

Agenda Item #11.A.




BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
Board of Vocational Nursing and Psychiatric Technicians
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DATE: May 5, 2015

TO: Board Members

FROM: 
Rocio Llamas
Enforcement Program Manager

SUBJECT: 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 seeks to amend these regulations to address the issue of renewal applicants being required to disclose a high volume of traffic infractions that have not warranted enforcement actions. The proposed amendments will increase the reportable traffic infraction fine amount from \$300 to \$1,000. By doing so, 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 might reflect a violation of the Board's laws and practice act. However, due to the low fine reporting threshold, licensees must report a multitude of traffic infractions that have not resulted in enforcement action. The current self-disclosure requirement for license renewal, as it relates to reporting traffic infractions over \$300, creates a significant workload for staff and reporting requirement for licensees, without significantly increasing public protection. By increasing the fine reporting threshold to \$1,000 licensees will only have to report traffic related convictions if the fine exceeds \$999. A fine under \$1,000 for a traffic infraction will be

exempt from reporting as long as it did not involve alcohol, dangerous drugs, or controlled substances.

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 likely to result in enforcement actions would not have to be reported to the Board. As noted above, traffic violations involving the use of alcohol or drugs have been and remain reportable, regardless of the fine amount.

The proposed rulemaking file was submitted to the Office of Administrative Law and published on July 11, 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.

The final rulemaking file for this proposed regulatory action was submitted to the Department of Consumer Affairs (DCA), Office of Legal Services (OLS) on February 25, 2015. On February 27, 2015, the file was submitted to the DCA Division of Legislative and Regulatory Review (LRR) and then to the DCA Budget Office. On May 4, 2015, the file was submitted to the LRR. On May 5, 2015, the file was submitted to the OLS Deputy Director for signature.