



December 1, 2020

The Honorable Evan Low
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

The Honorable Steven Glazer
Chair, Senate Committee on Business, Professions and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

Dear Chair Low and Chair Glazer:

In preparation for the Board's Sunset Review Hearing, the Committees asked for supplemental information to the report filed last year, specific to our operational response to the COVID-19 pandemic.

Board Actions and Responses to COVID-19.

1. In response to COVID-19, has the board implemented teleworking policies for employees and staff? Have those measures impacted board operations? If so, how?

The board implemented teleworking policies for approximately 75 percent of our team, starting in late March 2020.

Essential staff positions that could not telework include:

- (a) Cashiers. The board has two cashiers that must be in the office to process incoming payments.
- (b) Mail room. The mail room position is essential to keep mail going out and delivering the mail coming into the technicians/analysts waiting for documents from applicants/licensees.
- (c) Reception. The board's public counter remained open for business as usual to ensure applicants and licensees obtained or maintained their license. There was a decrease in the number of visitors compared to pre-pandemic visits.

Statistically, the board is maintaining processing standards in licensing although at the early part of the pandemic, the national vendor for the licensing examination first closed down, and then gradually reopened under reduced capacity. The capacity has been building over the months, but the recent surge created a new constriction in applicants' ability to test. We have attached the most recent statistical report, which compares business processes by month and year starting in 2017.

The first tangible impact the board experienced was obtaining documents from law enforcement agencies and courts in a timely manner as their operations changed to telework. The courts closed completely for several months. When the courts reopened in an electronic environment, they had an instant backlog plus new, incoming cases. Local law enforcement agencies experienced similar constraints.

The second tangible impact is that telework is difficult for some employees. Currently, the managers and supervisors monitor their teams to prevent new backlogs. Recently, the Department and Cal-HR have created and launched specialized training for managing via telework, and our team will be learning to use these tools more effectively.

Last, and most critically, the board lost its Intake and Enhanced Screening manager in January, and the new manager started in March. The staff was sent home to telework almost immediately after his start date, and his training and orientation was not as robust as it ordinarily would have been. We also lost our Enforcement Chief in late June, although this was not related to COVID.

These two transitions combined to create a significant case management problem. The new Enforcement Chief, who joined us August 3rd discovered that numerous cases in the unit had not been properly referred or were not closed in a timely manner. This was immediately reported to the Department and the Division of Investigations. We immediately developed a plan to mitigate the issue, and the cases were moved to the correct units. The net impact created a backlog of 30 cases in the Special Investigations (SI) unit. We addressed this by temporarily redirecting an analyst from the Licensee and Applicant Case Review unit (LACRU) to gather documents for the SI unit since the LACRU's workload was impacted by the court closures. We determined this was an appropriate use of available resources.

2. In response to COVID-19, has the board utilized any existing state of emergency statutes?

The board utilizes the waiver of the Bagley-Keene Restriction on Teleconferenced Meetings, Executive Order N-29-20. This enabled the board to meet remotely via the Web Ex platform. Under this policy, the board members may remain safely at home, and not required to open and/or publicize their home addresses.

The Emergency Medical Services Authority (EMSA) issued waivers that allow providers who hold a license in another state to work in California during the declared COVID-19 emergency.

Per Executive Order N-39-20, the Department of Consumer Affairs Director issued waivers to extend time to apply for licensing examinations and extended the time for licensees to obtain Continuing Education by six months. Because of this, the CE audit is paused until six months after the waiver expires allowing licensees time to obtain CEUs.

3. Pursuant to the Governor's Executive Orders N-40-20 and N-75-20, has the board worked on any waiver requests with the Department?

No.

4. In response to COVID-19, has the board taken any other steps or implemented any other policies regarding licensees or consumers?

The board eliminated the requirement for applicants to include two 2" x 2" photos with their application. This photo is similar to a passport photo. Eliminating the photo saves both the board and the applicant time and money. The photos are rarely used and if a photo is needed for an investigation, the board can coordinate with the Division of Investigations to obtain a photo from the Department of Motor Vehicles.

5. Has the board recognized any necessary statutory revisions, updates or changes to address COVID-19 or any future State of Emergency Declarations?

Yes, the pandemic underscored the need for policies proposed in our Sunset legislation. Specifically, and most urgently, the board discussed the need for statutory authority to require email addresses from all licensees and use them as the primary means of contact.

We appreciate the opportunity to provide this information and look forward to our hearing. Please don't hesitate to contact me if there is any other information the Committees need.

Please stay safe.

Sincerely,



Elaine G. Yamaguchi
EXECUTIVE OFFICER

Enclosure: Statistical Report

CC: Members, Board of Vocational Nursing and Psychiatric Technicians
Kimberly Kirchmeyer, Director, Department of Consumer Affairs