

Board of Vocational Nursing and Psychiatric Technicians

INITIAL STATEMENT OF REASONS

Hearing Date: August 5, 2013

Subject Matter of Proposed Regulations:

Permissive Site Visits

Sections Affected

Vocational Nursing (VN): Amend California Code of Regulations Title 16, Division 25, Chapter 1, Article 5, Sections 2526 (c) and 2526 (f)

Psychiatric Technician (PT): Amend California Code of Regulations Title 16, Division 25, Chapter 2, Article 5, Sections 2581 (c), and 2581 (f)

Specific Purpose

Existing statutes authorize the California Board of Vocational Nursing and Psychiatric Technicians (Board) to protect consumers from licensed vocational nurses (LVNs) and psychiatric technicians (PTs) who practice in an unsafe or unprofessional manner. Business & Professions Code (Code) Sections 2841.1 and 4501.1 mandate that, "Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary responsibilities." A critical component in consumer protection is the approval of programs that provide the education and training required for the licensure of safe and competent vocational nurses and psychiatric technicians.

Pursuant to newly amended sections of the Code, the Board is authorized to inspect or review all vocational nursing and psychiatric technician programs within the state. The purpose of that inspection or review is to ensure program compliance with prescribed education requirements and standards specified and defined in existing statutes and regulations.

Existing regulations specify the Board shall conduct a survey visit for all vocational nursing and psychiatric technician programs prior to graduation of the initial class. Further, six (6) months prior to the date of expiration, programs may apply for continued approval based upon submission of documentation satisfactory to the Board. Existing language specifies that the Board may conduct a subsequent survey visit to determine a program's continued approval.

The proposed regulations specify language necessary to implement and interpret requirements in the new legislation, Senate Bill 539, Chapter 338, Statutes of 2011, relative

to permissive site visits for licensed vocational nursing and psychiatric technician programs. Specifically, the proposed language would authorize the Board to conduct an onsite inspection or a review based upon the submission of documentation satisfactory to the Board to determine program compliance with prescribed education requirements and standards.

Factual Basis

On September 26, 2011, Governor Brown approved SB 539. As stated therein, this new statute:

1. Extended the operation of the Board of Vocational Nursing and Psychiatric Technicians through 2016; and
2. Specified the Board's authority to inspect or review all vocational nursing and psychiatric technician programs to determine if approval should be granted or continued.

A revision of existing regulations is required to implement the statutory change specified in Senate Bill 539, Chapter 338, Statutes of 2011.

Underlying Data

- Senate Bill 539, Chapter 338, Statutes of 2011

Business Impact

 X The proposed regulations will have an economic impact on the State of California. This initial determination is based on the following facts:

- The proposed regulations will allow the Board discretion in determining the mode by which program compliance is determined - onsite inspection or review. In so doing, the proposed regulations will provide a more efficient and cost effective means by which the new statute may be implemented, program compliance determined and consumer safety achieved.

 X The proposed regulations will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts:

- Existing regulations require the Board to inspect all vocational nursing and psychiatric technician programs to determine compliance with existing statutory and regulatory requirements. All costs related to such inspections are borne by the Board. No costs are incurred by the programs.

All costs related to implementation of the proposed regulations will continue to be borne by the Board. No additional costs, reporting, recordkeeping, or other compliance requirements are imposed on programs.

X

Description of alternatives which would lessen any significant adverse impact on business (which includes small business):

- The Board could continue to conduct onsite inspections for each vocational nursing and psychiatric technician; however, this alternative would not comply with the new statutory language.
- No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California. Programs are currently inspected by existing Nursing Education Consultant staff. No additional staff will be required to implement the proposed change.
- It will not create or eliminate new businesses within the State of California. Programs that are found in compliance with regulatory standards will be approved by the Board and issued a Certificate of Approval. Programs for whom noncompliance is identified will be issued a Notice of Violation and required to correct any identified violations within an established timeframe.
- It will not affect the expansion of businesses currently doing business with the State of California. Businesses proposing the establishment of new programs are required to make a unique application and obtain Board approval prior to commencement of the initial class.
- This regulatory proposal benefits the health and welfare of California consumers by ensuring programs' provision of the theoretical and clinical education and training required for the delivery of safe and effective client - centered care upon entry into professional practice. After obtaining licensure, program graduates will increase the supply of trained and qualified nurses needed to deliver care to the consumer.
- This regulatory proposal does not affect worker safety.

- This regulatory proposal benefits the state's environment by allowing a more efficient and effective utilization of available state resources.

Specific Technologies or Equipment:

- The proposed regulations do not mandate the use of specific technologies or equipment.

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