



## EXECUTIVE COMMITTEE MEETING MINUTES

**September 5, 2024**

**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  
 Dr. McLeod, Acting Supervising Nursing Education Consultant  
 Ms. Brown, Licensing Manager  
 Mr. Hall, Licensing Supervisor  
 Ms. Arreola, Licensing Supervisor  
 Ms. Wood, Chief, Enforcement Division  
 Mr. Prouty, Discipline Manager  
 Mr. Delgado, Enforcement Supervisor  
 Ms. Hudson, Intake & Enhanced Screening Manager  
 Ms. Vierra, Probation Manager  
 Mr. Weiler, Admin Manager (moderator)

**DCA Staff Present:**

Mr. Swenson, Attorney III, Board General Counsel

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

Dr. Mountain called the meeting to order at 2:07 p.m.

Committee members introduced themselves.

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

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

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

Ms. Yamaguchi shared Mr. Ito was not able to attend this meeting; therefore, an operations update was not available.

**Committee Discussion:** None.

4. Discussion from NCSBN Annual Meeting – Mark Ito, Assistant Executive Officer.

Mr. Dierking stated he traveled with Mr. Ito to the NCSBN Annual Meeting in Chicago and was excited to provide an update. Mr. Dierking stated the Annual Meeting was a wonderful experience overall. Mr. Dierking shared the details and statistics from an environmental scan provided by NCSBN covering industry employment, education, nursing population and impact of COVID on the workforce. He shared NCSBN's assertion their environmental scan results indicated by 2027 a significant number of licensees nationwide, estimated to be approximately 20% of the workforce, will leave the profession due to stress and burnout without implementation of policy interventions. Mr. Dierking shared information concerning the clinical simulation method of instruction used by nursing schools as a result of COVID-19, and its impact on potential continued use if another pandemic occurs. Mr. Dierking shared updates on the next generation NCLEX exam to better evaluate clinical judgement and decision making and the resulting drop in pass rates. Mr. Dierking opined NCSBN provides high quality scientifically measured data and reiterated the Annual Meeting was very informative.

Dr. Mountain, Ms. Yamaguchi, and Mr. Swenson discussed the possibility of creating a public service announcement for nurse burnout.

**Committee Discussion:** None.

5. Enforcement Division Update – Antoinette Wood, Chief, Enforcement Division.

Ms. Wood shared the division was doing well and advised there was a recent uptick in complaints. Ms. Wood provided an update on the acceptance rate of cases by DCA's Division of Investigation. She also shared she is working on a supervisor responsibility document for each Enforcement unit to ensure they are operating as they should and for consistency. Ms. Wood reminded the committee of the compaction issue and that she has no control over the Special Investigations Unit.

Ms. Wood shared an update on Operation Nightingale. Ms. Wood cases were slowly trickling in and provided an update on a few existing cases which are on hold pending outcomes from other agencies.

**Committee Discussion:** None.

6. Education Division Update – Judith McLeod, Acting Supervising Nursing Education Consultant.

Dr. McLeod shared an update on the distribution of Narcan in custodial settings. She explained licensees are concerned being directed at state prisons to roll carts loaded with nasal Narcan boxes to communal areas and allowing inmates to take as

many boxes as they desire without a physician's order or patient education. She explained licensees believe the method by which they are delivering Narcan may constitute medication administration or dispensing outside their scope of practice and may constitute a staff safety issue given the presence of a puncturing metal needle within the Narcan product. Ms. Yamaguchi shared the federal government issued a directive to make Narcan widely available. Ms. Yamaguchi provided an update on her meeting with the Department of Corrections on this topic and possible changes they may make to address the concerns raised. Ms. Yamaguchi discussed the issue of licensees being concerned they may face disciplinary action for administering/distributing Narcan if it is determined to be outside their scope. Mr. Swenson advised this matter could be handled via a declaratory decision. Further, Mr. Swenson advised the Narcan issue is also a labor relations issue which our board should not get involved with.

Dr. McLeod provided an update on the LVN-ND Agreement in that she is continues to work with Mr. Swenson on and hopes to conclude that project within the next two weeks.

Dr. McLeod provided an update on Pacific College with respect to the numerous deficiencies her division is tracking. She shared the deficiencies concerned the operation of a satellite campus which is not allowed, inaccurate recording of NCLEX results, student complaints, and violations identified during two site visits. Dr. McLeod advised this school program's issues are getting worse instead of better which is compounded by the school's unwillingness to implement corrections. She hoped to have a report for the November board meeting.

Dr. McLeod provided a staffing update that Sharlene Dela Rosa will be transferring to the Board of Registered Nursing.

**Committee Discussion:** Regarding Narcan, Mr. Dierking discussed the scope of practice issue and recommended directing staff to develop language for the purpose of inclusion in a declaration of intent regarding the distribution of Narcan in custodial settings. Mr. Swenson recommended this issue be addressed with a formal declaratory decision process under the Administrative Procedures Act. Mr. Dierking recommended to direct staff to follow up with the California Association of Psychiatric Technicians regarding their recent inquiry on the Narcan issue to move forward with the process of a declaratory decision. Dr. Mountain agreed.

