

THE BOARD OF VOCATIONAL
NURSING AND PSYCHIATRIC
TECHNICIANS



Sunset Review
For Period July 1, 2017-June 30, 2019

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WELCOME --

A Letter from Board President Tammy Endozo

On behalf of the Board of Vocational Nursing and Psychiatric Technicians (BVNPT), I am pleased to introduce our 2019 Sunset Review report.

In California, we have approximately 133,200 Vocational Nurses (VNs) and 11,700 Psychiatric Technicians (PTs). This represents about ten percent of the total number of vocational/practical nurses practicing in the entire United States. Only three other states (Colorado, Arkansas and Kansas) license Psychiatric Technicians to practice. There are 135 Board-approved Vocational Nursing schools in California and 12 Psychiatric Technician schools.

The BVNPT protects consumers from unprofessional and unsafe licensed VNs and PTs. Public protection is the Board's highest priority in its licensing, regulatory and disciplinary functions.

To protect the public, the BVNPT:

- ❖ Establishes minimum requirements for examination and licensure.
- ❖ Establishes educational standards for the accreditation of VN and PT schools in California.
- ❖ Adopts regulations to clarify the performance, practice and disciplinary standards for its licensees.
- ❖ Enforces laws and regulations governing the continued accreditation of VN and PT schools in California.
- ❖ Enforces laws and regulations governing VNs and PTs by taking appropriate disciplinary action against incompetent or unsafe licensees efficiently and effectively.

Our last Sunset Review issued many challenges. We believe that this report illustrates the hard work of Team BVNPT in meeting those challenges.

Sincerely,

Tammy Endozo, LVN
Board President

PREFACE –

A Note from Executive Officer Elaine Yamaguchi

The 2017 Sunset legislation and the Monitor's Report gave the BVNPT a crystal-clear blueprint for 2018-20. We are proud that the BVNPT successfully addressed or is in the process of addressing all the issues raised in the background papers and the Administrative and Enforcement Program Monitor's Report and Recommendations (Monitor's Report).

Special thanks to team member Rudy Davis, who offered samples of his personal artwork for the back cover of this report.

The data presented in this report covers July 1, 2017 through June 30, 2019. However, the narrative includes actions and developments through September 30, 2019. Rather than an Executive Summary or List of Accomplishments, we start this Report with a concise update on the significant issues raised in the 2017 Senate and Assembly Background papers, with references to the relevant pages and/or attachments.

- **Staffing and Management**

The BVNPT has a strong and complete leadership team and a vibrant, motivated and hard-working staff. Our vacancy rate is less than 7 percent, down from well over twenty percent in 2017. There will always be staff turnaround in a Board like this one, but in general, positions are filled within ninety days of the vacancy posting. The hiring and training of the staff and management enabled the BVNPT to begin to address many of the legacy backlogs in both Licensing and Enforcement. See Section 3, pages 26-29.

- **Utilizing Board Committees**

See pages 9-11 and Attachment 1c.

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

Given the current gubernatorial appointment, this Evaluation model garnered valuable information in a nimble and inclusive approach. The Board will determine how to proceed once its full authority is restored. See Section 3, pages 26-27.

- **Strategic Plan**

The BVNPT worked closely with consultants from Strategic Organizational Leadership Individual Development (SOLID), DCA's in-house training unit to examine the existing 2017-19 Strategic Plan (Plan), and to design and implement an inclusive and comprehensive Strategic Planning process to create a blueprint for the coming years. Board members, staff and stakeholders all contributed to this effort. The Plan, along with the new Committee structure, was approved at the August 2019 Board Meeting. The next step is to assign the Committee Members, who will establish Performance Goals and the Action Plan for final approval at our November 2019 Board meeting.

- **Policies, Procedures, Desk Manuals**

The 2017 Sunset review noted the obsolescence or outright absence of process and procedure manuals. Throughout 2018 and 2019, the BVNPT staff leadership reviewed, updated, and created duty statements, policy manuals, including the Office Expectations Manual and desk-specific procedure manuals. New staff members receive a thorough onboarding orientation, and managers expedite training requests wherever possible. The manuals can be found in Volume III.

- **Availability of Minutes**

Board Meeting minutes are generally approved at the next meeting and posted on our website within a few days of approval. Our posted minutes are up to date. The staff is now working to revise the format of the minutes to comply with the Americans with Disabilities Act (ADA).

- **Implementation of BreEZe**

The BVNPT fully implemented the BreEZe system and ensured that all staff members are fully trained. The staff in the front office who assist customers on the telephone or at the public counter can easily access licensee account information and answer questions directly and efficiently. Our Information Systems Analyst attends all BreEZe User Group meetings, and the Assistant Executive Officer (AEO) is a member of the DCA's Change Control Board, the body overseeing the system's upgrades. See pages 71-72.

- **Updated Fee Structure**

The BVNPT successfully sponsored a section in legislation (SB 1480, Hill, 2018) to update the fees for licensees, applicants and CE providers and is working on legislative authority to create new fees for the education programs. Staff researched and prepared potential scenarios and designed a structure based on the workload of the Nursing Education Consultants (NECs). The BVNPT will pursue this legislation in 2020.

- **Moratorium on New Program Approval**

The Senate and Assembly Legislative Committees expressed reservations about the BVNPT's moratorium on adding new proposals to the list for program approval. There is currently no moratorium. As of 2019, we have a full complement of NECs and a qualified Supervising Nursing Education Consultant (SNEC) and the list is moving in the right direction. Some applications have been under consideration longer than two years, and some applicants have contacted their elected officials about this matter. The EO responded personally to every inquiry from legislative offices. Staff reaches out to the applicants on the list to verify their continued interest.

- **Cite and Fine Program for Schools**

This topic has been on the BVNPT's radar for several years, and we are interested in adding continuing education providers in this discussion. At this writing, the BVNPT's Cite and Fine program for licensees is working effectively and efficiently (see Section

6). A Cite and Fine program for schools will require substantial direction from the NECs, and close coordination with our colleagues at the Bureau for Private Postsecondary Education (BPPE) and possibly the Board of Registered Nursing (BRN). The BVNPT is exploring the possibility of including this in our 2020 Sunset legislation.

- **2016 Continuing Education (CE) Audit**

After discussing the BVNPT's 2016 CE Audit, both the Assembly and Senate Committees urged the Board to issue an apology letter to all affected licensees. Staff at the time were directed to prepare this letter, but never completed this request due to the large, unbudgeted cost, plus added staff workload. Instead, the BVNPT posted a message on its website. See pages 44-45 and Attachment 3c for details on the launch of our retooled CE Audit program.

- **Licensing Business Processes**

In early 2018, the Licensing Division hired and trained several new team members and turned the corner in addressing the backlogs. The BVNPT is grateful to the Department's Organizational Change Management (OCM) team, who started working with us in the summer of 2018. See pages 31-32 and Attachment 3b for OCM's final report.

- **Modification of Equivalency**

Without changes in the statutes or regulations, the BVNPT staff examined its procedures and forms. Applying the existing regulations narrowed the application pool. More importantly, the Licensing Division staff substantially reduced the backlog in Equivalency Applications in 2019 due to recommendations in the OCM report.

- **Clinical Rotation Availability**

The scarcity of and high demand for these facilities continues to be an issue in most areas, particularly in the greater Los Angeles area. While BVNPT has little to no control over this issue, we plan to be part of the ongoing discussion.

- **Enforcement Improvements/Implementation of Monitor's Recommendation**

Over the past two years, the BVNPT staff made great strides in rebuilding and revitalizing its Enforcement Division, with thanks to the Department's Division of Investigations (DOI). Key to this progress is the implementation of the Monitor's recommendations regarding the reorganization of the units, prioritizing training for the staff and hiring and training experienced leadership. See Attachment 5c for the BVNPT's July 1, 2019 report to the Legislature and Department.

- **Long Term Fund Condition**

Fiscal sustainability is a top priority. Revenues improved somewhat with the 2019 fee implementation, but the new fees to education programs are essential to our fiscal health. Given the recent and unexpected Department of Justice's rate increase, the BVNPT must plan for revenue enhancements going forward. Once the Fi\$Cal system

is fully operational, we will have better information with which to plan. See Section 2: Fiscal Information.

- **Technical Changes to Practice Acts**

Staff reviewed the Practice Acts and drafted language for updates and clarifications for our Sunset bill. This language will be presented to the Board for approval at the November 2019 Board meeting. The staff will begin a comprehensive review of the BVNPT's regulations in 2020.

