



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

Board of Vocational Nursing and Psychiatric Technicians
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**State of California Department of Consumer Affairs
Board of Vocational Nursing and Psychiatric Technicians
Legislative and Regulations Committee Meeting Report**

DATE: Thursday, May 6, 2021

TIME: 2:00 P.M. – 4:00 P.M.

LOCATION: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205 Sacramento, CA
(Via WebEx)

COMMITTEE MEMBERS PRESENT: Mr. Dierking, Chairperson
Ms. Carpenter, Board Member

COMMITTEE MEMBERS ABSENT: None

BOARD STAFF PRESENT: Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Wood, Enforcement Chief
Ms. Cordeiro, Supervising Nursing Education Consultant
Ms. Clayworth, Nursing Education Consultant
Ms. Shuman, Nursing Education Consultant
Ms. Archibald, Personnel Specialist
Ms. Maracino, Education Analyst
Ms. Pires, Legislative and Regulatory Specialist

DCA STAFF PRESENT: Mr. Swenson, Staff Attorney III

DCA STAFF ABSENT: Ms. Tatayan, Staff Attorney III

Agenda Item 1: Call to Order and Roll Call

Committee Action:

Mr. Dierking called the meeting to order at 2:05 p.m. on Thursday, May 6, 2021.

**Agenda Item 2: [AB 1536](#): (Committee on Business and Professions) Board of Vocational Nursing and Psychiatric Technicians of the State of California.
Committee analyses are found [here](#).**

Committee Action: None

Ms. Yamaguchi updated the Committee regarding the Board's Joint Sunset Oversight Hearing Assembly Bill 1536. She reported on numerous technical non-substantive changes in the bill language, and a notable amendment in proposed section 2881.2 to the Business and Professions Code which states that (a) The board shall maintain a list of inactive vocational nursing schools and programs seeking board approval; (b)... program seeking board approval shall respond to the board within two weeks of each inquiry or request during all phases. A school or program that does not respond within two weeks shall be designated as inactive; and (c)...a program seeking board approval that remains on the inactive list for 90 days shall be taken out of consideration for a new program and may only reapply after six months. She reported that the bill was moved to the Assembly Appropriations Committee.

Ms. Yamaguchi reported that the Executive staff have drafted pilot program proposal for Board and stakeholder review which incorporates the Legislature's recommendations.

Agenda Item 3: Legislative Update

Committee Action: None

Ms. Yamaguchi introduced the following 2021-2022 bills of interest to the Committee:

- [AB 29](#) (Cooper) State bodies: meetings.
Committee analyses are found [here](#).
- [AB 107](#) (Salas) Licensure: veterans and military spouses.
Committee analyses are found [here](#).
- [AB 225](#) (Gray, Gallagher, & Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses.
Committee analyses are found [here](#).
- [AB 361](#) (Rivas) Open meetings: local agencies: teleconferences.
Committee analyses are found [here](#).
- [AB 410](#) (Fong) Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact.
Committee analyses are found [here](#).
- [AB 885](#) (Quirk) Bagley-Keene Open Meeting Act: teleconferencing.
Committee analyses are found [here](#).
- [AB 1273](#) (Rodriguez) Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.
Committee analyses are found [here](#).

Ms. Yamaguchi asked the Committee to review AB 1273 for consideration of a "support" position. Ms. Carpenter and Mr. Dierking affirmed continued monitoring of the bill and Mr. Dierking requested that the bill be reviewed at the next Committee meeting.

Agenda Item 4: 2021 Rulemaking Update

Committee Action: Ms. Carpenter motioned and Mr. Dierking seconded the motion to refer Modified Proposed Text for [AB 2138](#) (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Vocational Nurses (VN) to the Board for vote.

a) Update: [AB 2138](#) (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Psychiatric Technicians (PT)

Status: Ms. Pires reported that the PT package was filed with The Office of Administrative Law (OAL) on 04/13/2021.

b) Update and Action: [AB 2138](#) (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Vocational Nurses Modified Proposed Text*

Status: Ms. Pires reported that the Vocational Nursing (VN) package requires Board approval of the Modified Proposed Text as received from DCA Legal on April 1, 2021. The Committee members reviewed the language and moved to refer the Modified Proposed Text to the Board for vote.

c) Update: Fee Schedule

Status: Ms. Yamaguchi reported that the VN and PT packages are stayed in Initial Phase production pending the outcome of the Board's Sunset hearing and program fee proposal.

