

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0630-02	REGULATORY ACTION NUMBER 2015-0616-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 27 2015
3:22 PM

AGENCY WITH RULEMAKING AUTHORITY Board of Vocational Nursing and Psychiatric Technicians	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Disclosure Requirements for Renewal of License		TITLE(S) 16	FIRST SECTION AFFECTED VN 2517.5/PT 2575.5	2. REQUESTED PUBLICATION DATE July 11, 2014
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Rocio Llamas		TELEPHONE NUMBER (916) 263-2042
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 282
				PUBLICATION DATE 7/11/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Disclosure Requirements for Renewal of License	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND VN 2517.5/PT 2575.5
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <u>Awet Kidane, Director, Department of Consumer Affairs</u>		

7. CONTACT PERSON Rocio Llamas	TELEPHONE NUMBER (916) 263-2042	FAX NUMBER (Optional) (916) 263-7857	E-MAIL ADDRESS (Optional) rocio.llamas@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 6-16-15
TYPED NAME AND TITLE OF SIGNATORY John Brooks, Acting Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 27 2015

Office of Administrative Law

ORDER OF ADOPTION

The Board of Vocational Nursing and Psychiatric Technicians hereby amends the following regulations in Title 16, Division 25 of the California Code of Regulations as follows:

VOCATIONAL NURSING REGULATIONS

§ 2517.5. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after April 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under ~~\$300~~ \$1,000 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

Note: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 118, 141, 144, 2841.1, 2854, 2878, 2878.6, 2878.8, 2892.1 and 2892.3, Business and Professions Code; and Section 11105, Penal Code.

PSYCHIATRIC TECHNICIAN REGULATIONS

§ 2575.5. Fingerprint and Disclosure Requirements for Renewal of License.

(a) As a condition of renewal for a license that expires on or after April 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, an applicant for renewal shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under ~~\$300~~ \$1,000 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

Note: Authority cited: Sections 4501.1 and 4504, Business and Professions Code. Reference: Sections 118, 141, 144, 4503, 4515, 4521, 4521.6, 4544 and 4545, Business and Professions Code; and Section 11105, Penal Code.

Dated: October 7, 2014

A handwritten signature in black ink, appearing to read "Teresa Bello-Jones", written over a horizontal line.

Teresa Bello-Jones
Executive Officer
Board of Vocational Nursing and Psychiatric
Technicians

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

FINAL STATEMENT OF REASONS

Hearing Date: August 28, 2014

Subject Matter of Proposed Regulations: Disclosure Requirements for Renewal of License

Section(s) Affected: Amend Title 16, Division 25, of the California Code of Regulations as follows:

Vocational Nursing (VN):	Amend section 2517.5
Psychiatric Technician (PT):	Amend section 2575.5

Updated Information

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

On August 28, 2014, a public hearing was conducted at the Board for Professional Engineers & Land Surveyors and Geologists' Conference room, 2535 Capitol Oaks Drive (Third Floor), Sacramento, California. The Board received no testimony during the public hearing.

The Board of Vocational Nursing and Psychiatric Technicians (Board) received no oral or written comments during the public comment period.

As a result, the noticed text was not modified.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Business Impact

These regulations will not have a significant adverse economic impact on businesses because these regulations only pertain to VN and PT license renewal reporting requirements and the business practices/efficiencies of the Board.

There is no direct cost associated with complying with the reporting requirement.

Considerations of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the

purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The alternatives which were considered are as follows:

1. Not adopt the regulations. This alternative was rejected because the regulatory amendment proposed will direct staff resources more effectively while maintaining the Board's highest priority to protect consumers.
2. Adopt the regulations. The Board determined that this alternative is the most feasible because the regulatory proposal will enhance consumer protection by ensuring Board staff concentrate its efforts on more critical enforcement-related activities.

Objections or Recommendations/Responses

There were no objections or recommendations regarding the proposed action.