



Board Meeting Minutes

DATE: Friday, June 21, 2019

LOCATION: Department of Consumer Affairs, 1747 North Market Blvd.,
Hearing Room – First Floor, Room 186
Sacramento, CA 95834

BOARD MEMBERS

PRESENT: Tammy Endozo, LVN Member, Board President
Dr. Bernice Bass de Martinez, Public Member,
Vice-President
Paula Amezola de Herrera, Public Member
Aleta Carpenter, Public Member
John Dierking, Public Member
Kenneth Maxey, Public Member
Dr. Carel Mountain, Education Member
Cheryl Turner, Public Member

BOARD MEMBERS

NOT PRESENT: Donna Norton, LVN Member
Paul Sellers, PT Member

STAFF PRESENT:

Elaine Yamaguchi, Executive Officer
Vicki Lyman, Assistant Executive Officer
Candace Raney, Enforcement Chief
Marie Cordeiro, Supervising Nursing Education Consultant
Jen Jonson, Licensing and Evaluations Manager
Jay Prouty, Discipline Unit Manager
Tim Matsumoto, Associate Governmental Program Analyst
Samantha Calma, Budget & Legislative Analyst
Jenny Penales, Board Analyst
Kenneth Swenson, DCA Senior Staff Counsel Attorney III
Patrick Le, DCA Assistant Deputy Director, Boards and
Bureau Services
Dennis Zanchi, SOLID Strategic Planning Unit
Trisha St. Clair, SOLID Strategic Planning Unit

Agenda Item 1 Call to Order, Roll Call, and Establishment of Quorum.

The meeting was called to order by Board President Tammy Endozo at 9:07 a.m., Friday, June 21, 2019 at the Department of Consumer Affairs, 1747 North Market Blvd.,

*Board of Vocational Nursing and Psychiatric Technicians Meeting
June 21, 2019*

Hearing Room, First Floor, Room 186, Sacramento, CA 95834. Board Members introduced themselves. A quorum was confirmed.

Agenda Item 2 Pledge of Allegiance.

Dr. Bass de Martinez led the pledge of allegiance.

Agenda Item 3 Introduction of Board Members and Board Staff/Chair's Remarks.

Elaine Yamaguchi, Executive Officer, introduced herself and staff present. Kenneth L. Swenson, DCA Senior Staff Counsel Attorney III, introduced himself.

**Agenda Item 4 Unfinished business from May 2019 Board meeting:
Discussion and Possible Action: Board Committee Structure**

**A. Presentation to the Board on other DCA Committee Structures, Patrick Le,
DCA Board and Bureau Services**

Mr. Dennis Zanchi, SOLID, gave an introduction and facilitated the discussion on committee structure.

Patrick Le, DCA Assistant Deputy Director, provided an overview of traits for an effective committees and committee structures and offered some examples of how the Board could restructure.

Board members discussed the purpose, function, meeting frequency, and members assigned. SOLID will work on updating the drafted committee structure and it will be presented at the August Board meeting.

Public Comment:

None

Board Discussion:

- Ms. Amezola asked about the implications of SB 53.
- Mr. Le stated that committee meetings regardless of the number of members are subject to Bagley-Keene.
- Ms. Turner expressed her concern with reviewing and approving committee minutes on time if committees met the day before the Board meeting.
- Ms. Endozo suggested committees meet a month prior to the Board meeting so staff has time to prepare the reports and committee members review and approve the reports.
- Ms. Amezola inquired if the Executive Committee can be tasked with scheduling committees to meet on the same day.

Agenda Item 5 Closed Session

Board members met for a brief closed session.

**Agenda Item 6 Unfinished business from May 2019 Board Meeting Discussion
and Possible Action: Legislation and Regulations Committee
Report**

The Legislation and Regulations committee met on May 28, 2019 to discuss AB 613 and SB 53. Committee members voted to support AB 613 but did not reach a unanimous decision regarding SB 53.

Public Comment:

None

Board Discussion:

- Ms. Endozo stated the Executive Committee recommended opposing SB 53 due to cost and because it may hinder the Board's ability to address sensitive issues.
- Ms. Yamaguchi expressed her concern with SB 53 due to cost, staff resources, and how it would negatively impact operations.
- Mr. Dierking requested the EO send a letter of the Board's opposition to SB 53 to the Assembly Speaker, the relevant Committees, and DCA.
- Ms. Endozo requested for the Legislation and Regulations committee to follow up on fee schedule bill and assist in seeking an author.