d) Update: Program Pass Rate Standards for Vocational Nursing Programs

Status: Ms. Pires reported that the Program Pass Rate Standards for Vocational Nursing Programs rulemaking package was submitted to DCA Legal on March 29, 2021. DCA Legal would like to modify the text the Board approved on August 21, 2020. DCA Legal's recommended modified language was received subsequent to May 6th, and will be presented to the Committee and Board in June.

e) Update: Article 5 School, Vocational Nursing Programs and Psychiatric Technician Programs

Status: Ms. Yamaguchi reported that stakeholder outreach for Article 5 concepts will commence this summer or early fall.

f) Update: Article 4, Cosmetic Procedures by Licensed Vocational Nurses

Status: Ms. Yamaguchi reported that the legislature is aware that the Board is seeking statutory authority to prohibit the practice of cosmetic treatment by LVNs. Further updates will be available as the language of Sunset bill continues to develop.

g) Update: Disciplinary Guidelines and Uniform Standards Related to Substance Abuse (16 CCR 2524 for VN; 16 CCR 2579.10 for PT)

Status: This rulemaking is in Initial Phase production; proposed regulatory language has been prepared and proposed amendments to the document incorporated by reference, *Disciplinary Guidelines and Uniform Standards Related to Substance Abuse* is underway.

Agenda Item 5: Continuing Education Provider Conflict of Interest Policy

Committee Action: None

Mr. Swenson, Board Counsel, reported that in response to DCA's Sunset hearing, the Executive team at DCA is considering developing a uniform DCA-wide Conflict of Interest policy for all Healing Arts Boards, and specific to Boards which license individuals who prescribe medications or order supplies or products. He added that depending on the specific proposed language, it may be reasonable for the Board to consider adopting the language, if the language is relevant to Vocational Nurses and Psychiatric Technicians.

Agenda Item 6: Schedule next Legislative and Regulations Committee Meeting

Committee Action: Administrative.

The Committee selected June 24, 2021 at 2:00 p.m. for its next meeting.

Agenda Item 7: Adjournment

Committee Action: Administrative.

The meeting adjourned at 3:14 p.m.



**State of California Department of Consumer Affairs
Board of Vocational Nursing and Psychiatric Technicians
Legislative and Regulations Committee Meeting Report**

DATE: Thursday, March 11, 2021

TIME: 2:00 P.M. – 4:00 P.M.

LOCATION: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205 Sacramento, CA
(Via WebEx)

COMMITTEE MEMBERS PRESENT: Mr. Dierking, Chairperson
Ms. Carpenter, Board Member

COMMITTEE MEMBERS ABSENT: None

BOARD STAFF PRESENT: Ms. Yamaguchi, Executive Officer
Ms. Cordeiro, Supervising Nursing Education Consultant
Ms. Ann Shuman, Nursing Education Consultant
Ms. Clayworth, Nursing Education Consultant
Ms. Maracino, Education Analyst
Mr. Matsumoto, Education Analyst
Ms. Pires, Legislative Analyst
Ms. Archibald, Personnel Specialist

DCA STAFF PRESENT: Ms. Tatayan, Staff Attorney III
Mr. Swenson, Staff Attorney III

Agenda Item 1: Call to Order and Roll Call

Committee Action:

Mr. Dierking called the Meeting to order at 2:04 p.m. on Thursday, March 11, 2021.

Agenda Item 2: March 9, 2021 Sunset Hearing Update

Committee Action: None

Ms. Yamaguchi updated the Committee regarding the Board's Joint Sunset Oversight Hearing with the Assembly Business and Professions Committee and the Senate Business, Professions, and

Economic Development Committee. She reported that the hearing was on March 9, 2021, and that the staff is busy preparing the Board response to the Background Paper.

Agenda Item 3: Legislative Update

Committee Action: None

Ms. Yamaguchi introduced the following 2021-2022 bills of interest to the Committee:

- **AB 2 (Fong) Regulations: legislative review: regulatory reform.** Agency review of state regulations for duplication, overlap, or inconsistency with the state agency's regulations.
- **AB 29 (Cooper) State bodies: meetings.** Writings or materials to be made available on the state body's internet website concurrent with the 10-day meeting notice, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. Prohibits State bodies from discussing writings or materials unless State body has complied with these provisions.
- **AB 107 (Salas) Licensure: veterans and military spouses.** Expands the requirements to issue temporary licenses within 30 days of receiving the required documentation.
- **AB 225 (Gray, Gallagher, & Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses.** Would require temporary licenses to expire 30 months after issuance rather than 12 months.
- **AB 269 (Patterson) Nursing: licensure: renewal fees: reduced fee.** Reduces nurse renewal license fee. Board of Registered Nursing may reduce license renewal fees if licensed to practice for 20 years, reached age of retirement under Social Security, and customarily provides their services free of charge. Renewal fee may not be reduced less than half of the regular renewal fee.
- **AB 299 (Villapudua) Career technical education: Apprenticeship Grant Program.** This bill would establish the Apprenticeship Grant Program, commencing with the 2022–23 academic year, under the administration of the Student Aid Commission, to provide grants to encourage community college students to go into career technical education and vocational programs through participation in apprenticeships.
- **AB 339 (Lee and Cristina Garcia) State and local government: open meetings.** Multiple amendments to several sections of the Government Code propose a requirement that all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. Both a call-in and an internet-based service option must be provided to the public; teleconferenced meetings shall include an in-person public comment opportunity wherein members of the public can report to a designated site to give public comment in person, are among other amendments.
- **AB 361 (Rivas) Open meetings: local agencies: teleconferences.** This bill would authorize a local agency to use teleconferencing without complying with the teleconferencing

requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, as provided, to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

- **[AB 410 \(Fong\) Licensed registered nurses and licensed vocational nurses: Nurse Licensure Compact.](#)** This bill would enact the Nurse Licensure Compact, under which the Board of Registered Nursing (BRN) and the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) would be authorized to issue a multistate license that would authorize the holder to practice as a registered nurse or a licensed vocational nurse, as applicable, in all party states under a multistate licensure privilege, as specified. The bill would designate the Board of Registered Nursing as the licensing board for registered nurses for purposes of the compact and would designate the Board of Vocational Nursing and Psychiatric Technicians as the licensing board for vocational nurses for purposes of the compact. The bill cites other specific BRN and BVNPT responsibilities.
- **[AB 646 \(Low\) Department of Consumer Affairs: boards: expunged convictions.](#)** The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked, and information previously posted regarding arrests, charges, and convictions.
- **[AB 810 \(Flora\) Healing Arts: reports: claims against licensees.](#)** Under certain circumstances, a licensee who fails to report settlement or judgment against them within 30 to 45 days after the settlement or judgment is subject to a fine of \$100.00 to \$500.00.
- **[AB 885 \(Quirk\) Bagley-Keene Open Meeting Act: teleconferencing.](#)** Would require teleconference meeting open to the public be available both audibly and visually observable to the public at the location specified in the notice of the meeting.

Agenda Item 4: 2021 Rulemaking Calendar Update

Committee Action: None.

Ms. Yamaguchi reviewed the 2021 [Rulemaking Calendar](#) and updated the Committee on the status of the following:

- **[AB 2138](#)** (Chiu, Low, Chapter 995, Statutes of 2018) Substantial Relationship and Rehabilitation Criteria for Psychiatric Technicians (PT)
Status: The PT package is in Final Phase and with DCA; the Vocational Nursing (VN) is in Final Phase production.

- Fee Schedule
Status: The VN and PT packages are in Initial Phase production
- Program Pass Rate Standards
Status: The VN is in Initial Phase production. The PT will follow shortly after, pending review by DCA's legal team.
- Article 5, Programs of Vocational Nursing and Psychiatric Technicians
Status: This rulemaking is in the Concept Phase and is pending stakeholder outreach to include drafting of policy papers and town hall meetings.
- Article 4, Cosmetic Procedures by Licensed Vocational Nurses
Status: This rulemaking is in the Concept Phase; proposed statutory language has been prepared and proposed to the Legislature.

Agenda Item 5: Discussion and Possible Action: [Strategic Plan](#)

Committee Action:

Ms. Yamaguchi recommended that Discussion and Possible Action on the Strategic Plan be deferred to another date, due to more time-sensitive priorities.

Agenda Item 6: Suggestion for Future Agenda Items

Committee Action:

Mr. Swenson recommended that the Continuing Education (CE) provider Conflict of Interest policy be placed on the agenda for the May meeting. The Committee was amenable, and the item has been placed on the May 2021 agenda.

Agenda Item 7: Schedule next Legislative and Regulations Committee Meeting

Committee Action:

The Committee selected May 6, 2021 for its next meeting.

Agenda Item 8: Adjournment

Committee Action: Administrative

The meeting adjourned at 3:17 p.m.