



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Board of Vocational Nursing and Psychiatric Technicians
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**Board of Vocational Nursing
and Psychiatric Technicians
Department of Consumer Affairs
Board Meeting Minutes**

<https://www.youtube.com/watch?v=aXpxWKE6HKs&feature=youtu.be>
<https://www.youtube.com/watch?v=mGmV-H4wHZw&feature=youtu.be>

Please note: If you hover over the time stamp under the agenda item and press the Ctrl key on your keyboard, it will take you to the exact place in the webcast to hear the Board conversation.

DATE: Friday, November 20, 2020

EXECUTIVE ORDER: Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency -- (Executive Order N-29-20, March 17, 2020, paragraph 11.)

BOARD MEMBERS

PRESENT:

Dr. Mountain, Board President, Education Member
Mr. Dierking, Board Vice President
Ms. Amezola de Herrera, Public Member
Ms. Carpenter, Public Member
Mr. Maxey, Public Member
Ms. Norton, Licensed Vocational Nurse Member
Ms. Rubalcava, Psychiatric Technician Member
Ms. Turner, Public Member
Ms. Rooks, Licensed Vocational Nurse Member
Mr. Hill, Psychiatric Technician Member

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
Ms. Lyman, Assistant Executive Officer
Ms. Wood, Enforcement Chief
Mr. Prouty, Discipline Unit Manager
Ms. Brown, Licensing Manager
Ms. Gomez, Nursing Education Consultant (NEC)
Ms. DeYoung, NEC
Dr. Fairchild, NEC
Ms. McCloud, NEC
Ms. Silverman, NEC
Ms. Clayworth, NEC
Ms. Saavedra, Budget Analyst
Ms. Pires, Legislation Analyst
Ms. Park, Enforcement Analyst
Ms. Dano, Enforcement Analyst

Mr. Matsumoto, Retired Annuitant
Ms. Maracino, Education Analyst

DCA STAFF PRESENT: Mr. Swenson, Board General Counsel
Mr. Jackson, Board Regulatory Counsel

Agenda Item 1 **Call to Order, Roll Call and Establishment of Quorum**
[\(0:57-7:49\)](#)

Board President Dr. Mountain called the meeting to order at 9:02 a.m., Friday, November 20, 2020 via WebEx. Dr. Mountain took attendance of Board Members by roll call, and confirmed quorum.

Agenda Item 2 **Introduction of Board Members/Chair's Remarks-Dr. Mountain.**
[\(0:57-7:49\)](#)

Agenda Item 3 **Introduction of Board Staff-Ms. Yamaguchi, Executive Officer.**
[\(8:19-9:29\)](#)

Agenda Item 4 **Board Meeting Minutes Review and Approval**
[\(9:39-11:44\)](#)

A. August 21, 2020

<https://www.youtube.com/watch?v=IYRqPv2DON0&feature=youtu.be>
<https://www.youtube.com/watch?v=YmmCYs2r3ms&feature=youtu.be>
<https://www.youtube.com/watch?v=K8fJzbfEUoY&feature=youtu.be>

Motion: Approve minutes for August 21, 2020, if no corrections or omissions.
Moved/Seconded: Ms. Carpenter/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carries.

Board Discussion: None

Public Comment: None

Agenda Item 5 Education

A. Education Division Report – Ms. DeYoung.

Ms. DeYoung briefed board members and provided an update on the challenges the NECs are enduring with programs during the continuing pandemic. [\(31:07-32:53\)](#)

Board Discussion: [\(33:06-36:04\)](#), [\(3:08-6:14\)](#)

Public Comment: None

Motion: Ratify actions taken by the Executive Officer set forth in the report dated, November 20, 2020.

Moved/Seconded: Ms. Turner/Ms. Carpenter

Public Comment: None

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

B. Education Committee Report – Dr. Mountain. [\(36:22-43:24\)](#)

Board Discussion: [\(43:37-43:56\)](#)

Public Comment: None

*Board Meeting
November 20, 2020*

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carries.

