

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

**Board of Vocational Nursing
and Psychiatric Technicians
Administrative and Enforcement Monitor**

**Addendum to Second Report
Summary of Board Member Survey Responses**

November 14, 2016

**BENJAMIN
FRANK** LLC
MANAGEMENT
CONSULTANTS



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Mr. Awet Kidane, Director
California Department of Consumer Affairs
1625 North Market Boulevard
Sacramento, CA 95834

Contract No. RFO BVNPT 16-01, Addendum 1
Board of Vocational Nursing and Psychiatric Technicians
Administrative and Enforcement Monitor
Addendum to Second Report
Summary of Board Member Survey Responses

Dear Mr. Kidane,

This *Addendum to the Second Report* presents a summary of Board of Vocational Nursing and Psychiatric Technician (BVNPT) Board member responses to a confidential *Survey of BVNPT Board Members* conducted during the Initial Assessment Phase of the Administrative and Enforcement Monitor Project. A draft summary of the survey responses was first submitted as in Interim Work Product to the Department of Consumer Affairs (DCA) Project Manager and BVNPT's Executive Officer and Chief of Enforcement for their review on June 28, 2016. An updated draft *Summary of Board Member Survey Responses* was included in the *Initial Draft of the Second Report* (Appendix A) which was submitted to DCA's Project Manager and BVNPT's Executive Officer and Chief of Enforcement on September 23, 2016.

Subsequently, on September 29 and 30, 2016, we met with DCA's Project Manager and BVNPT's Executive Officer and Chief of Enforcement to review the *Initial Draft of the Second Report*. During the September 30, 2016, review meeting, BVNPT's Executive Officer argued strongly that the Board member survey information be excluded completely from the *Second Report* because the information was incorrect and outdated, and would be confusing to readers because it was not sufficiently clear that the responses did not reflect leadership team and other changes that had occurred during the preceding 6-month period. Additionally, the Executive Officer argued that the survey responses should be replaced with Board member responses to a separate survey that the Executive Officer had more recently completed separately from the Monitor Project.

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Due to concern that including the survey response summary information could potentially serve as a distraction from the findings, conclusions, recommendations and other information contained in the *Second Report*, we decided to publish the *Second Report* in final form without the accompanying Appendix A. Subsequently, we modified the summary to include directly related survey background information contained in Section VII of the *Second Report*. Additionally, in an effort to address BVNPT's concerns related to the publication of the survey response summary information, we modified the summary to further clarify when the survey was conducted and the time periods to which the survey response information was applicable. The modified *Summary of Board Member Survey Responses* is presented herein in the form of this *Addendum to the Second Report*.

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If you have any questions or need additional information, please contact me at 916.425.1475.

Very truly yours,

BENJAMIN FRANK, LLC



Benjamin Frank
Chief Executive Officer

Summary of Board Member Survey Responses

As previously stated in Section VII of the Second Report, as part of our assessment of BVNPT's communication deficiencies and improvement needs, during March 2016 we prepared and disseminated a confidential survey to the members of BVNPT's governing Board primarily for purposes of obtaining input regarding the following three (3) specific communication and assistance topics that were delineated in AB 179:

- ❖ Board member training
- ❖ Dissemination of information to Board members
- ❖ Assistance to Board members in performing their duties.

Additionally, a few questions were included in the survey to obtain input regarding (1) reviews and approvals of disciplinary decisions and (2) the responsiveness and effectiveness of BVNPT's Executive Officer in communicating with Legislators and Legislative staff and representing the Board at Legislative meetings and hearings. Finally, the survey sought input in the following three (3) additional areas, primarily for purposes of gathering information for the Board to use for its own purposes:

- ❖ Board structure, size and composition
- ❖ Board committees
- ❖ Board meeting structure and effectiveness.

The survey was released to all of the members of BVNPT's governing Board on March 23, 2016. A few survey questions were constructed to obtain information from the members that could be helpful for purposes of assessing the impacts of the changes in leadership that occurred at BVNPT during the prior year (April 2015 through March 2016). The survey was not constructed to assess any impacts related to appointment of the Board's current Executive Officer who joined BVNPT three (3) weeks earlier on March 2, 2016.

