



**Board of Vocational Nursing and Psychiatric Technicians
 Department of Consumer Affairs
 Board Meeting Minutes**

<https://youtu.be/93nn4tfqNbw>

DATE: Friday, August 16, 2024

**BOARD MEMBERS
 PRESENT:**

Dr. Mountain, President, Education Member
 Mr. Dierking, Vice President, Public Member
 Ms. Carpenter, Public Member
 Mr. Hill, Psychiatric Technician Member
 Ms. Nieblas, Public Member
 Ms. Moore, Psychiatric Technician Member

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
 Mr. Mark Ito, Assistant Executive Officer
 Ms. Wood, Enforcement Chief
 Dr. McLeod, Acting Supervising Nursing Education Consultant
 Mr. Weiler, Administration Manager
 Ms. Brown, Licensing Division Manager
 Mr. Hall, Licensing Division Supervisor
 Dr. Fairchild, Nursing Education Consultant
 Ms. Gomez, Nursing Education Consultant
 Ms. Devila, Nursing Education Consultant
 Ms. Barrett, Nursing Education Consultant
 Dr. Thomson, Nursing Education Consultant
 Mr. Gonzales, Education Analyst
 Ms. Liz Shelley, Human Resources Liasion

DCA STAFF PRESENT: Mr. Swenson, Attorney III, Board General Counsel
 Ms. Korrina Moreno, Associate Governmental Program Analyst

Agenda Item 1

Call to Order, Roll Call, and Establishment of Quorum

Dr. Mountain called the meeting to order at 9:01 a.m. Dr. Mountain shared housekeeping instructions and information pertaining to the meeting.

Dr. Mountain conducted roll call. A quorum was established.

Absent Members: Ms. Brown, Ms. Guzman, and Ms. Sonson.

Agenda Item 2 Pledge of Allegiance

Ms. Nieblas led the room in the pledge of allegiance.

Agenda Item 3 Introduction of Board Staff

Ms. Yamaguchi introduced Board staff. Mr. Swenson introduced himself.

Agenda Item 4 Review and Approval – Meeting Minutes for May 17, 2024

Motion: To approve the May 17, 2024, Board Meeting minutes.

Moved/Seconded: Mr. Dierking/ Mr. Hill.

Board Discussion: None.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

Agenda Item 5 Board Update from DCA

Ms. Korrina Moreno, from the Department of Consumer Affairs (DCA) Board and Bureau Relations Office, provided an update from DCA. Ms. Moreno shared information regarding DCA's response to the Department of Finance's Budget Letter 24-20 implementing the Governor's proposal to reduce the state's workforce by 10,000 positions and \$1.5 billion. Ms. Moreno stated DCA's Budget Office is working with boards and bureaus to identify vacant positions for elimination in preparation for submitting a budget reduction plan for approval by DCA and the Department of Finance.

Due to staffing changes in the Governor's Office, Ms. Moreno reported that Deputy Appointments Secretary Curtis Lang will oversee the healing arts boards and Deputy Appointments Secretary Aubrey Anthony will oversee the non-healing arts boards.

Ms. Moreno shared DCA's response to Senate Bill 553 which became effective in January 2024. Mandatory workplace violence prevention training for all employees must be completed by August 30, 2024.

Ms. Moreno reminded board members of the requirement to complete Board Member Orientation Training within one year of appointment or re-appointment. She shared the training will be offered virtually starting in October 2024.

Ms. Moreno shared information regarding DCA's participation in the July 31, 2024, virtual military licensing webinar hosted by Navy Region Southwest.

Ms. Moreno provided an update from the July 26, 2024, Diversity, Equity, and Inclusion Steering Committee meeting regarding the preparation of an Annual Report updates to be sent to the Administration and Legislature.

Lastly, Ms. Moreno reminded boards to be cautious of potential phishing attempts and deceptive emails, texts, and calls to trick individuals into revealing sensitive information or installing malicious software.

Board Discussion: None.

Public Comment: None.

Agenda Item 6 Fiscal and Budgets Update.

A. Fund Condition and Budget Updates

Harmony DeFilippo, DCA Budget Manager, reviewed the meeting resource documents provided in the meeting resource packet. This included updated overviews of board expenditures, board revenue, and board fund condition. She reviewed how to read the documents and gave high-level overviews as she went through the data provided on each spreadsheet.

Board Discussion: None.

Public Comment: None.

Agenda Item 7 Education - Recommendation, and Possible Actions.

