



EXECUTIVE COMMITTEE MEETING MINUTES

September 14, 2023

**2535 Capitol Oaks Drive, Ste. 205
 Sacramento, CA 95833
 via WebEx Webinar**

Board Members Present:

Dr. Mountain, Board President, Chair
 Mr. Dierking, Board Vice President

Staff Present:

Ms. Yamaguchi, Executive Officer
 Ms. Wood, Chief, Enforcement Division
 Ms. DeYoung, Supervising Nursing Education Consultant
 Ms. Arreola, Licensing Supervisor
 Ms. Archibald, Intake & Enhanced Screening Unit Manager
 Mr. Prouty, Discipline Unit Manager
 Mr. Weiler, Probation Unit Manager
 Dr. McLeod, Lead Nursing Education Consultant
 Ms. DeCristofaro, Personnel Liaison
 Ms. Ball, Board Administrative Analyst

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
 Ms. Schieldge, Attorney IV, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:05 pm.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Counsel introduced themselves.

3. Operations Update – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi requested that each Division speak to the condition of each of their teams. She continued to share that staff has been working with the building management to update our security system.

Ms. Ball continued to share that staff has met with the building management's vendor for security; they performed a thorough walk-through and are in the process of submitting a quote for staff to continue with the project.

Committee Discussion: None.

4. Enforcement Division Report – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood provided an update on Operation Nightingale. Staff is currently in a holding pattern, as it appears that licensees on the reported lists have legitimate California LVN licenses, so the board is keeping some cases open while other states and licensing boards (i.e., BRN) complete their reviews on the same licensees. These outcomes will determine this board's next steps. Ms. Wood continued to share that the FBI seems to believe there are a few additional schools, but additional information has not been released yet.

Ms. Yamaguchi shared the other point of concern is people who apply for CA license from other states. We have to cross-reference known facts as it related to this operation to determine the legitimacy of certain documents and then act accordingly in those cases. We will likely see this affect us for a few years still, in a trickledown effect.

Ms. Wood shared the Substance Abuse PSA with the committee. Ms. Wood thanked the committee and Member, Lessie Moore, for participating in this PSA.

Committee Discussion:

Dr. Mountain asked if we continue to see cases coming in. Ms. Wood responded that they are trickling in here and there, following the couple waves of submissions.

Mr. Dierking asked to clarify if this population is limited to LVN's who are applicants with the BRN? Ms. Wood confirmed that some are BRN applicants, and some are potential applicants in other states. There also appear to be some that have obtained the fraudulent documents, but have not applied anywhere at this time, using the documents. The board is unable to act on this until the documents are used for an application.

Mr. Dierking shared his concern with the Operation expanding from international schools to domestic as well. Ms. Wood agreed and shared that they are working closely with NCSBN and the FBI, but limited information is available at this time.

Dr. Mountain shared that she would like to really get the PSA out to the Directors to share with new graduates, because we see so many DUI's and it affects our licensees more than they realize. Ms. Wood will share the PSA and an additional resource that is usually shared around holidays, reminding licensees of the effects of

driving under the influence, et al and their license with the Education division to send to schools.

5. Education Division Update – Beth DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung thanked the members for their work on the PSA and that Education would be happy to distribute these resources to the schools. She continued with your report; including program updates, those already approved, those that are in application process, et al. She continued to share that it has been over 10 years since the BVNPT has been able to approve the number of programs they are approving since the new process implementations.

The division continues to work on a procedure manual, and it is coming along nicely. The Division is also finishing up the NEC recommendations on the Regulatory Revisions on our Article 5 for both VN and PT. They hope to have a memo prepared by the November meeting to put before the Board to approve moving forward with this regulations packet. She continued to advise that the Division will need to consider that the regulations from AB 1536 are not final yet, so if there are any sections that overlap, any potential revisions will have to be put on hold.

Committee Discussion:

Neither Member had questions.

Ms. Schieldge remarked to Ms. DeYoung that this was the first she had heard of this proposal, so the Division will need to make sure it goes to legal prior to putting it before the Board.