- **Should the Board be continued?**

This report demonstrates the outstanding work performed by the team at BVNPT on behalf of California's consumers, and its transformation in the past two years. We respectfully await the Legislature's and Governor's Office's determination for our new sunset review period.

**Much appreciation to Team BVNPT.
You make it happen every day.**

**Team Administration
and Support Services**

Rochelle Lee, Manager
Samantha Calma
Todd Davigeadono
Shawn Nibbelink
Amy Nguyen
Jenny Penales
Vicky Saavedra
Frank Wong

Team Education

Marie Cordeiro, SNEC
Suellen Clayworth
Beth DeYoung
Jeffery Durham
Cindy Fairchild
Jessica Gomez
Geraldyn Maracino
Tim Matsumoto
Ann Shuman
Faye Silverman
Margarita Valdez

Team Enforcement

Candace Raney, Chief
Helen Park

***Discipline**

Jay Prouty, Manager
Rebekah Anderson
Kristine Dano
Merlene Francis
Susan Johnson
Mee Moua
Amy Wyckoff

***Probation**

Rocio Llamas, Manager
Gladys Beaty
Amy "Daisy" Fuentes
Savanna Koop
Karen Nelson

***Unit is part of Enforcement Division**

Hong Nguyen Guidice
Michael Saenz

***Special Investigations**

*Stacie Higashi,
Supervising Special
Investigator*
Darwin Agar
Rosemary Chavez
Shari Morales
Nicole Novoa
Jesse Rokser
Tara Shuster

***Licensee/Applicant**

Case Review

Mellissa Doss, Manager
Leticia Esquivel
Carli Gonzales
Samuel Guardado
Jessica Reyes
Chelsea Schooley Wyatt
Liana Stepanyan
Hon Wong

***Intake/Enhanced
Screening**

Matt McLean, Manager
Kitty Harper
Pooja Mohan
Regina Rodriguez
Laura Sherman
Rachel Vierra

**Team Licensing and
Evaluations**

Jen Johnson, Manager
Suba Abeywickrama
Gabriela Arreola
Lori Barnes
Ivan Brent
Cristal Coronel
Rudy Davis

Kimberley Desch-Nilson
Jeremiah Dunlap
Lauryn Gardner
Monica Harris
Gloria Hatcher
Renda Meas
Arlene Nunez
Tony Parker
Christopher Perlot
Catherine Reed
Alisha Smalls
Leslie Snow
Demarie Verdialez
Jessica Wagner

The World's Best AEO

Vicki Lyman

**BVNPT Alumni (Left
Board 2018-2019)**

Eboni Ball
Susan Bullock
Erin Carter
Siqi Chen
Nicole Criss
Dedria Evans
Nicole Frost
Dani Garrett
Angelina Gonzales
Jeff Hicks
Pia Ilustrisimo-Ravelo
Mark Jaramillo
Debbie Morin
Dominique Morris
Kevin Narine
Eboni Newton
Tricia Perry
Kristen Poole
Katherine Thompson
Brian Vu
Lydia Warix
Kelli Williams

**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC
TECHNICIANS**
**BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT
REGULATORY PROGRAM**
July 1, 2017-June 30, 2019

Section 1 –

Background and Description of the Board and Regulated Professions

1.1: Background

The California Board of Vocational Nursing and Psychiatric Technicians (BVNPT) protects consumers from unprofessional and unsafe licensed vocational nurses (VNs) and psychiatric technicians (PTs). Public protection is the highest priority of the Board in exercising its licensing, regulatory and disciplinary functions. The BVNPT is part of the Department of Consumer Affairs (DCA).

The Vocational Nurse Program was created by the Statutes of 1951, Chapter 1689, and the Psychiatric Technician Program was created by the Statutes of 1959, Chapter 1851. The two professions were melded into one Board in 1959. In 1998, the name changed from the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

Authorized by Chapter 586 of the Statutes of 2017 (AB 1229, Low), the BVNPT administers the laws related to the practice of licensed vocational nurses and psychiatric technicians. This authorization expires on January 1, 2021, unless legislative action extends its authorization.

Vocational Nurses (VNs) provide basic bedside nursing care to clients under the direction of a physician or registered nurse. The VN utilizes scientific and technical expertise and manual skills. A VN's scope of practice typically includes, but is not limited to, provision of basic hygienic and nursing care; measurement of vital signs; basic client assessment; documentation; performance of prescribed medical treatments; and administration of prescribed medications. A VN may also perform non-medicated intravenous therapy and blood withdrawal upon successful completion of a separate Board-approved certification. The Vocational Nursing Practice Act, Business and Professions Code section 2840 et.seq. governs the functions of VNs in California.

Psychiatric Technicians (PTs) provide care for mentally disordered or developmentally disabled clients under the director of the services. The director may be a physician, psychologist, rehabilitation therapist, social worker, registered nurse or other professional. The PT utilizes scientific and technical expertise and manual skills to provide care and training for clients with mental disorders and developmental disabilities. A PT's scope of

practice typically includes, but is not limited to, basic hygiene and nursing care; measurement of vital signs; performance of prescribed medical treatments; administration of prescribed medications; implementation of behavioral management techniques; crisis intervention; sensory and perceptual development assessment; social and vocational training; and the facilitation of individual and group therapeutic activities. In 1970, the Psychiatric Technician certification was changed to a licensure program through Senate Bill 298. The Psychiatric Technician Law, Business and Professions Code section 4500 et. seq. governs the functions of PTs in California.

1.2: The Board: Structure, Functions and Priorities

Table 1. Board Member Roster

Member Name	Appointed	Reappointed	Term Expires	Appointing Authority	Type
Tammy Endozo	9/30/13	6/1/15	6/1/19	Governor	Professional
Bernice Bass de Martinez	5/5/15	--	6/1/19	Governor	Public
Paula Amezola de Herrera	7/7/17	--	6/1/21	Governor	Public
Aleta Carpenter	7/7/17	--	6/1/21	Governor	Public
John Dierking	2/3/16	6/1/16	6/1/20	Senate	Public
Samantha James-Perez	9/30/13	6/2/15	1/15/19*	Governor	Professional
Kenneth Maxey	3/20/17	--	6/1/21	Assembly	Public
Carel Mountain	12/7/18	--	6/1/22	Governor	Professional
Donna Norton	1/28/14	6/9/16	6/1/20	Governor	Professional
Paul Sellers	5/18/17	--	6/1/21	Governor	Professional
Cheryl Turner	5/9/17	--	6/1/21	Governor	Public
Vacancy (James-Perez)				Governor	Professional

**Resigned seat before end of term*

The Board has eleven members with a public member majority (six public members and five professional members). There are two Vocational Nurse and two Psychiatric Technician designated seats. Nine members are appointed by the Governor, one by the Speaker of the Assembly and one by the Senate President Pro Tempore. The Board welcomed Dr. Carel Mountain to the Board as the Nursing Educator member in 2018. This vital seat had been vacant since 2017.

Six members constitute a quorum for transacting business at any Board meeting. All meetings are subject to the Bagley-Keene Open Meetings Act. Most Board meetings are webcast, and the links to these are posted on the BVNPT's website.

State law requires the Board to meet at least twice yearly, and the Board sets four meetings per year, alternating between Sacramento and another site, usually in Southern California. The calendar is approved by the Board two years in advance and posted on the website.

The Board convened several special meetings accommodating issues that required action before the next regularly-scheduled meeting or to complete items from previous meeting agendas. These meetings included:

- December 18, 2017: Discussion of Monitor's Recommendations.
- April 20, 2018: Discussion and approval of language for fee legislation (teleconference).
- January 25, 2019: Discussion and approval for Teach-Out plan for Brightwood Schools (teleconference).
- April 30, 2019: Discussion and approval of regulatory language to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018) (teleconference).
- June 21, 2019: Discussion and approval of Board Committee Structure and Salary Per Diem/Board member travel time policy.

Board meetings consist of a full day of petitioner hearings, and a full day of Board business. Twice a year, the Board meets in Sacramento and adds a day dedicated to Board training and development. In 2018 and 2019, much of this time was invested in building the Board's knowledge of BVNPT's operations and the strategic planning process.

Electronic Mail Ballots

The BVNPT closes an average of 250 disciplinary actions (proposed decisions, default decisions, and stipulated settlements) per year. Each action must be reviewed, considered and adopted by a quorum of the Board. The Administrative Procedures Act, Government Code §11526, expressly approves voting by electronic mail. This process involves sending the relevant case documents to all Board member for their review, consideration, and vote.

