

**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
INITIAL 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

Introduction

The Board of Vocational Nursing and Psychiatric Technicians (Board) is mandated to protect consumers from licensees who practice in an unsafe, incompetent, or impaired manner. In accordance with Business and Professions Code sections 2841.1 (VN) and 4501.1 (PT), protection of the public shall be the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions.

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

As a condition of licensure renewal, a vocational nurse or psychiatric technician must disclose if he or she had been convicted of any violation of the law, with the exception of traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances, since they last applied for renewal.

The intent of this component of the renewal process is to identify licensees who have been convicted of a violation of the law, since their last renewal, which would be grounds for Board action. However, due to the low fine reporting threshold licensees must report a multitude of traffic infractions that are not grounds for discipline. The current self-disclosure requirement for license renewal, as it relates to reporting traffic infractions over \$300, creates an undue workload for staff and reporting requirement for licensees.

2. Anticipated benefits from this regulatory action:

By increasing the fine reporting threshold to \$1000 licensees will only have to report traffic related convictions if the fine exceeds \$999. A fine under \$1000 for a traffic infraction will be exempt from reporting as long as it did not involve alcohol, dangerous drugs, or controlled substances.

Factual Basis/Rationale

Factual basis for determination that each proposed change is reasonably necessary to address the problem for which it is proposed:

Amending these regulations addresses the issue of renewal applicants being required to disclose traffic infractions that do not constitute grounds for Board action. The proposed amendments will increase the reportable traffic infraction fine amount from \$300 to \$1000. By doing such, the Board's highest priority, to protect the public, will be better served and Board staff will be able to concentrate its efforts on other critical enforcement-related activities.

Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon (if any):

None.

Business Impact

These regulations will not have a significant adverse economic impact on businesses. This initial determination is based on the fact that these regulations only pertain to VN and PT license renewal reporting requirements and the business practices/efficiencies of the Board.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it pertains only to disclosure requirements for VN and PT license renewals.
- It will not create new business or eliminate existing businesses within the State of California because it relates only to licensure renewal disclosure requirements for VNs and PTs.

- It will not affect the expansion of businesses currently doing business within the State of California because it relates only to licensure renewal disclosure requirements for VNs and PTs.
- This regulatory proposal benefits the health and welfare of California residents because Board staff will be able to concentrate its efforts on other critical enforcement-related activities.
- This regulatory proposal does not affect worker safety because it relates only to licensure renewal disclosure requirements for VNs and PTs.
- This regulatory proposal does not affect the state's environment because it relates only to licensure renewal disclosure requirements for VNs and PTs.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.