

PRN Newsletter

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Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, California 95833

Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer



New Fingerprinting Requirements



The Vocational Nursing Practice Act (VNPA), Title 16 California Code of Regulations (CCR) 2517.5 and the Psychiatric Technicians Law (PTL) CCR 2575.5 now requires all individuals licensed prior to January 1, 1998 to submit a complete

set of fingerprints to the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). This requirement also applies if a licensee submitted fingerprints prior to this date, but the record no longer exists at the DOJ. A license cannot be renewed until the fingerprint requirement is met.

The submission of a full set of fingerprint is necessary for the Board to conduct a criminal history record check and a state and federal criminal offender record information search through the DOJ.

(Continued on page 2, see Fingerprints)

Enforcement Health Care Model Underway

On July 16, 2009, Governor Schwarzenegger took immediate action following a Los Angeles Times and ProPublica report citing unacceptable investigation and enforcement processing delays at the Board of Registered Nursing (BRN). The Governor replaced four members of the BRN and filled two vacant appointments. He also directed State and Consumer Services Agency (SCSA) to conduct an internal review of all the health care board's enforcement programs and the Department of Consumer Affairs (DCA) Division of Investigation. This review found most of the health care boards face significant complaint investigation backlogs because all use the same system (i.e., the DCA Division of Investigations, the Attorney General's Office and the Office of Administrative Hearings).



(Continued on page 3, see Update)

MISSION STATEMENT

The mission of the California Board of Vocational Nursing and Psychiatric Technicians (Board) is to protect the public. Public protection is paramount to the Board and its highest priority in exercising its licensing, regulatory and disciplinary functions. Toward this end, the Board ensures that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice and by educating consumers of their rights.

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Fingerprints (Continued)

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Other requirements of CCR 2517.5 and CCR 2575.5 are :

- This requirement is waived if the licensee is renewed in an inactive status, or is actively serving in the military outside the country.
- A licensee will have to certify on the renewal form whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(2) As a condition of renewal, a licensee shall disclose on the renewal form whether, in the prior renewal cycle, 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 not involving alcohol, dangerous drugs, or controlled substances. In addition, a licensee must disclose any disciplinary actions against his or her license.

Failure to comply with these requirements renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements. Failure to furnish a full set of fingerprints to the Department of Justice as required by the regulations is grounds for discipline by the Board.

Detailed instructions and forms can be obtained from the BVNPT's internet web site www.bvnpt.ca.gov by clicking on the link entitled License Renewal Fingerprint Requirements. A list of Frequently Asked Questions can also be found on the website under the News Flash.



Amendments To The LVN & PT Statutes Including Changes To Interim Permits

Legislation set forth in Senate Bill 821 (Statutes of 2009, Chapter 307) amended Business & Professions Code Sections 2872.2 (VN Program) and 4510.1 (PT Program) effective January 1, 2010.

The amendments specify that to be eligible for an interim permit, the licensure application must be filed with the BVNPT no more than four months from the date of program completion. The amendments also specify that if the applicant passes the exam, the IP will remain in effect until the initial license is issued or six months after passing the exam, whichever occurs first; and clarifies that the interim permit will be issued pending the results of the first licensure exam or for a period of nine months, whichever occurs first.

The amendments were necessary in order to clarify the time lines for issuance and expiration of interim permits.

The language regarding approved equivalency programs was also removed, as there are no longer approved equivalency programs and all regulatory language relative to approved programs has been repealed.

Changes to the Vocational Nurse & Psychiatric Technician Plastic License Cards

Effective September 15, 2008, the Board of Vocational Nursing & Psychiatric Technicians has a new vendor, Softfile, to produce and mail plastic license cards.

Beginning in March 2009, the licenses are now printed on white cards instead of the old blue card. The "Florence Nightingale Lamp" hologram on the VN cards has been replaced with a new, updated and more secure hologram.

