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**Processes and Procedures – Volume 3A, Volume 3B and Volume 3C**

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FBI Fingerprint	\$17.00	\$17.00	\$0	\$0	\$0	*
Citation/Fine			\$110,556	\$0	\$66,752	*
FTB Cite and Fine Collection			\$0	\$0	\$9,129	*
Total Reimbursements			\$0	(\$300,640)	(\$3,443)	*
<b>TOTAL VN REVENUE</b>			<b>\$10,351,694</b>	<b>\$10,108,230</b>	<b>\$12,393,03</b>	
<b>Psychiatric Technician (PT) Fees</b>						
Examination CA Schools Grad	\$265.00	\$345.00	\$53,850	\$74,454	\$98,770	<b>1%</b>
Exam-Equivalency	\$295.00	\$375.00	\$0	\$0	\$5,900	*
Re-Examination	\$265.00	\$345.00	\$47,400	\$50,700	\$70,135	*
Interim Permits	\$20.00	\$50.00	\$0	\$120	\$0	*
Initial License	\$220.00	\$345.00	\$104,250	\$0	\$104,440	*
Renewal	\$220.00	\$300.00	\$1,346,037	\$1,347,925	\$1,168,220	<b>8%</b>
Over/Short Fee			\$485	\$59	\$967	*
PT Delinquent	\$110.00	\$150.00	\$20,725	\$20,550	\$17,830	*
Duplicate Wall Certificate	\$25.00	\$50.00	\$3,100	\$520	\$500	*
License Endorsement	\$220.00	\$300.00	\$0	\$60	\$60	*
Verification of License	\$20.00	\$50.00	\$0	\$0	\$20	*
Copy of Records/Documents	\$2.00	\$2.00	\$0	\$711	\$0	*
Reinstatement of License	\$245.00	\$345.00	\$300	\$0	\$0	*
IV/BW Certification	\$20.00	\$50.00	\$0	\$0	\$380	*

Continuing Education Providers	\$150.00	\$250.00	\$1,500	\$0	\$750	*
CE Provider Renewals			\$0	\$0	\$150	*
IV/BW Providers	\$150.00	\$250.00	\$150	\$600	\$600	*
Dishonored Checks	\$25.00	\$25.00	\$0	\$0	\$0	*
DOJ Fingerprint	\$32.00	\$32.00	\$0	\$0	\$0	*
FBI Fingerprint	\$17.00	\$17.00	\$0	\$0	\$0	*
Citation/Fine Collections			\$11,727	\$13,505	\$13,505	*
Total Reimbursements			\$0	\$0	\$0	*
<b>TOTAL PT REVENUE</b>			<b>\$1,589,524</b>	<b>\$1,809,844</b>	<b>\$1,495,732</b>	
<b>TOTAL BVNPT REVENUE</b>			<b>11,941,218</b>	<b>11,918,074</b>	<b>13,888,766</b>	
<i>*Less than 1%</i>						

**2.6: Describe Budget Change Proposals (BCPs) submitted by the BVNPT in the past three fiscal years.**

In 2015-16, the BVNPT's Education BCP was denied at the Agency level. It sought 2.0 AGPAs / \$186,000 for salaries and benefits and \$26,000 for OE&E. The EO did not appeal the decision. The BCP for Enforcement was denied at the Department of Finance (DOF) level. Agency approved 1.0 SSA and 2.0 Investigators, for a total \$250,000 in salaries and \$42,000 in operating expenses. The EO did not appeal.

In 2016-17, the BVNPT received a Reimbursement Reduction via a Baseline Budget Adjustment. AB 179 authorized \$150,000 in OE&E for contracting with the Administrative and Enforcement Monitor.

In 2017-18, three concepts were discussed, but none moved beyond the Department. The BVNPT received a Reimbursement Reduction via a Baseline Budget Adjustment.

**Table 5. Budget Change Proposals (BCPs)**

Table 5. Budget Change Proposals (BCPs)							
		Personnel Services			OE&E		
FY	Description of Purpose of BCP	# Staff Requested	# Staff Approved	\$ Requested	\$ Approved	\$ Requested	\$ Approved
2015-16		2AGPA					
		1SSA	1SSA	\$186,000		\$26,000	
	1. Education 2. Enforcement	2 INV	2 INV	\$250,000	\$250,000	\$42,000	\$42,000
2016-17	1. Reimbursement Reduction					\$357,000	150,000
2017-18	1. Reimbursement Reduction 2. Data Migration 3. Education 4. Telephone Call Center	6	0	\$468,000	\$150,000	0	0

## Section 3 – Staff and Management

**3.1: Describe any staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

### **Vacancy Rates**

In 2017, the BVNPT had an extremely high vacancy rate, exceeding 20 percent. (See Organizational Charts, Attachment 2a) This is attributed to the myriad of management issues. Currently, the BVNPT vacancy rate is lower than seven percent, and nearly all departures are for promotional opportunities or retirement. We fill most vacancies within 90 days of posting, assuming no inordinate processing delays outside of the BVNPT's control.

### **Staff Advancement**

Limited opportunities exist for career advancement within the BVNPT, especially beyond the level of Staff Services Analyst. The management team continues to plan supplementary training and development opportunities for the staff to be launched in early 2020. The BVNPT promoted six internal candidates in 2018 and 2019.

### **Nursing Education Consultants**

The BVNPT has a historical challenge recruiting and retaining NECs. As of 2019, the Education Division is completely staffed with a dedicated team, but workload and compensation issues will be at the forefront in the coming years. The Board submitted a BCP for the 2020-21 fiscal year to add a sixth NEC, as well as a support position to strengthen the Division's team.

The low NEC salary range creates a barrier to recruiting candidates, who often earn substantially more serving as a school director. Many of the most qualified candidates have advanced degrees and decades of experience. The NEC salary range is also lower than some state Nursing employment classifications. We believe that the position should be reexamined and perhaps converted to an Exempt classification. The staff will be researching this matter in the next year.

### **360 Degree Evaluation of the Executive Officer**

Traditionally, a Board evaluates its EO annually. When the BVNPT EO's appointment authority temporarily moved to the Governor's Office, a more inclusive evaluation was considered appropriate. Logistically, gathering all the named parties to meet, develop, and implement a plan was not feasible.

A concern raised during the 2017 Sunset Review and included in the Monitor's final report was the evaluation of the Board's EO. The specific recommendation reads as follows:

*Establish a multi-agency Work Group comprised of representatives of the Business, Consumer Services and Housing Agency, the Department of Consumer Affairs, the Senate Committee on Business, Professions and Economic Development, the*



*Assembly Committee on Business and Professions, and BVNPT's governing Board to assess needs for development of a 360 degree Executive Officer feedback process and, if needed, the best approach and timeframe for developing and implementing the process.*

At the time, the Board expressed reservations about this concept, indicating that as their appointment authorities represented the Governor, Senate and Assembly, a diverse sample already existed. The Board also expressed concerns that the parties participating in this more inclusive review process might develop undue amounts of influence over the EO.

After initial discussion with DCA's Executive Office, the EO was removed entirely from the process. DCA's Office of Board and Bureau Services worked with SOLID to construct and launch a survey. This survey was sent to the Board members, Legislative staff, the Governor's Office, the Business, Consumer Services and Housing Agency, representatives from labor and other stakeholder groups, other DCA Boards, and DCA Executives.

The survey responses were tabulated by SOLID, and Board and Bureau Services arranged for a closed-session discussion at the August 2019 Board meeting to discuss the findings, set expectations and make applicable recommendations to the Department, Agency and Governor's Office regarding the EO's performance.

When the Board regains its full appointment and oversight authority, it is assumed that the Board's leadership will coordinate with DCA's Executive Office, Office of Human Resources and Legal Counsel to create and implement a regular assessment of the Executive Officer. As a tool, though, this model of EO Evaluation presents a Board with several advantages; diversity of responses, an objective tabulation, and efficiency of application. Some suggestions for future utilization would be to include the EO's leadership team for a true 360, and work to obtain a larger pool of respondents.

### ***3.2: Describe staff development efforts and how much is spent annually on staff development***

#### **Development and Communications**

Although the BVNPT does not have a staff development budget, the BVNPT culture places a high value on its team members. Communication is critical, from board-wide email updates from the EO to regular team meetings and one-on-ones between managers and their team members. Project-based meetings often bring members from several different teams together and project leaders are encouraged to include and communicate with all impacted or involved.

In addition, managers are asked to bring new team members to Sacramento Board meetings to meet the Board members, and all staff are welcome to watch the webcast meetings and ask questions. The managers and Executive team maintain an open-door policy, and staff are welcome to come by and ask questions, express concerns or just chat.

Once hired, the new EO met with the entire staff to introduce herself and answer questions. She invited all staff members to meet with her and began meeting with each manager, and then with each team member. These individual meetings took place between February and

April 2018. The EO and AEO also set up “brown bag” lunch sessions, inviting all team members to join them and talk casually over lunch.

Management developed and fielded two Employee Engagement surveys, one in April and one in October of 2018 to assess staff’s morale with the major leadership shift. These surveys are found in Attachment 2e. In May, the EO and AEO reviewed the responses and met with the managers to discuss the results and comments. Next, the EO and AEO met with the teams, without their managers, to discuss some of the key issues: leadership, communications, and staff mobility. The issues were revisited six months later in another survey, which showed some improvement, but plenty of room to grow further. In both surveys, most responders indicated that they enjoyed the work they perform and felt trained and supported.

### **Investment in staff**

Training in general is a priority for the BVNPT staff, especially completion of the Enforcement Academy. Cross-training has been the focus over the past two years, ensuring that team members can back each other up and no key functions go undone. The next phase entails cross-division training. For example, Enforcement staff will learn more about the daily functions of the Licensing staff. Our success depends on every unit understanding the whole BVNPT.

Team building is a key focus. With staffing stabilized, team managers can invest time in working with their teams and meeting one-on-one with individuals. All units engaged in the True Colors training through SOLID, a system using colors to identify personality types and help people understand each other and work better together.

The BVNPT All-staff meetings prior to 2018 generally consisted of the distribution of binders or handbooks with Office Procedures, and a presentation on the rules, particularly any updates or changes. In 2018, the Executive Team designed a program aimed at team building (Attachment 2di). The staff was divided into randomly-selected teams and assigned to present information on one of BVNPT’s units; one in which only one member of the team worked. This exercise accomplished several goals: It enabled people to get to know team members they did not work with every day; they learned about the business areas of the Board, and how they interact; and each member had the opportunity to present publicly.

We were deeply honored to have Appointments Secretary Mona Pasquil provide motivational thoughts and insights at the 2018 meeting. Plans for the 2019 All-Staff are underway.

### **Leadership**

Rank and File staff expressed reservations about their managers in the first 2018 survey. Half of the managers were new to their positions if not to the BVNPT altogether and did not always work well together. The Executive team retooled the monthly Managers’ Meetings and launched a Manager Boot Camp aimed at enriching the skills and knowledge of the managers and teaching them to work as a team (Attachment 2dii).