6. Licensing Division Update – Gabriela Arreola, Licensing Supervisor.

Ms. Arreola shared that Licensing has currently six (6) open positions; leadership is facilitating interviews next week to fill those positions.

Committee Discussion: None.

7. Legislation and Regulations – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared an update on SB 544, that the Board has been following as it is in reference to public meetings. While this bill has not passed quite yet, it is expected to pass with some new requirements. She continued that SB 143 has passed, and is an urgency bill, which go into effect immediately, allowing us to follow the structure we had until June 30, between now and January 1, 2024 (when SB 544 would take effect).

In addition, SB 816, a technical clean-up bill which will fix an error in the text of AB 1536, is expected to go through. Earlier in the season, we discussed AB 1722, a

school nurse bill; however, based on the current amendments, any real impact on BVNPT has been blunted.

Ms. Yamaguchi shared a very high-level list of potential topics of interest for the 2024 Rulemaking calendar. Ms. Schieldge shared high-level updates on each of the current regulation's packages, as listed on the agenda. Ms. Wood shared an update of what the Enforcement Division has completed on the Disciplinary Guidelines package.

Committee Discussion: None.

8. Board Schedule – Elaine Yamaguchi, Executive Officer.

The November Board Meeting is currently scheduled November 16-17, 2023. Per Ms. Schieldge, SB 143 was signed allowing COVID protocols to be valid through the end of the year. Committee Members agreed to a one-day meeting via WebEx in November.

9. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared the current Board Member Vote log; and shared staffs' pleasure with the current voting trends of members, namely that meeting quorum has not an issue. Ms. Wood thanked all members for their diligence and their attention to their balloting.

10. Next Executive Committee Meeting: TBD October 2023.

Next Executive Committee Meeting is scheduled for October 5, 2023 from 2:00 – 4:00 pm or until the completion of business.

11. Suggestions for Future Agenda Items.

Mr. Dierking brought up an idea of publishing a PSA related to Operation Nightingale to bring the issue to the public's attention. Ms. Wood shared some ideas of how to frame the PSA; Ms. DeYoung agreed with the direction and agreed that a video is more accessible than a lot of written materials.

12. Adjournment.

Dr. Mountain adjourned the meeting at 2:58 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President



EXECUTIVE COMMITTEE MEETING MINUTES

October 5, 2023

2535 Capitol Oaks Drive, Ste. 205
Sacramento, CA 95833
via WebEx Webinar

Board Members Present:

Dr. Mountain, Board President, Chair
Mr. Dierking, Board Vice President

Staff Present:

Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer (joined in progress)
Ms. Wood, Chief, Enforcement Division
Ms. DeYoung, Supervising Nursing Education Consultant
Ms. Brown, Licensing Manager
Ms. Archibald, Intake & Enhanced Screening Unit Manager
Mr. Prouty, Discipline Unit Manager
Mr. Weiler, Probation Unit Manager
Dr. McLeod, Lead Nursing Education Consultant
Ms. DeCristofaro, Personnel Liaison
Ms. Ball, Board Administrative Analyst

DCA Staff Present:

Mr. Swenson, Attorney III, Board General Counsel
Ms. Schiedge, Attorney IV, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Dr. Mountain, Chair.

Dr. Mountain called the meeting to order at 2:00 pm.

Committee members introduced themselves.

2. Introduction of Staff and Counsel – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Ms. Yamaguchi introduced Counsel, who have technical issues.

3. Operations Update – Mark Ito, Assistant Executive Officer.

Mr. Ito shared that staff is working on the lease negotiation and determining the most cost-effective manner for appropriate operational needs; including but not limited to space planning.

Mr. Ito shared that the board has been working on the office security; the current system is over a decade old and is in need of replacement. Our IT Analyst has been working tirelessly with HQ and the Department of General Services (DGS) to get the new system in place as soon as possible.

