

TITLE 16 – Board of Vocational Nursing and Psychiatric Technicians

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 the Board's Administrative Conference Room, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833, at **10:00 A.M.** on **August 17, 2015**. 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 at its office not later than **5:00 P.M.** on **August 17, 2015**, or must be received by the **17th of August 2015** 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 2880, 2881, 2882, 2883, 4511, 4515, 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 Business & Professions Code (BPC), Sections 2841.1 (VN) and 4501.1 (PT) the Board is mandated to protect California consumers by ensuring the education, licensure, and practice of vocational nurses and psychiatric technicians. 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.

Existing statutes authorize the Board to establish educational requirements for all vocational nursing (VN) and psychiatric technician (PT) programs. Additionally, the Board is authorized to inspect such programs to determine compliance with prescribed standards. For those schools for which noncompliance is identified, the Board is authorized to provide written notice of the deficiency and required corrections. If the deficiency remains 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 authorize 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.

Revision of existing regulations is required to achieve clarity and improve the probability of correction of program deficiencies.

Overview/Anticipated Benefits of Proposal

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 and correcting noncompliant program pass rates increases markedly with decreased numbers of students admitted.

The proposed regulations will achieve clarity and strengthen the terms of provisional approval.

Consistency and Compatibility with Existing State Regulations

- During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Fiscal Impact Estimates

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

The Board has made an initial determination that the proposed regulations will not have a significant fiscal impact in federal funding to State agencies.

- Business Impact:

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:

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:

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

- Nondiscretionary Costs/Savings to Local Agencies:

The Board has made a determination that the proposed regulations will have no adverse impact on nondiscretionary costs or savings to local agencies.

- Local Mandate:

The Board has made a determination that the proposed regulations will have no adverse impact on local mandates.

- Costs to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement:

The Board has made a determination that the proposed regulations will have no adverse impact on costs to any local agency or school district for which Government Code requires reimbursement.

Effect on Small Business

The Board has determined that the proposed regulations would not affect small businesses that offer VN programs and PT programs that are compliant with existing requirements. The proposed regulations will increase the probability of programs correcting areas of noncompliance.

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 the State's environment in that the quality of instruction provided to students will be improved, 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.

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: Jennifer Almanza, Associate Governmental Program Analyst
Address: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7845
FAX No: (916) 263-7859
E-Mail Address: Jennifer.Almanza@dca.ca.gov

The back – up contact person is:

Name: Cheryl Anderson, Supervising Nursing Education Consultant
Address: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7843
FAX No: (916) 263-7866
E-Mail Address: Cheryl.Anderson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bvnpt.ca.gov.