



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945
Phone 916-263-7800 Fax 916-263-7855 www.bvnpt.ca.gov

Agenda Item #20.



DATE: October 30, 2015

TO: Board Members

FROM: 
Carol Northrup, Manager
Licensing and Administrative Services Division

SUBJECT: Legislative Report

Listed below are key bills the Board is following:

AB12 STATE GOVERNMENT: ADMINISTRATIVE REGULATIONS: REVIEW
AUTHOR: COOLEY (D); CO AUTHORS: CHANG (R), DALY (D), WILK, (R)

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 12/01/2014
AMENDED: 08/19/2015
DISPOSITION: Pending

SUMMARY:

Existing law authorizes various state entities to adopt, amend or repeal regulations for various specified purposes.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. A Department or board within an agency shall notify that agency of revisions to regulations it proposes to make at least 90 days prior to a public noticed hearing, and at least 90 days prior to adoption, amendment, or repeal of the regulations.

STATUS:

Pending Senate Committee on Appropriations.

**AB85 OPEN MEETINGS
AUTHOR: WILK (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: Yes
INTRODUCED: 01/06/2015
AMENDED: 04/15/2015
DISPOSITION: Vetoed

SUMMARY:

The Bagley-Keene Open Meeting Act would have required all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would have also specified the definition of a "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multi-member advisory body that consists of three or more individuals.

STATUS:

This bill was vetoed by the Governor on September 28, 2015.

**AB178 BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS:
EXECUTIVE OFFICER
AUTHORS: BONILLA (D); CO AUTHOR: HILL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: Yes
INTRODUCED: 01/26/2015
AMENDED: 08/31/2015
DISPOSITION: Enacted (Chapter 429)

SUMMARY:

Existing law, the Vocational Nursing (VN) Practice Act and Psychiatric Technicians (PT) Law, provides for the licensure and regulation of VNs and PTs by the Board of Vocational Nursing and Psychiatric Technicians (Board), and requires the Board, among other things, to appoint an executive officer (EO) who is a licensed vocational nurse (VN), registered nurse (RN), or psychiatric technician (PT). Existing law repeals that requirement on January 1, 2016.

This bill would remove the requirement that the EO be a licensed VN, registered nurse, or PT effective immediately. This act remains in effect until January 1, 2016, and as of that date is repealed. This bill also authorizes the board to appoint EO, and extends the repeal date of the provisions relating to the board to January 1 2018.

STATUS:

This bill was signed by the Governor and chaptered by the Secretary of State on October 2, 2015. This bill is an urgency statute and takes effect immediately.

**AB179 HEALING ARTS
AUTHOR: BONILLA (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 01/26/2015
AMENDED: 09/04/2015
DISPOSITION: Enacted (Chapter 510)

SUMMARY:

Existing law establishes the Vocational Nursing (VN) and Psychiatric Technicians (PT) Fund in the State Treasury, and establishes the VN Account and the PT Examiners Account within the fund. Existing law authorizes the Board to collect specified fees and fines related to the Board's licensure and regulation of PTs, and prohibits the Board from charging expenses for these activities from any other source.

This bill, beginning July 1, 2016, would remove that prohibition, abolishes the VN Account and the PT Examiners Account, and specifies that all money in the VN and PT fund shall be used to carry out the VN Practice Act and the PTs Law.

This bill would require the Director to appoint an administrative and enforcement program monitor no later than March 1, 2016, to monitor and evaluate, among other things, the board's administrative process concentrating on the management of staff, assistance of board members, and working relationships with the Legislature, for a period of no more than two years; submit a report of findings and conclusions to the Legislature, the Department, and the Board no later than July 1, 2016, subsequent written reports no later than November 1, 2016 and February 1, 2017, and a final report before January 1, 2018. The bill would also require the Department's internal audit unit to review the board's financial needs, fee structure, and budget expenditures.

STATUS:

On October 6, 2015, this bill was signed by the Governor and chaptered by the Secretary of State.

