

Agenda Item #4.E.



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY · GOVERNOR EDMUND G. BROWN, JR.

Board of Vocational Nursing and Psychiatric Technicians
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DATE: December 12, 2016

TO: Board Members

FROM: 
Kameka Brown, PhD, MBA, NP
Executive Officer

SUBJECT: Additional Sunset Questions

Attached are additional 2016-2017 Sunset Review questions for Review, Discussion, and Consideration.

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The Assembly Committee on Business and Professions has requested the Board's 2016 Sunset Review Report address the following additional questions.

➤ **Administrative Issues.**

- 1) How would the Board describe the working relationship between the Administrative and Enforcement Monitor and:
 - The Board members;
 - The Board staff;
 - The Project Manager; and
 - The DCA generally?
- 2) How has the Board progressed with filling the staff vacancies identified in the Board's 2015 Sunset Review Report? If the vacancies are not filled or not on track to being filled, what are the challenges?
- 3) Is the Board aware of the outcomes of the DCA/Department of Investigation (DOI) investigations into enforcement (e.g. mishandling of enforcement cases) and management issues during the prior management's tenure? If so, what are they? What steps has the Board staff taken to ensure problems with handling of cases and management of staff do not occur again?
- 4) During the last Sunset Review, it was discovered that the Board was not referring all eligible cases to the DOI. What steps has the Board taken to ensure that cases are sent to the DOI?
- 5) Please provide an update on the funds merger between the Psychiatric Technician and Vocational Nursing accounts that was authorized via statute following the 2015 sunset review of the Board.
- 6) In the 2015 Sunset Review Background Paper, there were several discrepancies in data reported by Board staff. What steps has the Board taken to ameliorate misreporting of data? Has the BreZE system helped the Board to categorize and report data in a more accurate manner?

➤ **North Carolina State Board of Dental Examiners v. Federal Trade Commission.**

- 1) What precautions has the Board taken to avoid taking anti-competitive actions which are not aligned with a clearly-stated state policy? For instance, has the Board participated in trainings (DCA or otherwise), developed guidelines or protocols, or developed lines of communication with an antitrust expert?
- 2) What are the Board's thoughts on having a public member supermajority?

Additional Sunset Review Questions

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➤ *Repeal of "Method 3."*

- 1) Please provide any data and enforcement statistics the Board may have in support of repealing "Method 3" for qualifying for examination under Business and Professions Code sec. 2873. For instance, what are the demonstrable harms to consumers by licensees who have used the "Method 3" qualification route?
- 2) In the alternative, has the Board considered reforming "Method 3"? For additional context, please see "Recommendation 8" from the recent Little Hoover Commission report *Jobs for Californians: Strategies to Ease Occupational Licensing Barriers*, Report #234, October 2016.

➤ *Continued Regulation of the Profession.*

- 1) Historically, there has been discussion about merging occupational licensing boards. From the Board's perspective, what are the pros and cons of keeping the BVNPT as a separate board under the DCA?