Fee Change Effective July 1, 2009

Effective July 1, 2009, an amendment to the Vocational Nurse (VN) and Psychiatric Technician (PT) Regulations changed the fee structure for the VN and PT Programs. As a result, the fees were increased in the following categories:

Vocational Nursing Program

- Initial License Fee – from \$120 to \$150
- Biennial Renewal Fee – From \$125 to \$155*
- Delinquent Renewal Fee – from \$60 to \$75

*Includes the \$5.00 Vocational Nurse Education Fund Fee required by Business and Professions Code Section 2898.5

Psychiatric Technician Program

- Initial License Fee – from \$200 to \$300
- Biennial Renewal Fee – From \$200 to \$300
- Delinquent Renewal Fee – from \$100 to \$150

The fee changes were necessary to ensure the fiscal solvency of the VN and PT Programs and to comply with the budget implementation requirements of the new retroactive fingerprint requirement for renewals. The Board is a “special fund agency” which means that its **only source of revenue is through the collection of examination, licensing and renewal fees.** The Board does not receive money from the General Fund or taxes.



Update (Continued)

(Continued from page 1)

The Governor charged the new DCA Director, Brian Stiger, with reforming the current enforcement process for the health care boards.

On August 17, 2009, the Senate Business, Profession & Economic Development (BP&ED) Committee held a hearing regarding DCA's enforcement process. Many of the DCA boards testified on establishing best practices for enforcement. Experts provided recommendations for change and nursing organizations expressed their concerns.

The DCA is moving forward to establish a new Enforcement Model to reduce the case processing times. Health care boards are submitting detailed enforcement information, workload data and recommendations for change. Additionally, as many of the boards currently have enforcement budget change proposals (BCPs) underway, the DCA Budget Office, SCSA and the Department of Finance (DOF) agreed to combine all healing arts program's enforcement proposals into the Healing Arts Enforcement Reform BCP. Staff is working with the DCA Budget Office to complete the BCP and the Enforcement Model workload templates and flow charts which outline the current and proposed workload and staffing structure.

The new Enforcement Model will require extensive statutory changes. The proposal also includes a state-of-the-art integrated database to support licensing and enforcement, replacing the current systems. Senate Bill 294 (Negrete-McLeod) is a two-year bill that addresses statutory mandates for these changes.



Rehabilitation Criteria and Disciplinary Guidelines Regulations

Amendments to the Board's Rehabilitation Criteria and Disciplinary Guidelines were effective on October 29, 2008.

Rehabilitation Criteria

Sections 2522 (VN) and 2579 (PT)

The revised regulations consolidated the California Code of Regulations (CCR) section 2522.5 with section 2522 (Vocational Nursing) and section 2579.1 with section 2579 (Psychiatric Technicians). The revisions updated the Board's criteria to evaluate the rehabilitation of a person when considering the denial, suspension or revocation of a license and to ensure consistency with the Board's Disciplinary Guidelines. The regulations make the criteria the same for denial of licensure under Business and Professions Code Section 480, the suspension or revocation of a license when a licensee has been convicted of a crime, or a petition for reinstatement of a license.

The Board, in evaluating the rehabilitation of an individual and his or her present eligibility for a license, will consider the following criteria:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to the public.
3. Actual or potential harm to any patient.
4. Overall disciplinary record.
5. Overall criminal actions taken by any federal, state or local agency or court.
6. Prior warnings on record or prior remediation.
7. Number and/or variety of current violations.
8. Mitigation evidence.
9. In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
10. Time passed since the act(s) or offense(s) occurred.
11. If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.

12. Cooperation with the Board and other law enforcement or regulatory agencies.

13. Other rehabilitation evidence.

Disciplinary Guidelines

Sections 2524 (VN) and 2579.10 (PT)

On October 29, 2008, in keeping with its mandate and strategic plan to protect the public interest, the Board's Disciplinary Guidelines, CCR sections 2524 (Vocational Nursing) and 2579.10 (Psychiatric Technicians), were amended to reflect current practice relative to recommended discipline for administrative disciplinary actions and to ensure consistency and clarity.