**AB611 CONTROLLED SUBSTANCES: PRESCRIPTIONS: REPORTING
AUTHOR: DAHLE (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/24/2015
AMENDED: 04/15/2015
DISPOSITION: Pending

SUMMARY:

This bill would authorize an individual designated by a board, bureau, or program within DCA to apply to the Department of Justice to obtain approval to access information contained in

the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. This bill would, upon approval of the application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee. Additionally, the bill would clarify that only a subscriber who is a health care practitioner or a pharmacist may have an application denied or be suspended for accessing subscriber information for any reason other than caring for his or her patients. The bill would also specify that an application may be denied, or a subscriber may be suspended, if a subscriber who has been designated to investigate the holder of a professional license accesses information for any reason other than investigating the holder of a professional license.

STATUS:

Two year bill – held in Assembly Business and Professions Committee.

**AB750 BUSINESS AND PROFESSIONS: LICENSES
AUTHOR: LOW (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/25/2015
AMENDED: 04/16/2015
DISPOSITION: Pending

SUMMARY:

This bill authorizes any of the boards, bureaus, commissions, or programs within DCA to establish by regulation a system of a retired category of license for persons who are not actively engaged in the practice of their profession or vacation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. This bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

STATUS:

Held in Assembly Committee on Appropriations.

**AB840 NURSES AND CERTIFIED NURSE ASSISTANTS: OVERTIME
AUTHOR: RIDLEY-THOMAS S (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/26/2015
DISPOSITION: Pending

SUMMARY:

Commencing January 1, 2017, this bill prohibits mandatory overtime for an RN, LVN or a Certified Nursing Assistant (CNA) employed in state hospitals and facilities, except when the nurse or CNA is participating in a surgical procedure and the procedure is still in progress or when an unanticipated catastrophic event has occurred and results in such a large number of patients in need of immediate medical treatment, as specified. This bill would authorize a nurse or CNA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds of discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the nurse or CNA.

STATUS:

Pending Senate Committee on Public Employment and Retirement.

**AB923 RESPIRATORY CARE PRACTITIONERS
AUTHOR: STEINORTH (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/26/2015
AMENDED: 04/06/2015
DISPOSITION: Pending

SUMMARY:

The Respiratory Care Practice Act authorizes the Board to deny, suspend, or take other actions against a license for a conviction of sexual misconduct or any crime involving bodily injury sexual misconduct. The board may also take action against a respiratory care practitioner who is charged with unprofessional conduct which includes repeated acts of direct or indirectly inappropriate or unsafe respiratory care procedures, protocols, therapeutic regimens, or diagnostic testing or monitoring techniques, and violation of any provisions for which the board may order the denial, suspension, or revocation of, or the imposition of probationary conditions upon, a license.

This bill includes among those causes the commission of an act of neglect, endangerment, or abuse involving a person under 18 years of age, a person 65 years of age or older, or a dependent adult and the provision of false statements or information on any form provided by the Board or to any person representing the board during an investigation, probation monitoring compliance check, or any other enforcement-related check.

STATUS:

Two year bill – pending Assembly Committee on Business and Professions.

**AB1165 VOCATIONAL NURSING: SECONDARY AND POST-SECONDARY
EDUCATION
AUTHOR: RIDLEY-THOMAS S (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
DISPOSITION: Pending

SUMMARY:

This bill provides that the Board has the sole responsibility to assess and recommend approval for schools of vocational nursing and psychiatric technician education programs in the state. This bill also requires the board to enter into a memorandum of understanding with the Bureau of Private Postsecondary Education to delineate the powers of the Board to review and approve schools of vocational nursing and psychiatric technicians.

STATUS:

Two year bill – pending Assembly Committee on Business and Professions.

**AB1351 DEFERRED ENTRY OF JUDGMENT: PRETRIAL DIVERSION
AUTHOR: EGGMAN (D); CO AUTHOR: HALL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
AMENDED: 06/01/2015
DISPOSITION: Vetoed

SUMMARY:

Existing law allows individuals charged with specific crimes to qualify for deferred entry of judgment. This bill would make the deferred entry of judgment program a pretrial diversion program. If the offender completes the program, the defendant enters a not guilty plea and when the program is completed, the charges would be dismissed. If the offender fails complete the program, the prosecutor would proceed with the charges at that time.