Request to Increase Class Enrollment Size.

**I. American Career College, Anaheim, Vocational Nursing Program.
Dr. Fairchild, Nursing Education Consultant, recommendations:**
[\(46:14-47:13\)](#)

1. Approve the NEC recommendation to increase class enrollment size.

Board Discussion: None

Public Comment: [\(48:12-48:53\)](#)

Motion: Approve the NEC's updated report and adopt the recommendations to increase class enrollment size.

Moved/Seconded: Ms. Turner/Ms. Norton

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

C. Consideration of Provisional Approval

I. Summit College, San Bernardino, Vocational Nursing Program.

Ms. Silverman, Nursing Education Consultant recommendations:

(51:19-53:28)

1. Rescind Summit College, San Bernardino, Vocational Nursing Program's ongoing admissions.
2. Require the program to submit an action plan to demonstrate adequate live patient clinical resources.
3. Require the program to submit an action plan to demonstrate an online clinical resource for the students to obtain up to 50 percent of assigned clinical hours. This action plan will also need to demonstrate adequate instructor training for this resource.
4. Require the program to admit no additional classes without prior approval by the Board.
5. Notify the NEC in the event any current class is displaced from clinical sites.
6. Comply with all program requirements.

Board Discussion: None

Public Comments: None

Motion: Accept and adopt the NEC recommendations.

Coming out of Committee does not require a second.

Moved: Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carries.

D. Request to Admit Students by Programs on Provisional Approval

I. Angeles Institute, Vocational Nursing Program

Dr. Fairchild, Nursing Education Consultant, recommendations:

(58:16-59:06)

1. Approve the Program's request to admit a full-time class of 30 students commencing January 9, 2020, graduating on November 19, 2021, to replace the November 20, 2020, graduating class.

Board Discussion: None

Public Comments: (59:07-59:21)

Motion: Approve the NEC report and adopt the recommendations.

Moved/Seconded: Ms. Carpenter/Ms. Norton

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

**II. Gurnick Academy of Medical Arts, San Mateo Vocational Nursing Program
Ms. Silverman, Nursing Educational Consultant, recommendations:**

(1:00:56-1:04:14)

1. Approve the program's request to admit a class of 25 students for a morning class, and 25 students for an evening class.
2. Comply with all program requirements.

Board Discussion: None

Public Comments: (1:04:26-1:05:28)

Motion: Approve the NEC report and adopt the recommendations.

Moved/Seconded: Ms. Norton/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

**III. Hacienda La Puente Adult Education, Vocational Nursing Program.
Dr. Fairchild, Nursing Education Consultant, recommendations:**

(1:07:53-1:09:41)

1. Approve the Hacienda La Puente Adult Education Vocational Nursing Program's request to admit a full-time class of 30 students commencing January 25, 2021, graduating on March 10, 2022, to replace the December 10, 2020, graduating class.
2. Comply with all program requirements.

Board Discussion: None

Public Comments: (1:09:55-1:10:08)

Motion: Approve the NEC report and adopt the recommendations.

Moved/Seconded: Ms. Carpenter/Ms. Amezola De' Herrera

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

IV. North West College, Riverside, Vocational Nursing Program.

Ms. Silverman, Nursing Education Consultant, recommendations:

(1:11:57-1:12:38)

1. Approve North West College, Riverside, Vocational Nursing Program to begin a full-time evening class of 30 students to commence on November 30, 2020 with an expected graduation date of April 14, 2022, to replace the class which graduated on August 30, 2020.
2. Comply with all program requirements.

Board Discussion: (1:13:16-1:15:53)

Public Comments: (1:12:50-1:13:03)

Motion: Approve the NEC report and recommendations.

Moved/Seconded: Ms. Carpenter/Mr. Hill

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES

*Board Meeting
November 20, 2020*

Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

V. Premiere Career College, Vocational Nursing Program.

Dr. Fairchild, Nursing Education Consultant, recommendations:

[\(1:17:33-1:20:46\)](#)

1. Deny the Program's request to admit a full-time class of 30 students commencing on January 4, 2021
2. Comply with all program requirements.