## **Recognition**

Employees need to know they are valued, and this staff deserves it richly. In 2019, the BVNPT Administrative and Support Services Manager took the initiative to create and launch the first phase of a staff recognition program. A series of colorful notecards picturing different types of hats, with a banner of “Tip the Hat” on the front and space for a greeting on the back are available for staff and managers to send a note of appreciation to peers and team members informally (See Attachment 2fi). These were produced very economically through the DCA’s Digital Print Shop. A more formal recognition program is in development and will be launched in 2020.

A staff that breaks bread together is a community. In 2018, the First Annual Taco ‘Bout Awesome staff appreciation lunch was held in a nearby local park. All team members were invited to a taco lunch provided by the managers. This event continued in 2019 and will be an annual tradition (Attachment 2fiii).

Stakeholders have noted the improvements at the BVNPT. Attachment 2fiv contains examples of correspondence thanking team members for their outstanding service.

Staff members are quick to organize potluck celebrations for weddings and baby showers, welcome new staff and farewells to departing ones, holidays, and any other occasion. A Halloween potluck and costume contest are beloved traditions. Managers often take their teams for breakfast or lunch meetings offsite to celebrate achieving a milestone or breaking a record. And the EO buys a lot of candy. (Attachment 2h)

The BVNPT continues a tradition predating this reporting period, the annual Holiday party. A committee of volunteers coordinate fundraising activities year-round and the planning of the annual event. This also contributes to the culture in providing a purely celebratory and social event for the entire team.

## Section 4 – Licensing Division

### **4.1: What are the BVNPT’s performance targets and expectations for its licensing division? Is the BVNPT meeting those expectations?**

The performance targets and expectations for licensing programs is four to six weeks. Since the BVNPT processes both online and in-house applications, the online applications are processed quickly and usually have fewer deficiencies. Currently, we are exceeding expectations and processing both in-house and online applications in two weeks or less except for equivalency applications, discussed in the next section.

The charts below detail the average processing time in weeks for VN online/in-house and PT online/in-house applications.

Calendar Year	Online VN School Apps	In-house VN School Apps	VN Equivalency	Online VN Verification	In-house VN Verification	Online VN Endorsement	In-house VN Endorsement
Jan-June 2019	0.3	0.04	35	0.6	1.7	0.6	0.6
2018	1	0.9	39	5	5.2	1.8	1.6
2017	2.8	3.8	22	8.3	8	1.2	2.3

Calendar Year	Online PT School Apps	In-house PT School Apps	PT Reexamination	PT Equivalency
Jan-June 2019	0.06	0.01	0	0.1
2018	1.7	2.2	1.5	10.3
2017	5.3	4.7	3.7	12

Calendar Year	VN Initial Licensure	PT Initial Licensure
Jan-June 2019	0.4	0
2018	1.2	1.3
2017	2.3	3

Because of the exceptional progress in processing times, the number of incoming telephone calls, emails and walk-in traffic decreased. Applicants seldom call or email for status updates on their applications. The BVNPT also reorganized the Licensing Division in October 2018 to increase efficiencies and customer service. This reorganization dramatically increased the number of calls answered by team members and decreased the average hold time for callers.

The tables below provide data from January 1, 2017 through June 30, 2019.

Calendar Year	Number of Incoming calls	Number of calls answered	Percentage of calls answered	Average time on hold in minutes
Jan-June 2019	50,542	24,879	49%	12
2018	215,879	24,494	11%	33
2017	252,207	28,673	11%	36

Calendar Year	Emails received	Walk-in customers
Jan-June 2019	8,769	1,338
2018	18,552	3,543
2017	19,636	5,109

**4.2: Describe any increase or decrease in the average time to process applications, administer exams and/or issue licenses.**

VN Equivalency applications continue to be the BVNPT’s biggest licensing obstacle. Equivalency applications are submitted by individuals who have not graduated from a Board-approved nursing school and are “challenging” the process to become licensed. These applications are complex, and international school transcripts must be evaluated by the Commission on Graduates of Foreign Nursing Schools (CGFNS), an international nonprofit organization that validates academic and professional credentials and compares them to the BVNPT’s requirements. This lends itself to long processing times, as there is a great deal of back-and-forth between the analyst and applicant. The equivalency applications, while time consuming, provide a crucial career path to individuals who did not take a traditional route to obtaining a license.

Processing times for VN equivalency applications nearly doubled in February 2018. A previous licensing manager directed the entire evaluation team comprised of Program Technician IIs (PT IIs) and Staff Services Analysts (SSAs) to process VN equivalency applications. The new manager discerned that only the SSAs should process these complex applications and that the PT IIs were working out of class. Once this change was made, processing times increased. It should be noted that there are 3.5 SSAs (one half-time staff) processing equivalency applications now.

Per AB 1229, DCA’s Director assigned the Department’s Organizational Change Management (OCM) office to work with the BVNPT in identifying improvement opportunities and changes that would increase efficiencies in its licensing section. OCM’s work involves intensive investigation to develop a comprehensive knowledge of processes to resolve operational needs. This investigation requires a systematic approach with quantitative and qualitative analyses of data and processes. OCM staff effectively identify process “bottlenecks” and develop tools and documents that assisted the BVNPT in increasing their efficiency and effectiveness. See Attachment 3b for the full OCM report.

The OCM team started analyzing the Licensing Division in July 2018 and presented its findings to the EO and AEO on May 3, 2019. Implementation to reduce processing time for VN equivalency applications began June 2019 and processing times decreased by 11 weeks.

Additionally, the BVNPT now tracks 68 data sets related to licensing, capturing data from January 1, 2017 through June 30, 2019. The data sets include the type and number of applications received, the number of incoming calls received and answered, the number of emails received, the number of applicants/licensees visiting the office, and the number of applications cashiered. These statistics are presented at each Board meeting and available for public viewing. See Attachment 3a for the complete statistical data sets.

**4.3: How many licenses or registrations does the BVNPT issue each year? How many renewals does the BVNPT issue each year?**

<b>VN/PT Licenses</b>	
FY 2016-17	7,603
FY 2017-18	7,445
FY 2018-19	7,081
<b>VN/PT Renewals</b>	
FY 2016-17	52,355
FY 2017-18	51,216
FY 2018-19	52,052

**4.4: How many licenses or registrations has the BVNPT denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC §480?**

Over the last four years, the BVNPT has not denied an application based solely on the applicant's failure to disclose information on the application for licensure. When the BVNPT receives an application where the applicant has failed to disclose required background information such as a criminal history or disciplinary action taken by another licensing agency, the Board requires a written submission of an explanation detailing the events of the underlying incident along with an explanation of why that event was not disclosed on the application. Additionally, as with any applicant with a criminal or disciplinary history, certified documents such as the arrest report and court documents related to the incident are gathered from the relevant agencies.

Board staff reviews the criminal history as the basis for the possible denial of an application. The failure to disclose may be used as an aggravating factor, if warranted, in support of a denial if the decision is appealed and goes to the Attorney General's Office, but it will only be used in instances where the underlying conduct itself warrants the denial of licensure.

The Board's current data system does not contain the data necessary to give a count of applications where failure to disclose was used as an aggravating factor in the denial of the application.

<b>Table 6. Licensee Population</b>					
		<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
Vocational Nurse	Active	*98,297	98,512	99,689	101,712
	Inactive	*Included	2,920	2,960	2,942
	Delinquent	20,233	24,518	21,165	21,697
	Out of State	3,893	N/A	N/A	6,775
	Out of Country	44	N/A	N/A	50
Psychiatric Technician	Active	*9,610	9,324	9,184	9,199
	Inactive	*Included	271	265	286
	Delinquent	2,215	2,133	2,151	2,009
	Out of State	116	**	**	207
	Out of Country	2	**	**	4
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both. **Not Tracked during this period					

**4.5: How does the BVNPT verify information provided by the applicant?**

The BVNPT relies on a combination of documents supplied by applicants and primary source documents submitted by third parties. The third-party documents include receipt of signed/sealed official transcripts, secured server online verification of examination results from national test vendors, and secured server fingerprint results transmitted from the Department of Justice.

Staff verify that documents submitted in hardcopy are true, accurate and legal by:

- Ensuring the envelopes for transcripts sent by the institution are received directly from the institution, sealed, and marked official.
- Reviewing the package for foreign credential evaluations to ensure the document was received directly from the foreign credentialing evaluation service, appropriately sealed, and contains all supporting documentation.
- Reviewing work experience verification forms to ensure that the signature and work experience verification information included on the forms are original (not a photocopy) and filled in by the signatory and not the applicant.

Table 7a. Licensing Data Vocational Nurses									
Application Type		Received	Approved	Abandoned	Pending Applications			Cycle Times	
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps (Days)	Incomplete Apps (Days)
<b>FY 2016-17</b>	Exam	8,083	7,609	1,088	2,769	**	**	73***	129***
	Endorsement	590	563	76	**	**	**	89***	78***
	License	6,889	7,247	29	248	**	**	27	0
	Renewal	51,859	47,692	4,318	31,727	**	**	**	**
<b>FY 2017-18</b>	Exam	7,868	6,860	1,154	3,743	**	**	58***	159***
	Endorsement	651	546	22	**	**	**	68***	89***
	License	6,822	7,022	6	52	**	**	13	79
	Renewal	52,074	46,760	4,058	28,012	**	**	**	**
<b>FY 2018-19</b>	Exam	7,571	7,022	1,098	3,156	2,284	872	40	131
	Endorsement	520	491	71	3	1	2	14	94
	License	6,674	6,679	1	56	0	0	4	100
	Renewal	47,617	47,595	4,237	29,344	**	**	**	**
<p>* Outside Board Control are deficient applications that have been worked by staff. Within Board control are applications that have not been processed.</p> <p>**Not Tracked during this period</p> <p>***Inaccuracies in marking applications deficient inflates the completed applications processing times</p>									



Table 7a. Licensing Data Psychiatric Technicians									
Application Type		Received	Approved	Abandoned	Pending Applications			Cycle Times	
					Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps (Days)	Incomplete Apps (Days)
FY 2016-17	Exam	358	468	61	40	**	**	101***	78***
	License	355	356	0	18	**	**	25***	0
	Renewal	5,076	4,663	482	2,938	**	**	**	**
FY 2017-18	Exam	491	443	16	85	**	**	48***	81***
	License	409	418	1	7	**	**	14	0
	Renewal	4,940	4,456	477	2,892	**	**	**	**
FY 2018-19	Exam	477	427	26	91	91	0	16	67
	License	396	397	0	6	0	1	8	0
	Renewal	4,465	4,457	499	2,774	**	**	**	**

\* Outside Board Control are deficient applications that have been worked by staff. Within Board control are applications that have not been processed.

