



**DATE:** February 12, 2018  
**TO:** Board Members  
**FROM:** Samantha Calma  
*Budget, Legislative, and Regulatory Analyst*  
**SUBJECT:** Legislative and Regulations Committee Report

**BOARD MEMBERS**

**PRESENT:** Cheryl Turner, Public Member  
John Dierking, Public Member

**STAFF PRESENT:**

Elaine Yamaguchi, Executive Officer  
Brian Clifford, Senior Planning and Implementation Manager  
Samantha Calma, Budget and Legislative/Regulatory Analyst  
Jessica Gomez, Nursing Education Consultant

Since the last Board Meeting, the Legislative and Regulations Committee met once on Friday, February 9, 2018. The next meeting date is tentatively scheduled for April 6<sup>th</sup> or April 20<sup>th</sup>, 2018.

**1. INTRODUCTION OF THE EXECUTIVE OFFICER.**

The new Executive Officer, Elaine Yamaguchi introduced herself and briefly discussed her background. Her first day with the Board was January 22, 2018.

**2. LEGISLATIVE AND REGULATORY STAFFING UPDATE.**

Samantha Calma is officially the designated Legislative and Regulatory Analyst for the Board. Her current duties as the Board's Budget Analyst have been combined with the duties of the Legislative and Regulatory Analyst as both positions were determined by management as not requiring a full-time staff person separately.

In the context of Ms. Calma's duties, it was discussed that strategic communications are a very related set of duties that would make sense to combine with her legislative duties. The idea of combining the Strategic Outreach and Legislative and Regulations Committee was discussed. It was noted that the scope of each committee appeared to be very closely related and it may be efficient to combine.

**3. LEGISLATIVE CALENDAR.**

The Assembly and Senate's Tentative Legislative Calendar was shared, noting the January 31<sup>st</sup> deadline for bills introduced in 2017 to pass the house of origin.

#### 4. **LEGISLATIVE TRACKING.**

The Committee discussed:

- Five (5) Assembly Bills and three (3) Senate Bills that had failed passage by the January 31<sup>st</sup> deadline,
- One (1) Assembly Bill and one (1) Senate Bill that was gutted and amended and no longer pertain to the Board or the Department of Consumer Affairs.
- Introduction of two (2) Assembly Bills in 2018:
  - AB 888; and
  - AB 1659
- Two columns were added to the tracking grid:
  - BVNPT Division Affected; and
  - Staff Recommendations

It was determined that no other amendments to the tracking grid format was necessary.

#### 5. **CONSIDERATION AND POSSIBLE ACTION ON RECOMMENDATIONS REGARDING BILLS OF INTEREST TO THE BOARD.**

##### **AB 888 – Board of Vocational Nursing and Psychiatric Technicians of the State of California.**

Concerns were brought up in relation to AB 888 and additional feedback regarding the outcome if Board Members voted to non-adopt a default decision; who would evaluate whether a due process violation occurred on a default decision was requested to ensure the Board is not making any legal or technical errors with supporting this bill. Board staff will inquire with its Legal Counsel. The Committee discussed the benefits of reducing workload. The Committee agreed on a *Defer* position until clarification is provided.

##### **AB 1659 – Healing arts boards: inactive licenses.**

The Committee agrees with the main concept of the bill. Policy issues and possible difficulties with implementation were discussed. A quantifiable fiscal analysis can be prepared once the Board has an idea of what it would charge for inactive license renewals. The implementation of this bill would require legislative and regulation amendments. Board staff will reach out to the author to communicate its concerns. The Committee agreed on a *Neutral* position.

##### **New Legislative Analysis Report:**

The Committee likes the new process and format of the Board bill analysis. The Committee discussed determining a fiscal impact threshold to identify when a detailed fiscal analysis is required to be provided on a bill analysis. The Committee agreed that a \$25,000 or more threshold was reasonable.

**6. DISCUSSION ON REGULATIONS TO AMEND VN §2530 AND PT §2585 – GENERAL REQUIREMENTS: PASS/FAIL RATES UPDATE.**

Jessica Gomez, Nursing Education Consultant provided an update on the gathering of information for the regulation change. A document providing first draft efforts of proposed language was shared. Further editing of the proposed language is currently being worked on by Board staff. The Education Unit will be conducting a teleconference with twelve (12) schools on March 1, 2018 to discuss implementation plans.

**7. 2018 RULEMAKING CALENDAR.**

The 2018 Office of Administrative Law and Department of Finance rulemaking calendars were shared with the Committee. Regulations from Agenda Item # 6 were identified as the only proposed regulatory package to be submitted in 2018.