



DATE	November 1, 2025
TO	Board Members
FROM	Elaine Yamaguchi Executive Officer
SUBJECT	Legislative Proposal: Vocational Nursing and Psychiatric Technician School or Program Approvals

SUMMARY

The purpose of this memo is to provide background information on school or program approval process and legal requirements and discuss the possibility of directing the Executive Officer (EO) to seek amendments to the Vocational Nursing Practice Act (Business and Professions Code [BPC] § 2840 et seq.) (VN Practice Act) and the Psychiatric Technicians Law (BPC § 4500 et seq.) (PT Law) to address the issues identified in this memo.

BACKGROUND

BVNPT's Education Division staff consists of one Supervising Nursing Education Consultant (SNEC), seven full-time Nursing Education Consultants (NEC), two Associate Governmental Program Analysts (AGPA) and one Program Technician. The SNEC appoints one or more NECs to be the special liaisons on some programs and policies and assigns between two to five NECs to reviewing and processing new program approvals, depending on the number and timing of submission. All NECs are responsible for reviewing their assigned programs for continued approval, and each NEC is assigned to 25-30 ongoing programs. Programs are due for continued approval application review every four years.

By way of comparison, our colleagues at the Board of Registered Nursing (BRN) have three distinct units, each headed by an SNEC (Northern California, Southern California, and Continuing Education and Research), and a total of 14 NECs, and 9 support staff members.

In 2021, the Sunset Review committee questioned BVNPT's large backlog of new program approval requests. The Legislature directed BVNPT to address this backlog by establishing an approval process with specified timelines. This process was built on the assumption that an institution would not apply until they had completed all the preliminary steps, including the curriculum and instructional plan.

The urgency of resolving the program backlog obscured an important factor: when more programs are approved, the base workload increases, rather than the idea that reducing the backlog decreases the overall workload.

ISSUE 1: Application Period

An established period for institutions to submit applications was discussed but not pursued in 2021. This policy would have limited the number of applications received each year, which, at the time, was counter to the Board's commitment to accommodate as many applications as possible as soon as possible.

<u>YEAR</u>	<u>RECEIVED</u>	<u>APPROVED</u>
2022	3	0
2023	22	5
2024	20	7
2025	15	10
SUBTOTAL	70	22

Initial approvals of current programs

• 1950s	12 (all public)	avg 1.2/year (decade)
• 1960s	18 (17 public 1 private)	avg 1.8/year (decade)
• 1970s	9 (8 public 1 private)	avg 0.9/year (decade)
• 1980s	7 (all public)	avg 0.7/year (decade)
• 1990s	17 (6 public, 11 private)	avg 1.7/year (decade)
• 2000s	56 (11 public, 45 private)	avg 5.6/year (decade)
• 2010s	12 (all private)	avg 1.2/year (decade)
• 2020-	43 (5 public, 38 private)	avg 7.8/year (5.5 years)

Explanation of Task	Quantity / Year¹	Duration (Min/Task)	Total Time (hours)
Continued Program Oversight	-	-	-
Review and approve non substantive changes requested by programs	1,427	45	1,070
Review and approve program faculty change requests	4,325	30	2,163
Review and approve program clinical faculty applications	4,164	45	3,123
Review and approve program curriculum revisions	25	5,760	2,400

Explanation of Task	Quantity / Year ¹	Duration (Min/Task)	Total Time (hours)
Review materials and prepare for site visitation	56	240	224
Report visitation results to program and address any violations	56	480	448
Review program complaints with program faculty	146	90	219
Prepare Executive Officer (EO) Decision Review Report	161	120	322
Prepare Board Meeting Report	21	300	105
-Estimated Annual Total	-	-	10,074

Because the Board has prioritized the approval of new programs and has delayed other critical regulatory functions, it does not currently have a backlog of new program applications. As described in more detail in this memo, it appears that institutions may be submitting their application materials before they are completely ready. Frequently, a significant amount of time is invested by NECs between the time institutions submit their application materials and the time the institutions' materials are approved because the materials submitted are not complete and ready for review. This often extensive and time-consuming review by NECs takes away from the time they have to focus on other critical regulatory functions that have been delayed as a result.