\*\*Not Tracked during this period

\*\*\*Inaccuracies in marking applications deficient inflates the completed applications processing times.

**4.6: What process does the BVNPT use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**

All applicants are required to complete a “Record of Conviction” form in which they must self-disclose, under penalty of perjury, any criminal history or prior disciplinary actions by this state and any other state or foreign Board of Nursing. In addition, fingerprint record checks are conducted by the DOJ and the FBI for all applicants.

Over the last four years, the BVNPT has not denied an application based solely on the applicant’s failure to disclose information on the application for licensure. When we receive an application and the applicant failed to disclose required background information such as a criminal history or disciplinary action taken by another licensing agency, the BVNPT requires submission of a written explanation detailing the events of the underlying incident along with an explanation of why that event was not disclosed on the application. Additionally, as with any applicant with a criminal or disciplinary history, certified documents such as the arrest report and court documents related to the incident are gathered from the relevant agencies.

The staff reviews the criminal history as the basis for the possible denial of an application. The failure to disclose may be used as an aggravating factor, if warranted, in support of a denial if the decision is appealed and goes to the Attorney General's Office, but it will only be used in instances where the underlying conduct itself warrants the denial of licensure.

Our current data system does not contain the data necessary to provide the number of applications where failure to disclose was used as an aggravating factor in the denial of the application.

Court documents, police reports and certified records of disciplinary actions are obtained and reviewed to determine whether the license should be denied. If the applicant falsifies the application and the fingerprint check reveals a criminal history, court documents, police reports and the applicant's full explanation of the conviction(s) and falsification are obtained and reviewed to determine the appropriate course of action.

<b>Table 7b. Total Licensing Data</b>			
	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	16,285	16,241	15,635
Initial License/Initial Exam Applications Approved	16,244	15,289	15,016
Initial License/Initial Exam Applications Closed	1,254	1,199	1,196
License Issued	7,603	7,445	7,081
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	3,075	3,887	3,256
Pending Applications (outside of board control)	*	*	2,381
Pending Applications (within the board control)	*	*	875
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)	55	45	40
Average Days to Application Approval (incomplete applications)	*	*	129
Average Days to Application Approval (complete applications)	*	*	17
<b>License Renewal Data:</b>			
License Renewed	52,355	51,216	52,052
Note: The values in Table 7b are the aggregates of values contained in Table 7a.			
* Not tracked by BVNPT. .			

#### **4.7: Does the BVNPT fingerprint all applicants?**

Yes, the BVNPT requires a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal history background check. All applicants are required to complete a live-scan or a manual fingerprint card. A license is not issued until the Board receives the background information from DOJ. The Board began requiring fingerprints from all applicants for licensure effective January 1, 1998. For licensees that were not previously fingerprinted, the Board's regulations were amended to require licensees whose licenses expired on or after April 1, 2009, to submit a complete set of fingerprints for processing as a condition of license renewal.

Additionally, the Board uses NURSIS for applicants who are applying for a license by endorsement of an out-of-state application. NURSIS is a comprehensive electronic information system that includes the collection and storage of a nurse's personal information, licensing information, disciplinary information and license verifications. NURSIS is the only national database for verification of nurse licensure, discipline and practice privileges for VNs, and is available to member boards of the National Council of State Boards of Nursing (NCSBN).

The BVNPT does not check NURSIS for non-endorsement applicants or license renewals. The application and renewal forms include questions inquiring whether they have had any license disciplined by a government agency. If they answer yes, the application or renewal is sent to the Enforcement Division for investigation.

#### **4.8: Does the BVNPT require primary source documentation?**

Yes, we require primary source documents. All diplomas and transcripts must be original documents submitted from the issuing institution. Primary source documentation also assists the BVNPT in determining if the applicant has been truthful in the application process, since the documentation submitted is compared to the information the applicant provided on the application. To avoid the potential submission of fraudulent documents, the BVNPT does not accept school transcripts from the applicant.

Transcripts received in a foreign language will also require a certified English-Language translation completed either by the school or by an independent professional translator who is not related to the applicant. The BVNPT may require that foreign transcripts be sent to either the Commission of Graduates of Foreign Nursing Schools (CGFNS) for a credential evaluation services professional report or to other National Association of Credential Evaluation Services (NACES) members for evaluation reports. These reports verify the school's accreditation and determine if the degree is equivalent to a nursing program in the United States.

#### **4.9: Describe the legal requirements and processes for out-of-state and out-of-country applicants to obtain licensure.**

To be eligible for licensure in California, persons possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse, provided that he or she successfully demonstrates to the BVNPT that he or she possesses

the necessary qualifications and successfully passes the examinations or tests as may, from time to time, be required (BPC section 2873).

The legal requirement to qualify applicants who have completed a course in a US vocational or practical nursing program outside California is that the program and school must be accredited by the Board of Nursing in the US State or Territory in which it is located.

A VN applicant who is already licensed by a similar board in another US State or Territory shall be eligible for licensure without examination, provided that the applicant meets the requirements for licensure:

- Presents satisfactory proof of a current and valid license as a VN or Licensed Practical Nurse, or in an equivalent capacity, by another United States State or Territory; and
- Took the NLN State Board Test Pool Examination for Practical Nurses or the NCLEX-PN and passed said examination with a score equal to or above the minimum passing score required by the Board for said exam.

A VN applicant, who is already licensed by a similar board in another country, completed a course of study in another country, or completed a partial course of study and work experience is required to meet the same criteria as any other United States equivalency applicant. As the NCLEX-PN is not currently administered for licensure by any other country, these applicants are required to have their education and work experience requirements evaluated for equivalency to the California VN requirements and then to successfully complete the examination to be eligible for licensure.

A PT applicant who is already licensed by a similar board in another state shall be eligible for licensure without examination provided that the applicant meets all the requirements for licensure:

- Presents satisfactory proof of a current and valid license as a PT in that state; and
- Took the California PT Licensure Examination and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination. (Note: Arkansas administered the California constructed licensure examination to its PT applicants.)

Only three other states license PTs like California; Colorado, Arkansas, and Kansas. There is no national examination.

A PT applicant who is already licensed by a similar board in another country or US State and has not passed the California PT Licensure Examination is required to meet the same criteria as any other California equivalency applicant. As the California PT Licensure Examination is not currently administered in any foreign country, these applicants are required to successfully complete the examination to be eligible for licensure.

A PT applicant who is not licensed and who has completed a course of study in another country or US State or completed a partial course of study and work experience is required to meet the same criteria as any other California PT equivalency applicant. These applicants are required to have their education and work experience requirements evaluated for equivalency to the California PT requirements and then to successfully complete the examination to be eligible for licensure.

**4.10: Describe the process for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

BPC section 2873.5 established authority for the BVNPT to consider United States military education, training, and experience for licensing or credentialing requirements, including college credit equivalency. For consideration of military equivalency, the applicant must have served on active duty in the medical corps of any of the armed forces. For the VN, the applicant must have no less than 12 months rendering bedside patient care. In addition, the applicant must have completed the basic course of instruction in nursing required by the applicant's branch of the armed forces under honorable conditions.

For the PT, the applicant must have no less than 12 months rendering bedside patient care. At least six months of the 12 months must be in a military clinical facility while active duty rendering care to clients with neuropsychiatric or mental disorders. The other six months must be in either a military or civilian clinical facility rendering bedside care to clients with developmental disabilities.

In addition, the PT applicant must have completed two basic courses of instruction. The first requirement is the basic course involving neuropsychiatric or mental disorders nursing in the applicant's branch of the Armed Forces under honorable conditions.

The second course of instruction is one taken either in the Armed Forces under honorable conditions or a civilian course from an accredited school concerning the care of the developmentally disabled client. Consistent with BPC section 2873, evaluating qualifications the BVNPT defines inpatient bedside nursing as "performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by a licensed vocational nurse."

Military applicants must submit the Record of Military Service Form, copies of military performance evaluations to verify the inpatient bedside patient care, evidence of the completion of a basic course in nursing in the armed forces, documentation of an honorable discharge (DD214) and all required application forms and documents.

**4.11: Does the BVNPT identify or track applicants who are veterans?**

Yes. The VN and PT applications have a check box for veterans. The BreEZe system has a component built into online application and requests this information.

**4.12: How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted?**

The BVNPT received the following military education, training or experience for licensing requirements in fiscal year 2018-19:

- VN Applications: 51
- PT Applications: 2
- VN Approved: 45
- PT Approved: 0











client care; and provide learning experiences expected to enhance the knowledge of the VN or PT at a level above that required for initial licensure.

There have been no changes in the CE competency requirements since the last Sunset Report.

**5.7: How does the BVNPT verify CE or other competency requirements?**

Licensees are required to check a box on the online renewal and paper applications attesting that they completed the required CE courses to keep their license active. CE verification is completed through the CE audit process which randomly selects licensees and requires them to submit CE documents as proof of compliance. Currently, approximately 2.5 percent of the renewing population is randomly selected.

The BVNPT has not worked with DCA to receive primary source verification of CE completion through a cloud-based application. Several vendors have approached the Department with CE audit programs and the BVNPT is hesitant to use these vendors as the cost of the program is shifted onto the students and/or vendors. Additionally, there are no statutes and regulations that would compel the CE providers to use the third-party vendors to report CE completion to the Department or the BVNPT.

**5.8: Does the BVNPT conduct CE audits of licensees?**

Yes, the BVNPT conducts CE audits of licensees. After the CE audit in December 2016, the BVNPT ceased all CE audits until a well-thought out and sustainable strategy (Attachment 3c) was developed. Our initial policy on CE audits takes 2.5 percent of the monthly renewing population and mails a letter requesting all documents related to the licensee's CE for that renewal period. The licensee has 30 days to comply. If they do not comply, the licensee receives a second letter via certified mail requesting the CE documents be submitted within 15 days of the second notice. If the licensee does not comply with the second notice, the file is turned over to the Enforcement Division. The Enforcement Division contacts the licensee via certified mail that they are receiving a citation and fine for non-compliance. This process is also followed for licensees who do not change their address and the letter is returned. The BVNPT maintains its due diligence in contacting licensees to achieve compliance for the CE audit. It should be noted that neither statute nor regulation specifically require the BVNPT to initiate or maintain any type of CE audit.

**5.9: What are consequences for failing a CE audit?**

The consequences for failing a CE audit include the licensee not having updated knowledge on their profession and incurring a monetary fine. Using the process described above, the Enforcement Division mails the licensee a certified letter explaining the citation and fine process for non-compliance.

**5.10: How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

The BVNPT's CE audit in 2016 was a failure. Approximately 58,000 CE audit letters were mailed to licensees, and it is not clear how many licensees passed and/or failed this audit.

Because of this failure, the BVNPT did not resume an audit until June 2019 when sustainable resources and a detailed plan were in place to support a restructured CE audit. The staff will analyze the results after six months and provide a report with possible recommendations for changes to the Board.

