

Board of Vocational Nursing and Psychiatric Technicians

INITIAL STATEMENT OF REASONS

Hearing Date: August 17, 2015

Subject Matter of Proposed Regulations:

Provisional Approval

Sections Affected:

Vocational Nursing (VN): Amend California Code of Regulations Title 16, Division 25, Chapter 1, Article 5, Sections 2526.1, 2530 (b), and 2530 (l)

Psychiatric Technician (PT): Amend California Code of Regulations Title 16, Division 25, Chapter 2, Article 5, Sections 2581.1, 2585(b), and 2585 (l)

Specific Purpose:

Existing statutes mandate the California Board of Vocational Nursing and Psychiatric Technicians (Board) to protect consumers by ensuring the education, licensure, and practice of safe and competent vocational nurses (VN) and psychiatric technicians (PT). Such individuals are required to demonstrate possession of the minimum level of competence required for safe and effective client care upon entry into professional practice.

Pursuant to existing statutes, the Board is authorized to establish educational requirements for all VN and PT programs and to inspect such programs to determine compliance or lack thereof with prescribed standards. For those schools for which noncompliance is confirmed, the Board is authorized to provide written notice of identified deficiencies and required corrections. If deficiencies remain uncorrected, the Board is authorized to remove the school from the list of approved programs.

Existing regulations specify the Board's requirements for all VN and PT programs and authorizes the Board to place programs on provisional approval for the failure to meet prescribed requirements. Said regulations also specify terms to which such programs must adhere to achieve full approval status.

The specific purpose of the proposed regulations is the adoption of language necessary to achieve clarity, increase the probability of programs' correction of identified deficiencies, and enhance consumer protection.

Factual Basis:

On June 1, 2000, the Board adopted regulations establishing specific terms relative to programs on provisional approval. Provisional approval denotes a VN or PT program's noncompliance with requirements set forth in California Code of Regulations (Code), Division 25, Chapter 1, Article 5 (VN) or Chapter 2, Article 5 (PT). The Board's goal remains consumer protection through the education of safe and competent VNs and PTs. Consumers include clients, families, and students enrolled in VN and PT programs.

Existing regulations prescribe required educational content for all VN and PT program curricula. Additionally, current regulations specify terms for the admission of students. Pursuant to Sections 2530 (VN) and 2585 (PT) of the Code, programs are required to obtain prior Board approval to increase the number of students per class or increase the frequency of admissions. Further, VN and PT programs are required to maintain a minimum average annual pass rate that is no more than ten (10) percentage points below the State average annual pass rate for first – time candidates of approved VN and PT schools for the same period. A program's failure to maintain the required average annual pass rate for two (2) years or eight (8) consecutive quarters may constitute cause for placement of the program on provisional approval.

An analysis of programs on provisional approval and the program's ability to correct identified deficiencies and obtain full approval has been completed. Information obtained thereto confirms that the probability of success in improving the quality of instruction, maximizing student achievement, and correcting noncompliant program pass rates increases markedly with decreased numbers of students admitted.

Revision of existing regulations is required to achieve clarity and strengthen the terms of provisional approval. The Board's goal remains consumer protection.

Underlying Data:

None

Business Impact:

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

Pursuant to existing regulations, all VN and PT programs shall comply with regulatory requirements.

The proposed regulations will impact only those VN and PT programs for which noncompliance with regulatory requirements has been substantiated resulting in the Board's rescinding the program's approval and placing the program on provisional approval. Such programs may no longer advertise full approval by the Board.

The Board requires programs placed on provisional approval to correct all identified violations of existing statutes and regulations and to submit a report regarding actions taken to address those deficiencies. Specifically, such reports must address the following:

1. Specific actions taken to correct the violation.
2. Timeline for implementation.
3. Effect of employed interventions.

All programs on provisional approval are required to demonstrate incremental progress in correcting the violations. Failure to do so satisfactory to the Board may result in revocation of the program's provisional approval.

Economic Impact Analysis:

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California. The proposed regulations prescribe programmatic requirements to correct areas of noncompliance.
- It will not create or eliminate new business within the State of California. All VN and PT programs are required to maintain prescribed standards. The Board may place programs that are found noncompliant with regulatory standards on provisional approval. In accordance with Business and Professions Code Section 2883, written notice thereof is given to the program. That notice specifies identified deficiencies and requirements for correction.

If the program demonstrates compliance with required corrections at the end of the initial provisional approval period, the Board may approve the program. If the program fails to correct identified deficiencies, the Board may choose to extend the program's provisional approval or remove the program from the *List of Approved VN Programs* or *List of Approved PT Programs*.

- It will not affect the expansion of businesses currently doing business with the State of California.
- This regulatory proposal benefits the health and welfare of California consumers by providing clear requirements for noncompliant programs. Such requirements improve the quality of instruction provided to students, thereby, enhancing students' acquisition of the knowledge, skills, and abilities required for safe and effective client care and enhancing students' ability to pass the licensure examine. In so doing, the proposed regulations will augment the population of licensed healthcare practitioners available to provide safe and effective care to California consumers upon entry into professional practice.

- This regulatory proposal does not affect worker safety. The proposed regulations address VN and PT educational programs; they do not pose requirements that have an impact on worker safety.

Specific Technologies or Equipment:

The proposed regulations do 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 and less burdensome to affected private persons and equally effective in achieving the purposes of the regulations in a manner that ensures full compliance with the law being implemented or made specific.