



BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

Executive Officer:

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As its name suggests, the Board of Vocational Nurse and Psychiatric Technician Examiners (VNPTE) regulates two professions: licensed vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN or registered nurse (RN) with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs (DCA) as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, investigates complaints against licensees, and may revoke, suspend, and reinstate licenses. The Board is authorized to adopt regulations, which are codified in Division 25, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS

Board Adopts Citation and Fine Regulations. On January 20, the Board published notice of its intent to adopt sections 2523, 2523.1, 2523.2, 2523.3, 2523.4, 2523.5, 2523.6, 2523.7, 2579.2, 2579.3, 2579.4, 2579.5, 2579.6, 2579.7, 2579.8, and 2579.9, Title 16 of the CCR, to implement an administrative citation and fine program for LVNs and psych techs. [15:1 CRLR 99] Among other things, the proposed regulations would authorize the Board's Executive Officer to issue citations for any violation of law or regulation which would be grounds for discipline by the Board. The regulations would also specify the format of the citations, the range of fines for violation of specified provisions, the factors to be considered in assessing the amount of an administrative fine, the consequences of failure to comply with the order, and the method by which citations may be contested. The regulations would

also authorize the Board to issue citations and fines against unlicensed persons for unauthorized practice.

On March 15, the Board held a public hearing on the proposed regulations. At its March 17 meeting, the Board adopted the rulemaking package, which awaits review and approval by the Office of Administrative Law.

Strategic Planning Project. At the Board's March 17 meeting, staff reported on its strategic planning project—a process designed to develop a clear mission and vision for the Board; identify and assess the internal and external factors which impact the Board; identify issues, goals and strategies; and develop objectives that will guide the Board in years to come. The first phase of strategic planning was to conduct an "internal scan" that involved collecting information from Board staff; a written survey was completed by each employee and oral interviews were conducted in February.

The second phase was the "external scan" which gathers information from the Board's key "stakeholders." The Board mailed surveys to stakeholders to help identify such issues as the technologies, trends, economics, demographics, and educational opportunities and problems faced by the Board and the professions it regulates.

At the Board's May 19 meeting, staff reported that The Results Group, a consulting firm assisting the Board in the strategic planning process, met with VNPTE members and staff on May 17 to discuss the results of the internal and external scans and develop goals and objectives based on those findings. The Board hopes to complete the entire strategic planning process by September 1995.

Board Approves New Psych Tech Test Plan. For the past several years, VNPTE and the Department of Consumer Affairs' Office of Examination Resources have been involved in an occupational analysis of the psych tech profession, to determine the tasks actually performed by psych techs in today's practice and the knowledge, skills, and abilities necessary to perform them competently. The occupational analysis was completed in November 1993, and led to a reevaluation of the Board's psych tech licensing exam and adoption of a new testing program for psych techs. [14:2&3 CRLR 113; 14:1 CRLR 88]

At its January meeting, the Board formally approved a new psych tech test plan which will be implemented in 1996. In preparation for the new exam, the Board scheduled two educational conferences (March 3 in Walnut and March 10 in Sacramento), and invited psych tech educa-

tional program directors, faculty, and students to attend and learn about the organizational structure and specific content in the new test plan. At the educational sessions, VNPTE also discussed the development and incorporation of required content into each program's curriculum, and disseminated information and materials relative to computer-administered practice tests. Thereafter, VNPTE scheduled four practice test sessions throughout the summer and fall, to enable psych tech students and candidates who have taken but failed a previous psych tech exam to complete a practice exam with real test items in a setting that simulates actual testing.

LEGISLATION

AB 245 (Battin). Existing law authorizes a five-year pilot program in Napa County and Riverside County to establish, on a voluntary basis, a fifteen-bed locked community care facility; specifies that the staff of each facility shall include, but need not be limited to, a licensed psychiatrist, a psychologist, a social worker, and a psych tech or LVN; and further specifies that at least one of these professionals, with the exception of the LVN, must be on the premises at all times. As amended May 4, this bill would specify that the staff of each facility shall include, but need not be limited to, a licensed psychiatrist, a psychologist, a social worker, and a psych tech, specify that the staff may also include a LVN, and require that at least one of these professionals be on the premises at all times. The bill would also require protocols and training to be established for LVNs employed in these facilities. [S. H&HS]

AB 1409 (V. Brown), as amended April 24, would state the findings and declarations of the legislature regarding the need for adequately trained personnel to meet the needs of residents in long-term health care facilities. This bill would extend, through December 31, 1999, a particular health manpower pilot project involving the use of geriatric technicians in long-term health facilities, and increase the number of participating counties in the pilot project to five. It would also prescribe certain criteria in order to qualify as a geriatric technician. This bill would require the Department of Health Services (DHS) to maintain a list of approved training programs, specify the content of the training program, and describe the duties that may be performed by a geriatric technician. [A. Floor]