Approximately twice each month, Board members receive a packet of discipline case files for review and vote. The members' profiles (Attachment 1a) includes their voting records.

In March 2018, the BVNPT began transmitting case documents utilizing cloud-based technology. Essentially, Board members receive an email with a link to the secured server hosting the documents for their review. This provides greater security for sensitive and confidential documents, improves processing timelines, and decreases costs associated with printing and mailing materials.

After reviewing the matter, if a member determines that further discussion with the full Board is warranted, the member may vote to hold the matter for discussion during closed session at the next regularly-scheduled board meeting. If two or more members vote to hold or non-concur on a case, it is moved to the closed session discussion at the next Board meeting.

Committee Structure

Acting upon the 2017 Sunset Review recommendations, the Board developed and implemented a very robust structure with nine committees. Two to three Members were appointed to serve on each Committee, and charged to meet approximately quarterly, prior to each Board meeting. Most Members served on at least one Committee. (See Attachment 1c).

The Committees developed:

- Administrative
- Education

- Enforcement
- Evaluations
- Executive
- Legislation and Regulations
- Licensing
- Practice
- Strategic Outreach

The Board's Administrative Committee is unique amongst DCA programs and was urged by the legislative oversight committees in 2017, although not mandated in the BVNPT Sunset legislation or included in the Monitor's recommendations.

This Committee was established to address allegations from rank and file employees, communicated to the Legislature and the Governor's Office in 2016 and 2017, complaining of abusive and incompetent practices by Executive and managerial staff. After the 2017 Sunset Review, the Board appointed a two-member Administrative Committee and charged it with investigating these concerns and improving staff morale.

From August to November 2017, the Committee met individually with staff members who wished to do so and arranged for follow-up counseling via the State's Employee Assistance Program. The Committee offered additional follow-up counseling and/or discussion opportunities, but none of the staff availed themselves of the offer, nor was there further communication expressing specific grievances.

In 2018, the work of the Administrative Committee shifted, functioning more as an adjunct body to the overall management—a quasi-ombudsman function—with the EO and AEO participating only when invited. In this capacity, they reviewed questions for two staff engagement surveys (March and October 2018, Attachment 2e), discussed a staff proposal to create a formal Employee Recognition Program, and audited responses to questions received in the Employee Suggestion Boxes deployed in the office suites. The key function—to provide a safe channel for staff to communicate with the Board on concerns or issues with management—seemed less urgent by mid-2018, and in 2019, the Board determined that the Executive Committee would ensure this access, should the need arise in the future.

At the February 2018 Board meeting, staff recommended the Board consider updating its Committee Structure. This recommendation included combining the Practice and Education committees, similar to years prior. The staff also believed that the Licensing and Evaluations committees entailed considerable policy overlap and recommended combining the two. Lastly, staff recommended that the Board consider phasing out the Administrative Committee.

Following the February 2018 meeting, the Board requested that the Executive Committee review the overall Committee Structure and develop a plan. This item was on the Executive Committee agenda each month from May 2018 through August 2019. The Executive Committee decided that the Vice President would reach out to each Committee and remind them of their role and charge. So as not to violate the Open Meeting laws, the Vice President recorded a message that was played at the beginning of each Committee's next meeting.

During 2018, the Practice Committee met on an as-needed basis, concentrating attention on developing a partnership with the Respiratory Care Board.

The Strategic Outreach Committee met for the first time on January 25, 2019. Initially designated as a means for the Board to share information and updates regarding the Monitor's Report and the implementation of the recommendations, the Board rethought this Committee and tasked it with the BVNPT's social media messaging and increasing overall public presence.

Staff drafted a new Committee restructuring plan which the Executive Committee approved for discussion at the February 2019 Board meeting. The Board discussed, did not take action, re-referring the issue to the Executive Committee. The Executive Committee directed staff to include it on the agenda for part of the May meeting designated for strategic planning. Unfortunately, the Board ran out of time at the May meeting and deferred the item for a later date.

At a specially-calendared meeting facilitated by SOLID on June 21, 2019, the members discussed the current Committee structure and their priorities. The Committee Structure (See Attachment 1c) was approved by the Board in August 2019.

The new Committees:

- Education and Practice
- Enforcement
- Executive
- Legislation and Regulations
- Licensing and Evaluations

Of note, the BVNPT utilized teleconferencing for many 2018 and 2019 two-member committee meetings, rather than requiring members to commit a full day of their time travelling to Sacramento for a one or two-hour meeting. We plan to expand this practice wherever feasible and continue increasing efficiencies and cost savings.

Administrative Policy Manual

Staff began updating the Board's Administrative Policy and Procedures Manual (Manual) in Summer 2018. This document represents the guidelines for the Board members to employ in their work. The bulk of the updates simply rearranged and clarified existing policies. The Manual was on the Executive Committee's agenda in the summer and fall of 2018 and approved for discussion at the February 2019 Board meeting.

The Board members spent a considerable amount of the meeting discussing the policy and procedures for their salary per diem payment. Per Business and Professions Code (BPC) section 103, Board members may receive a per diem of one hundred dollars (\$100) for each day spent in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. This per diem is different from the per diem for travel expenses, which calculates the amount that a member may claim. The salary per diem is an honorarium to acknowledge the participation of these volunteer members, rather than direct compensation. DCA policy expressly states that time

spent travelling to or from a Board event does not count toward the calculation of per diem, and all direct travel expenses are reimbursed.

DCA boards have flexibility in implementing section 103. Most of the DCA boards and bureaus adhere to the DCA travel time policy, and process per diem payments based on one per diem (\$100) per accumulation of eight hours of work or a full day of meetings.

Prior BVNPT Executive Management had a system whereby Members were accorded a flat rate of two days per diem in months the Board did not meet and three days in the months that they did. No documentation was required, and it was set when the Board's committee structure was inactive. Over the years, the potential time commitment for this Board's members increased; attending committee meetings, reviewing mail ballots, and responding to other Board business. It should be noted that the level of activity was not and is not uniform among the members. There was no training, nor a standardized form for reporting time. Staff expressed concern about the inaccuracy, inconsistency and lack of transparency and suggested updating the policy and the reporting form concurrent with other updates for the Manual.

Board members expressed reservations regarding this matter. Several Board members travel to meetings from remote areas, requiring greater amounts of travel time, compounded by lost work time. Some opined that the per diem compensation was crucial to ensuring that diverse members of the community could serve without experiencing financial hardship, and as such, limitations on this payment limited the opportunity to serve on this Board to those individuals who were financially well off. Some expressed discontent with the amount in general, likening it to being paid \$12.50 an hour, and especially found the suggestion of reporting time in increments of less than one hour to be overly burdensome. Some members advocated that per diem should not be tied directly to the number of hours, but completely claimable for any and all days when Board work is performed, no matter how much time had been committed.

This matter consumed more than ten hours of discussion at the February, May and June Board meetings combined, as well as separate ad hoc committee examinations, and discussion at the Executive Committee meetings. In July 2019, the Executive Committee directed the EO to forward the entire updated manual, addressing the policies on salary per diem and travel time to the Board members for approval at the August 2019 Board meeting.

The Board approved the Manual (See Attachment 1b) and reporting form at the August 2019 meeting.

Default Decision Delegation

The Board discussed the authority to delegate the adoption of default decisions to the Executive Officer approximately ten times since 2015. This authority is in effect at several other boards, including the Medical Board of California and the Board of Registered Nursing. At its meeting on November 4, 2016, the Board voted unanimously to seek legislation authorizing Executive Officer Default Delegation. This policy was also included in the Monitor's early recommendations to the Board.

Legislative language was placed in the Board's 2017 Sunset bill, AB 1229, but was amended out before enactment. It was also placed in a 2018 bill, AB 888 (Low), which was gutted and amended to carry another proposal.

After the 2017-18 Legislative Session adjourned, the issue was returned to the Board's Legislation and Regulations Committee for discussion as to the next steps. While bill language was discussed, the Committee did not put a recommendation for final language before the full Board, as there was divided opinion on the overall policy by the two Committee members. The Committee discussed this matter before moving the issue without recommendation to the full Board in November 2018.