Nine (9) Board members completed the survey, in some cases anonymously. Subsequently, we scheduled and completed interviews with each member to further explore and clarify the responses to the survey, focusing primarily on the specific topics delineated in AB 179. Consistent with the survey, our follow-up interviews with the members focused on periods prior to March 2016. This addendum presents a summary of the responses to the BVNPT Board Member Survey. The addendum is organized as follows:

Section	Title	Section	Title
A.	Respondent Profile	F.	Expectations and Training
B.	Governing Board Structure, Size and Composition	G.	Executive Officer and Staff Support
C.	Committees	H.	Legislative Affairs and Relations
D.	Board Meeting Structure and Effectiveness	I.	Suggestions for Improvements.
E.	Disciplinary Decisions		

Summary of Board Member Survey Responses

A. Respondent Profile

BVNPT has an 11-member governing Board consisting of six (6) public members and five (5) professional members (VN/PTs). At the time that the survey was conducted one (1) of the public member positions was vacant. Nine (9) of the 10 members completed the survey, including all five (5) VN/PT members and four (4) public members. Six (6) of the respondents have been a member of BVNPT's governing Board for more than two (2) years, including two (2) of the four (4) public member respondents and three (3) of the five (5) VN/PT respondents.

B. Governing Board Structure, Size and Composition

Overall, the members of BVNPT's governing Board largely support maintaining the current Board structure, size and composition.

1. Representation of Consumer and Other Public Interests

Seven (7) respondents, including all five (5) VN/PT respondents and two (2) public members, indicated that the current structure and composition of BVNPT's governing Board provides sufficient representation of consumer and other public interests. One (1) public member indicated that the current structure and composition of BVNPT's governing Board does not provide sufficient representation of consumer and other public interests and one (1) public member had No Opinion regarding this survey question.

2. Representation of VNs and PTs

Six (6) respondents, including three (3) VN/PT respondents and three (3) public member respondents, indicated that the current structure and composition of BVNPT's governing Board provides sufficient representation of VN/PTs. Two (2) VN/PT respondents indicated that the current structure and composition of the governing Board does not provide sufficient representation of VN/PTs. One (1) of these respondents commented that there was not sufficient representation of VNs actually practicing in the field.

Seven (7) respondents, including four (4) VN/PT respondents and three (3) public member respondents, indicated that the current structure and composition of the governing Board provides a sufficient number of VNs and PTs to effectively address the complex issues that come before the Board.

3. Overall Size and Composition of the Board

Eight (8) respondents indicated that, overall, the current size and composition of the Board is sufficient to meet the Board's mission, goals and objectives. Separately, seven (7) respondents indicated that eleven (11) Board members are needed to enable the Board to fulfill its roles and responsibilities.

Five (5) respondents, including 2 VN/PT respondents and three (3) public member respondents, indicated that less than one-half of the Board's members should be VN/PTs. Three (3) respondents, including (2) VN/PT respondents and one (1) public member respondent, indicated "No Opinion" regarding this survey question. Only one (1) respondent (a VN/PT) indicated that more than one-half of the Board's members should be a VN/PT.

Summary of Board Member Survey Responses

C. Committees

1. Need for a Standing Licensing Committee

Three (3) respondents indicated that the Board should establish a standing Licensing Committee. Six (6) respondents had No Opinion regarding this survey question. Several survey respondents commented about various problems involving the Board's committees (e.g., "not fully functioning", "haven't met in years", and "not active").

2. Need for a Standing Education Committee

Five (5) respondents indicated that the Board should establish a standing Education Committee. Four (4) respondents had No Opinion regarding this survey question.

3. Need for Other Standing Committees

Only three (3) respondents indicated that the Board should establish other standing committees. One (1) of these respondents indicated that a Legislative/Regulatory Committee is needed.