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

Ms. Brown shared a recruitment update for her two licensing technician vacancies. Ms. Brown had no further update.

**Committee Discussion:** None.

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

Ms. Yamaguchi shared an update on the Sunset Bill which is awaiting the Governor's signature. She provided an update on the preparation for the Respiratory Care Board (RCB) meeting. Ms. Yamaguchi advised a letter was submitted to RCB in response to their rulemaking process. Ms. Yamaguchi advised the RCB Executive Officer invited BVNPT to provide comment at their next board meeting for the purpose of explaining how their proposed rulemaking adversely affects BVNPT's licensees. Ms. Yamaguchi advised the Office of Administrative Law may be concerned with the conflict if and when they review RCB's rulemaking package. Ms. Yamaguchi advised commentators much be physically present to provide public comment at RCB's board meetings and sought Dr. Mountain's commitment. Dr. McLeod advised numerous employers of LVNs are upset by RCB's proposed rulemaking as it would have a detrimental impact on their operations and advised she expected a lot of public comment at the RCB board meeting.

Ms. Yamaguchi provided an update on 2024 legislation in that the surviving bills are pending the Governor's signature. She advised a draft of the 2025 rulemaking calendar is available for the board's Legislation and Regulations Committee.

**Committee Discussion: None**

9. Strategic Plan 2025 – 2030 Update, Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi updated that BVNPT has not yet received the draft of the strategic plan from SOLID. She plans to present the report at the November Board Meeting.

**Committee Discussion: None.**

10. Board Schedule – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi discussed the recent financial impact from the state budget shortfall. She opined additional budget cuts may be required in the future. Ms. Yamaguchi asked the committee members to consider reducing the number of regular board meetings to the statutory minimum of two per year as a cost savings. Ms. Yamaguchi advised the option of having a Webex-only board meeting was unavailable per the DCA Executive Office.

**Committee Discussion:** Dr. Mountain opined the meeting reduction could be a cost savings. Mr. Dierking postulated having three-day meetings instead of two-day meetings twice per year. Mr. Dierking desired the input of the other board members as reducing the number of meetings may impact the workload of committees. Dr. Mountain offered the idea of scheduling four regular board meetings for 2026 now with the option of later cancelling if circumstances allow.

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

Ms. Yamaguchi shared a current version of the member votes log. She expressed no concerns and staff is pleased with participation and attentiveness of members. Ms. Yamaguchi explained the possible need to shuffle some of the committee assignments at an upcoming board meeting. Mr. Swenson suggested expanding the role of the Education and Practice Committee to have delegated authority subject to full board ratification if the decision is made to reduce the number of annual regular board meetings.

**Committee Discussion:** Mr. Dierking asking Mr. Swenson for clarification on delegated authority for committees.

12. Next Executive Committee Meeting: TBD October 2024.

The next Executive Committee Meeting is scheduled for October 10, 2024, from 2:00 – 4:00 p.m. or until the completion of business.

13. Suggestions for Future Agenda Items.

Dr. Mountain suggested discussing the Narcan topic at a regular board meeting.

14. Adjournment.

Dr. Mountain adjourned this meeting at 3:53 p.m.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**

Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**

Board President



## EXECUTIVE COMMITTEE MEETING MINUTES

**October 10, 2024**

**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. Mark Ito, Assistant Executive Officer  
Dr. McLeod, Supervising Nursing Education Consultant  
Ms. Stacie Higashi, Supervising Special Investigator  
Ms. Brown, Licensing Manager  
Mr. Hall, Licensing Supervisor  
Ms. Wood, Chief, Enforcement Division  
Mr. Prouty, Discipline Manager  
Ms. Vierra, Probation Manager  
Mr. Weiler, Admin Manager  
Ms. Brady, Board Admin Analyst (moderator)

**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 2:06 p.m.

Committee members introduced themselves.

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

Ms. Yamaguchi introduced board staff. Mr. Swenson and Ms. Schieldge introduced themselves.

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

Mr. Ito provided an update on the Admin Unit's staffing and advised the unit is now fully staffed.

Mr. Ito advised the Board is on track to save approximately \$1.1 million from what it is authorized to spend. Revenue is higher than anticipated. Mr. Ito opined a fee audit will likely be needed in the future to bring structural balance to revenues and expenditures. The Board should anticipate having a 12-month fund reserve by next year.

BVNPT continues to work with the Department of General Services to explore space utilization efficiency options.

**Committee Discussion:** None.

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

Ms. Wood reported the hiring of managers for the Probation and Intake & Enhanced Screening Units. She advised the number of complaint cases has risen while case aging has remained stable.

Ms. Wood reported on Operation Nightingale that her division is waiting on updates from other states on their cases.