- A. Dr. McLeod provided highlights from the Division Report provided in the meeting packet. Dr. McLeod stated the Nursing Education Consultants (NECs) performed 28 site visits since the last board meeting. Dr. McLeod reported that six programs submitted Letters of Intent and four proposed programs were approved. Dr. McLeod provided an update concerning a psychiatric technician program which withdrew its

application due to needing more time to prepare and is anticipated to resubmit an application in six months. Dr. McLeod shared another psychiatric technician program is anticipated to apply in the near future. Dr. McLeod explained the participation in two recent meetings related to Title IV. Dr. McLeod updated Title IV is on hold due to an injunction in Texas; however, the Education Division has completed 66 curriculum revisions to date. Dr. McLeod reported that 130 people attended May 2024's Director Forum which received positive feedback. The Division is preparing for the May 2025 meeting which will involve schools' participation in innovative teaching strategies.

- I. Review, Ratification and Approval of Executive Officer Program Decisions for period from May 14, 2024, to July 23, 2024.

Motion: To approve and ratify the EO Program Decisions for the period from May 14, 2024, to July 23, 2024, provided in the meeting packet.

Moved/Second: Ms. Carpenter/Mr. Hill.

Board Discussion: Ms. Carpenter asked Dr. McLeod where the psychiatric technician program is located. Dr. McLeod stated both psychiatric technician programs discussed were located in Southern California which does not have as many programs compared to Northern California. Mr. Dierking asked Dr. McLeod to provide a description of Title IV. Dr. McLeod summarized Title IV requires schools to have their hours of instruction comply with each state's regulations which is a total maximum of 1530 hours in California as federal student aid will now only apply to the maximum number of hours. Dr. McLeod shared most school programs in California exceed 1530 hours which require curriculum revision.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

- B. Request to Admit Students, Request to Revise Curriculum.

I. Smith Chason School of Nursing, Ontario, Vocational Nursing Program

Dr. McLeod shared her submitted report recommending approving the request to admit a class of 30 students to commence on September 30, 2024, and graduating on December 21, 2025. Further, Dr. McLeod recommended approving the curriculum revision totaling 1530 hours.

Dr. Tiffany Jorgensen, Director of Nursing for Smith Chason College, complimented Dr. McLeod's availability to work with her school and the recent Director's Forum. Dr. Jorgensen shared her school is working to be in compliance with new Title IV requirements. Dr. Jorgensen reiterated her appreciation of Dr. McLeod while working with her.

Motion: To approve the report and adopt the NEC recommendation to admit students and revise curriculum.

Motion/Second: Ms. Nieblas/Ms. Carpenter.

Board Discussion: Mr. Dierking asked Dr. Jorgensen if she agreed with Dr. McLeod's report. Dr. Jorgensen replied she agreed with the report and recommendations.

Public Comment: Ms. Tijuana Capers stated she worked for Smith Chason since 2010 and has seen major changes under Dr. Jorgensen's leadership.

Sharon Tapia of Smith Chason related major strides were made in the past year under Dr. Jorgensen's leadership which staff appreciate. She related working with Dr. Jorgensen and Dr. McLeod was a great experience to make the necessary changes to improve their program.

Professor Andy Lajato thanked the Board and Dr. Jorgensen for her leadership.

Kristie Biber stated she is an instructor at Smith Chason who wanted to reiterate the prior comments regarding the positive improvements made by the school under Dr. Jorgensen's leadership.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes

Mr. Hill	Yes
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Motion carried.

II. Integrity College of Health Vocational Nursing Program

Ms. Barrett shared her submitted report recommending approving the requests to admit a part-time class of 20 students to commence on January 22, 2025, with a graduation date of October 10, 2026, and revise curriculum for the part-time and full-time programs.

Ms. Alice Sorrell-Thompson of Integrity College shared she agreed with Ms. Barrett's report and findings.

Motion: To approve the report and adopt the NEC recommendation to admit students and revise curriculum.

Motion/Second: Mr. Dierking/Ms. Moore.

Board Discussion: Mr. Dierking requested information relating to the identification of at-risk students which may be of benefit to other schools. Ms. Sorrell-Thompson explained her school utilizes an interdisciplinary effort to coordinate help for students.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

C. Request to Revise Curriculum

I. Platt College, Alhambra, Vocational Nursing Program

Ms. Barrett shared her submitted report recommending approval of the full-time and part-time curriculum revision.