D. Board Meeting Structure and Effectiveness

Overall, the members of the governing Board appear to support adoption of a more flexible approach to scheduling Board meetings that would provide an opportunity for more frequent or extended meetings, when needed. Alternatively, these needs could possibly be partially, or fully, addressed through greater utilization of committees, including the additional standing committees that the Board recently established.

1. Frequency of Board Meetings

Six (6) respondents indicated that the current quarterly meeting schedule is optimal for the Board. The remaining three (3) respondents indicated that Board meetings should be held on a more frequent, bi-monthly basis and several respondents commented that the Board should conduct more frequent meetings on an optional basis, as needed.

2. Duration of Board Meetings

Six (6) respondents indicated that the current 2-day meeting structure is optimal for the Board. One (1) respondent indicated that a shorter duration meeting would be optimal, one (1) respondent indicated that a longer duration meeting would be optimal, and one (1) respondent did not respond to this survey question.

Summary of Board Member Survey Responses

3. Sufficiency of Current Meeting Structure

Five (5) respondents indicated that the current meeting structure is not sufficient to enable the Board to fulfill its mission, purpose and objectives. Respondents commented that more time is sometimes needed and that agenda items are sometimes rushed, but that these types of problems might be reduced if the Board had more committees and the committees were active.

4. Need for a More Flexible Approach to Scheduling Meetings

Six (6) respondents indicated that the Board should adopt a more flexible approach to scheduling each meeting, both in terms of timing and duration, depending on the number and nature of items planned to be covered at the meeting. Two (2) respondents indicated that the Board should not adopt a more flexible approach to scheduling meetings and one (1) respondent had No Opinion regarding this survey question.

5. Quality of Materials Provided to Board Members in Advance of Meetings

Overall, the respondents indicated a high level of satisfaction with the quality of the materials provided by staff in advance of the Board's meetings.

Executive Officer Reports/Administrative Materials – Six (6) respondents indicated that the quality of the Executive Officer's Report/Administrative materials was Good or Very Good.

Education Materials – Seven (7) respondents indicated that the quality of the Education materials was Good or Very Good.

Licensing Materials – Six (6) respondents indicated that the quality of the Licensing materials was Good or Very Good.

Enforcement Materials – Eight (8) respondents indicated that the quality of the Enforcement materials was Good or Very Good.

Legislative Materials – Seven (7) respondents indicated that the quality of the Legislative materials was Good or Very Good.

Regulations Materials – Seven (7) respondents indicated that the quality of the Regulations materials was Good or Very Good.

Closed Session Materials – Eight (8) respondents indicated that the quality of the Closed Session materials was Good or Very Good.

Summary of Board Member Survey Responses

6. Timing of Provision of Board Meeting Materials

Five (5) respondents indicated that meeting materials are not provided sufficient in advance of Board meetings. Seven (7) respondents added comments in response to this question. Most of these comments involved either (1) dissatisfaction with sometimes receiving some materials just a few days before or during the first day of the meeting or (2) a preference to receive all materials at least 2 to 3 weeks in advance of the meetings. Improvements in these areas could help to improve the level of members' advance preparation for Board meetings.

7. Preparation for Meetings

All of the respondents indicated that there were Always or Usually well-prepared for Board meetings, but only two (2) respondents indicated that All (or nearly all) members are reasonably well-prepared for Board meetings. Six (6) respondents indicated that about one-half of members are reasonably well-prepared for Board meetings while the rest are not sufficiently prepared.

8. Consistency of Meeting Subjects and Materials with the Mission, Purpose and Objectives of the Board

All of the respondents indicated that the subjects and materials covered during Board meetings are Always or Usually consistent with the mission, purpose and objectives of the Board.

9. Member Attentiveness During Meetings

Six (6) respondents indicated that All (or nearly all) or Most Board members are very attentive during Board meetings. Two (2) respondents indicated that only about one-half of members are usually very attentive during Board meetings. One (1) respondent did not answer this survey question.