At that Board Meeting, staff was directed to prepare a fact sheet and/or list of pros and cons regarding this matter. At the February 2019 meeting, the Board reviewed this information and voted to authorize staff to seek a legislative vehicle for this authorization. It was submitted for inclusion in a Senate Committee omnibus bill, but it did not fit the criteria. The Board plans to include this delegation authority in its Sunset legislation proposal.

1.3: In the past three fiscal years, was the Board unable to hold any meetings due to lack of quorum?

The Board did not experience quorum issues impacting its ability to meet between 2017 and 2019. Attachment 1a contains each Board Member's biography, appointment information and attendance at Board and Committee meetings during this reporting period. These records also tabulate the member's submission of mail ballots and annual subtotals of salary per diem and travel expenses the member claimed.

Several Committee meetings did not achieve quorum in 2018. In these instances, the Chairperson discussed the agenda items with the staff, and if action was needed, it was forwarded to the full Board at the next meeting. Any action taken by a Committee requires ratification at the Board level regardless of whether it was recommended by a Committee, so lack of quorum is not problematic at this level.

As of February 2019, the Board suspended meetings for most of the Committees until the Committee Structure and the Strategic Plan were finalized. The Executive and Education Committees met as scheduled and the Legislation and Regulations Committee met as needed.

The BVNPT's operations were not hampered in any way by the non-quorum or cessation of Committee meetings.

1.4: Describe any major changes to the BVNPT since the last Sunset Review

To properly contextualize the BVNPT's changes between 2017 and 2019, the history leading up to the 2017 Sunset Review must first be understood.

2014-15

Under BPC section 109, the Director of the DCA may intervene in any matter of any board where an investigation by the DOI discloses probable cause to believe that the conduct or activity of a board, its members, or employees constitutes a potential violation of law. The Director also has full authority pursuant to BPC section 310 to investigate matters affecting the interests of consumers and to compel the production of documents and other information as necessary.

In March 2015, DOI was assigned to investigate improper or inappropriate activities by the BVNPT staff. The DOI initiated its investigation in April of 2015 and found that enforcement cases (including complaints and investigations) were mishandled, and that the Board's entire discipline process was inconsistent and misguided. Between late March and late May 2015, the Executive Officer, the Assistant Executive Officer, the Enforcement Chief, the Complaints Unit Supervisor, and the Investigations Section Supervisor resigned, retired, or sought other employment. The Department appointed an Acting Executive Officer from outside the BVNPT.

AB 179: The Monitor

Pursuant to AB 179 (Bonilla, Chapter 510, Statutes of 2015), the Legislature requested the DCA's Internal Audit Office to review the BVNPT's financial needs, fee structure, budget, and expenditures, including the estimated costs of meeting staffing needs, and other requirements necessary to implement the Vocational Nursing Practice Act and the Psychiatric Technicians Law. The bill required the DCA to provide a copy of the review to the Legislature no later than October 1, 2016.

AB 179 required the Director of DCA to appoint an administrative and enforcement program monitor (Monitor) no later than March 1, 2016. It specified that the Monitor should concentrate on the management of staff, assistance of Board members, and the working relationship with the Legislature. Additionally, the Monitor was directed to review and evaluate the BVNPT's disciplinary system and procedures, examining the overall efficiency and consistency of the enforcement program.

The bill further provided that the Monitor would not exercise any authority over the BVNPT's management or staff, but that staff should cooperate with the Monitor and provide data, information and files as requested, so the Monitor could perform all mandated duties. The Director of DCA was required to assist the Monitor in performing his or her duties and the Monitor was given the same investigative authority as that of the Director.

The Monitor was required to provide an initial report to the DCA, the BVNPT and the Legislature no later than July 1, 2016, and subsequent written reports no later than November 1, 2016 and February 1, 2017. The BVNPT had the opportunity to reply to any facts, findings, issues, conclusions or recommendations included in the reports with which the BVNPT may disagree.

On February 29, 2016, DCA awarded a contract to Benjamin Frank, LLC to serve as the Monitor, and work immediately commenced. The Monitor's Immediate Action Recommendations, coupled with a new, very experienced Enforcement Chief and the strong presence of a DOI team empowered BVNPT to make some quick structural improvements.

2016

In March 2016, the Board replaced the Acting Executive Officer with a permanent EO. Within a few months of this appointment, the BVNPT's collaborative working relationship with DCA's Leadership Team broke down. Concurrently, the new EO redirected the Enforcement Chief to assist other programs. This negatively impacted the Chief's ability to work collaboratively with the Monitor and DOI on the organizational, staffing, business process, case management, and staff performance progress made during the preceding fiscal year.

During October 2016, the Enforcement Chief began an extended leave of absence and the EO took a direct role overseeing the Enforcement Division. The EO selected BVNPT's SNEC to serve as Acting Assistant Executive Officer (AEO), a position that had been vacant for 18 months. According to the Monitor's Report, these changes started a marked decline in the overall work environment and workforce morale, a collapse of the Enforcement Program's management structure, accelerated attrition of Enforcement Division staff, and multiple failures of critical Enforcement Program processes.

In December 2016, the BVNPT also initiated a new CE Audit. For reasons never definitively explained, the BVNPT sent out approximately 58,000 letters to licensees notifying them that they were required to submit documentation of their compliance with their CE licensure requirements within 30 days of the date of the letter. This mail-out to half of the licensing population was more than ten times larger than a typical annual audit sample size and mailed out in one batch, not phased over a year or more. The BVNPT Executive Management team did not plan for the sudden and explosive increase in staff workload when thousands of responses poured into the office. Employees from every program and every classification were redirected from their regular duties and assigned to process CE Audit responses. Not only did this exacerbate the existing backlogs, staffing and morale problems, the volume was so great that staff was unable to keep up and process the submissions. The 110 bins of unopened mail were locked away in an empty office, and the Sacramento Bee covered the incident.

2017

The EO was placed on Administrative Leave in January 2017, and the Board accepted her resignation in June 2017. The Board appointed the SNEC and Acting AEO to serve as Acting EO in May 2017. Unfortunately, she went on an extended leave as of September 2017, essentially leaving the Board without a functioning EO, AEO or SNEC for several months. Prior to her leave, the Acting EO hired a new Enforcement Chief, who had no direct Enforcement or BVNPT experience in July 2017 and designated him as acting AEO.

The BVNPT appeared before the Joint Committee for its Sunset Review in March 2017 without the EO who had prepared the Sunset Report, and about whom the Department, Legislative Committees and Governor's Office had received numerous anonymous complaints. The Monitor also put his preliminary reports forth to the Department and the Legislature, illustrating the myriad ills afflicting the BVNPT. Board members were faced with information that they had never seen or heard, and it became apparent that for years, their Executive staff had not been completely forthcoming or honest. The degree to which Board members should have known any of this beforehand was not determined.

After considering possible scenarios, the 2017 Sunset legislation, AB 1229, was approved by the Legislature and signed by Governor Brown on October 8, 2017. This bill extended the BVNPT's operations for two years rather than the typical four. It reassigned the authority to appoint an EO from the Board to the Governor's Office until December 31, 2019. The legislation also required reports to the Legislature and Department, as well as meetings with the DOI to demonstrate the BVNPT's progress in implementing the Monitor's recommendations. Finally, it authorized the Director of the Department of Consumer Affairs to assign staff to review and evaluate the licensing systems and procedures.

The Board sought to make the Acting EO's appointment as EO permanent in December 2017, before their statutory authority expired on January 1, 2018.

2018: Rebuilding

In late December 2017, Governor Edmund G. Brown, Jr., appointed a new EO, Elaine Yamaguchi, who took office January 22, 2018. The DCA and the Business, Consumer Services and Housing (BCSH) Agency worked closely with the new EO, providing a rigorous onboarding and facilitating the swift appointment of an Assistant Executive Officer (AEO), Vicki Lyman, who took office March 1, 2018.

The new executive management team started analyzing the organizational chart and mapping out places where reorganization, reclassification and/or realignment of positions were needed. The Monitor recommended much of this for the Enforcement side of the house. A comprehensive reorganization of the Licensing and Administrative teams was mapped out by May 2018. This much-needed reorganization was enacted in late October 2018.

The DCA Director assigned the OCM team to work with the BVNPT to analyze the work processes of the Licensing, Education and Administration Divisions, with the priority placed on Licensing.

The OCM process depended on staff and management engagement. The OCM team held a town hall meeting in July 2018 to introduce themselves and explain the process. Next, they held small team meetings and individual meetings to garner the most granular understanding of each step of each process. The complete OCM report is in Attachment 3b.