Ms. Kisha Alvarado of Platt College expressed her appreciation of Ms. Barrett’s help. She shared the school is making progress toward a dedication of helping and mentoring students to be successful.

Motion: To approve the report and adopt the NEC recommendation to revise curriculum.

Motion/Second: Mr. Hill/Ms. Moore.

Board Discussion: Dr. Mountain asked Ms. Alvarado if a tracking system will be used given the implementation of the concept-based curriculum model. Ms. Alvarado stated they will evaluate test results to see where adjustments are needed.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

D. Request to Admit Students.

I. Summit College, San Bernardino, Vocational Nursing Program

Dr. Thomson shared her submitted report recommends granting approval to admit a full-time class of 25 students commencing on August 26, 2024, and a part-time class of 20 students commencing on October 21, 2024.

No representative from the school appeared.

Motion: To approve the report and adopt the NEC recommendations regarding the request to admit students.

Motion/Second: Mr. Dierking/Ms. Moore.

Board Discussion: None.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

E. Request to Admit Students, Consideration for Provisional Approval

I. Sunrise School of Nursing, Vocational Nursing Program

Dr. Thomson shared her report, which recommends (1) denial of the request to admit a second class of 18 students to commence on September 3, 2024, and (2) placing the program on a two-year provisional approval beginning on August 16, 2024, and approve a class of six students to commence on September 3, 2024. When asked by Dr. Mountain if there were any changes to her report, Dr. Thomson stated the program submitted additional documents on August 6, 2024, which were evaluated and found to be incorrect and incomplete. Additional documents were submitted on August 14, 2024, but there was insufficient time to review the documents prior to today's meeting. Dr. Thomson stated of the nine students who graduated on March 22, 2024, only two graduates took the NCLEX and both failed. Dr. Thomson stated she now changes her recommendation to deny approval for the second class.

Ms. Susan White of Sunrise School of Nursing explained Dr. Thomson replaced her prior NEC of 1.5 years and felt Dr. Thomson was not giving proper guidance to her school and had requested a different NEC. She stated a meeting was held in May 2024 with the Supervising NEC and felt nothing was changing. Ms. White disputed the date of Dr. Thomson's site visit in January 2024. Ms. White stated she received notice of the violations two months after the visit and disputed the scope of the review. She described difficulty with delays and being given expired forms. Ms. White stated one student took the test last month and seven more still need to test. Ms. White stated she should be approved to start a new class.

Motion: To approve the amended report and adopt the revised NEC recommendations for denial to admit students to the second class.

Motion/Second: Ms. Carpenter/Mr. Dierking.

Board Discussion: Dr. Mountain asked Ms. White how many students originally started and when the graduation date was. Ms. White answered nine students who graduated on March 23, 2024. Dr. Mountain asked if those students have tested yet. Ms. White answered two recently tested and the others will be testing at various dates in the near future. Dr. Mountain asked how many of those students passed the NCLEX to which Ms. White answered two students but then changed her answer stating those two students failed. Dr. Mountain asked Ms. White her program's cost to which Ms. White answered \$27,500. Dr. Mountain asked Ms. White how many clinical instructors the school had at this time. Ms. White answered there are five instructors. Dr. Mountain clarified there are five clinical instructors for nine students which Ms. White confirmed. Dr. Mountain asked where the clinical sites were. Ms. White answered Montrose Hospital. Dr. Mountain stated she was concerned about the delay between graduation and taking the NCLEX exam. Dr. Mountain asked Ms. White if remediation is offered to the students. Ms. White stated additional in-house help is given but not an outside test preparation company such as Hirsh, Kaplan, or ATI.

Mr. Dierking asked Ms. White about the substance of her statements today revolving around communication issues between her and the NECs but she did not speak to the nonconformities noted in the report. He asked her to comment on the issues raised in the report. Ms. White reiterated there were delays and difficulty with expired forms.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

Agenda Item 8 Executive Officer's Report.

- A. Ms. Yamaguchi provided an introductory overview of her report.
 - I. Ms. Yamaguchi shared an update on the new five-year strategic plan. She expressed her appreciation to staff and the board members for their involvement with ideas and plans. Ms. Yamaguchi also thanked SOLID's consultants. Ms. Yamaguchi stated she anticipates presenting the final version of the strategic plan to the board at the November meeting.

II. Ms. Yamaguchi shared an update on the board's Sunset legislation which is currently on the Senate floor. Ms. Yamaguchi stated that the legislation will authorize the board to issue cite and fines for its regulated schools, and that it will take approximately one year for the rulemaking process.

