



**Department of Consumer Affairs  
Board of Vocational Nursing and Psychiatric Technicians  
Legislative and Regulations Committee Meeting Minutes  
April 6, 2018**

**I. Call to order**

Board Member Cheryl Turner called to order the Legislative and Regulations Committee Meeting at 9:35 a.m. on Friday, April 6, 2018 at the Board of Vocational Nursing and Psychiatric Technicians.

**II. Roll call**

**The following Committee Members were present:**

Cheryl Turner, *Committee Chair, Public Member*

John Dierking, *Public Member*

Elaine Yamaguchi, *Executive Officer*

Vicki Lyman, *Assistant Executive Officer*

Samantha Calma, *Associate Governmental Program Analyst*

**III. Legislative Tracking**

Ms. Turner led the Committee in reviewing 2017 and 2018 bills currently being watched by the BVNPT and determined Committee position.

**Committee Discussion:**

- Regarding AB-827:
  - Mr. Dierking stated concern that the bill is not healing arts specific.
- Regarding AB-888:
  - Ms. Turner would like board staff to provide statistics to the full Board regarding the number of stipulations the Board receives as there have been instances where stipulations were non-adopted.
  - Ms. Calma noted four (4) other boards within the Department that currently delegate default decisions to their executive officer. Additionally, she noted the benefits such as decreasing board member workload, increasing efficiency, enforcing enforcement provisions sooner, time and cost savings.
  - The Committee agreed on no position until statistics are provided.
- Regarding AB-1659:
  - Mr. Dierking inquired about possible revenue impacts of this bill.
  - Ms. Calma noted difficulties in projecting revenue impacts including:
    - 1.) licensees accidentally renewing to inactive status – determine how many;
    - 2.) determine inactive license fee, and
    - 3.) determine whether to charge for an inactive to active application.
  - Ms. Yamaguchi voiced concern of licensees potentially renewing to inactive status purposely to avoid paying full renewal fees.

- Ms. Calma stated the Board would need to create two new fees:
  - Renewal (Inactive) Application
  - Inactive to Active License Application
- Regarding AB-2138:
  - Ms. Calma shared board staff concerns regarding public protection. Under Department recommendation, board staff propose reaching out to the author's office to request to remove Healing Arts boards from the bill.
  - Mr. Dierking agreed that it would be appropriate. He voiced concern regarding prohibiting the Board from denying a license based solely on failure to disclose a conviction.
  - Ms. Yamaguchi noted that majority of the Board's disciplinary cases are related to substance problems and can be problematic in Healing Arts professions. The bill does not address convictions such as identify theft, fraud, extortion, etc. Additionally, the Board's probationers are usually three (3) years. She is supportive of requesting to remove Healing Arts boards.
  - Ms. Turner noted satisfaction with the expungement language within the bill but noted concerns of removing discretion from the Board. She stated the bill language currently includes a "clear and convincing standard".
  - Committee members provided direction for Board staff to reach out to the author's office as proposed.
- Regarding AB-2409:
  - Committee Members stated concern that the burden should be on the plaintiff rather than the Board.
  - Ms. Calma stated Board staff have not completed their internal analysis' on AB-2138 or AB-2409 as both author's offices have stated further amendments are soon to come.
  - Ms. Yamaguchi noted that both bills have not been heard in first policy committees yet.
- Regarding SB-1003:
  - Ms. Calma stated the intent of the bill is to identify different levels of respiratory care and does not intend to amend vocational nurse (VN) scope of practice.
  - Ms. Yamaguchi pointed out that the Respiratory Care Board (RCB) has language in their act that prevents their act from affecting other professional scope of practices. She stated BVNPT staff including a nurse education consultant met with the RCB to determine where VN scope of practice overlaps and to identify any problems. The RCB made it clear the bill is not intended to impact VN scope of practice. The issue is that employers are unclear of what VNs and Respiratory Care Therapists (RCTs) can do. She recapped a suggestion regarding representation from BVNPT and RCB to meet with the Department of Consumer Affairs (DCA) to formulate a form of communication to stakeholders, employer groups, and professional colleagues to clarify what VNs and RCTs are trained to do.
  - Ms. Turner inquired if it is outlined somewhere to specify what VNs can do.
  - Ms. Yamaguchi referred to regulations that outline what VNs must demonstrate to be licensed and what they are trained to do. She stated the issue of care homes not having RCTs on duty, therefore there is a need for VNs to have respiratory training.

- Mr. Dierking recommended ongoing dialog with the RCB.
- Ms. Yamaguchi recommended two (2) members of each board meet at DCA to ensure employers understand roles and responsibilities of each licensee.

#### **IV. Fee Increase Legislation**

Ms. Calma introduced two documents prepared by Board staff: 1. Proposed legislative bill language, and 2. The Senate Business, Professions, and Economic Development Committee Fee Bill Questionnaire. She explained the contents of the documents and stated they have been reviewed and approved by the Department's Legal, Budget, and Legislative and Regulatory Review Divisions.