Motion: Support AB 613.

Moved: Legislation and Regulations Committee

Member Name	Vote
Tammy Endozo	Yes
Dr. Bernice Bass de Martinez	Yes
Paula Amezola De Herrera	Yes
Aleta Carpenter	Yes
John Dierking	Yes
Kenneth Maxey	Yes
Dr. Carel Mountain	Yes
Donna Norton	Absent
Paul Sellers	Absent
Cheryl Turner	Yes

Motion: Oppose measure SB 53

Moved: Aleta Carpenter **Seconded:** Dr. Carel Mountain

Member Name	Vote
Tammy Endozo	Yes
Dr. Bernice Bass de Martinez	Yes
Paula Amezola De Herrera	Yes
Aleta Carpenter	Yes
John Dierking	Yes
Kenneth Maxey	Yes
Dr. Carel Mountain	Yes
Donna Norton	Absent
Paul Sellers	Absent
Cheryl Turner	No

**Agenda Item 6 Unfinished business from May 2019 Board Meeting Discussion
and Possible Action: Board Administrative Manual**

A. Salary Per Diem Policy

There has been a great deal of time spent whether travel time can be claimed as time worked. After research and assistance from legal counsel Mr. Swenson, the DCA policy clearly stated that travel time cannot be counted as salary per diem. It's important that we have an honest, transparent, and accurate portrayal of Board member's contributions.

Public Comment:

None

Board Discussion:

- Ms. Endozo commented that each case varies for the time being worked.
- Ms. Turner has done her own research and presented an Attorney Generals' opinion from 1975 regarding the definition of salary per diem and compensation for time spent traveling.
- The Board had an in-depth discussion on how to define per diem and what can be claimed.
- Dr. Bass de Martinez recommends the EO research and ensure that the correct deductions and contributions are taken out of Board member's salary per diem checks.
- Ms. Turners stated the Board members are entitled to receive per diem for Board meeting preparation, travel, for the entire day even if meetings only last a couple of hours.
- Ms. Yamaguchi agrees that there should be a written policy in place in the Board Member Administrative Policy and Procedure Manual that is consistent when leadership changes.
- Dr. Bass de Martinez recommends pulling the most recent Board Member Administrative Procedures Manual and distribute the language, so all members have a starting point.

Motion: Board members shall receive a per diem payment of \$100 for any day they engage in official duties.

Moved: Paula Amezola **Seconded:** /Cheryl Turner

Member Name	Vote
Tammy Endozo	No
Dr. Bernice Bass de Martinez	No
Paula Amezola De Herrera	Yes
Aleta Carpenter	Yes
John Dierking	No
Kenneth Maxey	No
Dr. Carel Mountain	Abstain
Donna Norton	Absent
Paul Sellers	Absent
Cheryl Turner	Yes

Motion: Board members shall receive a per diem of \$100 when attending Board meetings, committee meetings, in-person mandatory trainings, and for every 8 hours accumulated performing official duties.

Official duties shall include: mail ballots, preparation time, mandatory trainings, communications, necessary travel to and from official board duties.

Moved by Tammy Endozo and seconded by Aleta Carpenter.

Board Votes Motion: Table the motion and have staff research and present in draft form with the due date of July 15, 2019.

Moved: Kenneth Maxey **Seconded:** Cheryl Turner

Member Name	Vote
Tammy Endozo	No
Dr. Bernice Bass de Martinez	No
Paula Amezola De Herrera	Yes
Aleta Carpenter	Yes
John Dierking	No
Kenneth Maxey	No
Dr. Carel Mountain	Abstain
Donna Norton	Absent
Paul Sellers	Absent
Cheryl Turner	Yes

Agenda Item 7 Public Comments on Items Not on the Agenda.

Public Comment:
None

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Board Discussion:

None

Agenda Item 8 Suggestions for Future Agenda Items.

Public Comment:

None

Board Discussion:

None

Agenda Item 10 Adjournment.

Ms. Endozo adjourned the meeting at 3:54 pm.

Prepared by: Signature on File
Elaine Yamaguchi
Executive Officer

Date: 08/16/2019

Approved by: Signature on File
Tammy Endozo, LVN
Board President

Date: 08/16/2019