

Agenda Item #21.A.



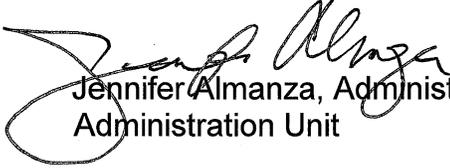
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Vocational Nursing and Psychiatric Technicians
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DATE: November 9, 2015

TO: Board Members

FROM: 
Jennifer Almanza, Administrative Analyst
Administration Unit

SUBJECT: Proposed Regulatory Action to Amend California Code of Regulations Sections 2503 (VN) and 2563 (PT), Delegation of Certain Functions

Background

At the November 21, 2014 Board Meeting, the Board approved the Enforcement Task Force recommendation to seek a regulatory amendment to delegate approval of default decisions to the Executive Officer (EO).

Current practice is to manage the Board Members schedules and time commitment by limiting both the amount of default decisions mailed per package and the frequency of mailings. Due to the large number of cases Board staff often "hold" cases that may be ready for approval until the next mailing, resulting in unnecessary delays. Delegation of default decisions to the EO would reduce enforcement processing delays, and result in faster dispositions of cases, which will assist in protecting public safety.

Existing law delegates authority to the EO to approve settlement agreements for the revocation, surrender or interim suspension of a license.

This regulatory proposal would amend section 2503 (VN) and 2563 (PT) delegating authority to the Executive Officer to approve default decisions.

Recommendations:

1. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 1, Article 1, Section 2503.
2. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 2, Article 1, Section 2563.
3. Direct staff to submit the Rulemaking File to the Department of Consumer Affairs (DCA) and to the Office of Administrative Law (OAL).

4. Authorize the Executive Officer to make non-substantive changes as are required by the DCA Director and OAL.

Attachment A: Proposed Regulatory Language to Amend California Code of Regulations Title 16, Division 25, Chapter 1, Article 1, Section 2503.

Attachment B: Proposed Regulatory Language to Amend California Code of Regulations Title 16, Division 25, Chapter 2, Article 1, Section 2563.

Agenda Item #21.A., Attachment A

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

PROPOSED LANGUAGE

VOCATIONAL NURSING REGULATIONS

Chapter 1. Vocational Nurses

Article 1. General Provisions

- (1) Amend Section 2503 of Article 1 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

§ 2503. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; to issue notices of hearings, statements to respondent, and statements of issues; to receive and file notices of defense; to determine the time and place of hearings under Section 11508 of the Government Code; to issue subpoenas and subpoenas duces tecum; to set calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation, surrender, or interim suspension of a license; to approve decisions by default, and the to certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the absence of the executive officer from the office of the Board, the assistant executive officer.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2847, Business and Professions Code.

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PSYCHIATRIC TECHNICIAN REGULATIONS

Chapter 2. Psychiatric Technicians

Article 1. General Provisions

- (2) Amend Section 2563 of Article 1 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

§ 2563. Delegation of Certain Functions.

The power and discretion conferred by law upon the Board to receive and file accusations; **to** issue notices of hearings, statements to respondent, and statements of issues; **to** receive and file notices of defense; **to** determine the time and place of hearings under Section 11508 of the Government Code; **to** issue subpoenas and subpoenas duces tecum; **to** set and calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the Board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation, surrender, or interim suspension of a license; **to approve decisions by default**, and **to certification and delivery or mailing of copies of decisions under Section 11518 of said code** are hereby delegated to and conferred upon the executive officer, or, in the absence of the executive officer from the office of the Board, the assistant executive officer.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Section 4503, Business and Professions Code.