AB 1508 (V. Brown). Existing law provides that if adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be



given by attendants, psychiatric technicians, or psychiatric technician interim permittees in institutions under the jurisdiction of certain state entities. Existing law requires the director of the state entity to determine what constitutes adequate supervision. As amended April 17, this bill would instead authorize psychiatric technicians and psychiatric technician interim permittees to provide nursing services to patients or clients who have been diagnosed with mental disorders or developmental disabilities, provided there is adequate medical and nursing supervision by a licensed physician or registered nurse. This bill would require the director of the service where the psychiatric technician or interim permittee is performing his/her duties to determine what constitutes adequate supervision, instead of the director of the state entity. The bill would authorize nursing services to also be provided by attendants in facilities licensed by DHS if adequate medical and nursing supervision by a professional nurse is provided. [S. B&P]

SB 113 (Maddy). Existing law provides for the licensure and regulation of clinical laboratories and various clinical laboratory health care professionals by DHS. As amended May 10, this bill would state the intent of the legislature in revising these provisions to enact state laws consistent with CLIA (see MAJOR PROJECTS). Among other things, SB 113 would revise the scope of the clinical laboratory tests which may be performed by various individual licensees and by unlicensed laboratory personnel. It would classify laboratories and clinical tests into several categories depending upon complexity, including waived (simple), moderate complexity, and high complexity. Under the bill, LVNs and psych techs who meet minimum education and training requirements established in DHS regulations may perform laboratory tests falling into the waived or moderate complexity categories. [S. Floor]

RECENT MEETINGS

At the Board's January 20 meeting in San Diego, Executive Officer Teresa Bello-Jones reported that due to the severe flooding during the week of January 10, the Board received numerous phone calls from LVN candidates who were unable to appear for their scheduled examinations. In response to that and other recent natural disasters, the Board adopted a general emergency/natural disaster policy at its March 17 meeting which allows the Executive Officer, in the case of an emergency or natural disaster, to waive the examination rescheduling fee; waive the replacement fee for lost or destroyed interim permits; waive

the fee for a duplicate license; and waive the delinquency fee for a license renewal. Under the policy, requests for consideration of any of these waivers must be submitted in writing with supporting documentation.

Also in January, VNPTE reelected LVN Charles Bennett as Board President, and selected PT Carolyn Duncan as Vice-President.

At the Board's March 17 meeting, staff reported that they hosted a meeting with DHS and the Board of Registered Nursing (BRN) to continue discussion regarding health care facilities' increasing use of unlicensed assistive personnel to provide patient care services; the Board considers unlicensed providers to be a threat to safe, competent patient care. [15:1 CRLR 99-100] The group reviewed a draft letter to all licensed health care facilities and clinics discussing this issue; the final version

will include the positions of the three agencies relative to the use of unlicensed assistive personnel.

Also in March, Board staff reported that it received the third quarterly report from its examination contractor, Educational Testing Service; the statistical reports indicate that 88% of all U.S.-educated candidates who were tested between October 1-December 31, 1994 passed the exam their first time. Graduates of California-accredited programs had an 80% pass rate. [15:1 CRLR 99]

FUTURE MEETINGS

September 21-22 in San Diego.
November 16-17 in Los Angeles.



BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department established in 1955 (section 22 of Article XX, California Constitution). The Alcoholic Beverage Control Act, Business and Professions Code section 23000 *et seq.*, vests the Department with the exclusive power to regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages in California. In addition, the Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC also has the exclusive authority to issue, deny, suspend, and revoke alcoholic beverage licenses. Approximately 68,000 retail licensees operate under this authority. ABC's regulations are codified in Divisions 1 and 1.1, Title 4 of the California Code of Regulations (CCR). ABC's decisions are appealable to the Alcoholic Beverage Control Appeals Board. Further, ABC has the power to investigate violations of the Business and Professions Code and other criminal acts which occur on prem-

ises where alcohol is sold. Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in liquor industry trade publications such as *Beverage Bulletin* and *Beverage Industry News*.

The Director of ABC is appointed by, and serves at the pleasure of, the Governor. ABC divides the state into two divisions (northern and southern) with assistant directors in charge of each division; ABC maintains 26 field offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the licensee sells alcoholic beverages which will not be consumed on the premises. Population-based quotas determine the number of general liquor licenses issued each year per county; in 1995, the legislature applied similar quotas to beer and wine licenses for a three-year period.

MAJOR PROJECTS

ABC Reviewing Draft Regulatory Language for Decoy Programs. ABC's use of minors for decoy operations was upheld last year by the California Supreme Court in *Provigo Corporation v. Alcoholic Beverage Control Appeals Board*, 7 Cal. 4th 561 (Apr. 7, 1994); legislation requiring ABC to develop and administer regulations governing the use