**5.11: What is the BVNPT’s course approval policy?**

As specified in California Code of Regulations §2540.3 (VN) and §2592.3 (PT), the BVNPT is authorized to approve providers and their continuing education courses for VNs and PTs.

The NECs approve CE providers and their courses. Individuals seeking approval as course providers are required to complete an application that identifies the initial course to be offered. That course must:

- Be related to the scientific knowledge and/or technical, manual skills required for VN and/or PT practice;
- Be related to direct and/or indirect client care; and
- Provide learning experiences expected to enhance the knowledge of the VN or PT at a level above that required for initial licensure.

Additionally, the NECs analyze and evaluate these elements of proposed courses:

- **Course Description:**  
Pursuant to regulatory requirements, each course must be related to the practice of VNs and/or PTs.
- **Learning Objectives:**  
Providers are required to identify objectives for the proposed course that are clearly stated in measurable terms. Such objectives specify the learning standards students are expected to meet upon course completion.
- **Course Hours:**  
The Provider must specify the number of theory and clinical hours to be awarded upon successful completion of the proposed course.
- **Evaluation Methodology:**  
Providers are required to include the methodology by which the course and students are evaluated.
- **Textbooks or Required References:**  
A list of currently approved providers of continuing education is listed on the Board’s website. Effective January 1, 2017, such information is listed in BreEZe.

**5.12: How many applications for CE providers and CE courses were received?**

<b>Year</b>	<b>New</b>	<b>Renewals</b>	<b>Total</b>
2016	40	45	85
2017	84	92	176
2018	61	88	149
2019	44	75	119

**5.13: Does the BVNPT audit CE providers?**

The BVNPT does not currently have the resources to audit CE providers, but this is an issue for future discussion.

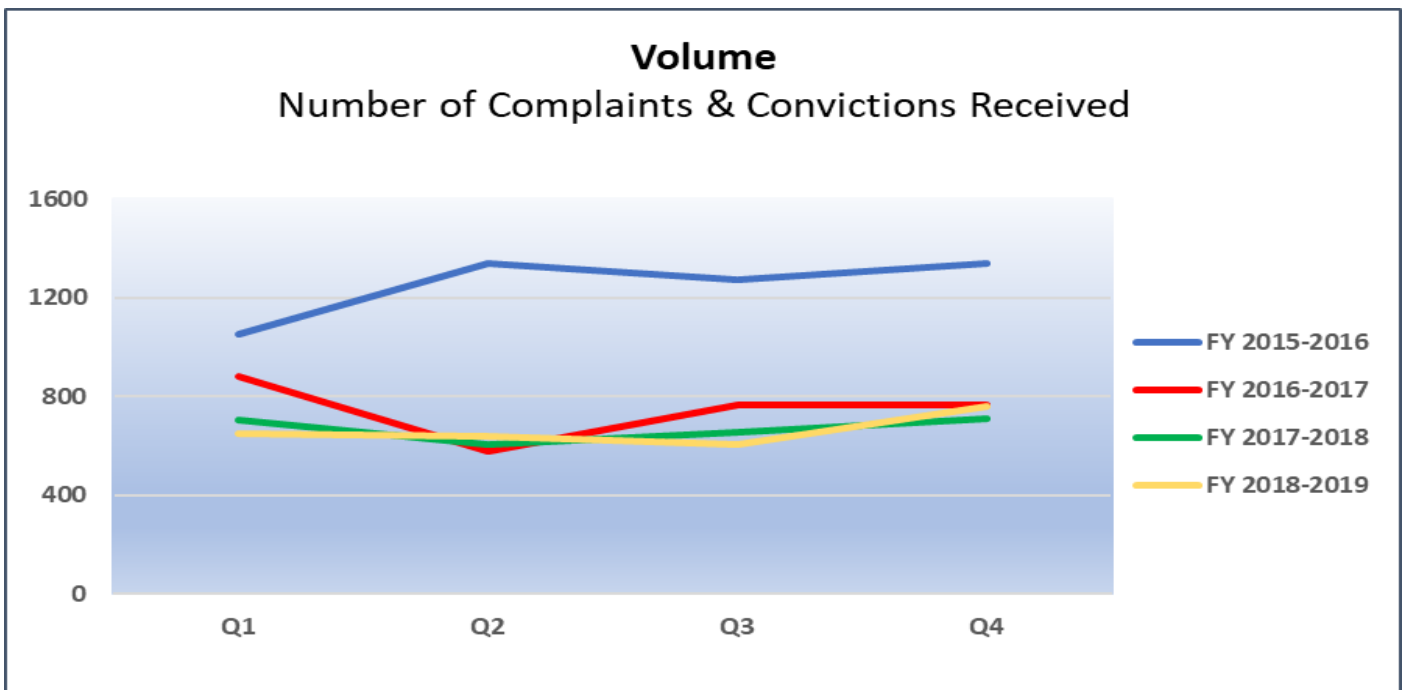
**5.14: Describe the BVNPT's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.**

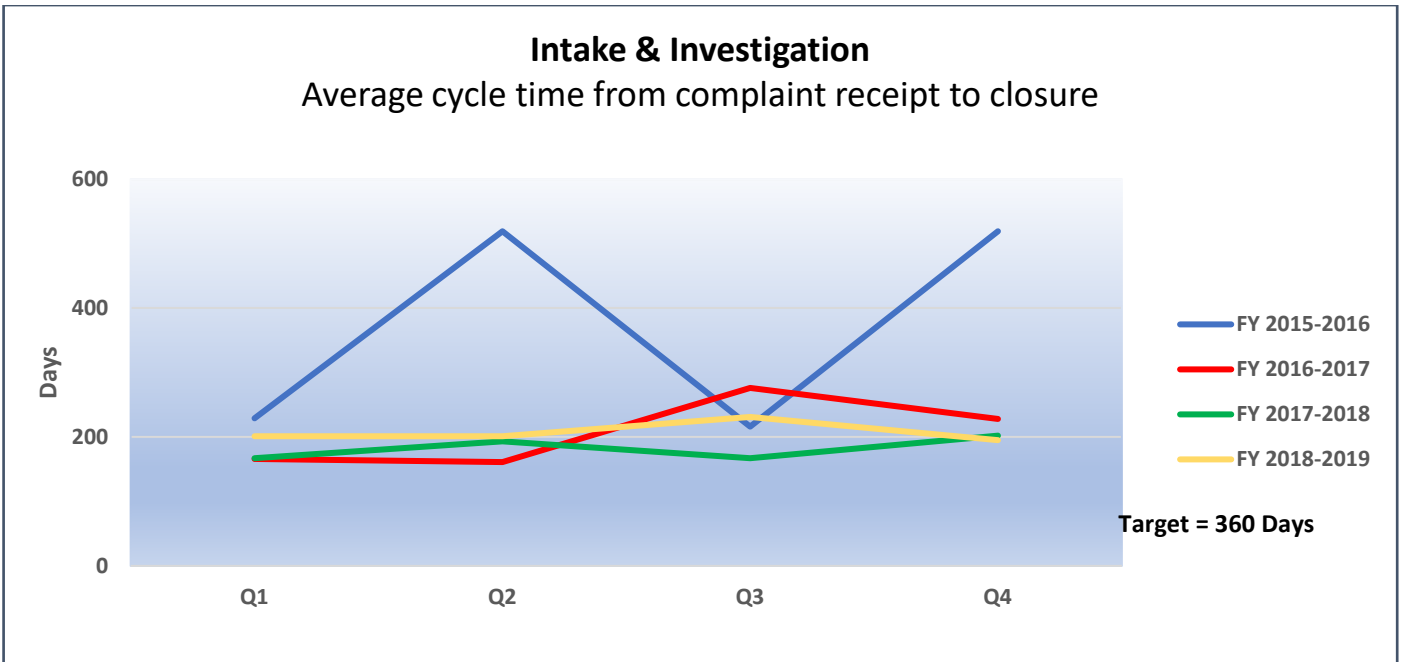
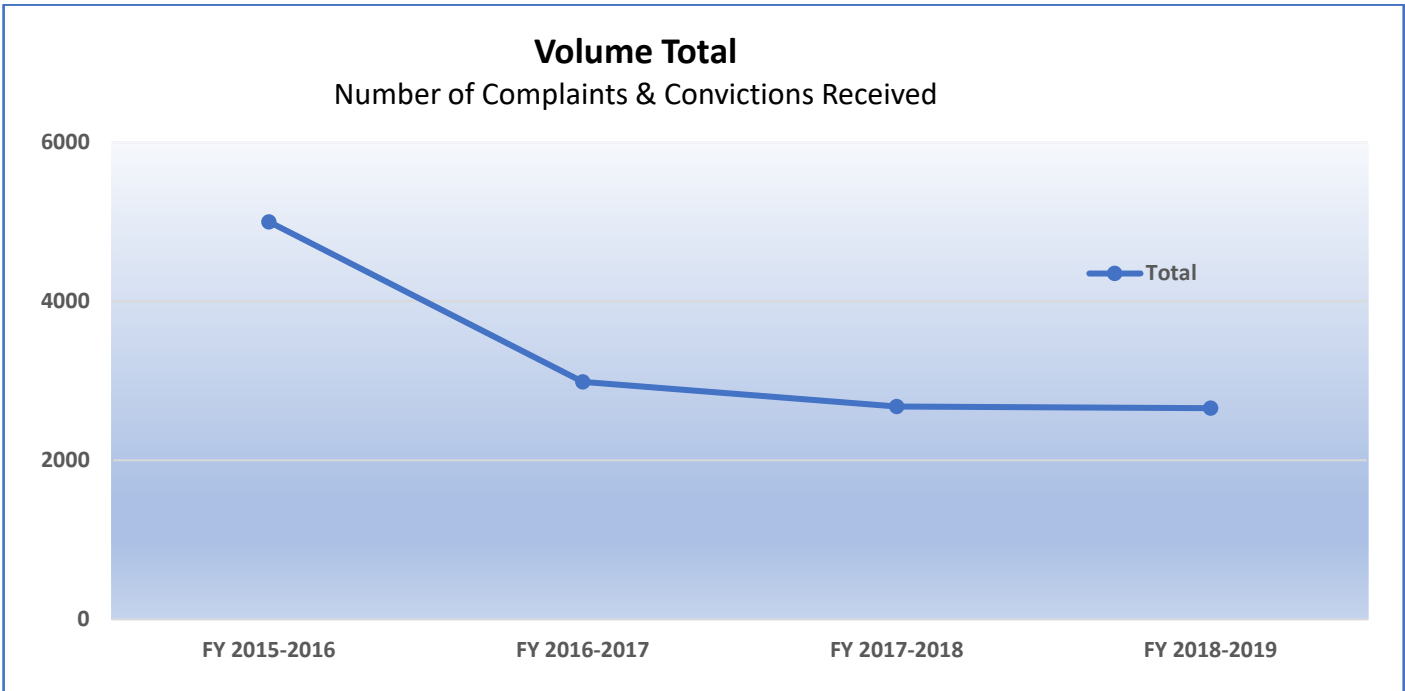
At this time, the BVNPT has not reviewed the CE policy to move towards performance-based assessment of the licensee's continuing competence. The absence of a dedicated SNEC since 2017 hindered any attempt to focus on emerging healthcare issues. This issue may be addressed now that the BVNPT has a dedicated SNEC and a full complement of NECs.

