; and • Reviews and recommends updates and amendments to the Board's Practice Acts and regulations.	• Review new and updated lists of relevant legislation, and recommend action to the full Board; • Communicate with legislators and stakeholders about Board legislative priorities; • Inform stakeholders and public about Board's legislative priorities; • Implement Strategic Plan goals; • Review and suggest updates to practice acts and regulations; • Review Sunset Report and legislation; and • Draft, promulgate and implement regulation packages.		Regulatory Calendars.
Enforcement	Enforcement Chief	The Enforcement Committee; • Ensures licensee, program, and applicant compliance with laws and regulations.	The functions of the Enforcement committee include: • Evaluate operations and case management processes of the Enforcement Division; • Provide guidance on compliance with Consumer Protection Enforcement Initiative (CPEI), emerging policy issues and best practices; • Analyze statistics and trends and make recommendations for action to the full Board; • Inform stakeholders and public about Enforcement programs, consumer safety, and Board priorities; • Recognize program successes; • Implement Strategic Plan goals; and • Promote and support partnerships with the Division of Investigations (DOI) and the Office of the Attorney General (OAG), as well as other healing arts Boards and government agencies.		Quarterly, or as needed.

Executive	Executive Officer	The Executive Committee: • Provides oversight and recommendations regarding administration of the Board; • Provides a safe avenue for staff engagement; • Directs and supervises the Executive Officer; • Provides guidance to Board members, and • Monitors all Board committees.	The functions of the Executive Committee include: • Supervision and annual evaluation of Executive Officer; • Review Board-wide policies and issues and make recommendations for action to the full Board; • Oversee Strategic Planning process and implementation; • Oversee Sunset Review and report process and implementation; • Oversee fiscal planning, audit, and budget processes; • Establish and communicate availability for direct staff engagement with Board; • Assign agenda items to policy committees and monitor progress; • Develop and propose Board calendar and call special meetings; • Appoint standing and ad hoc committees; • Approve Board Member requests for travel, reimbursement and payment of salary per diem; • Make interim decisions on emerging issues and report for ratification at Board meeting immediately following.		Monthly or as needed.

Appendix B

Sample Travel Forms

SAMPLE

BVNPT BOARD MEMBER EXPENSE REPORT

Month: _____Year: _____

BOARD MEMBER: _____

BOARD MEETING DATES (if applicable): _____

Committee Meetings	Date	# of Hours*	Total Hours
Executive			
Education/Practice			
Enforcement			
Legislation/Regulations			
Licensing/Evaluation			
Total			

***Actual time spent in Committee meeting(s).**

Ballot/Reconsideration Review Date of Packet	Date(s) of Work	Number of Cases Reviewed	# of Hours**
Total			

****Actual time spent on Mail Ballot Review/Voting.**

Other Duties:

Activity	Date	# of Hours***
Total		

*****Actual time spent on activity.**

Total # of hours: _____

I certify that on the above dates, I was engaged in performing the above duties and that no part of the claim has been paid and that services herein rendered were in accordance with the laws, rules, and regulations of the agency of the State for which compensation is claimed.

Signature: _____ Date Submitted: _____

Board President Signature: _____ Date Approved: _____

SAMPLE

BVNPT BOARD MEMBER TRAVEL EXPENSE REPORT

Board Member: _____ Month/Year: _____ Car License Plate #: _____

Home Address: _____City: _____Zip: _____

Purpose of The Trip: _____ Destination: _____

Departure			**Return**		
Date:			Date:		
Time:	AM	PM	Time:	AM	PM

Transportation Costs: * Receipt required

Airfare*	**Rental Car***	**Personal Car**		**Shuttle/Taxi/Uber/Lyft***	**Parking***	**Tolls***
		Mileage to event	Mileage from event			

Meal Costs:

Meal	**Travel Day 1**	**Travel Day 2**	**Travel Day 3**	**Travel Day 4**	**Total**
Breakfast - up to $7					
Lunch - up to $11					
Dinner - up to $23					
Incidentals - up to $5 for every full 24 hours of travel.					
Note: Incidentals include fees and tips for services such as porter and baggage handlers, postage charges, emergency purchases, business calls, etc. No receipt required.					

You must retain meal receipts and other records of expenses. You no longer need to submit copies of meal receipts to the Board. Reimbursement is allowed for the actual cost up to the maximum allowed for each meal or incidental. Please specify the amount you wish to claim for each meal and/or incidentals.
Important Note: Only the amounts posted in the above table will be reimbursed.

Lodging Costs: * Receipt required

Hotel room total*:	**Excess Lodging Approved**: Yes No

Other Expenses not listed above: * Receipt required

I certify that on the above dates, I was engaged in performing the above duties and that no part of the claim has been paid and that services herein rendered were in accordance with the laws, rules, and regulations of the agency of the State for which compensation is claimed.

Signature: _____ Date: _____

Board President Signature: _____ Date: _____

SAMPLE

BVNPT BOARD MEMBER EXPENSE REPORT INFORMATION

Submitting the expense report:

Please complete and email your expense report to the Board's Executive Officer no later than the 10th day of each month to ensure review and approval by the Board President. Board members must use the BVNPT Board Member Expense Report and BVNPT Board Member Travel Expense Report for reimbursement. Previous expense forms are not accepted and use of previous forms delays reimbursement. NOTE: While you may file more than one month at a time, please use separate forms for each month. Be aware that if you send in requests for more than two or three months at a time, processing your request may be delayed.

Preparing the expense report:

Board members are compensated for **actual time spent** performing work authorized by the Board President (Section 103 of the Business and Professions Code).

- A full day's time is compensated when eight hours is accrued. For example, you cannot claim a full day of reimbursement for a two-hour committee meeting. **Exception: an authorized meeting lasting over eight hours is considered one full day.**
- Report time in one-hour increments. If your reported hours exceed a multiple of eight, the excess number will carry over to the next month's report.
- Car License Plate # is required if personal vehicle is used.

Travel Expenses:

Airline Expense(s):	Ticket stubs/receipt or the itinerary must be submitted with this expense report. The Department of Consumers Affairs will not process Travel Expense Claims without at least one of these items. Reimbursement will be delayed until you provide copies of this information.
Meal Expense(s):	Maximum reimbursement amounts are listed. Receipts are not required.
Lodging Expense(s):	An original receipt is required for reimbursement. If a receipt is lost and a duplicate cannot be obtained, the maximum reimbursement amount, without prior approval, is $90 per night, plus tax. **If excess lodging is not approved in advance, reimbursement amount is $90 per night, plus tax.**
Private Car Mileage:	State business conducted using your personal vehicle is reimbursed at $.545 per mile. Please note that mileage will not be given when a rental car is obtained for travel.
Parking Expense(s):	Receipts are required for parking expenses exceeding $10.00. If the parking receipt is lost and the total exceeds $10.00, only $10.00 is reimbursed.
Rental Car, Taxi, Shuttle, Uber, LYFT	All receipts are required for reimbursement.