

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

<https://youtu.be/5-07D9APGnw>

DATE: Thursday, Feb 5, 2026

**BOARD MEMBERS
PRESENT:**

Dr. Mountain, President, Education Member
Ms. Carpenter, Vice President, Public Member
Ms. Guzman, Licensed Vocational Nurse Member
Ms. Moore, Psychiatric Technician Member
Dr. Russell, Licensed Vocational Nurse Member
Ms. Sonson, Public Member
Ms. Nieblas, Public Member (online)

STAFF PRESENT:

Ms. Yamaguchi, Executive Officer
Mr. Ito, Assistant Executive Officer
Mr. Weiler, Administration Manager
Ms. Brady, Board Administration Analyst
Ms. Vierra, Probation Manager (online)
Ms. Frentzen, Human Resources Liaison

DCA STAFF PRESENT: Ms. Butu, Attorney III, Board General Counsel
Ms. Schieldge, Attorney IV, Senior Regulations Attorney
Ms. Saldivar, DCA Board and Bureau Relations
Mr. Fournier, Public Affairs

Agenda Item 1 Call to Order, Roll Call, and Establishment of Quorum

Dr. Mountain called the meeting to order at 10:01 a.m. Dr. Mountain shared housekeeping instructions and information pertaining to the meeting.

Agenda Item 2 Introduction of Board Staff

Ms. Yamaguchi introduced the Board staff and welcomed the Board's General Counsel, Ileana Butu and Regulations Counsel, Kristy Schieldge.

Agenda Item 3 Morning Session – Rulemaking Process Overview

Ms. Schieldge introduced herself and shared a brief overview of her background with the Department of Consumer Affairs (DCA). She gave a presentation that outlined the rulemaking process and showed the standards the Board must meet under the California Administrative Procedure Act.

Ms. Schieldge discussed the California Administrative Procedure Act (APA) and explained that it contains the rules, regulations, and statutes that the Board must follow to adopt a rulemaking. She emphasized that state agencies must comply with the APA process to ensure due process for individuals affected by proposed regulatory adoptions, amendments, or repeals.

Ms. Schieldge gave a thorough explanation of the steps and legal requirements involved in the rulemaking process and the Department of Consumer Affairs' (DCA) rulemaking phases required for review and approval by the DCA Director and the Business, Consumer Services and Housing Agency.

Board Discussion:

Ms. Carpenter asked how the Respiratory Care Board (RCB) moved its regulations forward and whether those regulations conflicted with this Board's regulations. She also asked whether the BVNPT regulations lack clarity.

Ms. Butu and Ms. Schieldge responded that a statute in this Board's Act, Business and Professions Code section 2860, addresses this issue and that the Education and Practice Committee previously discussed it. The statute grants the RCB authority under its Practice Act to develop regulations that determine which respiratory tasks or services an LVN may or may not perform, consistent with those rules.

Ms. Schieldge stated that the Board must review all laws affecting its authority and develop proposals that remain consistent with, and do not conflict with, the regulations of other boards as required by the APA. She added that the Board has not clearly explained to the public how the RCB regulations affect Licensed Vocational Nursing (LVN) practice.

Mr. Russell requested a copy of the APA. Ms. Butu and Ms. Schieldge both recommended that he review the document online because it is easier to navigate and scroll through. They noted that he can also purchase a copy of the APA through the Office of Administrative Law (OAL).

Dr. Mountain asked whether the Board should follow a standard review cycle, such as reviewing regulations every five years. She noted that the Board has not reviewed the scope of practice in quite some time. Ms. Schieldge responded that the Board should rely on its strategic plan to determine priorities. She explained that Board members

need to identify what is important and set goals within the strategic plan to reexamine specific regulations and determine whether changes are necessary. She emphasized that the strategic plan provides the best method for maintaining timely updates. She also noted that the Board maintains an approved rulemaking calendar and has opportunities to make changes and updates.

Ms. Yamaguchi asked Ms. Schieldge to elaborate on the hearing process, including the pros and cons, so the Board members would know what to expect during the public hearing period. Ms. Schieldge explained that the Board must decide whether to hold a hearing. She stated a hearing is required if the public requests one during the 45-day comment period, or if a request is made at least 15 days before the end of the comment period. She added that for items of high public interest, the Board may choose to schedule a hearing proactively.

Ms. Butu stated that, based on her experience with regulations, the Board can learn of stakeholder concerns by holding stakeholder meetings before noticing a regulation. She explained that this approach helps the Board better address stakeholder concerns ahead of time for a smoother regulation process, especially during the public comment period. Ms. Nieblas agreed that engaging stakeholders allows the Board to address concerns it may not otherwise anticipate.

Public Comment: None.

Agenda Item 4 Board Policy and Procedures Manual

Ms. Yamaguchi reported that the board is still working on the manual so this item will be tabled for a future meeting.

Board Discussion:

Public Comment: None.

Agenda Item 5 Recess / Adjourn Meeting

Ms. Butu recommended Dr. Mountain recess the meeting until tomorrow morning at 9:00 a.m. Dr. Mountain recessed the meeting at 11:06 a.m. advising Friday's Board Meeting would begin at 9:00 a.m. tomorrow.

Prepared by: _____ Date: _____

Elaine Yamaguchi
Executive Officer

Approved by: _____ Date: _____

Dr. Carel Mountain, Education Member
Board President