Ms. Higashi shared an update on the Operation Nightingale cases being investigated by her unit. She advised there are approximately 13-15 cases currently being investigated.

**Committee Discussion:** None.

5. Education Division Update – Judith McLeod, Supervising Nursing Education Consultant.

Dr. McLeod provided a staffing update.

Dr. McLeod reported that her Division continues to work with the Office of Professional Examination Services to conduct an occupational analysis of psychiatric technicians. Interviews are being conducted for their survey which is going well and she is pleased with the progress.

Dr. McLeod shared an update regarding the Narcan meeting held with the California Department of Corrections and Rehabilitation (CDCR). Ms. Yamaguchi expanded on the topic providing background information on CDCR staff's concerns along with CRCR's efforts to better educate and train their staff. Ms. Yamaguchi advised the Narcan topic should be discussed at the November Board Meeting given the controversy of risks licensees have expressed with respect to exposure for potential complaints filed against them. Mr. Swenson opined CDCR will likely ask BVNPT to issue a declaratory decision similar to the cannabis case with school districts. Mr. Swenson shared a high-level overview of the process which would need to start with a formal request for the declaratory decision.

**Committee Discussion:** None.

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

Ms. Brown provided a staffing update, reporting two different recruitments and the planned absence of a licensing technician going on maternity leave.

Ms. Yamaguchi advised Mr. Weiler is working with DCA on the contract to transition to NURSYS with an expected January 2025 start date. Ms. Brown stated she is excited for the new contract since it is expected to reduce the number of incoming telephone calls. Ms. Brown advised the expected reduced workload will allow her staff to be better able to conduct continuing education audits.

**Committee Discussion:** Dr. Mountain opined NURSYS is a user-friendly program and believes licensees will benefit from using that program.

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

Ms. Yamaguchi advised the Sunset Bill is chaptered.

Ms. Yamaguchi discussed BVNPT's response to the upcoming Respiratory Care Board (RCB) Meeting. She provided a summary of the prior day's BVNPT Legislative and Regulations Committee Meeting whose discussion focused on this matter. Ms. Schiedge clarified no final decisions were made by RCB yet and their rulemaking process remains ongoing. She advised RCB still has the opportunity to review BVNPT's suggested language edits. Ms. Yamaguchi sought Mr. Swenson's advice on the transmittal of the attendance list information from the prior day's BVNPT Legislative and Regulations Committee Meeting. Mr. Swenson suggested sending a list of those attendees who provided public comment only. Ms. Schiedge concurred. Ms. Yamaguchi asked Ms. Schiedge about RCB's rulemaking Initial Statement of Reasons (ISOR) in that no financial impact was reported; however, Ms. Yamaguchi expressed interested parties have expressed otherwise and if that could be a fatal defect. Ms. Schiedge advised she had not reviewed RCB's ISOR and that the financial disparity would be difficult to forecast given the varying levels of higher review which will be involved.

Ms. Yamaguchi provided an update on the wrap up of the 2024 legislation.

Ms. Yamaguchi advised the Disciplinary Guidelines project is completed and the information is posted on BVNPT's website. She also advised a technical package related to clarifying the language of the delegated authority to the Executive Officer was submitted for higher approval.

**Committee Discussion:** None



8. Strategic Plan 2025 – 2030 Update, Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi advised SOLID is still working on the draft plan and hopes to present it at the November Board Meeting.

**Committee Discussion:** None.

9. Board Schedule – Elaine Yamaguchi, Executive Officer.

Ms. Yamaguchi discussed the draft of the 2026 Board Meeting calendar and options for meeting frequency. Ms. Yamaguchi advised statute requires our Board to meet at least twice per year but does not specify physical location. Ms. Yamaguchi discussed the benefits of planning board meeting dates two years in advance to give members sufficient notice for planning purposes. She encouraged a future discussion from the board members regarding committee structure and assignments.

Ms. Yamaguchi explained she intends to survey the board members via a questionnaire to be included with the November Board Meeting packet to get an idea what training topics are desired.

**Committee Discussion:** Dr. Mountain opined newer board members may have different suggested topics for board member training days.

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

Ms. Yamaguchi shared a current version of the member votes log. She expressed no concerns and staff is pleased with participation and attentiveness of members.

**Committee Discussion:** None.

11. Next Executive Committee Meeting: TBD December 2024.

The next Executive Committee Meeting is scheduled for December 5, 2024, from 2:00 – 4:00 p.m. or until the completion of business.

12. Suggestions for Future Agenda Items.

Mr. Dierking mentioned the availability of Naloxone and the Governor's signature of AB 1996. Ms. Yamaguchi advised Naloxone is becoming more available at public offices.

13. Adjournment.

Dr. Mountain adjourned this meeting at 3:02 p.m.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**Elaine Yamaguchi**  
Executive Officer

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**Dr. Carel Mountain, Education Member**  
Board President