An official application period or periodswould help the staff plan its workload better, as they will know how many new applications they will be assigned and can balance them with the time needed for oversight of existing programs and other projects. Currently, despite a well-organized intake system, new applications are submitted throughout the year, and staff often must revise their schedules to accommodate the new submissions. This proposed language would authorize the Board to establish frequency and duration of application periods based on the results of the prior biennium.

RECOMMENDATION:

Authorize the EO to seek the following legislative amendment to BPC Section 2881.2 authorizing the Board to establish biennial application dates to cycle new school or program approvals, which would be publicly posted on the Board's website within established timelines: :

(a) The approval process for a school or program shall be consistent with the following timelines:

(1) ~~(A) Upon receipt of a complete letter of intent to submit an application for a school or program of a licensed vocational nursing, the board shall notify the~~

~~proposed school or program of the steps in the approval process and provide an estimated wait time until active assignment to a nursing education consultant. No later than March 1 of each odd-numbered year, the board shall analyze the rates of final approval of programs compared with the number of applications submitted, and establish and publish on its website application dates for the subsequent two years for proposed school or programs to submit a “complete letter of intent to submit an application for approval as a school or program of licensed vocational nursing.”~~

ISSUE 2: Letter of Intent

Sections 2526(a) (VN) and 2581(a) (PT) of title 16 of the California Code of Regulations (CCR) require institutions seeking approval for a new program submit a **complete** Letter of Intent (LOI) following the requirements of BVNPT’s Form 55M1 (VN) and 56M-1 (PT).

Almost every Letter of Intent submitted for consideration omits required pieces or contains incomplete or incorrect information. When a LOI is received, the SNEC assigns the LOI and its attachments to an NEC for review. **This is not the “active assignment of an [NEC]” described in Business and Professions Code Sections 2881.2(a)(1)(A) (VN) and 4531.1 (PT) and 16 CCR Sections 2526(b) (VN) and 2581(b) (PT).** If the NEC assigned to review the LOI determines there are deficiencies, the LOI is returned to the institution with the list of identified deficiencies and a deadline to submit a corrected LOI. This back-and-forth continues until the LOI has been approved as complete by the NEC, which often takes weeks or even months.

For example, an LOI is assigned to an NEC, who carefully reviews it and sends the institution a list of deficiencies that must be addressed. Depending on when the LOIs are received and factoring other NEC assignments they may be assigned to review, which may be two to three LOIs in varying stages of completion. The institution resubmits the LOI. The NEC reviews the amended LOI, but all deficiencies have not been resolved. The NEC notes which deficiencies have been resolved and what remain outstanding. It is also possible that an applicant may submit new language which may create new deficiencies. Each repeat submission, review and return entails anywhere from ten to 40 **additional** work hours for the NEC. When an institution asks for more detailed feedback, meetings and consultations, or actual assistance in completing the LOI, the number of hours required to complete review of a satisfactory LOI exceeds the desired 30-day period. Board staff recommends extending the resubmission date from

six to 12 months. This is intended to provide the applicant with enough time to fully develop their LOI prior to resubmission.

RECOMMENDATION:

Seek the following amendment to BPC Section 2881.2(a):

(1)(A) Upon receipt of a ~~complete~~ letter of intent to submit an application for approval as a school or program of licensed vocational nursing, the board shall notify the proposed school or program of the steps in the approval process and provide an estimated wait time until active assignment to a nursing education consultant.