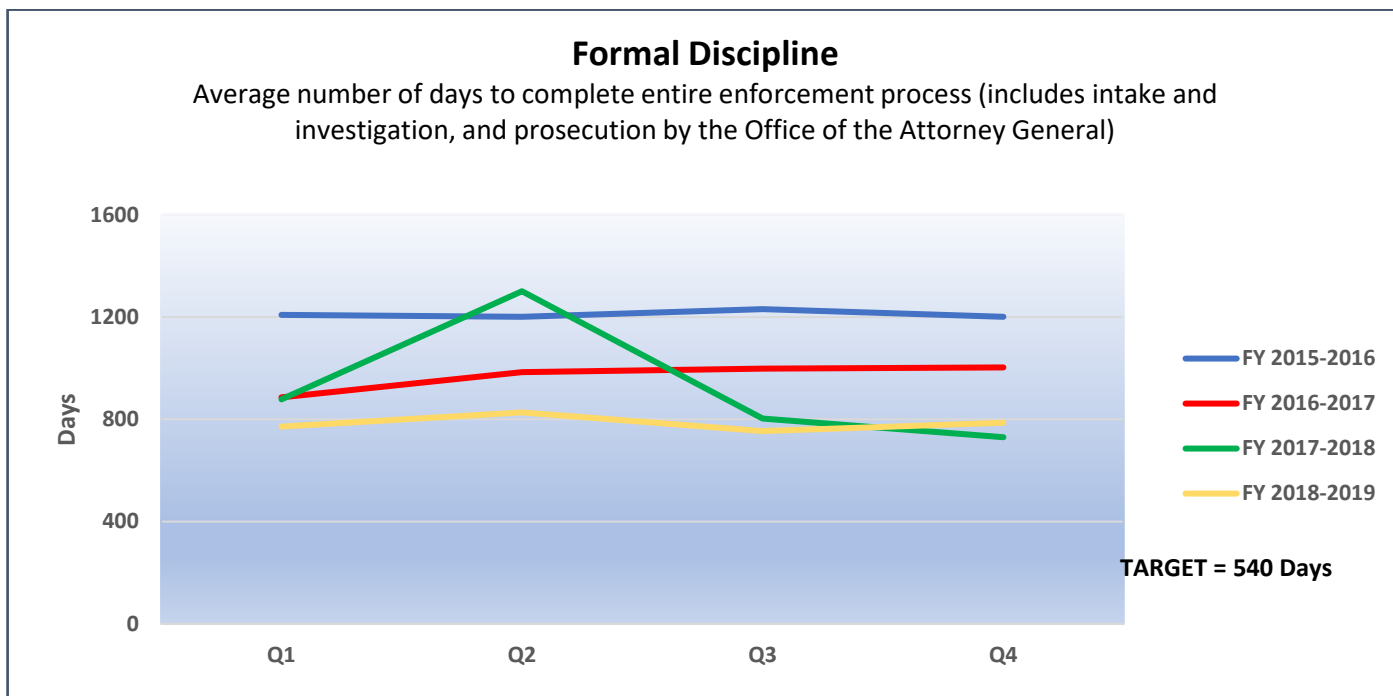
## Section 6 – Enforcement Division

**6.1: Provide each quarterly and annual performance measure report for the BVNPT as published on the DCA website.**

Below are the BVNPT Enforcement Division cumulative annual performance measures for the last four fiscal years.







Please see Attachment 5a for the quarterly and annual performance measure reports for the BVNPT as published on the DCA website. The most recent quarterly performance measure report published on the DCA website is Quarter 2, October–December 2017. However, BVNPT staff prepared the reports for Quarter 3, January–March 2018 through Quarter 4, April–June 2019 and they are included in Attachment 5a.

In January 2018, the DCA transitioned to an interactive data portal for reporting Enforcement Performance Measures. This data is available at [dca.ca.gov/data/enforcement\\_performance.shtml](http://dca.ca.gov/data/enforcement_performance.shtml).

**6.2: What are the BVNPT’s performance targets/expectations for its enforcement program?**

In May 2015, the BVNPT implemented the use of performance measures as defined by the DCA’s Consumer Protection Enforcement Initiative (CPEI). The performance measures focus on effective and timely investigation of complaints and adjudication of disciplinary actions. DCA developed the performance measures as a transparent system of performance measurement to facilitate stakeholder review of the Board’s progress toward meeting its enforcement goals and targets.

The BVNPT consistently met and exceeded the CPEI Performance Measurement targets for the past three fiscal years with respect to all established performance measures except for PM 4, average number of days to close cases transmitted to the Attorney General for formal disciplinary action. However, the BVNPT consistently reduced the average cycle time for completion of these cases. At the close of FY 2018-19, the three-year average cycle time for the FY 2016-17, 2017-18, and 2018-19 was 831 days.

To support the continued improvement of case processing timeframes, the BVNPT implemented and expanded the Fast Track program with the Office of the Attorney General (OAG). Additionally, the BVNPT recently began transmitting all formal discipline case referrals to the OAG using Cloud technology. This process has a significant impact on several elements of the formal discipline process. Transmission of the case materials using the Cloud provides greater security of confidential case materials, improves case referral timelines, and decreases costs associated with transmission of formal discipline case referrals.

<b>ENFORCEMENT DIVISION – PERFORMANCE MEASURES (IN DAYS)</b>						
<b>PERFORMANCE MEASURE</b>	<b>DESCRIPTION</b>	<b>TARGET AVERAGE</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
PM 2   Intake – Cycle Time	Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.	30	6	5	8	13
PM 3   Investigation – Cycle Time	Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation).	360	304	178	246	209
PM 4   Formal Discipline – Cycle Time	Average number of days to close cases transmitted to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g. withdrawals, dismissals, etc.).	540	1005	866	842	786
PM 7   Probation Intake – Cycle Time	Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.	15	15	7	9	7
PM 8   Probation Violation Response – Cycle Time	Average number of days from the date of the violation of probation is reported, to the date the assigned monitor initiates appropriate action.	30	16	2	3	1



The Enforcement Division – Performance Measures (In Days) as reported above may vary slightly from data reported in the past due to data clean-up and process changes. The data provided is the most current and accurate data available to-date.

**6.3: Explain trends in enforcement data and the BVNPT’s efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges.**

The volume of enforcement investigations first assigned, closed, and pending at the close of the fiscal years remained consistent over the past three fiscal years. The BVNPT assigned an average of 2,417 cases to investigation and closed an average of 2,479. In addition, the number of investigations pending at the close of each fiscal year also remained consistent at an average of 1,414 cases.

More than 50 percent of the BVNPT investigation caseload is the reporting of arrests and/or convictions of applicants for licensure or licensees. A significant challenge in managing the processing timelines for these cases is the length of time between the arrest of the individual and the resolution of the matter in the criminal court system.

<b>Table 9a. Enforcement Statistics</b>			
	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
<b>COMPLAINT</b>			
Intake			
Received	984	1,003	1,138
Closed	251	190	288
Referred to INV	712	798	891
Average Days to Close	6	10	19
Pending (close of FY)	21	46	4
Source of Complaint			
Public	736	706	695
Licensee/Professional Groups	84	35	70
Governmental Agencies	159	252	197
Other	5	10	176
Applicant and Licensee Conviction/Arrest Intake			
CONV Received	1,846	1,540	1,512
CONV Closed/Assigned	1,808	1,509	1,531
Average Days to Close/Assign	5	8	6
CONV Pending at Intake (close of FY)	33	52	2
<b>LICENSE DENIAL</b>			
License Applications Denied	30	22	42
SOIs Filed	19	12	21
SOIs Withdrawn	4	0	0

SOIs Dismissed	0	0	0
SOIs Declined	2	0	0
Average Days SOI	156	185	197
<b>ACCUSATION</b>			
Accusations Filed	314	238	310
Accusations Withdrawn	2	5	8
Accusations Dismissed	1	1	1
Accusations Declined	4	11	7
Average Days Accusations	196	210	200
Pending (close of FY)	158	166	157
<b>DISCIPLINE</b>			
Disciplinary Actions			
Proposed/Default Decisions	160	127	205
Stipulations	182	111	126
Average Days to Complete	844	831	791
AG Cases Initiated	313	318	267
AG Cases Pending (close of FY)	279	323	225
Disciplinary Outcomes			
Revocation	135	100	159
Voluntary Surrender	63	45	44
Suspension	0	0	0
Probation with Suspension	1	1	0
Probation	120	73	95
Probationary License Issued	14	8	17
Public Letter of Reprimand	5	8	10
Other	4	3	6
<b>PROBATION</b>			
New Probationers	153	93	118
Probations Successfully Completed	37	57	96
Probationers (close of FY)	478	460	391
Petitions to Revoke Probation	50	56	41
Probations Revoked	25	19	34
Probations Modified	4	2	0
Probations Extended	4	19	12
Probationers Subject to Drug Testing	87	139	178
Drug Tests Ordered	6,934	7,479	6,320
Positive Drug Tests (includes non-Rx and valid Rx)	751	652	664
Petition for Reinstatement Granted	15	9	11
<b>DIVERSION</b>			
New Participants	The BVNPT does not have		

Successful Completions	a Diversion Program
Participants (close of FY)	
Terminations	
Terminations for Public Threat	
Drug Tests Ordered	
Positive Drug Tests	

<b>Table 9b. Enforcement Statistics</b>			
	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
<b>INVESTIGATION</b>			
All Investigations			
First Assigned	2,520	2,309	2,423
Closed	2,589	2,448	2,400
Average days to close	178	246	209
Pending (close of FY)	1,397	1,410	1,435
Desk Investigations			
Closed	1,962	1,796	1,987
Average days to close	122	214	181
Pending (close of FY)	698	862	859
Non-Sworn Investigation			
Closed	240	227	195
Average days to close	609	618	612
Pending (close of FY)	281	278	257
Sworn Investigation			
Closed	300	207	167
Average days to close	570	434	404
Pending (close of FY)	143	173	216
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued	1	0	0
PC 23 Orders Requested	4	6	4
Other Suspension Orders	0	0	0
Cease & Desist/Warning	22	11	8
Referred for Diversion	N/A	N/A	N/A
Compel Examination	6	3	2
<b>CITATION AND FINE</b>			
Citations Issued	194	83	104
Average Days to Complete	437	473	436
Amount of Fines Assessed	\$ 138,042	\$ 55,528	\$ 69,016
Reduced, Withdrawn, Dismissed	\$ 6,550	\$ 500	\$ 1,751
Amount Collected	\$ 104,246	\$ 47,607	\$ 36,695
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	5	0	1