##### **Committee Discussion:**

- Ms. Turner inquired if the fees have been introduced to stakeholders.
- Ms. Yamaguchi confirmed the fees have not yet been shared. She stated the Board is holding a teleconference Board Meeting on April 20<sup>th</sup>, 2018 to allow the Board to vote on recommendations. Once the Board approves the final first draft, board staff will begin outreach to stakeholder groups and professional associations. She stated the proposal addresses fairness, equity, and intent to obtain sustainability of the Board.
- Mr. Dierking inquired if the Education Committee was given the opportunity to weigh in on the proposal.
- Ms. Yamaguchi stated the Education Committee has not seen it yet. She stated she could share the documents at the next Education Committee meeting.
- Mr. Dierking would like the documents shared with the Education Committee.
- Ms. Yamaguchi noted the Education Committee meeting is on the same day as the teleconference board meeting scheduled for April 20<sup>th</sup>.
- Mr. Dierking recommended deferring to the entire Board.

#### **V. Regulation Update**

Ms. Calma provided an update on the regulatory package to amend VN §2530 and PT §2585. She stated first draft efforts are currently being completed. The delay is due to the fee bill study, which has been board staff's focus for the past couple of months. She stated the Education Division met with stakeholders on March 1<sup>st</sup> to discuss the implementation plan.

##### **Committee Discussion:**

- Ms. Turner requested for feedback from the March 1<sup>st</sup> meeting.
- Ms. Yamaguchi mentioned concerns regarding beginning the requirements right away, however, it was agreed that it is the correct action to take. She reiterated the importance of the fee legislation and it being mission critical, therefore, this specific regulation has been delayed.

#### **VI. Suggestions for Future Agenda Items**

The Committee agreed to use the same items on this agenda.

**VII. Adjournment**

The meeting adjourned at 10:24 a.m.

**Action Items**

- (Item #1) Notice AB-888 for possible action at the May Board meeting. Include statistics regarding stipulations.
- (Item #2) Reach out to author's offices to propose removing Healing Arts boards from AB-2138.
- (Item #3) Refer proposed legislative bill language and Senate BPED questionnaire to the entire Board.

DRAFT

Minutes submitted by: First/Last Name **Samantha Calma** Date: **04/13/2018**

Minutes approved by: First/Last Name \_\_\_\_\_ Date: \_\_\_\_\_

2017/2018 Bill Tracking

| ASSEMBLY BILLS |                 |                      |                                 |   |                            |                   |                         |                 |                          |
|----------------|-----------------|----------------------|---------------------------------|---|----------------------------|-------------------|-------------------------|-----------------|--------------------------|
| BILL #         | DATE INTRODUCED | AUTHOR               | PRINCIPAL CO-AUTHORS/CO-AUTHORS | SUBJECT   | BILL STATUS                | LAST AMENDED DATE | BVNPT DIVISION AFFECTED | STAFF RECOMMEND | BVNPT COMMITTEE POSITION |
| AB 827         | 2/16/2017       | Rubio (A)            | -                               | Department of Consumer Affairs: task force: foreign-trained professionals           | Senate Pass<br>In Suspende | 4/3/2017          | Licensing               | Watch           | Watch                    |
| AB 888         | 1/3/2018        | Low (A)              | -                               | Board of Vocational Nursing and Psychiatric Technicians of the State of California. | In Second House            | 1/3/2018          | Enforcement             | Support         | Need Info                |
| AB 1659        | 1/3/2018        | Low (A)              | -                               | Healing arts boards: inactive licenses.   | In Second House            | 1/3/2018          | Licensing               | Neutral         | Neutral                  |
| AB 2138*       | 2/12/2018       | Chiu (A),<br>Low (A) | -                               | Licensing boards: denial of application: criminal conviction                        | Assembly B&P               | 4/2/2018          | Enforcement             | Watch           | Reach out to Author      |
| AB 2409*       | 2/14/2018       | Kiley (A)            | -                               | Professions and Vocations: Occupational Regulations                                 | Assembly B&P               | 3/23/2018         | Enforcement             | Watch           | Watch                    |

\* Bill introduced in 2018 (1-year bill). Last day to pass from house of origin is June 1, 2018. Bills that fail to pass the house of origin by said date will be considered dead.

| SENATE BILLS |                 |               |                                 |   |                      |                   |                         |                 |                          |
|--------------|-----------------|---------------|---------------------------------|---|----------------------|-------------------|-------------------------|-----------------|--------------------------|
| BILL #       | DATE INTRODUCED | AUTHOR        | PRINCIPAL CO-AUTHORS/CO-AUTHORS | SUBJECT   | BILL STATUS          | LAST AMENDED DATE | BVNPT DIVISION AFFECTED | STAFF RECOMMEND | BVNPT COMMITTEE POSITION |
| SB 715       | 2/17/2017       | Newman (S)    | -                               | Department of Consumer Affairs: regulatory boards: removal of board members | Assembly<br>Inactive | 4/25/2017         | All                     | Watch           | Watch                    |
| SB 762       | 2/17/2017       | Hernandez (S) | -                               | Healing arts licensee: license activation fee: waiver                       | Assembly B&P         | 4/17/2017         | Licensing               | Watch           | Watch                    |
| SB 1003*     | 2/6/2018        | Roth (S)      | -                               | Respiratory Therapy   | Senate BPED          | -                 | Licensing               | Watch           | Watch                    |

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