The Board established its Guidelines to facilitate uniformity of disciplinary orders and to ensure that its disciplinary policies are known. The guidelines are intended for use by individuals involved in disciplinary proceedings against vocational nurse and psychiatric technician licensees or applicants, including administrative law judges and attorneys, as well as the Board members who review proposed decisions and stipulations and have ultimate authority to make final decisions.

The revisions updated and clarified the Board's recommended disciplinary orders and conditions of probation.



www.takechargeca.ca.gov

Change of Address?

Pursuant to California Business and Professions Code section 136, licensees are required to notify the Board in writing of any changes of mailing address within 30 days after the change. Violation of this statute may result in the issuance of a citation and fine. Additionally, failure to notify the Board of a new address in writing will result in unnecessary delays in receipt of your renewal forms, renewed licenses, and other important correspondence from the Board. Please submit your change of address in writing to the Board and be sure to include your name, license number, old address and new address. Please also be aware that your address of record is public information and may be disclosed upon request.



Name Changes

The procedure for an applicant or licensee to change their name is to send a letter indicating "name change request". It must be signed by the person requesting the change AND specify the following:

- Full name
- VN or PT license number or Applicant ID number
- Social security number (optional)
- Former name
- New name
- Daytime telephone number (in case the Board has questions)

The letter must be accompanied by a copy of the legal documentation to verify the name change (e.g., marriage license, divorce decree, court order, or a copy of the new driver's license)

The Board does not issue a replacement license with the new name unless requested. The fee for a replacement license is \$25 for VN and \$20 for PT.

Office Of Statewide Health Planning And Development Workforce Initiative



The mission of the Office of Statewide Health Planning and Development (OSHPD) is, in part, to promote healthcare accessibility through leadership in analyzing California's healthcare infrastructure.

Senate Bill 139 (Chapter 522, Statutes of 2007) directed OSHPD to develop the California Healthcare Workforce Clearinghouse (Clearinghouse). The Clearinghouse was directed

to collect health workforce and educational data in California. Data collection includes supply, demand, geographical distribution, and diversity of healthcare workers, by occupation and educational background.

The Clearinghouse convened six regional focus group sessions in 2008. Focus group participants represented health industry employer, education, advocacy, health licensing, consumers, government, economic and workforce development, professional association membership, funding, labor, and other community based entities.

Common themes identified in the Sacramento focus group meeting included workforce diversity issues; the specificity of workforce definitions; the currency of data; the development of interactive databases; maintenance of privacy; and accounting statistically for workforce mobility.

The California Labor and Workforce Development Agency issued a memorandum on August 27, 2009,

addressing the Governor's public private partnerships under the California Nurse Education Initiative. This initiative, along with the Governor's Allied Health Initiative, is expanding and implementing academic programs within the health care professions, assisting nearly 2,000 students gain employment in the healthcare field.

The California Labor and Workforce Development Agency and the Employment Development Department (EDD) project the need to educate over 206,000 additional healthcare professionals by 2014. In July 2009, EDD reported that the healthcare workforce sector has the highest job growth rate, with a job increase of 17,900 jobs in California. The training, recruitment, and retention of licensed vocational nurses and psychiatric technicians plays a vital role in meeting current and anticipated healthcare needs in California.

Disclosure of Licensee Personal Information

Pursuant to the Public Records Act (Government Code 6250 and following) and the Information Practices Act (Civil Code Section 1798.61) the names and addresses of persons possessing professional licenses are considered public records, and may be released upon request.

Consequently, licensees that do not wish for their home addresses to be released should consider using a post office box as their official address of record on file with the Board.



www.flexyourpower.ca.gov

Update on Psychiatric Technician Licensure Examination

As reported in past PRN articles, the Board of Vocational Nursing and Psychiatric Technicians (Board) contracted with the Department of Consumer Affairs' Office of Examination Resources (OER) to conduct a major research study of the professional practice of psychiatric technicians. Such a study is required to ensure that the Psychiatric Technician Licensure Examination tests content commonly seen in today's psychiatric technician practice and that individuals who pass the licensure examination possess the knowledge, skills, and abilities required for safe and competent practice upon entry into today's practice. Input was solicited from practicing entry – level psychiatric technicians, supervisors, administrators, and educators.