10. Fulfillment of Mission, Goals and Objectives During the Past Year

Six (6) respondents indicated that, during the past year, the Board has effectively fulfilled its mission, goals and objectives as stated in the Board's *Strategic Plan*. Two (2) respondents indicated that the Board has not effectively fulfilled its mission, goals and objectives as stated in the *Strategic Plan*. One (1) respondent did not answer this survey question.

Summary of Board Member Survey Responses

E. Discipline Decisions

The survey requested input regarding member qualifications to review and approve recommended disciplinary actions and the Board's delegation of authority to approve disciplinary decisions to the Board's Executive Officer. The responses support a continuation of current Board practices in both of these areas.

1. Member Qualifications to Review and Approve Recommended Disciplinary Actions

All of the respondents indicated that All (or nearly all) or Most Board members are qualified to review and approve recommended disciplinary actions.

2. Delegation of Authority to Approve Disciplinary Decisions to the Board's Executive Officer

Currently, the Board's Executive Officer has delegated authority to approve Stipulations and Surrender of a license. Additionally, a regulatory package was pending submission to provide the Executive Officer with delegated authority to approve Default Decisions. Only two (2) respondents indicated that the Executive Officer should be delegated authority to approve other types of disciplinary actions.

F. Expectations and Training

More than half of the respondents to the survey indicated that, at the time of their appointment, they had a limited or poor understanding of the nature and scope of their responsibilities as a member of the Board. The members' evaluations of DCA's Sexual Harassment Prevention and Ethics training that they have completed were generally favorable (e.g., Average, Good or Very Good). However, the evaluations of DCA's Board Member Orientation Training (BMOT) were mixed and some of the comments regarding the BMOT training suggested that there was some misunderstanding or confusion regarding this survey question. Subsequently, during our follow-up interviews with the Board members we learned that, over the years, the members had received (1) the general Board Member Orientation Training from DCA that is provided to members of all DCA-affiliated Board and (2) BVNPT-specific new member orientation training that was provided by BVNPT's Executive Officer along with other BVNPT managers and staff. In one case, the Board President at the time also attended the member's BVNPT-specific Board Member Orientation Training. We also learned that the evaluations of the training provided by the members were based in some cases on the DCA BMOT training, in other cases on the BVNPT-specific training, and in other cases on a blend of both types of training. Thus, caution should be exercised in interpreting the responses to that specific survey question.

1. Understanding of Nature of Scope of Responsibilities at Time of Appointment

Five (5) respondents indicated that, at the time of their appointment, they had a Limited or Poor understanding of the nature and scope of their responsibilities as a member of the Board.

Summary of Board Member Survey Responses

2. Board Member Orientation Training

Seven (7) respondents indicated that they completed Board Member Orientation Training during the past three (3) years. Two (2) respondents indicated that the training was Very Good (1 respondent) or Good (1 respondent). Three (3) respondents indicated that the training was Average. Two (2) respondents indicated that the training was Poor. Additionally, one (1) respondent who indicated that they had received this training more than three (3) years ago, commented that the quality of this training dropped “dramatically” for the past few groups or individuals that received the training. As discussed above, caution should be exercised in interpreting these responses because the members did not limit their evaluations to just the BMOT training program. The members’ evaluations of both types of Board Member Orientation Training are further discussed in Section VII (*Survey of Governing Board*).

3. Sexual Harassment Prevention Training

Seven (7) respondents indicated that they completed Sexual Harassment Prevention Training during the past three (3) years. Two (2) respondents indicated that the training was Good. All of the remaining respondents (5 respondents) indicated that the training was Average.

4. Ethics Training

All of the respondents indicated that they completed Ethics Training during the past three (3) years. Three (3) respondents indicated that the training was Very Good (1 respondent) or Good (2 respondents). All of the remaining respondents indicated that the training was Average (6 respondents),

G. Executive Officer and Staff Support

Overall, the responses indicate an improved level of satisfaction with the support provided by the Board’s Executive Officer and staff during the past year as compared to the level of satisfaction with the support provided during the preceding two (2) years.