(B) The board shall notify the proposed school or program of any deficiencies in the submitted letter of intent. A proposed vocational nursing school or program shall correct all deficiencies identified by the board and resubmit the corrected letter of intent within 30 days of the board's notification of deficiencies that fails to submit a complete letter of intent. If all deficiencies are not resolved in the applicant's revised LOI, the program shall be taken out of consideration for approval as a new school or program and may only reapply after twelve months.

(C) Upon active assignment of a nursing education consultant, the school or program shall submit an initial application for approval within 60 days. Within 30 days of determination by the board that the letter of intent is complete, the board shall assign a nursing education consultant and notify the school or program of the determination and active assignment of the nursing education consultant. Within 60 days of notification of the active assignment of a nursing education consultant, the school or program shall submit a complete initial application for approval. Failure to do so may result in the program being taken out of consideration for approval as a new school or program and may only reapply after twelve months.

ISSUE 3: Curriculum

Perhaps the single most time-intensive part of new program approval is the curriculum and instructional plan. The Board has discussed the concept of a universal curriculum many times over the years, and the topic resurfaced during the recent issue of instructional hours in federal regulations.

RECOMMENDATION:

Direct the Education and Practice Committee to convene discussion(s) on the pros and cons of a universal curriculum and report back to the Board with the results and a recommendation.

ISSUE 4: Basic Oversight

A. Requests from Schools

BVNPT receives approximately 30 requests per month from active (currently approved) schools for admission of new, additional or changed classes, changes in curriculum, and other basic matters. These tend to be simple, non-controversial requests, requiring from 10 to 30 hours to prepare reports and recommendations for the EO's review, which are provided to the full Board for ratification. The EO refers recommended denials or controversial proposals to the full Board for review.

B. Continuing Approval

Continuing Approval requires the program to complete and submit the following every four years:

- **VN:** Form 55M-15 (Continuing Approval Application), 55M-3A (Clinical Facility Verification Form), 55M-2W (Curriculum Content), 55M-10 (Verification of Faculty Qualifications), 55M-2E (Summary of instructional Plan Hours), and the application fee.
- **PT:** Form 56M-15 (Continuing Approval Application), 56M-3A (Clinical Faculty Verification Form), 55M-2W (Curriculum Content), 55M-10 (Verification of Faculty Qualifications), 56M-2E (Summary of instructional Plan Hours), and the application fee.

Assigned NECs review the submissions and conduct site visits. Any deficiencies are noted in reports and the program is directed to correct them within a specified time. Final reports and recommendations are presented to the EO. The EO refers recommended denials or controversial proposals to the full Board for review.

RECOMMENDATION: No Changes

ISSUE 5: At-Risk Programs

A. Risk Factors

The indicators of a degrading program typically include: (1) a decline in the first-time licensing exam pass rates for the program's students; (2) a rise in complaints from faculty and students about the program; and (3) an increase in faculty turnover, including assistant program directors, program directors, and instructors.

The NEC requests documentation from the program and may perform one or more unannounced site visits to discern the failings of the program. Based on the NEC's findings, the NEC creates an outline of the NEC's concerns and identified issues the program needs to address and correct. The most common themes among high-risk programs are an ineffective administration and/or the need for extensive revisions to the program's curriculum. An ineffective administration is often incapable and/or unwilling to address issues and often devolves into a confrontation between Board staff and the program director or the owner of the program, which often requires continuous legal review of incoming and outgoing communications between Board staff and the program. Revising and launching new or substantially changed curriculum is generally a lengthy process, with months of intensive work on the new curriculum and when it is completed, it is essential to closely monitor the new class that is utilizing it. Most classes are about 12-14 months long, and the NEC will communicate with the program periodically to ensure that the changes are successful.

B. Investigating Complaints

BVNPT often receives complaints from students and staff. The frequency and number of complaints at specific campuses varies, and complaints range in severity. The NECs have had some initial training on investigations from the Board's Supervising Special Investigator and the Enforcement Chief.