Some changes in practice were identified. As a result, a new Psychiatric Technician Licensure Examination Test Plan was recommended and adopted by the Board. On February 1, 2008, the Board adopted a new passing standard for the Psychiatric Technician Licensure Examination, as recommended by OER. Additionally, a new design was adopted.

On January 1, 2009, the Board implemented a new design for the Psychiatric Technician Licensure Examination. The examination continues to be administered by computer; however, new examinations consist of 240 multiple – choice items. That is a reduction of 90 items. This action was based on the recommendation of OER and is consistent with current psychometric standards and other professional licensure examinations. All items continue to be representative of current psychiatric technician practice as identified in the Psychiatric Technician Occupational Analysis. Each candidate is allowed a maximum of four (4) hours for completion of the examination.

The Board is closely monitoring the impact of this new design to ensure the integrity of the licensure examination and continued protection of the health, safety, and welfare of California consumers.

Psychiatric Technician Testing Center Addition

Psychological Services (PSI), the Board's testing vendor for the Psychiatric Technician Licensure Examination, added a new testing center in San Francisco, California in August, 2009. The center is in addition to the already existing 13 California locations. PSI will be assessing the activity at this location to determine if it will be permanent.



Pearson Professional Centers Expand NCLEX® Testing Capabilities

As the number of NCLEX® candidates increases, Pearson VUE, NCSBN's testing vendor, continues to assess capacity needs at the Pearson Professional Centers where the NCLEX examinations are given.

To meet demand, Pearson VUE has expanded testing capacity by adding testing centers in San Dimas and Sacramento, California, and increasing the number of computers at the San Jose, California site.

Additionally, the center located in Yokohama, Japan will be relocated to Osaka, Japan in December, 2009 and expanded from 7 to 10 computer stations.

Board Meeting Dates and Locations

The schedule of 2010 Board meeting dates and locations is as follows:

February 16 – 18, 2010	Los Angeles, CA
May 19-20, 2010	Northern CA
July 28 – 29, 2010	Sacramento, CA
September 15 – 16, 2010	Southern CA



Please note that all Board meeting dates and locations are subject to change. Interested parties should call the Board at (916) 263-7845 to confirm the date and specific meeting site of any Board meeting, or

access the Board's web site at <http://www.bvnpt.ca.gov>.

On the first day, disciplinary hearings are held. The regular Board Meetings commences on the second day. During the May 2010 Board Meeting, disciplinary hearings will be held the first two days of the meeting. The Board meeting agenda is mailed to individuals on the Board's general mailing list approximately 2-3 weeks prior to the actual Board meeting date.

The seating capacity is limited at each board meeting. The Board makes every effort to meet in facilities that can accommodate the estimated 300-1100 members of the public who wish to observe its proceedings at any given location; however, because of the budget cuts, this is not always possible. If overcrowding should occur, attendees are asked to exchange seats with individuals waiting outside of the room to ensure that all interested parties have an opportunity to observe the proceedings. The Board appreciates the cooperation of both faculty and students should this occur.

Enforcement Action list

The Board publishes and distributes its Enforcement Action List in January and July each year. The list identifies licensees against whom enforcement action was taken during the six months immediately preceding publication of the list.

Examples of formal discipline include:

Revocation: A former licensee may petition the board for reinstatement after a minimum of one year.

Probation: The license is placed on probationary status which includes specific terms and conditions of compliance.

Other enforcement proceedings include:

Cite/Fine: The licensee is issued a citation and required to pay a fine commensurate with the violation committed.

The Enforcement Action List can be accessed on the Board's Internet web site at www.bvnpt.ca.gov.

*Note: Although every effort is made to ensure that the enforcement information is correct, interested parties should call the Board at (916) 263-7800 to obtain updated and accurate license information.