Board Discussion: [\(1:26:30-1:29:38\)](#)

Public Comments: [\(1:20:54-1:26:13\)](#), [\(1:29:56-1:32:14\)](#), [\(1:33:05-1:36:06\)](#)

Motion: Approve the NEC report and adopt the recommendations.

Moved/Seconded: Ms. Norton /Ms. Turner

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	ABSTAIN
Ms. Carpenter	ABSTAIN
Mr. Maxey	ABSTAIN
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	ABSTAIN
Mr. Hill	ABSTAIN

The "YES" votes carried.

VI. University of Antelope Valley, Vocational Nursing Program.

Ms. Silverman, Nursing Education Consultant, recommendations:

[\(1:39:04-1:40:54\)](#)

1. Approve University of Antelope Valley Vocational Nursing Program to begin a full-time day class of 30 students to commence on December 7, 2020 with an expected graduation date of March 18, 2022.
2. Comply with all program requirements.

Board Discussion: None

Board Meeting
November 20, 2020

Public Comments: [\(1:41:07-1:42:04\)](#)

Motion: Approve the NEC report and adopt the recommendations.

Moved/Seconded: Ms. Carpenter /Ms. Norton

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

Agenda Item 6 **Executive Officer's Report – Ms. Yamaguchi.**
[\(0:36-1:01\)](#)

Board Discussion: [\(1:04-2:50\)](#)

Public Comment: None

A. Fund Condition: [\(12:05-16:32\)](#), [\(22:52-24:55\)](#)

DCA budget team briefly discussed BVNPT's proposed 5% budget reduction, fund condition, and future fee increases.

Board Discussion: [\(16:33-22:24\)](#)

Public Comment: None

B. **Executive Committee Report – Dr. Mountain.**
[\(7:10-7:52\)](#)

Board Discussion: [\(7:53-10:53\)](#)

Public Comment: None

Agenda Item 7 **Department of Consumers Affairs Update – Ms. Holmes.**
[\(25:49-30:03\)](#)

Board Discussion: [\(30:16-30:57\)](#)

Public Comment: None

Agenda Item 8 Licensing and Evaluations

A. **Licensing Division Report** – Ms. Brown.
(15:14-15:29)

Board Discussion: (16:22-16:55)

Public Comment: None

B. **Licensing Committee Report** – Ms. Carpenter.
(11:23-12:47)

Board Discussion: (12:54-14:38)

Public Comment: None

Agenda Item 9 Legislation and Regulations

A. **Legislative and Regulatory Committee Report** – Mr. Dierking.
(16:58-17:37)

I. **AB 2028 (Aguiar-Curry): State Agencies: Meetings
Committee Recommendation:**

Update on Status – 09/01/2020 Ordered to inactive file by unanimous consent.
(17:38-18:01)

II. **AB 2854 Sunset Legislation Updates** –
(Assembly Committee on Business and Professions): Sunset Legislation
(Default Decision) 06/23/2020 Held in Senate Committee on Business,
Professions and Economic Development.
(18:02-18:27)

III. **SB 1474 (Senate Committee on Business, Professions and Economic
Development, Low, Morrell): Business and Professions** (Extending function of
Board through January 1, 2022) 09/29/2020 Chaptered by Secretary of State. Chapter
312, Statutes of 2020.
(18:28-19:04)

IV. **Preparation for Sunset Hearings Report and Legislation** (Update)

a) Summary of Legislative Concepts for Vocational Nursing.
(19:05-23:22)

b) Summary of Legislative Concepts for Psychiatric Technicians.
(19:05-23:22)

Board Discussion: (23:48-28:20)

Public Comment: None

V. 2021 Rulemaking Concepts and (Update and Action)

- a) [AB 2138](#) (Chiu, Low, Chapter 995, Statutes of 2018) Implementation Reduction in barriers to employment (Update) .
Review and approval of Public Comments and recommended responses (Action).
(28:41-32:25)

1st Motion: The Board adopt the public comments and recommended responses in the final phase of Vocational Nursing rulemaking, exception of minor and non-substantive changes.
(1:05:13-1:06:26)

Board Discussion: None

Public Comment: None

Motion is out of Committee.

