

## **TITLE: 16 - Department of Consumer Affairs**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in Sacramento, California, at 10:00 A.M. on August 5, 2013. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Vocational Nursing and Psychiatric Technicians at its office not later than 5:00 P.M. on August 2, 2013, or must be received by the 5<sup>th</sup> of August 2013 at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 2854 and 4504 of the Business and Professions Code, and to implement, interpret or make specific Sections 2883 and 4532 of said Code, the Board of Vocational Nursing and Psychiatric Technicians is considering changes to Division 25, Chapter 1, Article 5, and Chapter 2, Article 5 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST**

#### **Informative Digest**

Pursuant to new legislation, Senate Bill 539, Chapter 338, Statutes of 2011, the Board is authorized to inspect or review all schools for preparation of vocational nurses and psychiatric technicians to determine the program's compliance with prescribed standards and requirements for approval.

Current 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. The Board may conduct a subsequent survey visit to determine a program's continued compliance with regulatory requirements.

The proposed regulations specify language necessary to implement and interpret requirements in the new legislation relative to permissive site visits for licensed vocational nursing and psychiatric technician programs. Specifically, the proposed

language would authorize the Board to determine the compliance of vocational nursing and psychiatric technician programs with prescribed education requirements and standards based on an onsite inspection or a review of submitted program documentation that is satisfactory to the Board.

### **Overview/Anticipated Benefits of Proposal**

On September 26, 2011, Governor Brown approved SB 539, thereby extending the operation of the Board through 2016. Additionally, the bill 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.

The proposed regulations will implement language specified in the new statute. As such, the proposed regulations will make specific methodologies by which the Board may conduct program reviews. Specifically, the proposed regulations will allow program inspections to be conducted onsite or by an analysis of detailed documents submitted by the program.

The proposed regulations will ensure consumer protection and continued program oversight while maximizing efficient, effective, and economical utilization of available State funds.

### **Consistency and Compatibility with Existing State Regulations**

- The Board has evaluated this regulatory proposal relative to consistency and compatibility with existing state regulations. The Board has determined that the proposed regulations are consistent and compatible with existing state regulations.

### **Local Mandate**

  X   The Board has made an initial determination that the proposed regulatory action will not pose a mandate on any local agency or school district that requires reimbursement pursuant to 17500 et seq.

### **Fiscal Impact Estimates**

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

  X   The Board has made an initial determination that the proposed regulations will have a fiscal impact to State agencies in that a savings may be realized in a reduction of costs associated with conducting program inspections onsite.

X   The Board has made an initial determination that the proposed regulatory action will not result in any cost or savings in federal funding to the state.

  X   The Board has made an initial determination that the proposed regulatory action will not result in any cost or savings to any local agency or school district requiring reimbursement pursuant to 17500 et seq.

  X   The Board has made an initial determination that the proposed regulatory action will not result in any nondiscretionary cost or savings imposed upon local agencies.

- Business Impact:

  X   The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California programs to compete with programs in other states.

- Cost Impact on Representative Private Person or Business:

  X   The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- Effect on Housing Costs:

  X   The Board has made a determination that the proposed regulations will have no adverse economic impact on housing costs in California.

### **Effect on Small Business**

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations will allow the Board to conduct all program inspections by onsite visits or a thorough analysis of detailed documents that are submitted by the program. 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. Additionally, such inspections ensure consumer safety.

## **Economic Impact Analysis**

### **A. Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

### **B. Benefits of Regulation:**

The Board has determined that this regulatory proposal will ensure the safety and welfare of California residents, and State's environment in that the Board will be allowed discretion in determining the mode by which program compliance is surveyed – 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.

## **Consideration of Alternatives**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost – effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above – mentioned hearing.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board of Vocational Nursing and Psychiatric Technicians (Board) has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### **Text of Proposal**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833.

### **Availability and Location of the Final Statement of Reasons and Rulemaking File**

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

**CONTACT PERSON:**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Mark Ito, Associate Government Program Analyst  
Address: Board of Vocational Nursing and Psychiatric Technicians  
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The back – up contact person is:

Name: Cheryl Anderson, Supervising Nursing Education Consultant  
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Website Access: Materials regarding this proposal can be found at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).