1. Executive Officer and Staff Support During the Past Year (*April 2015 to March 2016*)

Eight (8) respondents indicated that they received sufficient support from the Board’s Executive Officer and staff during the past year to enable them to perform their duties. Board members were also asked about the quality of the support they received from the Executive Officer and staff during the past year (April 2015 to March 2016). The responses to this survey question are summarized below:

- Very Good – 6
- Good – 1
- Average – 2
- No Opinion – 1.

Summary of Board Member Survey Responses

2. Former Executive Officer and Staff Support *(April 2013 through March 2015)*

Board members were asked about the quality of the support received from the Board's former Executive Officer and staff over the 2-year period extending from April 2013 through March 2015. The responses to this survey question are summarized below:

- Very Good – 2
- Good – 2
- Average – 1
- Very Poor or Poor – 3
- No Opinion – 1 (member was appointed subsequent to the evaluation period).

H. Legislative Affairs and Relations *(April 2015 through March 2016)*

Many Board members responded No Opinion to two (2) separate survey questions regarding communications with Legislators and Legislative staff and the Executive Officer's and staff representation of the Board at Legislative meetings and hearings during the past year. Also, in both cases the responses of the few remaining respondents are divided, further limiting the extent to which any conclusions can be drawn from the responses.

1. Executive Officer Responsiveness and Effectiveness in Communicating with Legislators and Legislative Staff

Board members were asked to assess whether, during the past year, the Board's Executive Officer was sufficiently responsive to and effective in communicating with Legislators and Legislative staff. Four (4) respondents indicated that they had No Opinion regarding this question. The remaining respondents were divided, with three (3) respondents indicating Yes and two (2) respondents indicating No.

2. Executive Officer and Staff Representation of the Board at Legislative Meetings and Hearings

Board members were asked to assess whether, during the past year, the Board's Executive Officer and staff effectively represented the Board at Legislative meetings and hearings. Seven (7) respondents indicated that they had No Opinion regarding this question. The remaining respondents were divided, with one (1) respondent indicating Yes and one (1) respondent indicating No.

Summary of Board Member Survey Responses

I. Suggestions for Improvements.

Suggestions for improvements provided by the survey respondents are listed below.

1. Suggestions for Improving the Effectiveness of the Board

- Schedule six (6) b-monthly meetings per year with the two (2) additional meetings used for committee meetings.
- Schedule committee meetings during the months when the Board is not meeting.
- Add a day to each quarterly Board meeting for committee meetings.
- Use committee meetings to provide broader VN/PT perspective to discussions of complex issues.
- Utilize committees to improve oversight of the Board.
- Provide greater DCA involvement to provide focus and help members to be more objective.

2. Suggestions for Improving the Materials and Training Provided to Board Members

- Provide Board meeting materials at least 2 to 3 weeks in advance of the meetings.
- Reduce spelling and grammatical errors in documents.
- Update on-line training.
- Supplement on-line Ethics training with classroom training (e.g., on an alternating basis).
- Provide training when there are changes to current regulations.
- Resume a third meeting day during the year for Board member training and hold the training in Sacramento so that Board staff do not have to travel.
- Have members alternate between committees, except the Executive Committee.
- Provide a Board member mentor from another DCA Board.
- Have a discussion related to the Open Meeting Act, uniform standards, the role of members with schools that come before the Board, interaction with the Nurse Education Consultant, and how to place items on an agenda.

Summary of Board Member Survey Responses

3. Suggestions for Improving Other Aspects of the Board's Programs or Operations

- Clarify why schools need to come before the full Board. There is not sufficient time in open session for discussion as to what needs to be done to improve turnaround times. The reports are given, but all we can say is that we need to do better.
- Provide the Executive Officer with additional delegated authorities (e.g., to revoke probation, deny licensure, or rule on Petitions for Reconsideration).
- Explore a statute of limitations for prosecuting formal discipline cases.
- Provide State employees with Away on Business time when serving on Boards.
- Increase outreach into promoting and increasing the scope of LVN/PT practice.