III. Ms. Yamaguchi summarized the Federal Title IV regulations and provided an update. Ms. Yamaguchi shared an update on the injunction in Texas which placed implementation on hold.

IV. Ms. Yamaguchi provided an update on the transition to NURSYS.com for license verification and its benefits. Ms. Yamaguchi referenced agenda item 8.A.IV containing reference documents for the transition.

Motion: To approve transition to NURSYS.com for license verification for Licensed Vocational Nurses, to be effective on or before November 1, 2024. To authorize Executive Officer in consultation with Board legal counsel to negotiate and enter new or amended contract for services between BVNPT and NCSBN. To authorize Executive Officer in consultation with Board legal counsel to submit application to NCSBN Board of Directors for financial assistance. To direct staff to notify Licensed Vocational Nurse population and other stakeholders of this transition.

Moved/seconded: Mr. Dierking/Ms. Carpenter.

Board Discussion:

Dr. Mountain stated she supported the transition to NURSYS.com.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

V. Ms. Yamaguchi shared information about our board's public comment to the Respiratory Care Board's (RCB) proposed rulemaking and the conflict in the basic scope of work between vocational nurses and respiratory care practitioners.

Mr. Swenson referenced related agenda item 10.A.V and recommended to move to approve and ratify the comment submission prior to moving on to other items.

Motion: To approve and ratify the resubmission of the public comments under the cover letter dated August 2, 2024.

Moved/seconded: Ms. Carpenter/Mr. Dierking

Board Discussion: None.

Public Comment: Mary Adorno of the California Association of Health Services at Home stated she was unaware SB 1451 had the language included as Ms. Yamaguchi had discussed and stated she was surprised the Respiratory Care Board would include language in an omnibus bill which health care providers are unaware of. She stated she intended to send a letter to the legislature requesting a veto of the bill. She stated this issue impacts Medi-Cal eligible patients and LVNs.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

- B. Dr. Mountain offered to answer any questions from the Executive Committee Report. No questions were received.

Mr. Swenson recommended receiving public comment for agenda items 8.B, 8.A.1, 8.A.2 and 8.A.3.

Board Discussion: None.

Public Comment: None.

Agenda Item 9 Licensing and Evaluations

- A. The Board received the division report in the meeting packet. Ms. Brown discussed an update to the board's phone system via the Microsoft Teams phone migration.

Board Discussion: None

Public Comment: None.

Agenda Item 10 Legislative and Regulations

- A. Ms. Carpenter provided an overview of the two committee meetings which occurred since the May board meeting. The next committee meeting is scheduled for September 2024. Ms. Carpenter tendered the discussion to Ms. Yamaguchi.

Ms. Yamaguchi stated that AB 2862 was withdrawn by the author. She provided an update on AB 1991 in that the author decided to repurpose the bill to another topic. Ms. Yamaguchi explained SB 1067 is on the Assembly floor and would require preparatory work in the Licensing Division. Ms. Yamaguchi advised SB 1451 requires technical updates as previously discussed during the Respiratory Care Board agenda item. Ms. Yamaguchi recommended a Letter of Concern.

Mr. Swenson recommended addressing the Letter of Concern in the next agenda item (8.A.V) and receiving public comment for agenda items 8.A.I-IV.

Board Discussion (Items 8.A.I-IV): None.

Public Comment (Items 8.A.I-IV): None.

Ms. Yamaguchi discussed agenda item 8.A.V in that she requested the board to authorize staff to present information at RCB's October board meeting. She explained the Office of Administrative Law will review the comments submitted by our board in RCB's matter. Further, Ms. Yamaguchi requested the board authorize staff to send comment to the bill's author.

Mr. Swenson advised the RCB board meeting in October and the end of the legislative session will occur prior to our board's November 2024 Board Meeting. He recommended the board consider delegating this matter and authorizing a committee to act on behalf of the board to take positions and authorizing and approving communications to be ratified at a subsequent board meeting. Mr. Swenson clarified any such committee would need to comply with Bagley-Keene

Open Meeting Act requirements. Mr. Swenson recommend splitting the motion on this agenda item into two separate motions.

Motion: Direct and authorize the Executive Officer to submit letter to author of Senate Bill 1451 expressing the board’s concerns about provisions imposing limitations in practice settings where licensed vocational nurses perform basic respiratory tasks and services.

Moved/seconded: Mr. Dierking/Ms. Carpenter.