At the same time, the BVNPT engaged with another part of SOLID to start evaluating the existing Strategic Plan and developing a new one. During the 2017 Sunset Review, the Board was criticized for the lack of performance measurements in its 2017-19 Strategic Plan. The development of that Plan was hasty and not inclusive.

The new BVNPT Executive Management team committed to a planning process that included the entire rank-and-file staff as well as stakeholders. The process would be thoughtful and inclusive, with a final Plan approved by the Board in November 2019. This plan will be finalized in tandem with the Board's new Committee structure, mapping out action steps, performance measurements and responsibilities.

Monitor's Report

The Monitor's Final Report had 58 recommendations. AB 1229 required quarterly reports on the implementation of these recommendations during 2018 and semiannual reports for 2019. The BVNPT successfully implemented all recommendations by the July 1, 2019 report. The final report, due on January 1, 2020, will project the next steps.

One example of the actualization of the Monitor's recommendations and the valuable assistance from DOI is the visible impact that the new Enhanced Screening unit has had overall. During late 2017, prior to formation of the Enhanced Screening Unit and implementation of enhanced screening processes, more than 300 of 500 licensee complaint cases assigned to the Non-Sworn Investigation Section were backlogged and not assigned to

specific investigators for investigation. More recently, as of June 30, 2019, there were only 119 licensee complaint cases assigned to the Non-Sworn Investigation Section that were not assigned to specific investigators for investigation. This significant reduction in legacy licensee complaint investigation case backlogs during the past 18 months is largely attributable to the formation of the Enhanced Screening Unit staff, reassignment of previously backlogged licensee complaint cases to Enhanced Screening Unit staff, and enhanced screening and closure of cases not requiring completion of a field investigation.

Since June 2019, the backlog of unassigned licensee complaint cases has decreased further, and the BVNPT expects to completely eliminate the backlog of unassigned licensee complaint cases by December 31, 2019. See Attachment 5c for the BVNPT's July 1, 2019 report to the Legislature and Department.

Legislation

In 2018, the BVNPT sponsored language in DCA's omnibus bill, SB 1480 (Hill, Chapter 571, Statutes of 2018). This language, built broadly from information in the Board's fee study and developed by the staff, created a new statutory range for the BVNPT's existing fees, which had not been adjusted in approximately a decade. These fee adjustments were implemented on January 1, 2019.

Regulatory Changes

The BVNPT is currently in the process of promulgating regulations to implement the fee bill, implement AB 2138, revise the National Council Licensing Examination (NCLEX) pass rate standards for schools, and clean-up policies regarding military personnel and spouses that were approved but not placed in regulations.

1.5: Describe any major studies.

None.

1.6: List the status of all national associations to which the BVNPT belongs.

The BVNPT is a voting member of the National Council of State Boards of Nursing (NCSBN). NCSBN is a not-for-profit organization whose US members include the nursing regulatory bodies in the 50 states, the District of Columbia and four US territories. The Delegate Assembly, NCSBN's voting body, convenes during the organization's annual meeting in August. Activities includes discussion and voting on NCSBN business items and election of individuals to the Board of Directors and Leadership Succession Committee. The Delegate Assembly is composed of two representatives from each member board of nursing.

The BVNPT does not currently participate on any NCSBN committees or subgroups, but staff members regularly attend conference calls, webinars and other discussions. In addition, Enforcement staff members attend NCSBN's Basic Board of Nursing Investigative Training programs.

In 2017, the EO and Board President attended the Midyear meeting in Chicago, Illinois. In June 2018, Board President Tammy Endozo attended the Discipline Case Management Conference. EO Elaine Yamaguchi attended the annual Executive Officer Summit in

Wisconsin in July 2018. Both the EO and Board President attended the Annual Meeting in Minnesota in August of 2018 and the Annual Meeting in Chicago in August 2019.

NCSBN is the developer and administrator of the National Council Licensure Examinations (NCLEX) for both Registered and Practical Nursing. It is managed by Pearson Vue, a nationwide third-party vendor. California's Vocational Nurses must take the NCLEX-PN to be licensed. Details on the BVNPT's role in the examination process are in the Licensing Division section.

Section 2 – Fiscal Information

2.1: Background and Fund Condition

The Board of Vocational Nursing and Psychiatric Technicians is continuously appropriated through the annual Budget Act. It is a Special Fund entity, financed by applicants, licensees and Continuing Education providers fees.

Due to the delayed implementation of the Fi\$Cal system, the BVNPT has not received final accounting for Fiscal Years 2017-18 and 2018-19, and preliminary analysis indicates that the current reserve level is dwindling (See Table 2). The amount in reserves lasted longer than projected in the Board’s 2016 fee study primarily due to salary savings. Now that the vacancy rate is at an all-time low, there are no significant savings expected going forward.

The BVNPT invested a small portion of its budget surplus in 2018 to facility and equipment upgrades and general reorganization of its offices. This investment coincided with intense analysis of the Board’s spending, and many efficiencies were put into place by management. For example, the BVNPT rented an offsite storage unit for more than a decade, paying more than \$500/month. It contained supplies, infrequently-used or damaged equipment, and boxes of obsolete forms and publications, some dating before Governor Gray Davis’s administration. By the end of 2018, this unit was empty, and this expense eliminated.

The BVNPT successfully sponsored 2018 legislation to update the range of fees assessed on applicants, licensees and education providers. This new fee structure took effect January 1, 2019. While this structure adjusted most of the Board’s fees for the first time in approximately a decade, the BVNPT projects that its reserves will be exhausted in 2021. The BVNPT will address this in 2020 by seeking legislative authority for a fee structure for the educational programs that have never paid fees to the BVNPT.

Table 2 reflects three factors in its assumptions. Beginning July 1, 2019, the annual rent increased by approximately \$30,000. At the beginning of FY 2019-20, the BVNPT also received notice that the Office of the Attorney General would be increasing its rates immediately and significantly, creating an unexpected added annual cost of more than \$900,000. The BVNPT submitted a Budget Change Proposal to augment the Education Division that would take effect in FY 2020-21. It does not reflect the prospective fee revenue increase.

Table 2. Fund Condition					
	(dollars in thousands)				
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Beginning Balance	\$11,926	\$8,478	\$5,325	\$3,923	\$1,482
Revenues and Transfers	\$12,218	\$14,336	\$16,869	\$16,802	\$16,801
Total Revenue	\$24,144	\$22,814	\$22,214	\$20,725	\$18,284

Budget Authority					
Expenditures	\$15,666	\$17,469	\$18,291	\$19,243	\$19,722
Loans to General Fund	N/A	N/A	N/A	N/A	N/A
Accrued Interest, Loans to General Fund	N/A	N/A	N/A	N/A	N/A
Loans Repaid from General Fund	N/A	N/A	N/A	N/A	N/A
Fund Balance	\$8,478	\$5,345	\$3,923	\$1,482	-\$1,438
Months in Reserve	5.8	3.5	2.4	0.9	-0.9

2.2: Describe the history of General Fund loans

The BVNPT does not have any General Fund loans.

2.3: Describe the amounts and percentages of expenditures by program component (Table 3).

NOTE: The following percentages have been rounded up and do not include Examination costs. The figures do not add up to 100 percent.

As a point of comparison, in 2015-16, the BVNPT's Enforcement expenses made up approximately 46 percent of the total expenditures. Licensing expenses were 22 percent, and Administrative expenses comprised about five percent. Our pro rata contribution was approximately 25 percent.

In 2016-17, the Enforcement expenses made up approximately 47 percent of the total expenditures. Licensing expenses were 22 percent, and Administrative expenses comprised about six percent. Our pro rata contribution was approximately 24 percent.

In 2017-18, the Enforcement expenses made up approximately 57 percent of the total expenditures. Licensing expenses were 19 percent, and Administrative expenses comprised about five percent. Our pro rata contribution was approximately 19 percent.

In 2018-19, the Enforcement expenses made up approximately 59 percent of the total expenditures. Licensing expenses were 19 percent, and Administrative expenses comprised about five percent. Our pro rata contribution was approximately 17 percent.

The change between our direct Enforcement expenses vis-à-vis our pro rata expenses is attributed to the initial day-to-day presence of DOI, which lessened over the three fiscal years to a consultative one, typical of all functional DCA Boards and Bureaus. The Enforcement Operations and Expenses (O&E) include our Department of Justice and the Office of Administrative Hearing costs, which rose sharply in 2018 as staff addressed the backlog of cases.