<b>Table 10. Enforcement Aging</b>						
	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Cases Closed</b>	<b>Average</b>
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0 - 1 Year	10	46	23	50	129	10%
1 - 2 Years	130	126	96	118	470	35%
2 - 3 Years	155	87	61	109	412	30%
3 - 4 Years	81	43	36	26	186	14
Over 4 Years	73	41	22	28	164	12
Total Attorney General Cases Closed	443	342	238	331	1,354	100%
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	1,942	1,343	975	987	5,247	41%
91 - 180 Days	858	331	287	376	1,852	14%
181 - 1 Year	1,115	410	458	498	2,481	19%
1 - 2 Years	879	325	499	389	2,092	16%
2 - 3 Years	455	104	167	127	853	7%
Over 3 Years	222	76	62	23	383	3%
Total Investigation Cases Closed	5,471	2,589	2,448	2,400	12,908	100%

**6.4: What do overall statistics show as to increases or decreases in disciplinary action since last review?**

The following is a comparison of Attorney General case aging between FYs 2014-15 and 2015-16 as reported in the BVNPT 2016 Biennial Sunset Review Report and FYs 2016-17, 2017-18, 2018-19:

<b>CASE AGING</b>		
	<b>FYs 2014-15 &amp; 2015-16</b>	<b>FYs 2016-17, 2017-18 &amp; 2018-19</b>
<b>Attorney General Cases</b>	<b>Average</b>	<b>Average</b>
Closed Within:		
0 -1 Year	1%	13%
1 – 2 Years	24%	37%
2 – 3 Years	35%	28%
Over 3 Years	40%	22%

Since the last Sunset Review, the percentage of Attorney General cases closed within the target average of 560 days (1 ½ years) increased. The BVNPT anticipates that the processing timelines for Attorney General cases will continue to improve as the aging backlog continues to decrease.

**6.5: How are cases prioritized? What is the BVNPT's complaint prioritization policy?**

The BVNPT's complaint prioritization policy is consistent with DCA's Complaint Prioritization Guidelines (Guidelines). In May 2015, the BVNPT implemented the use of the CPEI case referral acceptance matrix in accordance with the Guidelines. In December 2017, the Guidelines were revised. The BVNPT continues to follow the Guidelines in prioritization of complaints. Specifically, the BVNPT prioritizes complaints as follows: Routine, High, or Urgent. Complaints prioritized as High or Urgent are referred to the DOI.

Over the past three fiscal years, the BVNPT referred approximately 200 cases per quarter to the DOI for investigation.

**6.6: Are there mandatory reporting requirements?**

Pursuant to BPC section 801, insurers providing professional liability insurance to BVNPT licensees shall report any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error or omission in practice or by his or her rendering of unauthorized professional services.

BPC section 802 requires uninsured licensees to report any settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused negligence, error or omission in practice, or by his or her rendering of unauthorized professional services.

BPC section 2878.1 mandates reporting by a VN of known violations of the Vocational Nursing Practice Act. BPC 4521.2 mandates reporting by a PT of known violations of the Psychiatric Technician Law.

All licensees are required to disclose, at the time of license renewal all convictions since their last license renewal.

**6.7: What is the average dollar amount of settlements reported to the BVNPT?**

To date, the BVNPT has not included this information in its electronic case tracking system. However, beginning July 1, 2019, the information is included and available for future reporting.

**6.8: What is the number of cases, pre-accusation, that the BVNPT settled for the past four years, compared to the number that resulted in a hearing?**

The BVNPT does not enter into stipulated settlements prior to the filing of an Accusation, Statement of Issues (administrative appeal of the denial of an application for licensure), and/or Petition to Revoke Probation.

**6.9: What is the number of cases, post-accusation, that the BVNPT settled for the past four years, compared to the number that resulted in a hearing?**

Over the past four years, the BVNPT settled 565 cases, post-accusation, and 239 cases resulted in a hearing.

**6.10: What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

Over the past four years, the BVNPT settled 47 percent of all disciplinary cases (Accusations and Statement of Issues) and 20 percent resulted in a hearing. Thirty-three percent of disciplinary cases resulted in the issuance of a default decision.

**6.11: Does the BVNPT operate with a statute of limitations?**

No, the BVNPT does not operate with a statute of limitations.

**6.12: Describe the BVNPT's efforts to address unlicensed activity and the underground economy.**

Complaints alleging unlicensed activity are categorized as "High" according to the Guidelines, and these complaints are referred to the DOI for investigation. If investigation substantiates the allegation of unlicensed activity and it rises to the level of a criminal violation, the DOI may submit the case to the local District Attorney (DA) for criminal prosecution.

In cases where the DA declines to prosecute the criminal violations or the violations are less egregious such that criminal prosecution is not warranted, BPC sections 125.9 and 148 provide statutory authority to issue a citation for unlicensed practice.

In conjunction with BPC sections 125.9 and 148, CCR §2523.3 provides the BVNPT with authority to issue a citation for unlicensed practice of vocational nursing and CCR §2579.5 provides the BVNPT with authority to issue a citation for performing services for which licensure is required under the Psychiatric Technician Law.

Both CCR §2523.3 (VN) and §2579.5 (PT) mandate that each citation shall contain an order of abatement and specify that authorized sanctions shall be separate from, and in addition to any other civil or criminal remedies.

If the BVNPT does not have a social security number for the individual, an individual fails to comply with the citation, or if service of the citation cannot be completed, the BVNPT may attempt to collect the fine via the Franchise Tax Board Interagency Intercept Program.

## **Cite and Fine**

### **6.13: Discuss the extent to which the BVNPT has used their cite and fine authority.**

The BVNPT Citation and Fine Program is an efficient and cost-effective mechanism to educate and obtain compliance from licensees who violate the Vocational Nursing Practice Act or the Psychiatric Technicians Law. The Citation and Fine Program provides an alternative to formal discipline for those cases where a violation is substantiated and warrants more than a Notice of Warning but does not rise to the level of formal disciplinary action. A citation and fine is not a disciplinary action, and it is subject to public disclosure.

There have been no changes to the BVNPT regulations related to citation and fine since the BVNPT 2016 Biennial Sunset Review Report.

CCR §2532.3 (VN) and §2579.4 (PT) set forth the classes of violations as Class A, Class B, or Class C and the authorized fine range for each class as well as the factors to determine the class violation. CCR §2532.3 (f) and §2579.4 (f) each state “Notwithstanding the administrative fine amounts specified in subsections (d) and (e), a Class B or Class C citation may include a fine of no more than \$5,000...” if one or more of listed circumstances apply.

Further, CCR §2532.3 (VN) and §2579.4 (PT) each state “The fine for each Class ‘A’ violation shall not exceed \$10,000 per violation”. A Class ‘A’ violation is defined as the failure of an employer to report to the Board the rejection from assignment, suspension, termination, or resignation for cause of a licensed vocational nurse or psychiatric technician.

### **6.14: How is cite and fine used? What types of violations are the basis for citation and fine?**

The BVNPT uses citation and fine as an efficient, cost-effective mechanism to address less egregious violations of the Vocational Nursing Practice Act and Psychiatric Technicians Law. In addition, the issuance of citation and fine is effective in educating and obtaining compliance from licensees.

Citations are issued for minor violations involving matters including, but not limited to: failure to report a change of address, first-offense convictions, documentation errors, disciplinary actions taken by another state board, and failure to respond to a board request for information.

### **6.15: How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

- Informal office conferences
  - 2015-16 - 26
  - 2016-17 - 29
  - 2017-18 – 5
  - 2018-19 – 3
  
- Administrative appeals
  - 2015-16 – 6
  - 2016-17 – 7



- 2017-18 – 0
- 2018-19 – 0

**6.16: What are the 5 most common violations for which citations are issued?**

- Criminal charges/convictions
- Unprofessional conduct
- Incompetence/gross negligence
- Fraud
- Unlicensed activity

**6.17: What is average fine pre- and post- appeal?**

<b>AVERAGE CITATION FINES PRE- AND POST- APPEAL</b>				
	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>
# CITATIONS ISSUED	342	194	83	105
TOTAL FINE AMOUNT ISSUED (PRE-APPEAL)	\$185,870	\$138,042	\$55,528	\$69,516
<b>AVERAGE FINE AMOUNT ISSUED (PRE-APPEAL)</b>	<b>\$543</b>	<b>\$712</b>	<b>\$669</b>	<b>\$662</b>
TOTAL APPEAL REDUCTIONS	\$6,202	\$6,550	\$500	\$1,751
TOTAL FINES AFTER REDUCTIONS (POST-APPEAL)	\$179,668	\$131,492	\$55,028	\$67,765
<b>AVERAGE FINE AMOUNT (POST APPEAL)</b>	<b>\$525</b>	<b>\$678</b>	<b>\$663</b>	<b>\$645</b>

**6.18: Describe the BVNPT’s use of Franchise Tax Board intercepts to collect outstanding fines.**

The BVNPT uses the Franchise Tax Board (FTB) Interagency Intercept Program to collect outstanding fines associated with citations issued to both licensed and unlicensed individuals. In accordance with the Intercept Program, we issue three Demand for Payment notices and, if compliance is not obtained, the matter is referred to the Intercept Program for collection via the individual’s tax refund. As this process requires a social security number, in instances where the BVNPT does not have an individual’s social security number, the outstanding fine may be deemed uncollectable.

## **Cost Recovery and Restitution**

### ***6.19: Describe the BVNPT's efforts to obtain cost recovery.***

BPC §125.3 authorizes the BVNPT to request reimbursement for reasonable costs incurred as the result of investigation and prosecution of an administrative disciplinary matter. All costs recovered are deposited into the BVNPT Reserve Fund.

The BVNPT seeks costs recovery in all cases where it is authorized. Cost recovery is a standard term of probation listed in the BVNPT's Disciplinary Guidelines. Cost recovery is sought whether the matter is resolved through stipulated settlement or issuance of a Proposed Decision by an Administrative Law Judge after an administrative hearing.

The BVNPT may negotiate to reduce costs as incentive to reach a stipulated settlement. This strategy is beneficial for all parties involved as it reduces adjudication costs and processing timelines. Settlement also provides for greater public protection as the matter is resolved more expeditiously, the respondent is subject to probation monitoring, and the matter is publicly disclosed much earlier than if the matter goes forward to an administrative hearing. As with any other disciplinary decision, the Board members must consider and vote to adopt all stipulated settlements before they become effective.

In matters that result in revocation or voluntary surrender of a license, the individual may petition for reinstatement of the license after a statutorily established waiting period. Generally, if reinstatement is granted, all outstanding costs from any prior disciplinary matter must be paid in full before the reinstatement of the license.