Committee Discussion:

Mr. Dierking asked if there is still staff telecommuting. Mr. Ito confirmed that yes, there is some staff still teleworking; but it is all based on the operational needs of the division they work in.

4. Enforcement Division Report – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood provided an update on Operation Nightingale. The NCSBN has reported additional schools. Therefore, staff anticipate receiving more cases, especially related to Method 5 programs where CNA experience is coupled with a course to qualify for LVN. Enforcement will be holding-off on the next Enforcement-specific PSA to allow the PSA for Operation Nightingale to be completed in the interim.

Committee Discussion:

Dr. Mountain thanked Ms. Wood for prompt action on Operation Nightingale PSA.

5. Education Division Update – Beth DeYoung, Supervising Nursing Education Consultant.

Ms. DeYoung shared that there have been little to no changes to the program approvals and proposed programs since the last Committee meeting. The Division is hosting online training related to the new instructional plan form.

On September 29, a few representatives of the Division attended the California VN Director Conference as attendees. The Division is presenting at the Annual California Association of PT Educators on October 20th. The presentation is on the topic of PT program site visits; staff is look forward to this opportunity.

The Division has used data collected from the submitted program annual reports to determine the expected number of graduates per month for 2024; the Division staff continue to collect and analyze incoming data and will share their findings once complete.

Ms. DeYoung continued to share that on September 19, she met with UCSF Leadership Institute Program Coordinator and the President/CEO of Health Impact; at their request, to discuss PT career pathways and how PT's may be able to fill in some of the gaps the industry is currently experiencing.

She closed by sharing that the NEC's have began discussing the script for the PSA and will have additional updates in the future.

Committee Discussion: None.

6. Licensing Division Update – Shelley Brown, Licensing Manager.

Ms. Brown shared that their current main focus is to fill the seven (7) vacant Technician positions. Licensing leadership team continues to be diligent in this process and continue to work on keeping the ball rolling.

Committee Discussion: None.

7. Legislation and Regulations – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared that the Legislative Session has adjourned and bills that passed still have a couple weeks for the Governor to sign or veto. She continued to go over the current state of the bill(s) related to the provisions of the Bagley-Keene Open Meeting Act. Ms. Ball shared key take aways from the final version of SB 544 that will go into effect January 1, 2024. Ms. Schieldge shared additional details, and her understanding of the new provisions. Mr. Swenson agreed with Ms. Schieldge's interpretation(s). Staff will be working on gathering these details and sharing the future rules of engagement with the Members moving forward.

Ms. Yamaguchi shared that the Final Statement of Reasons is pending for AB 1536 and should be sent to legal soon. Ms. Schieldge shared the timeline necessary to successfully complete this package and how this timeline may affect timelines of packages that may overlap this one.

Ms. Schieldge shared that her update on review of the Disciplinary Guidelines is pending and will be back to staff soon. She will assist management with the 2024 Rulemaking Calendar for the November Board Meeting.

Ms. Yamaguchi shared that Mr. Ito has been working on putting together the first draft of the Sunset Report.

Committee Discussion:

Dr. Mountain asked whether this committee will still be able to meet as we have, or not. Ms. Schieldge confirmed that that particular provisions will not affect the Advisory Committee; with only two (2) Members it remains optional in meeting with public meeting guidelines.

8. Board Schedule – Elaine Yamaguchi, Executive Officer.

The November Board Meeting will be held via WebEx November 17, 2023.

9. Board Member Accountability – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi shared the current Board Member Vote log. There are no current concerns with member participation in voting. Mr. Prouty shared his satisfaction with the current participation and notified the Committee that there will be a closed session at the next Board Meeting.

- 10. Next Executive Committee Meeting: TBD December 2023.

Next Executive Committee Meeting is scheduled for December 7, 2023 from 2:00 – 4:00 pm or until the completion of business.

- 11. Suggestions for Future Agenda Items.

None received.

- 12. Adjournment.

Dr. Mountain adjourned the meeting at 3:02 pm.

Prepared by: _____ Date: _____

Elaine Yamaguchi

Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member

Board President