Table 3. Expenditures by Program Component						(dollars in thousands)	
	FY 2016-17		FY 2017-18		FY 2018-19		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Enforcement	\$2,901	\$2,935	\$3,020	\$5,398	\$3,178	\$6,513	
Examination	-	\$73	-	\$18	-	-	
Licensing	\$2,321	\$373	\$2,416	\$451	\$2,542	\$663	
Administration *	\$641	\$78	\$642	\$95	\$655	\$139	
DCA Pro Rata	-	\$2,981	-	\$2,772	-	\$2,723	
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	
TOTALS	\$5,863	\$6,440	\$6,078	\$8,734	\$6,375	\$10,038	

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

2.4: Describe the amount the BVNPT has contributed to the BreZE program. What are the anticipated BreZE costs the board has received from DCA?

These costs are contained in the BVNPT's pro rata contribution.

2.5: Describe license renewal cycles and history of fee changes in the last 10 years.

BVNPT licenses must be renewed every two years, and the fees are assessed each licensing cycle.

In 2016, the Board commissioned a fee study in order to adjust and update its fee structure. At that time, fees had not changed for nearly a decade, and the statutory limits for the existing fees had been reached.

The study provided valuable information and a foundation for action. It also set forth the rudiments for the fees for educational programs. Unfortunately, some of the premises were faulty, and the BVNPT did not have sufficient leadership to move forward with either commissioning a new study, directing staff to revise the existing one, or lead the process of developing and advancing a legislative proposal.

In late 2017, staff took the initiative to start researching and analyzing the existing fees, the study, and other Boards' fee structures, including the Board of Registered Nurses (BRN). In January of 2018, they began working closely with DCA's Budget Office. This team conceived several fee update scenarios by the time the new EO, who had significant legislative experience, took over.

With the assistance of DCA's Legislative Office, the BVNPT met with legislative staff to discuss the need for fee legislation. In the spring of 2018, the Senate Committee agreed to include the fee language for applicants, licensees and providers in an omnibus bill, SB1480. This bill moved through the Legislature and was signed by the Governor.

Table 4. Fee Schedule and Revenue						
Fee	Current Fee Amount	Statutory Limit	FY 2016-17 Revenue	FY 2017-18 Revenue	FY 2018-19 Revenue	% of Total
Vocational Nursing (VN) Fees						
Renewal Fees	\$225.00	\$300.00	\$6,892,217	\$7,061,682	\$8,709,210	63%
Over/Short Fees			\$856	\$49	\$967	*
Exam Application (CA Schools)	\$220.00	\$300.00	\$971,203	\$958,201	\$702,460	5%
VN Course Approval			\$9,000	\$5,400	\$4,750	*
VN Delinquent	\$110.00	\$150.00	\$146,246	\$145,980	\$180,005	1%
Re-Examination	\$220.00	\$300.00	\$734,250	\$741,125	\$913,900	7%
Exam Equivalency	\$250.00	\$330.00	\$323,735	\$319,401	\$266,250	*
Interim Permits	\$20.00	\$50.00	\$6,320	\$7,560	\$5,680	*
VN Initial License	\$220.00	\$300.00	\$1,023,600	\$1,017,957	\$1,225,410	9%
License Endorsement	\$220.00	\$300.00	\$122,659	\$131,850	\$87,925	*
Verification of License	\$100.00	\$150.00	\$0	\$0	\$88,492	*
Copy of Records/Documents	\$2.00	\$2.00	\$1,792	\$0	\$0	*
Reinstatement of License	\$245.00	\$300.00	\$900	\$1,055	\$1,055	*
IV/BW Certification	\$20.00	\$50.00	\$560	\$380	\$88,800	*
Continuing Education Providers	\$150.00	\$250.00	\$0	\$3,800	\$3,350	*
Duplicate Wall Certificate	\$25.00	\$50.00	\$3100	\$1,1405	\$592	*
IV/BW Providers	\$150.00	\$250.00	\$300	\$0	\$4,950	*
Dishonored Checks	\$25.00	\$25.00	\$4,400	\$3,025	\$1,100	*
DOJ Fingerprint	\$32.00	\$32.00	\$0	\$0	\$0	*

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)	*
TOTAL VN REVENUE			\$10,351,694	\$10,108,230	\$12,393,03	
Psychiatric Technician (PT) Fees						
Examination CA Schools Grad	\$265.00	\$345.00	\$53,850	\$74,454	\$98,770	1%
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	8%
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	*
TOTAL PT REVENUE			\$1,589,524	\$1,809,844	\$1,495,732	
TOTAL BVNPT REVENUE			11,941,218	11,918,074	13,888,766	
<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	2 INV	\$186,000		\$26,000	
	1. Education 2. Enforcement	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		0	0
					\$150,0000		

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?

VN/PT Licenses	
FY 2016-17	7,603
FY 2017-18	7,445
FY 2018-19	7,081
VN/PT Renewals	
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.

Table 6. Licensee Population					
		FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
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)
FY 2016-17	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	**	**	**	**
FY 2017-18	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	**	**	**	**
FY 2018-19	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.

Table 7b. Total Licensing Data			
	FY 2016-17	FY 2017-18	FY 2018-19
Initial Licensing Data:			
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
Initial License/Initial Exam Pending Application Data:			
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
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
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
License Renewal Data:			
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

4.13: What regulatory changes has the BVNPT made to bring it into conformance with BPC §35?

The BVNPT is compliant with BPC §35.

4.14: How many licensees has the BVNPT waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The BVNPT waived fees for seven VN licensees and zero PT licensees in fiscal year 2018-19 for a total of \$1,540. This did not significantly impact revenue.

4.15: How many applications have been expedited pursuant to BPC §115.5?

Pursuant to BPC §115.5 the BVNPT expedited the following:

- Honorable discharge request for all applications – 559
- Military spouses - 52

4.16: Does the BVNPT send No Longer Interested notifications to DOJ on a regular and ongoing basis?

Yes, the BVNPT send No Longer Interested (NLI) notifications to DOJ when a license is cancelled, surrendered, or revoked, and when an application is abandoned. The NLI notifications are either faxed or mailed to DOJ depending on the amount of NLIs submitted. The BVNPT does not have a backlog of NLI notifications.

4.17: Provide results for each question in the customer satisfaction survey broken down by fiscal year.

Until 2018, the BVNPT utilized a generic survey in the front office, at Board meetings, and for all other public functions. The information was not collected or organized in a fashion that would lend itself to any analysis, and in fact, were not designed in a manner that would allow a reader to guess which setting, event or matter the customer was commenting upon. Staff is developing program-specific surveys that allow tracking of customer service responses.

Section 5 – Competency Requirements

Examinations

Table 8. Examination Data		
California Examination (include multiple language) if any:		
License Type:		PSYCHIATRIC TECHNICIAN
Exam Title:		CA Psychiatric Technician Licensing Examination
FY 2015-16	# of 1 st Time Candidates	439
	Pass %	68%
FY 2016-17	# of 1 st Time Candidates	388
	Pass %	76%
FY 2017-18	# of 1 st Time Candidates	452
	Pass %	73%
FY 2018-19	# of 1 st time Candidates	396
	Pass %	80%
Date of Last OA		2014
Name of OA Developer		DCA OPES
Target OA Date		2019
License Type		VOCATIONAL NURSE
Exam Title		NCLEX-PN
FY 2015-16	# of 1 st Time Candidates	5,308
	Pass %	74%
FY 2016-17	# of 1 st Time Candidates	6,481
	Pass %	76%
FY 2017-18	# of 1 st Time Candidates	5,742
	Pass %	79%
FY 2018-19	# of 1 st time Candidates	5,726
	Pass %	81%
Date of Last OA		2015
Name of OA Developer		NCSBN
Target OA Date		2018-2020

5.1: Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

The National Council of State Boards of Nursing, Inc. (NCSBN) develops and administers the VN licensure examination; the National Council Licensure Examination for Practical Nurses (NCLEX-PN). The Board uses this national examination to test entry-level nursing competence of candidates for licensure as Practical/Vocational Nurses. The NCLEX examinations are computerized adaptive tests and offered only in the English language. The examination for PTs is hosted by a national examination vendor, PSI, Incorporated. This is a California-specific examination and offered only in the English language.

5.2: What are pass rates for first time vs. retakes in the past 4 fiscal years?

See Table 8 above on page 41.

5.3: Are pass rates collected for examinations offered in a language other than English?