There have been no changes implemented in the BVNPT's cost recovery efforts since the last review, and staff is currently analyzing the procedures for future action.

### ***6.20: How many and how much is ordered by the BVNPT for revocations, surrenders and probationers?***

See Table 11. The BVNPT believes that most cost recovery ordered will be uncollectable in matters that result in revocation or voluntary surrender of licensure.

### ***6.21: Are there cases for which the BVNPT does not seek cost recovery?***

The Administrative Procedures Act (APA) prohibits costs recovery in cases where an applicant appeals the denial of an application for licensure. Therefore, the BVNPT does not seek costs recovery in cases where a Statement of Issues is filed.

### ***6.22: Describe the BVNPT's use of Franchise Tax Board intercepts to collect cost recovery.***

The BVNPT may file a Petition to Revoke Probation and seek revocation of the license in matters where a licensee, subject to a probationary order, fails to comply with the order to pay costs. Where a license has been revoked or voluntarily surrendered, in accordance with FTB Intercept Program requirements, the BVNPT issues three Demand for Payment

notifications and, if compliance is not obtained, the matter is referred to the Intercept Program for collection via the individual’s tax refund.

**6.23: Describe the BVNPT’s efforts to obtain restitution for individual consumers, any formal or informal restitution policy, and the types of restitution that the BVNPT attempts to collect.**

The BVNPT does not engage in efforts to obtain restitution for individual consumers. However, in cases where the subject of a board disciplinary action has made restitution, the restitution is considered as a mitigating factor in considering any potential stipulated settlement.

To better educate BVNPT’s Board members, new enforcement team members and other stakeholders, the manager in the Enhanced Screening and Intake Unit developed a visual enforcement case flow. This visual walks through the entire enforcement process from receipt of a case to disposition. The Enforcement Division used the case flow diagram at the BVNPT’s Open House November 30, 2018 and walked guests through a “trace a case” scenario. (Attachment 5b)

<b>Table 11. Cost Recovery</b>		(dollars in thousands)			
	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	
Total Enforcement Expenditures					
Potential Cases for Recovery *	342	342	238	331	
Cases Recovery Ordered	205	209	163	151	
Amount of Cost Recovery Ordered	\$ 623,440	\$ 562,217	\$ 532,799	\$ 580,111	
Amount Collected	\$ 183,002	\$ 157,312	\$ 251,649	\$ 253,553	
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.					

## Section 7 – Education Division

Vocational Nursing (VN) and Psychiatric Technician (PT) Schools are approved by the Board of Vocational Nursing and Psychiatric Technicians (Board), based on recommendations in reports prepared by the BVNPT's Nursing Education Consultants (NECs) after they have inspected the schools either through paper surveys, site visits or both.

Before privately-owned schools can be approved by the Board to start VN or PT programs, the schools must be approved to operate in California by the Bureau for Private Postsecondary Education (BPPE). The BVNPT informs program directors for privately-owned schools that each proposed VN or PT program must be approved by both the Board and BPPE. Conversely, BPPE informs schools applying for their approval for the purpose of beginning VN or PT programs that they must be approved by the Board prior to beginning a VN or PT program. If problems arise during either the Board approval process or the BPPE approval process, the appropriate representatives from the Board and BPPE consult and determine if formal investigation or other action by either or both entities should be taken.

### ***7.1: Describe the legal requirements regarding school approval.***

#### **For Vocational Nursing Schools**

##### **Per BPC Section 2881**

A school of vocational nursing must be approved by the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) of the State of California; one which gives a course of instruction in vocational nursing of not less than 1530 hours or 50 semester units approved by the Board, pursuant to BPC section 2882, whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions and is affiliated or conducted in connection with one or more hospitals.

##### **Per California Code of Regulations (CCR) §2526**

Each school shall apply to the Board for approval via an initial application package. The package must contain written documentation prepared by the program director and shall include; philosophy of the program, conceptual framework, terminal objectives, curriculum objectives, course outlines, course objectives, instructional plan, faculty, clinical facilities, evaluation methodology for curriculum and clinical facilities, admission criteria, screening and selection criteria, number of students requested, evaluation methodology for student progress, list of resources for provision of counseling and tutoring services for students, student policies (credit granting, attendance, grievance), organizational chart, proposed starting date, and evidence of program resources. An institution may commence a new vocational nursing program upon Board approval. A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval. Approval will be granted by the Board when a vocational nursing program demonstrates that it meets all regulatory requirements. The approval period shall be for a term of four years unless the Board grants an extension. An extension may be granted for a period not to exceed four years when the program

demonstrates to the satisfaction of the Board that it is in full compliance with all regulatory requirements.

### **For Psychiatric Technician Schools**

#### **Per BPC Section 4531**

The Board approves psychiatric technician schools when the course of instruction of an approved school shall consist of not less than the number of hours or semester units of instruction required for the other programs administered by the Board. The subjects of instructions shall include the principles of the care of the mentally and developmentally disabled. Clinical inpatient experience shall include the principles of the care of the mentally and the developmentally disabled. Clinical inpatient experience shall be an integral part of that prescribe or equivalent course of study and training. The experience shall be obtained in a state hospital, except where the Board finds that the requirement is not feasible due either to the distance of a state hospital from the school or the unavailability as determined by the State Department of Developmental Services or the State Department of State Hospital, or state hospital clinical training placements.

#### **Per BPC Section 4532**

The Board shall provide for the periodic inspection or review of all psychiatric technician schools in this state. Written reports of the inspection or review shall be made to the Board, which shall then approve the psychiatric technician schools that meet the standards prescribe by it.

#### **Per CCR §2581**

Each school shall apply to the Board for approval via an initial application package. The package must contain written documentation prepared by the program director and shall include; philosophy of the program, conceptual framework, terminal objectives, curriculum objectives, course outlines, course objectives, instructional plan, faculty, clinical facilities, evaluation methodology for curriculum and clinical facilities, admission criteria, screening and selection criteria, number of students requested, evaluation methodology for student progress, resources for provision of counseling and tutoring services for students, student policies (credit granting, attendance, grievance), organizational chart, proposed starting date, and evidence of program resources. An institution may commence a new psychiatric technician program upon Board approval. A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval. Approval will be granted by the Board when a psychiatric technician program demonstrates that it meets all regulatory requirements. The approval period shall be for a term of four years unless the Board grants an extension. An extension may be granted for a period not to exceed four years when the program demonstrates to the satisfaction of the Board that it is in full compliance with all regulatory requirements.

**7.2: How many schools are approved by the Board?**

As of July 25, 2019:

- VN Schools: 135
- PT Schools: 12

**7.3: How often are approved schools reviewed?**

Each school is reviewed for continued approval every four years.

**7.4: Can the Board remove its approval of a school?**

Yes, as identified in the following statutes:

For VN Schools:

BPC section 2883 states:

*It shall be the duty of the board, through an official representative, to inspect or review all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the inspection or review shall be made to the board, which shall thereupon approve the schools of vocational nursing that meet the requirements provided by the board.*

*Upon receiving the report of the representative, if the board determines that any approved school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the approved list and notice thereof in writing given to it.*

For PT Schools:

BPC section 4532 states:

*The board shall provide for the periodic inspection or review of all psychiatric technician schools in this state. Written reports of the inspection or review shall be made to the board, which shall then approve the psychiatric technician schools that meet the standards prescribed by it.*

*If the board determines from a report that any approved school is not maintaining its prescribed standards, it shall immediately give the school a notice in writing specifying the defect. If the defect is not corrected the board shall, after written notice, remove the school from the approved list.*

**7.5: What are the BVNPT's legal requirements regarding approval of international schools?**

The Board has no legal authority to approve international schools.

## **7.6: Education Division Activities**

The NECs receive an incredible amount of written correspondence. In calendar year 2018, they received over 17,560 correspondences and from January 2019 through the end of July 2019, they received over 9,727. Statistical data related to the daily activities of the NECs is included in Attachment 4a.

The BVNPT and the Respiratory Care Board (RCB) began meeting in September 2018 and released a joint statement April 11, 2019. The joint statement clarified the roles of the respective scopes of practice relating to patient care on mechanical ventilators. The feedback from the various types of facilities and organizations expressed a need to further clarify our respective regulations regarding patient care. See Attachment 4e.

The BVNPT and the RCB hosted a meeting for stakeholders on June 27, 2019 to discuss patient care needs and competencies. At the meeting, stakeholders were divided into working groups and asked to provide input for regulatory language addressing the following:

- As a licensee – competencies
- As a facility – expectations
- As an association - expectations/advocacy
- Accountability – quality control measurements and competencies

BVNPT, RCB and DCA Legal will collaborate on a brief follow up statement informing interested parties that specific regulations will be forthcoming.

The BVNPT is developing guidelines for training and certification for Vocational Nurses and Psychiatric Technicians to provide care to patients on mechanical ventilators in specified settings.

## Section 8 – Public Information Policies

### ***8.1: How does the BVNPT use the internet to keep the public informed?***

The BVNPT posts its agendas online ten days in advance of meetings, per the Bagley-Keene Open Meeting Act. The draft (unapproved) minutes are included in the meeting packet for action at the next Board meeting, and when finalized, archived with the applicable meeting agenda. In other words, the draft minutes of a February Board meeting are in the May Board agenda packet and following the minutes' approval at the May meeting, the finalized minutes are appended to the archived February agenda. These archived materials are available online for five years and upon request. The BVNPT reserves the right to charge a small fee for providing copies.

The BVNPT posts other important information on its website, including announcements, information for licensees and stakeholders, nursing education program information, and enforcement information.

It is important to note that like all state entities, the BVNPT is in the process of ensuring that its online content is compliant with the Americans with Disabilities Act (ADA) and some archived materials may no longer be available at this writing. New materials, especially those with complex images and tables, may not be posted immediately. Case in point: this report, given the number of tables and graphics, will take a considerable amount of time to make ADA accessible, and will not be posted immediately.

### ***8.2: Does the Board webcast its meetings?***

The Board webcasts most of its regular meetings, but occasionally has scheduling conflicts with other DCA webcast schedules. The intent is to webcast all public meetings. Like the minutes, the webcasts are posted with the applicable agenda and available a week after the meetings.

### ***8.3: Does the Board establish an annual meeting calendar, and post it on the board's web site?***

The Board sets a biennial meeting calendar and posts it online.

### ***8.4: Is the BVNPT's complaint disclosure policy consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure? Does the BVNPT post accusations and disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)?***

The BVNPT's complaint disclosure policy is consistent with the DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. California Code of Regulations sections 2524.5 (VN) and 2579.20 (PT), operative June 3, 2012, outlines the disclosure of complaint and disciplinary action information under the Public Records Act, Government



Code section 6250 et seq. Further, the BVNPT posts all accusations and disciplinary actions to the respective licensee record through the BreEZe online license verification system.