Board Discussion (Item 8.A.V): Dr. Mountain recommended this matter be taken up by the Legislation and Regulations Committee. Ms. Nieblas expressed her concern the legislation would negatively impact Medi-Cal patients, the aging Latino population, and desired those concerns be included in the letter. Speaking about the topics to be contained in the letter, Dr. Mountain advised historically 140,000 LVNs and 20,000 respiratory care therapists provide a wide range of services in a variety of health care environments and LVNs have successfully provided these services. Ms. Nieblas advised limited the scope of work for LVNs would negatively impact California’s most at-risk populations such as immigrants, especially senior immigrants, and low-income communities.

Public Comment (Item 8.A.V): Kay Klutz identified herself as an educator and stated LVNs are trained to provide respiratory care and wanted LVNs to retain the ability to perform those functions. Mary Adorno representing the California Association for Health Services at Home stated there were microphone issues for the past three minutes prior going to public comment and asked for clarification. Ms. Yamaguchi reiterated Ms. Nieblas’ prior comment.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

Motion: To authorize and delegate the Legislative and Regulations Committee to act on behalf of the board with respect to approving the comment on RCB’s rulemaking to adopt Title 16, California Code of Regulations section 1399.365, Basic Respiratory Tasks and Services, and the committee’s comment would come back to the board at later date for ratification.

Moved/seconded: Ms. Carpenter/Ms. Nieblas.

Board Discussion (item 8.A.V): None.

Public Comment (item 8.A.V): None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

- B. Ms. Yamaguchi deferred comment on the rulemaking update to amend Title 16, California Code of Regulations sections 2524 and 2579.10 (Disciplinary Guidelines and Uniform Standards Regarding Substance-Abusing Licensees) to Ms. Wood, Enforcement Chief. Ms. Wood shared she was excited to report the Disciplinary Guidelines revision project was complete through the Office of Administrative Law and the documents were posted online. She explained the effective date of the new Guidelines is October 1, 2024. Ms. Yamaguchi expressed her appreciation to Ms. Wood and Regulations Counsel Kristy Schieldge.

Ms. Yamaguchi updated the Education Division continues to work on developing proposed regulations to amend existing school approval standards, Title 16, California Code of Regulations Division 25, Chapter 1, Article 5 (commencing with section 2525) and Chapter 2, Article 5 (commencing with section 2580).

Board Discussion: None.

Public Comment: None.

Agenda Item 11 Enforcement

- A. Ms. Wood shared information regarding the Enforcement Division Report. She highlighted a recent investigation regarding an LVN operating outside the scope of practice by administering Sculptra, an injectable used for fat loss, who injured a patient. Ms. Wood advised a joint effort between DCA's Division of Investigation and the local District Attorney's Office may result in the filing of criminal charges.

Board Discussion: Ms. Moore stated she appreciated the Enforcement team and their hard work.

Public Comment: None.

B. In Mr. Maxey's absence, Ms. Moore provided an update on the Enforcement Committee Reports. Ms. Moore highlighted outreach efforts involving email blasts, social media, and sending to allied State and local government agencies for the precedential decision relating to LVN scope of practice for cosmetic injectables.

Board Discussion: None.

Public Comment: None.

Agenda Item 12 Psychiatric Technicians Ad-hoc Committee

Mr. Hill shared a summary of the prior committee meeting, including a discussion on outreach, job training, and strategic plan review. Mr. Hill advised the committee members will continue to reach out to stakeholders to learn information in preparation for a survey.

Board Discussion: None.

Public Comment: None.

Agenda Item 13 Public Comment on Items Not on the Agenda

No public comment received.

Agenda Item 14 Suggestions for Future Agenda Items

None received.

Board Discussion: None.

Public Comment: None.

Agenda Item 15 Closed Session

Motion: To retire to closed session and not reconvene in open session. The meeting will adjourn at the completion of closed session.

Motion/Second: Mr. Dierking/Mr. Hill

Board Discussion: None.

Public Comment: None.

Member Name	Vote
Dr. Mountain	Yes
Mr. Dierking	Yes
Ms. Nieblas	Yes
Ms. Carpenter	Yes
Ms. Moore	Yes
Mr. Hill	Yes

Motion carried.

Agenda Item 15 Adjourn Meeting

The closed session was completed, and the meeting was adjourned without returning to open session at approximately 11:42 a.m.

Prepared by: _____ Date: _____
Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____
Dr. Carel Mountain, Education Member
Board President