No, the pass rates collected for examinations are not offered in a language other than English.

5.4: Is the BVNPT using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the BVNPT via its third-party vendors uses computer-based examinations for both the VN and PT examinations.

For the VN examination, Pearson Vue (the contracted administrator) uses adaptive testing. Every time an applicant answers an item, the computer re-estimates the applicant's ability based on all the previous answers and the difficulty of those items. The computer then selects the next item that the applicant should have a 50 percent chance of answering correctly.

With each item answered, the computer's estimate of the applicant's ability becomes more precise. This way, the next item should not be too easy or too hard. The computer's goal is to get as much information as possible about the applicant's true ability level. The applicant should find each item challenging as each item is targeted to the applicant's ability.

The computer decides whether an applicant passes or fails the NCLEX using one of three rules:

- Ninety-five percent Confidence Interval Rule
 - This rule is the most common for NCLEX candidates. The computer will stop giving items when it is 95 percent certain that the applicant's is clearly above or clearly below the passing standard.
- Maximum-Length Exam Rule
 - When the candidate's ability is very close to the passing standard, the computer continues to give items until the maximum number of items is reached. At this

- point, the computer disregards the 95 percent confidence rule and decides whether the applicant passes or fails by their final ability estimate.
 - If the applicant's ability estimate is above the passing standard, the applicant passes.
 - If the applicant's final ability is at or below the passing standard, the applicant fails.
- Run-out-of-time (R.O.O.T.) Rule
 - When the applicant runs out of time before reaching the maximum number of items, the computer has not been able to decide whether the applicant passed or failed with 95 percent certainty and must use an alternate rule.
 - If the applicant has not answered the minimum number of items, the applicant fails.
 - If the applicant has at least answered the minimum number of items, the computer reviews the applicant's last 60 ability estimates:
 - If the applicant's last 60 ability estimates were above the passing standard, the applicant passes.
 - If the applicant's ability dropped below the passing standard, even once, during your last 60 items, the applicant fails.

This does not mean the applicant must answer the last 60 items correctly. Each ability estimate is based on all the previous items have answered.

The PT examination is not adaptive testing. All applicants answer a standard number of questions.

Pearson Vue offers the VN examination nationwide and in some International locations Monday through Friday. PSI offers the PT examination in 20+ sites in California, Monday through Friday with evening appointments available.

5.5: Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations?

No.

Continuing Education/Competency Requirements

5.6: Describe the continuing education/competency requirements, if any

Licensees must complete 30 contact hours of CE every two years to renew their license with an active status. The 30-hour CE requirement does not apply to the first license renewal following the initial issuance of a license. However, if the license has been delinquent for more than one complete renewal cycle (i.e., more than 24 months) then CE is required.

The competency requirements for courses must be related to the scientific knowledge and/or technical, manual skills required for VN and/or PT practice; 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.

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 BreZE.

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

Year	New	Renewals	Total
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.

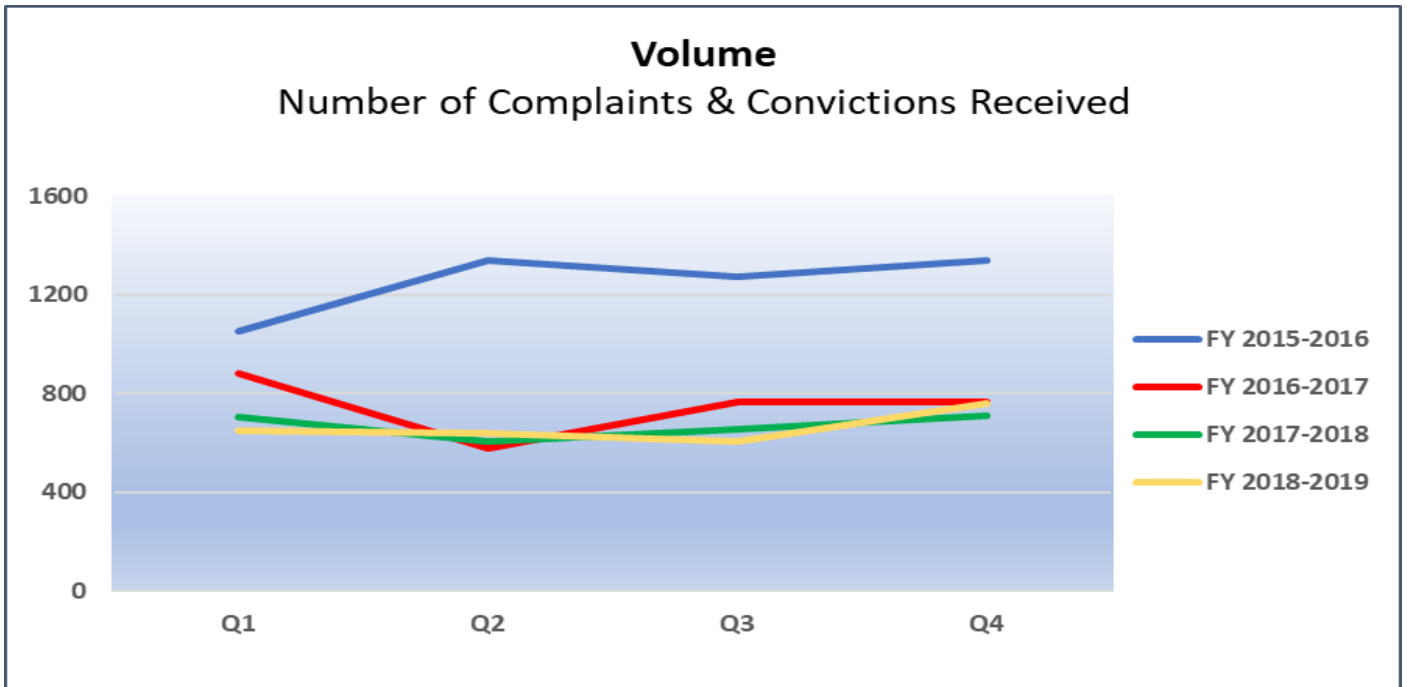
5.14: Describe the BVNPT's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

