



## PRACTICE COMMITTEE MEETING MINUTES

October 28, 2016

### BOARD MEMBERS

#### PRESENT:

Samantha James – Perez, P.T. Member, Board President  
Donna Norton, L.V.N. Member

#### STAFF PRESENT:

Kameka Brown, Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant and  
Acting Assistant Executive Officer  
Jessica Gomez, Nursing Education Consultant  
Faye Silverman, Nursing Education Consultant  
Margarita Valdez, Nursing Education Consultant  
Jennifer Almanza, Acting Support Services Manager

#### 1. CALL TO ORDER.

The meeting was called to order by Samantha James-Perez, Board President, at 2:02 p.m. on October 28, 2016, at the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Administrative Conference Room, Sacramento, California 95833.

#### 2. INTRODUCTION OF BOARD MEMBERS AND STAFF.

Committee Members introduced themselves. Executive Officer (EO) Kameka Brown introduced staff present.

#### 3. INTRODUCTION OF APPROVED SCHOOLS REPRESENTED AT MEETING BASED UPON VOLUNTARY SIGN-IN.

Sonja Sheppard, Director of Nursing, Brightwood College, Sacramento, VN Program  
Carel Mountain, Director of Nursing, Sacramento City College, VN Program

#### 4. ROLE OF PRACTICE COMMITTEE.

Samantha James-Perez introduced the Role of the Practice Committee document to those present.

- Ms. James-Perez requested to revise the second paragraph of the document to state, “The Committee makes recommendations to the Board relative to matters regarding the scope of practice and utilization of Licensed Vocational Nurses (LVNs) and Psychiatric Technicians (PTs).”
- EO Brown stated a copy of the Role of the Committee would be available to the public at each Committee meeting.
- EO Brown stated that a report and minutes relative to today’s Committee meeting will be provided to the Board Members at the February 2017 board meeting.

## **5. MATTERS RELATED TO RESPIRATORY CARE.**

### **A. Discussion and Consideration of Procedures for Care of Clients with Respiratory Deficits.**

C. Mountain presented a detailed summary of didactic and clinical objectives and content included in the curriculum of the Sacramento City College VN Program relative to the care of clients with respiratory deficits.

S. Sheppard presented a summary of the Brightwood College, Sacramento, VN program curriculum relative to the care of clients with respiratory deficits.

Committee Discussion:

S. James – Perez inquired as to the:

1. Correlation of curricular content to available clinical experiences for enrolled students; and
2. Availability of clinical experiences to consistent with presented theory curricular content.

Director Mountain and Director Sheppard reported a positive correlation. The directors reported programs are able to secure adequate clinical experiences that are consistent with the curriculum and sufficient for the enrolled student population.

### **B. Discussion and Consideration of Impact of Business and Professions Code Division 2, Chapter 8.3, Article 6 on Scope of Practice of Licensed Vocational Nurses and Psychiatric Technicians.**

- The Committee reviewed Business and Professions Code Division 2, Chapter 8.3, Article 6 and noted that Section 3760 (a) states, “Except as otherwise provided in this chapter, no person shall engage in the practice of respiratory care, respiratory therapy, or inhalation therapy...”
- The Committee noted that such language is in conflict with statutes and regulations governing the licensure and practice of other licensed health care providers.
- Ms. James-Perez reported that official minutes from the September 16, 2005 Board meeting confirm prior consideration of the delivery of care to clients with respiratory deficits. Specifically, the Board considered the adjustment of ventilator settings by LVNs and a request for reconsideration from the Respiratory Care Board.
- Committee Members and Directors Mountain and Sheppard noted that such restrictions may negatively impact care to the consumer.
- EO Brown suggested drafting a letter, with reference to the RCB statement in the 2012 Sunset Report regarding the BVNPT and Licensed Vocational Nurses, and that the statement is false.
- S. James-Perez asked the opinion of Director Sheppard and Director Mountain relative to the safe performance of respiratory care procedures by students. Director Sheppard responded, “Yes.” Director Mountain responded, “Y.” Additionally, she stated the program is completing an analysis and revision of its curriculum.

### **Committee Discussion:**

- S. James-Perez and D. Norton stated that analysis of program curricula confirms that LVNS are trained and have demonstrated proficiency required to perform specific respiratory care procedures safely and competently. Such performance is within their scope of practice and consistent with existing statutory language in the Vocational Nursing Practice Act.
- That analysis supports the Board's position relative to the performance of prescribed procedures for clients with respiratory care deficits.
- Director Mountain requested that when drafting the letter, the Board include that the nursing community should to work together to ensure the education of safe and competent LVNs and PTs and consumer safety.

## **6. MATTERS RELATED TO LICENSURE.**

- A.** Discussion and Possible Action to Seek Repeal of Business and Professions Code Sections 2873 [VN] and 4511 (c)(3) [PT]. Qualification of Licensure Based on Equivalent Education and/or Work Experience.

### **Committee Discussion:**

- S. James-Perez commented that the Board has identified gross misrepresentation and falsification of submitted documents in support of candidates seeking licensure based on the completion of equivalent education and work experience. She added that states typically require candidate graduation from an approved program as a condition of licensure.
- EO Brown clarified this discussion item pertains to Method III, not Method IV and that they are two totally different methods of qualification for licensure.

Method III addresses the completion of equivalent education and experience as a condition of licensure. California Code of Regulations Section 2516 addresses equivalent education and training as a condition of VN licensure. Specifically, it states individuals seeking licensure under this method must submit proof of completion within 10 years prior to the date of application of not less than 51 months of paid general duty inpatient bedside nursing experience in a clinical facility, at least half of which shall have been within five years prior to the date of application. Paid general duty inpatient bedside nursing experience is defined as the performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by the licensed vocational nurse.

Section 2575 addresses equivalent education and training as a condition of PT licensure. As specified therein, candidates seeking PT licensure may complete any or all of the supervised clinical experience by paid inpatient bedside work experience. Method IV addresses qualification for VN or PT licensure based on military education and experience.

- EO Brown commented that published examination statistics confirm that the quarterly and average annual pass rates for Method III – equivalency candidates are substantially lower than that of program graduates.

- EO Brown noted that analysis of submitted program statistics and the population of applicants seeking VN and PT licensure based on equivalent education and experience indicates increased program utilization for candidates who complete academic requirements, but fail exit examinations.
- Director Sheppard asked how can VN and PT programs serve the smaller population seeking licensure by Method III.
- C. Anderson recommended that programs utilize their approved Credit Granting Policy. That policy provides a vehicle for an objective assessment of the education and experience of candidates. If deficiencies are identified, programs may develop and counsel candidates relative to an academic plan to correct deficits and increase the probability of success when completing the applicable licensure examination.
- J. Gomez commented that licensees qualified through Method III frequently are unable to obtain licensure or work as LVNs in other states.
- EO Brown confirmed that the Committee's report relative to this issue will be brought before the board at the February 2017 Board Meetings.

## **7. SUGGESTIONS FOR FUTURE AGENDA ITEMS.**

- Ms. Norton said she would like to see an update on the LVN and PT scopes of practice at the next meeting.
- Dr. Brown reported that the board is in process of hiring a retired annuitant in the Education Division to develop VN and PT regulations.

## **8. ADJOURNMENT.** The meeting was adjourned at 3:30 p.m.