**8.5: What information does the BVNPT provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

Consumers can access VN and PT licensing records online via DCA's BreEZe portal. BVNPT's website has a link to BreEZe and instructions on checking licenses and filing complaints. The licensee information includes: issuance date, expiration date, name, license type, primary status, secondary status (i.e. probation) qualification (IV/BW), disciplinary actions, and public record actions that includes case number, document type and when the document was posted.

**8.6: What methods are used by the BVNPT to provide consumer outreach and education?**

The BVNPT relies on several methods for consumer outreach and education. First, if education-related information needs to be disseminated, the NECs send an email blast to the education program directors. If the BVNPT needs information, the NEC's survey the education program directors. This two-way communication is effective yet only reaches a small audience.

The BVNPT established social media accounts in March 2019 on Facebook and Twitter. Inspirational and educational messages are posted daily. The social media audience is small, and we anticipate increasing our social media presence via links from the main website and word of mouth. The BVNPT's website also acknowledged Nurse Appreciation Week with a specialized banner and printed inspirational bookmarks, which were available in the public lobby for visitors. The lobby also sported a Thank You banner. (Attachment 4d)

Both the Enforcement and Education Divisions worked with DCA's media office and produced YouTube videos. The Enforcement video details the Record of Conviction Form and why it is imperative for applicants/licensee to correctly fill it out. (Attachment 5d) The NECs' video provides comprehensive instructions on correctly filling out the Faculty Approval Application. (Attachment 4b) Links to both videos were shared with the education program directors and posted on Facebook and Twitter.

Board member Dr. Carel Mountain, the Director of Nursing at Sacramento City College encourages the idea of a licensing fair on campus, like the one we attended in March 2019 at West Hills Community College. (Attachment 4c) This is a small start and we hope to propose and attend licensing events statewide.

Another method of outreach is BVNPT's website. Now that each document placed on the website must be ADA compliant, it takes a great deal of time to create compliant documents and many documents previously on the website were removed. The BVNPT must prioritize which documents will go back on the website based on resources available to make the documents compliant.

The biggest barrier to communicating with applicants/licensees is not requiring them to provide an email address at initial licensure. If licensees use BreEZe, they must provide an email address. BVNPT is proposing legislation in this Sunset bill that requires an email address from applicants and licensees. This way, BVNPT can send mass emails to applicants/licensees regarding new legislation, items of interest, and most important, the license renewal notices. The renewal notice alone could save over \$25,000 each year in postage costs. A statutory requirement would indicate that primary communication from the BVNPT would be via email. Exceptions would be potential cite/fines and disciplinary action where certified mail is required.

## Section 9 – Online Practice Issues

**9.1: Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the BVNPT regulate online practice? Does the BVNPT have any plans to regulate internet business practices or believe there is a need to do so?**

This issue does not affect the BVNPT as our licensees do not practice independently.

## Section 10 – Workforce Development and Job Creation

**10.1: What actions has the BVNPT taken in terms of workforce development?**

The BVNPT supported DCA's Earn and Learn project in 2018 and 2019. This project, responding to AB 2105 (Rodriguez, 2016), directed DCA to engage in a stakeholder process to update policies and remove barriers to licensure, including the facilitation of Earn and Learn training programs. BVNPT participated in discussions aimed at identifying and reducing the shortages in the nursing and mental health workforce. Final reports from the project are forthcoming from DCA.

**10.2: Describe any assessment the BVNPT has conducted on the impact of licensing delays.**

The BVNPT has not conducted a specific assessment or analysis on the impact of licensing delays in the past two years. Over the past two years, the BVNPT has shown strong improvements in processing times and customer service. We attribute this progress to the reorganization of the teams, work with OCM, strong internal management, a full staff, and ongoing training.

Globally, there is a nationwide shortage of nurses, and the need for nursing professionals is projected to grow. In a classic "For the want of a nail, the kingdom was lost" scenario, California's vulnerable population depends on the availability of trained nurses, and the BVNPT must continue to maximize efficiency while maintaining vigilance.

**10.3: Describe the BVNPT's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

The BVNPT conducts quarterly forums for the Directors and staff of VN and PT programs. These forums present new information on processes and requirements and provide tutorials and other information to help the programs. One powerful example of the efficacy of this forum is the usage of the cloud storage technology for schools. In February 2018, only six schools utilized this technology to upload their school and graduation information to the

BVNPT Evaluators. By mid-2019, nearly all schools use it. This contributed to the sharp reduction in processing time. Information is received by the BVNPT in one transmission; immediately and completely.

**10.4: Describe any barriers to licensure and/or employment the BVNPT believes exist.**

The BVNPT considers cost of and access to the education programs to be the most critical barriers to licensure.

Currently, approximately 60 percent of the VN and PT programs in California are private for-profit institutions and charge upwards of \$35,000 for a program that generally takes slightly over a year to complete. Most of these programs are well-run and produce skilled healing arts professionals. Unfortunately, there are no guidelines or criteria driving what a school may charge a student, and the value may be inconsistent from school to school.

The remaining programs are run through public education systems, most notably the California Community Colleges. These excellent programs charge much less than their private counterparts, but their enrollment is, and students must either wait or turn to another costlier program.

Similarly, the BVNPT has seen instances of programs closing with little or no notice to the staff or students. When these closures are in the news, it negatively impacts potential students' interest in pursuing these careers.

**10.5: Provide any workforce development data collected by the BVNPT.**

N/A

## Section 11 – Current Issues

### ***11.1: What is the status of the BVNPT's implementation of the Uniform Standards for Substance Abusing Licensees?***

The BVNPT is in full compliance with the Uniform Standards for Substance Abusing Licensees. The EO participated in the 2018 Substance Abuse Coordinating Council, convened by DCA in compliance with SB 796 (Hill, Chapter 600, Statutes of 2017). The Council was charged with reviewing Uniform Standard #4 related to drug testing and determining whether the standard should be updated.

### ***11.2: What is the status of the BVNPT's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?***

The BVNPT implemented the use of the CPEI case referral acceptance matrix in May 2015. Implementation required an analysis of the case intake process and resulted in significant changes to the process. In October 2015, the BVNPT filled a new Intake Analyst position to help streamline the process at intake to include an initial review of the public complaints and determine the appropriate case assignment. (*BVNPT 2016 Biennial Sunset Review Report*)

### ***11.3: Department of Justice Fingerprint Records***

In May 2018, the Deputy Director of DCA's Office of Information Services informed BVNPT's AEO that fingerprint records for thousands of licensees no longer existed in DCA's BreEZe licensing system. This meant that BVNPT would not receive subsequent arrest information on these licensees. Over a course of six months, DCA worked with the California Department of Justice (DOJ) to reconcile fingerprint records and ascertain the actual number of missing records.

The BVNPT mailed letters January 2, 2019 to 3,339 licensees requesting they get fingerprinted within 30 days. In March 2019, 75 percent complied by submitting new fingerprints. There were 206 letters returned with no known address or the change of address order expired. These letters were given to the Enforcement Division and a second letter was sent to those who had a change of address although they had not updated their address in BreEZe. BreEZe is programmed to NOT allow anyone who does not have fingerprints on file to renew their license. (Attachment 3d)

### ***11.4: Describe how the BVNPT is participating in development of BreEZe and any other secondary IT issues.***

The BVNPT was part of DCA's second release on the BreEZe system in January 2016. There are currently two work authorizations to add the continuing education/post license certification providers and approved schools to the BreEZe system. The continuing education/post licensing certification providers work authorization is currently in progress with

an expected completion date in January 2020. The approved school work authorization will begin at the completion of the continuing education/post licensure work authorization.

The BVNPT currently has 21 change requests for the current configuration and has completed 168 changes since January 2016. The current changes streamline staff business processes by eliminating work arounds and clarifying the online application process for the public to select the appropriate answer to application questions. The BVNPT provides a priority list of the change requests for the next update release to BreEZe. The number of changes allotted for a Board per release is determined by the DCA.

The BVNPT participates in the BreEZe Licensing, Enforcement, Cashiering and Reports user group sessions. The user groups are a collaboration of staff of boards and bureaus to discuss issues and potential solutions to the BreEZe system. We were invited and participated in a select group of boards and bureaus to evaluate potential product updates to the BreEZe system.

The BVNPT volunteered to be DCA's first pilot project to accept credit card payments for in-person transactions in the front lobby. The testing began the week of August 5, 2019. We accepted the first walk in credit card payment on August 9, 2019.

## Section 12 –

### New Issues: 2020 and Beyond

#### **12.1: Fees for Educational Programs**

In 2020, the BVNPT's main focus is obtaining statutory authority for a new fee structure for the educational programs to help support the operations of the Education Division, and the ongoing consulting services the NECs provide. Historically, licensee and applicant fees comprised nearly all the BVNPT's revenue. Not only is this an unfair burden on the population, the Board must add new revenue sources. Without this new revenue, the Board may face insolvency as early as 2022, and forced to raise fees on licensees, applicants and CE providers in spite of having done so in January 2019.

In 2018, the Legislative Committees urged the BVNPT to reach out to stakeholders and discuss the potential structure, fee levels, timeline, and other issues, before introducing legislation. Over the summer and fall of 2018, staff engaged with representatives from programs, the Community College Chancellor's Office, labor representatives and other concerned parties. While not a welcome message, the conversations were productive, and generated possible ideas for implementation.

In addition, the Board requested staff to provide a detailed NEC workload analysis, showing an approximation of the staff hours needed for the specific tasks associated with, for example, approval of a new program.

With this information, staff designed the framework for the new fees, and drafted bill language. The Board authorized staff to seek an author in early 2019; however, internal and external priorities prevented the bill from being introduced in 2019. Staff is refining the framework and language and will move ahead in 2020.

#### **12.2: Licensee Emails**

The BVNPT believes that it is essential to require licensees to provide email addresses as our primary source of communication. Although there may be licensees without email access of their own, this is likely a small and dwindling portion of the population.

If the BVNPT had been able to send an email to all licensees, the impacts of the 2016 CE audit might have been blunted, and we would have been able to provide an update and apology to all affected, without the \$30,000 cost incurred by mailing individual letters. Similarly, when the Board implemented the fee increases earlier this year, the ability to send notification would have mitigated a great many problems and concerns and reduced the number of incoming calls and emails.

Proactively, we plan to develop regular updates for the licensees, such as information on current legislation and other issues.

### ***12.3: BVNPT Day at the Capitol***

Discussions with the Board's Strategic Outreach Committee, stakeholders, and the Board itself during Strategic Planning sessions brought an idea to light. The BVNPT and its licensees need to strengthen their presence at the State Capitol. The public health care system is constantly under discussion and policy makers need to understand the delivery systems associated. To that end, the BVNPT will work to develop a regular Day at the Capitol, bringing our licensees, educational programs, and stakeholders together to share information about Vocational Nurses and Psychiatric Technicians.



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**Section 14 –  
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