STATUS:

This bill was vetoed by the Governor on October 8, 2015.

**AB1352 DEFERRED ENTRY OF JUDGMENT: WITHDRAWAL OF PLEA
AUTHOR: EGGMAN (D); CO AUTHOR: HALL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
AMENDED: 09/09/2015

DISPOSITION: Enacted (Chapter 646)

SUMMARY:

This bill would require a court to allow a defendant who was granted deferred entry of judgment, after pleading guilty or nolo contendere to the charged offense, to withdraw his or her plea of not guilty, and require the court to dismiss the complaint, if the defendant performed satisfactorily during the deferred entry of judgment period, and the plea may result in the denial or loss of employment, benefit, license, or certificate, or subject to adverse immigration consequences. The bill also requires the development of a related form to allow the defendant to make this attestation.

STATUS:

This bill was signed by the Governor and chaptered by the Secretary of State on October 8, 2015.

**SB390 HOME HEALTH AGENCIES: SKILLED NURSING SERVICES
AUTHOR: BATES (R)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/25/2015
DISPOSITION: Pending

SUMMARY:

This bill requires registered nurses and licensed vocational nurses who provide skilled nursing services for a home health agency to perform their duties consistent with the Nursing Practice Act and the VN Practice Act. This bill also prohibits RNs or LVNs who otherwise meet the qualifications from being required to have a minimum period of professional nursing experience prior to providing skilled nursing services for a home health agency, provided the LVN has successfully completed a skills and competency training program, administered by a licensed home health agency.

STATUS:

Two year bill – pending Assembly Committee on Health; April 22, 2015 set for second hearing. Hearing canceled at request of author.

**SB466 NURSING: BOARD OF REGISTERED NURSING
AUTHOR: HILL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/25/2015
AMENDED: 09/01/2015
DISPOSITION: Enacted (Chapter 489)

SUMMARY:

This bill would require the DCA Director to appoint an enforcement monitor to the Board of Registered Nursing (BRN). This bill would also require the BRN to deny or revoke approval of a school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical and theoretical knowledge acquired through experience by using challenge examinations or other methods of evaluation. Additionally, this bill would require BRN to promulgate regulations requiring schools seeking approval to have an acceptance process in place.

STATUS:

On October 4, 2015, this bill was signed by the Governor and chaptered by the Secretary of State.

**SB467 PROFESSIONS AND VOCATIONS
AUTHOR: HILL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 04/25/2015
AMENDED: 09/03/2015
DISPOSITION: Enacted (Chapter 656)

SUMMARY:

This bill would, in order to implement the Consumer Protection Enforcement Initiative of 2010, require DCA, through the Division of Investigation, implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their complaint and investigative workloads and to determine the referral of complaints to the division and those retained by the health care boards for investigation.

STATUS:

This bill was signed by the Governor and chaptered by the Secretary of State on October 8, 2015.

**SB779 SKILLED NURSING FACILITIES: STAFFING
AUTHOR: HALL (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
AMENDED: 05/04/2015
DISPOSITION: Pending

SUMMARY:

This bill increases the minimum number of hours of required direct care per patient in skilled nursing facilities from 3.2 to 4.1. This bill also requires the State Department of Public Health to develop staff-to-patient ratios that convert the direct-care hour's requirement into staffing ratios.

STATUS:

Held in Senate Committee on Appropriations.

**SB780 PSYCHIATRIC TECHNICIANS AND ASSISTANTS: OVERTIME
AUTHOR: MENDOZA (D)**

FISCAL COMMITTEE: Yes
URGENCY CLAUSE: No
INTRODUCED: 02/27/2015
DISPOSITION: Pending

SUMMARY:

This bill would prohibit a psychiatric technician (PT) or psychiatric technician assistant (PTA) employed by the State from being compelled to work in excess of a regularly scheduled workweek or work shift, except under certain circumstances. The bill would authorize a PT or PTA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but provides that the refusal to accept those additional hours would not constitute patient abandonment or neglect or be grounds for discrimination, dismissal, discharge, or any other penalty or employment decision adverse to the PT or PTA.

STATUS:

Pending Assembly Committee on Public Employees, Retirement and Social Security.