The total number of complaints received from 2021 through June 2025:

- 2021=89
- 2022=103
- 2023=145
- 2024=189
- 2025 (half year)-46

C. Provisional Approval

Approved schools or programs that are not maintaining the standard required by the Board may be placed on Provisional Approval. Schools or programs on Provisional

Approval are encouraged to do a deep dive into their issues and work intensively with their NEC to correct deficiencies. Most programs at risk of being placed on Provisional Approval were found to possess both an ineffective administration and a need for extensive revisions within their curriculum.

In many cases, programs show significant progress and are able to return to full approval status. This intensive work between the program and NEC results in a heavy workload to the NEC.

D. Special Cases

Infrequently, the Board must respond to emergencies, such as a school closing, reports of severe violations, or natural disasters.

RECOMMENDATIONS:

1. Discuss fundamental question of Board support and assistance to existing and emerging programs at the Education and Practice Committee level, with a report to the full Board for recommendation and action.
2. Continue and enhance staff cross-training on investigation and resolution of complaints and allegations of issues, such as unfair treatment by staff and faculty, improprieties, and failure to follow the curriculum.
3. Develop and implement school cite and fine system.

ISSUE 6: Other Duties

A. NEC General Workload

1. Provide expertise to BVNPT and BVNPT staff on proposed and newly enacted legislation, as needed.
2. Review and approve the Continuing Education Providers and process the post-licensure certifications for the licensees.
3. Provide expert advice to the Licensing and Enforcement Divisions when there are issues involve scope of practice or schools, such as complaints or organizational problems.
4. Work with the National Council of State Boards of Nursing (NCSBN) to provide policy input and participate in the annual reviews of the NCLEX-PN, NCSBN's licensing exam for vocational nurses.
5. Work each year with the Department's Office of Professional Examination Services (OPES) on the California Psychiatric Technicians Licensing Examination (CAPTLE), which requires concerted staff work to recruit and

schedule Subject Matter Experts to participate in the review and the workshops to develop new questions for the exam. Every five years, the BVNPT also works with OPES on an in-depth Occupational Analysis, which also entails the recruitment of SMEs, the development of surveys, and other research and discussions. Although the cycle is five years, staff works with OPES to prepare and implement the project for almost a full year before the analysis is completed, and at least half a year while the analysis is in progress.

6. Address Scope of Practice inquiries and complaints from and about schools.
7. Contribute to the Board's annual, sunset and strategic plan reports.

B. Special Projects

1. Develop and implement workshops, forums and presentations for programs.
2. Provide training for new Program directors on compliance requirements, best practices and how the Board functions.
3. Work with Regulatory and General Counsel on a comprehensive review and update on the Board's regulations for schools, a very large project requiring the knowledge and expertise of the NECs. The level of specificity needed and amount of background research, including outreach to the National Council of State Boards of Nursing and individual state boards has grown over the years. In the face of more urgent matters (e.g., addressing the 2023 US Department of Education's regulations regarding curriculum hours) the team has often postponed their progress. The team has been working on this since 2016.
4. Responding to the Board's Sunset legislation in 2024, Assembly Bill 3255 (2023-24), which authorized the creation of a cite and fine system for the schools and which requires the Board to adopt regulations. The design and subsequent administration of this system is a significant increase in the workload, both initial and ongoing.
5. Work with Respiratory Care Board and stakeholders to address training for licensees.

RECOMMENDATIONS:

1. Reduce Education Division workload:
 - a. Reduce NEC response to Scope of Practice inquiries.
 - b. Change contract with OPES to review and update the California Psychiatric Technician Licensing Examination (CAPTLE) from annual to biennial.

GENERAL RECOMMENDATIONS

November 1, 2025

Legislative Proposal: Program Application Process

1. Direct the Executive Officer to communicate with the Assembly and Senate consultants regarding possible legislation to amend the approval process for new VN and PT schools.
2. Direct the EO and AEO to prepare and submit a Budget Change Proposal for additional staff.