



Board of Vocational Nursing and Psychiatric Technicians
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DATE: August 28, 2014

TO: Board Members

FROM: 
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Enforcement Program Manager

SUBJECT: Update on Proposed Regulatory Action to Amend California Code of Regulations Section(s) 2517.5 (VN) and 2575.5 (PT), Fingerprint and Disclosure Requirements for Renewal of License

STATEMENT OF ISSUE

The Board is mandated to protect consumers from licensees who practice in an unsafe, incompetent, or impaired manner. In accordance with Business and Professions Code, section 2841.1 and 4501.1, protection of the public shall be the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions.

As a condition of licensure renewal, a vocational nurse or psychiatric technician must disclose if he or she had been convicted of any violation of the law, with the exception of traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances, since they last applied for renewal.

The Board must amend these regulations to address the issue of renewal applicants being required to disclose traffic infractions that do not constitute grounds for Board action. The proposed amendments will increase the reportable traffic infraction fine amount from \$300 to \$1000. By doing such, the Board's highest priority, to protect the public, will be better served and Board staff will be able to concentrate its efforts on other critical enforcement-related activities.

BACKGROUND AND SUBJECT REVIEW

The intent of this component of the renewal process is to identify licensees who have been convicted of a violation of the law, since their last renewal, which would be grounds for Board action. However, due to the low fine reporting threshold licensees must report a multitude of traffic infractions that are not grounds for discipline. The current self-disclosure requirement for license renewal, as it relates to reporting traffic infractions over \$300, creates an undue workload for staff and reporting requirement for licensees. By increasing the fine reporting threshold to \$1000 licensees will only have to report traffic related convictions if the fine exceeds \$999. A fine under \$1000 for a traffic infraction will be exempt from reporting as long as it did not involve alcohol, dangerous drugs, or controlled substances.

Initially staff was prepared to recommend increasing the reportable fine amount from \$300 to \$500. However public comments at the February 26, 2014, Board meeting along with a review of Uniform Bail and Penalty schedules for Los Angeles and Sacramento counties support that increasing the amount to \$1,000, would ensure that traffic related infractions that are not grounds for disciplinary action would not have to be reported to the Board.

The proposed rulemaking action was submitted to the Office of Administrative Law (OAL) on June 30, 2014 with a requested publication date of July 11, 2014; and to the Department of Consumer Affairs (DCA) for review on July 1, 2014. The public comment period ended on August 25, 2014 and the regulation hearing was held on August 28, 2014. No written or oral comments were received. Staff will prepare the Final Statement of Reasons and expects to submit the final rulemaking action to DCA for review by September 30, 2014.