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

2nd Motion: Authorize staff to incorporate the public comments and recommended responses into the final phase of Psychiatric Technicians rulemaking, exception of minor and non-substantive changes.
(1:08:02)

Board Discussion: None

Public Comment: None

Motion is out of Committee.

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES

*Board Meeting
November 20, 2020*

Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

- b) Section 100 Applicant, Licensee, and Continuing Education Provider Fee (2019) (Update)
(32:34-34:50)
- c) Regulation Package to further increase fees effective 2022 (Update)
Board Majority Voted on 08/21/2020.
(32:34-34:50)
- d) Program Pass Rate Standards (Update)
Board Majority Voted on 08/21/2020. (32:34-34:50)
- e) Article 5, Programs of Vocational Nursing (Update)
(32:34-34:50)

VI. Strategic Plan: (Update)
(34:51-37:47)

- a) Psychiatric Technician Profession Name Change.
(34:51-37:45)
- b) 2022 Legislative Conference.
(34:51-37:45)

Board Discussion: (37:46-38:56), (43:39-44:58), (59:05-1:04:51)

Public Comment: (39:04-43:33), (45:03-59:02),

Agenda Item 10 Enforcement

A. Enforcement Division Report – Ms. Wood.
(1:10:15-1:10:39)

I. Petitioner Hearing Schedule (1:10:48-1:13:47)

Board Discussion: None

II. Cost Recovery (1:14:04-1:17:39), (1:40:25-1:42:10)

Board Discussion: (1:17:41-1:40:13)

Public Comment: None

B. Enforcement Committee Report – Mr. Maxey.
(1:42:51-1:44:25)

Board Discussion: (1:44:26-1:51:16)

Public Comment: (1:50:02-1:50:22)

Motion: The question of Cost Recovery will be referred to the Enforcement Committee for further study. After which, the findings and recommendations will be directed or returned to the Executive Committee prior to it being referred to the full board for appropriate action at a future board meeting.

Moved/Seconded: Ms. Norton/Ms. Carpenter

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

The motion carried.

Agenda Item 11 **Board Calendar** – Ms. Yamaguchi.
(1:52:22-1:53:27)

Board Discussion: (1:53:29-1:54:00)

Public Comment: None

Motion: Approve the 2021–2022 board calendar changes.

Moved/Seconded: Mr. Dierking/Mr. Maxey

Member Name	Vote
Dr. Mountain	YES
Mr. Dierking	YES
Ms. Amezola De Herrera	YES
Ms. Carpenter	YES
Mr. Maxey	YES
Ms. Norton	YES
Ms. Rubalcava	YES
Ms. Turner	YES
Ms. Rooks	YES
Mr. Hill	YES

Board Meeting
November 20, 2020

The motion carried.

Agenda Item 12 *Public Comment on Items Not on the Agenda.*

Note: *The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting [Government Code Sections 11125 and 11125.7(a)].*

[\(1:55:48-1:56:12\)](#)

Public Comments: None

Agenda Item 13

Suggestions for Future Agenda Items.

[\(1:56:15-1:56:47\)](#)

Public Comment: None

Agenda Item 14

Adjourn Meeting:

[\(1:56:50-1:57:01\)](#)

Dr. Mountain adjourned meeting at 12:51 pm.

Prepared by: SIGNATURE ON FILE Date: 3/6/2021

Elaine Yamaguchi

Executive Officer

Approved by: SIGNATURE ON FILE Date: 3/6/2021

Dr. Carel Mountain, Education Member

Board President

Board Meeting
November 20, 2020