Board Member Information

The Board is composed of 11 members with a public member majority (six (6) public members and five (5) professional members). Two members are licensed vocational nurses (LVNs); two are psychiatric technicians (PTs); one is a registered nurse (RN) educator or LVN educator; and six are public members.

Jessica Leavitt, 39, of Oakland, was appointed to the Board as a Public Member on March 20, 2009. She is currently writing a book on psychological aspects of medical care, and raising her two young children. Previously, she was employed as the Special Assistant to the Chief Trial Counsel of the State Bar of California. She is an attorney and also holds a Masters of Science in Information Science.

Martin Mariscal, a governor appointment, resigned from the Board effective October 8, 2009.

The following chart lists the current membership and vacancies of the Board:

<u>Board Member Name</u>	<u>Appointment Information</u>	<u>Term Expires</u>
1. Kevin Baucom, PT	Appointed September 14, 2007	6/1/2011*
2. Todd D’Braunstein, PT	Appointed September 15, 2005	6/1/2008*
3. Jessica Leavitt	Senate Appointed March 20, 2009	6/1/2011
4. Kenneth Merchant	Appointed September 15, 2005	6/1/2008*
5. Angelique Stephens	Appointed November 2, 2006	6/1/2009*
6. John Vertido, LVN Educator	Appointed September 15, 2005	6/1/2008*
7. Public Member	<i>Assembly Speaker Appointment</i>	<i>Vacant</i>
8. Public Member	<i>Governor Appointment</i>	<i>Vacant</i>
9. Public Member	<i>Governor Appointment</i>	<i>Vacant</i>
10. LVN Member	<i>Governor Appointment</i>	<i>Vacant</i>
11. LVN Member	<i>Governor Appointment</i>	<i>Vacant</i>

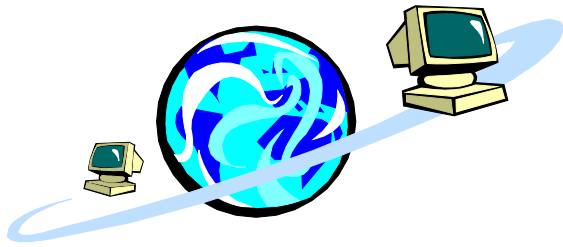
*These board members currently have no term expiration. They are serving as Interim Board Members until they are reappointed by the Governor. **Six (6) members are needed to establish a quorum.**

Information about the Governor’s appointment process and applications for appointment may be accessed via the Governor’s website at www.governor.ca.gov.

2009 Board Officers

On February 20, 2009, the Board Members elected John P. Vertido, LVN Educator Member, as the Board President and Todd D’Braunstein, PT Member, as the Board Vice President.





www.bvnpt.ca.gov

One of the Board's strategic goals is to communicate effectively and work cooperatively with its stakeholders. To meet this goal the Board is available on the world wide web. The web page provides information regarding the Board's roles, functions and services, as well as issues and concerns pertaining to health care and the disciplinary process.



Important Telephone Numbers

The following is a list of telephone numbers to call should you require assistance:

- For general LVN information and questions about Examinations, call (916) 263-7800.
- For general PT information and questions about Examinations, call (916) 263-7830.
- For questions about an LVN or PT "scope of practice", call the Board's Education Unit at (916) 263-7843.
- To file a complaint against a licensee, call the Board's Enforcement Unit at (916) 263-7827.

Other Regulatory Agencies

- For questions regarding Physicians or Medical Assistants, call the Medical Board at (800) 633-2322.
- For questions regarding Registered Nurses (RNs), call the Board of Registered Nursing at (916) 322-3350.
- For questions regarding Certified Nurse Assistants (CNAs), call the California Department of Public Health, Licensing and Certification Unit, at (916) 327-2445.

PRN

The official newsletter of the Board of Vocational Nursing and Psychiatric Technicians

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This newsletter is presented to inform the reader of current Board policies, issues and activities with respect to the practice of licensed vocational nurses and psychiatric technicians in the State of California.