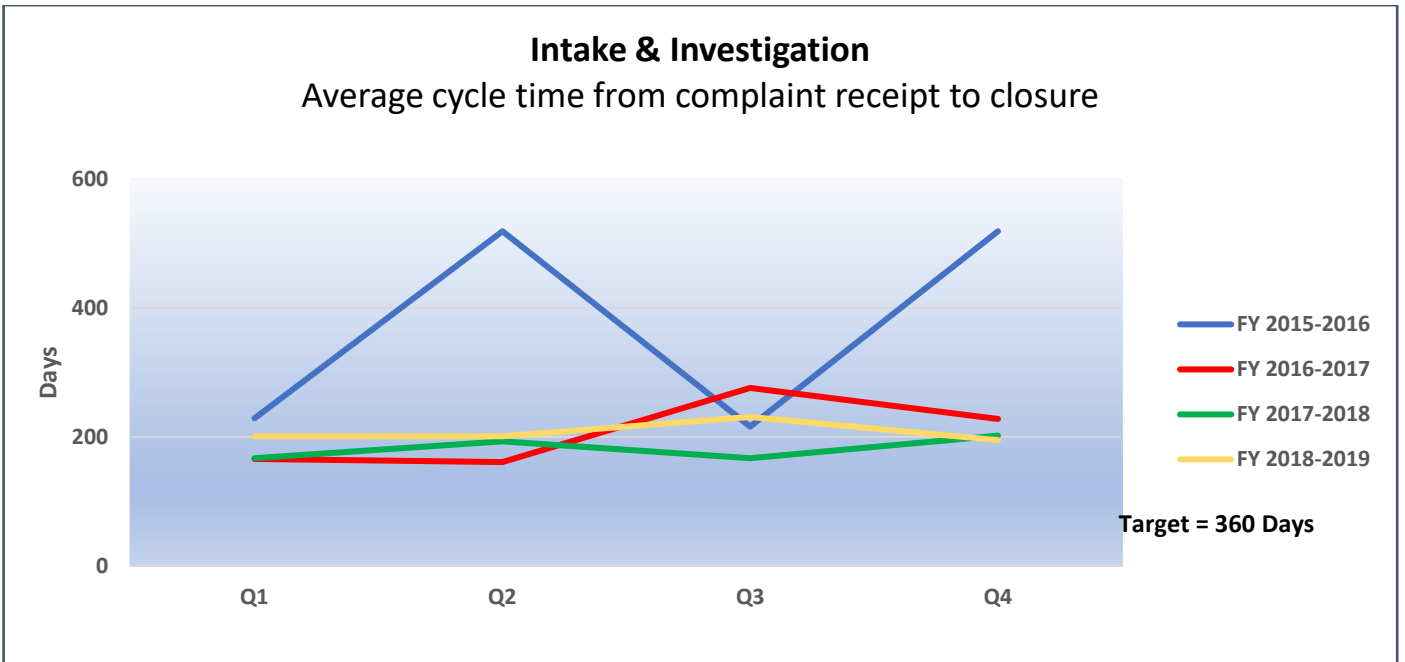
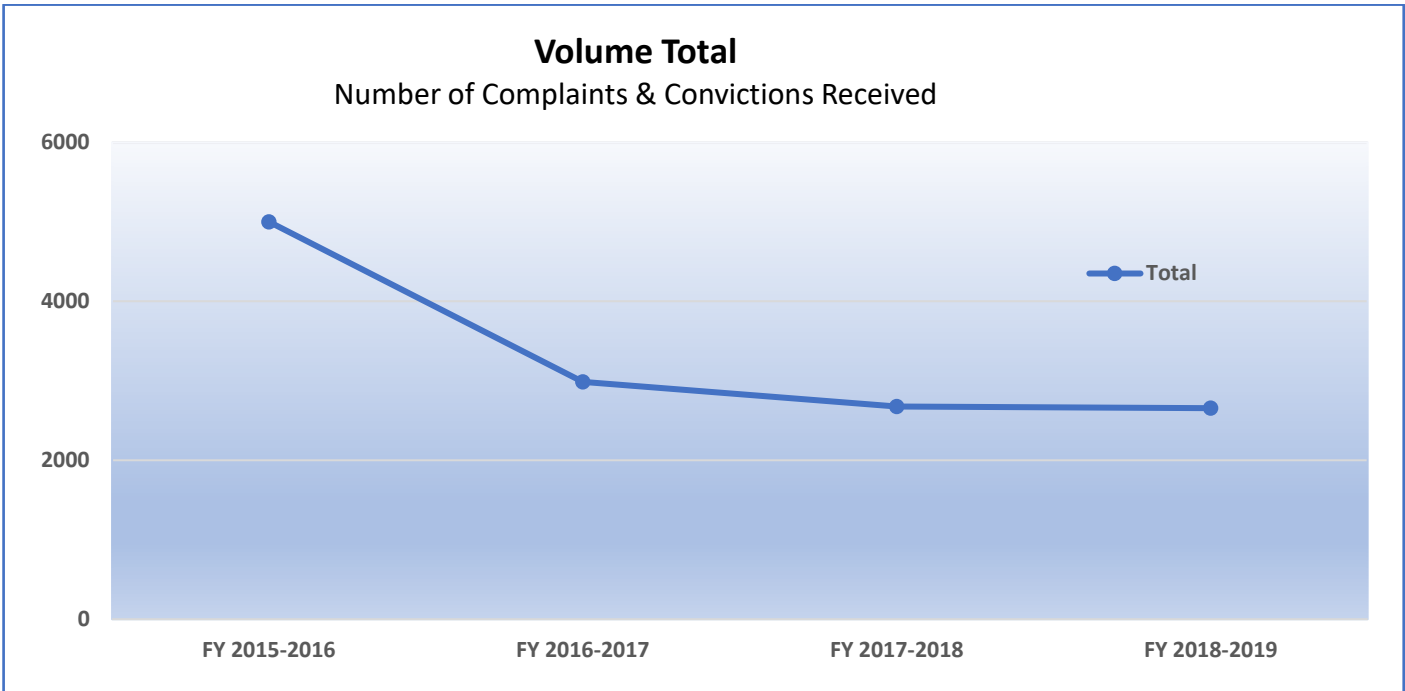
At this time, the BVNPT has not reviewed the CE policy to move towards performance-based assessment of the licensee's continuing competence. The absence of a dedicated SNEC since 2017 hindered any attempt to focus on emerging healthcare issues. This issue may be addressed now that the BVNPT has a dedicated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

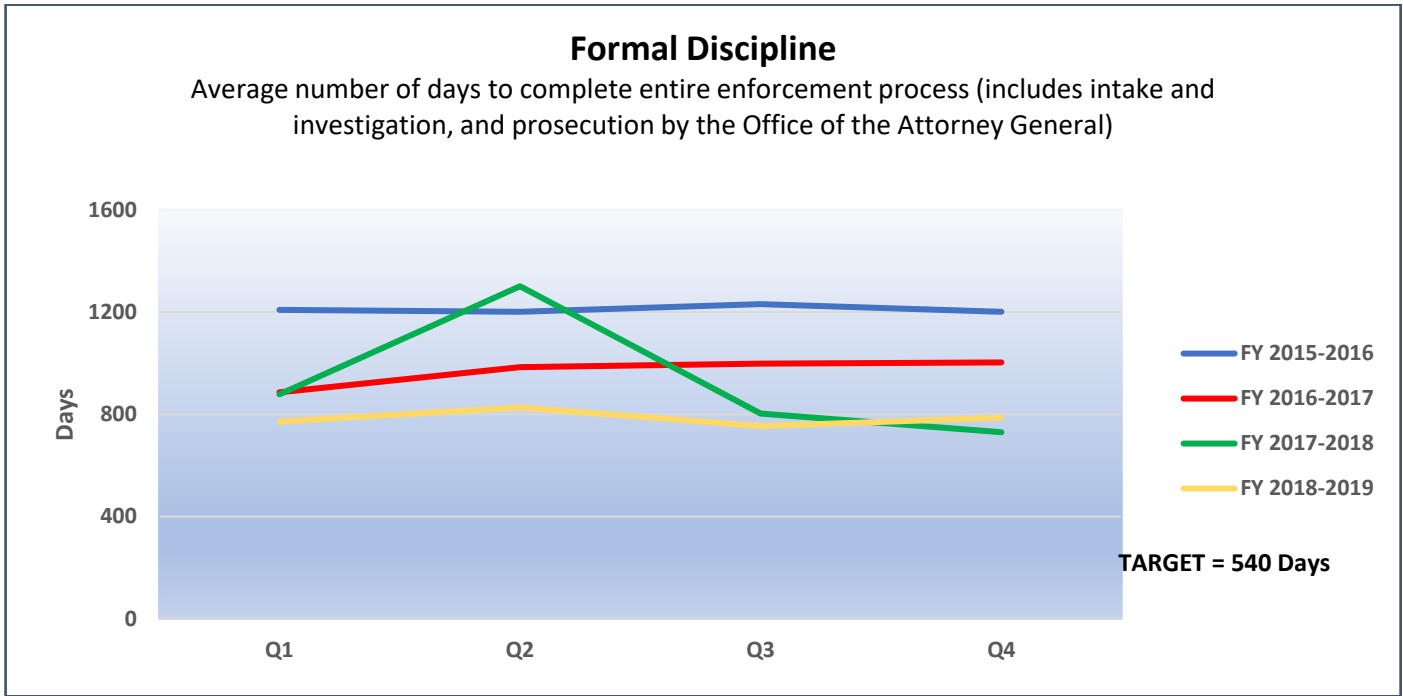
Section 6 – Enforcement Division

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.

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.

ENFORCEMENT DIVISION – PERFORMANCE MEASURES (IN DAYS)						
PERFORMANCE MEASURE	DESCRIPTION	TARGET AVERAGE	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
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.

Table 9a. Enforcement Statistics			
	FY 2016-17	FY 2017-18	FY 2018-19
COMPLAINT			
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
LICENSE DENIAL			
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
ACCUSATION			
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
DISCIPLINE			
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
PROBATION			
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
DIVERSION			
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	

Table 9b. Enforcement Statistics			
	FY 2016-17	FY 2017-18	FY 2018-19
INVESTIGATION			
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
COMPLIANCE ACTION			
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
CITATION AND FINE			
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
CRIMINAL ACTION			
Referred for Criminal Prosecution	5	0	1

Table 10. Enforcement Aging						
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	Cases Closed	Average
Attorney General Cases (Average %)						
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%
Investigations (Average %)						
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:

CASE AGING		
	FYs 2014-15 & 2015-16	FYs 2016-17, 2017-18 & 2018-19
Attorney General Cases	Average	Average
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?

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

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)

Table 11. Cost Recovery		(dollars in thousands)			
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	
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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