



REGULATORY AGENCY ACTION

At its March 11 meeting, BEVM reviewed a DCA legal opinion on the expungement of prior disciplinary action; according to DCA legal counsel Don Chang, in the absence of specific statutory authority to expunge disciplinary action taken against a veterinarian, BEVM is prohibited from deleting such information from its official records. Chang concluded that "it would be prudent for [BEVM] to retain Accusations, Statements of Issues, Citations and Decisions rendered thereto for the life of the licensee file." The Board concurred with Chang's opinion.

At its March 11 meeting, the Board announced the results of the December 1993 California State Board examination, which revealed that 54% of the 136 UC Davis students who took the test passed; the overall pass rate for the exam was 38%. According to UC Davis Associate Dean of Instruction George Cardinet, UC Davis students have experienced a declining pass rate; Cardinet asked that BEVM research the statistics on the examination for possible solutions to this apparent problem. BEVM and university representatives discussed possible problem areas such as the university's core curriculum, the exam grading system, and the exam dates. The Board is expected to continue its discussion of this matter at a future meeting.

At the Board's May 12-13 meeting, staff announced that DCA's Office of Examination Resources will present its report to the Board in July on the final results of BEVM's three-year occupational analysis of the practice of veterinary medicine, along with the suggested blueprint for future California State Board Examinations. [11:3 CRLR 112; 11:2 CRLR 108; 10:4 CRLR 109]

■ FUTURE MEETINGS

July 7-8 in Sacramento.
September 15-16 in San Diego.
November 17-18 in Sacramento.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

Executive Officer:
Teresa Bello-Jones
(916) 445-0793/(916) 323-2165

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). The Board currently regulates 76,722 LVNs with active or inactive licenses, and 35,215 LVNs with delinquent active licenses, for a total LVN population of 111,937. The Board's psych tech population includes 12,987 with active or inactive licenses and 4,471 with delinquent active licenses, for a total of 17,458 psych tech practitioners. Inactive licensees include those who have paid their license fees but have not yet completed thirty units of continuing education within two years of reactivation.

■ MAJOR PROJECTS

NCLEX-CAT Implementation Update. Last October, the National Council of State Boards of Nursing (NCSBN), which oversees LVN and RN exams nationwide, announced its decision to implement computer adaptive testing (CAT) on April 1, in lieu of "paper and pencil" tests. [14:1 CRLR 88; 13:4 CRLR 94; 13:2&3 CRLR 115] In February and March, Board staff attended two educational conferences to acquaint LVN program directors, faculty, and students with the revised examination process. Under the new process, licensure candidates who have completed their educational program may be tested by computer at a testing center convenient to their location. Each testing center will have the ability to test candidates six days per week; three testing sessions per day are available for scheduling. Candidates will receive their examination results within two weeks of the test.

At the conference, VNPTE staff presented several revisions to the Board's application submission process which are necessary due to the new exam format. For

example, the Board's filing deadlines for submission of applications to take the exam have been eliminated; applications will be processed on a first-come, first-served basis. Once VNPTE has determined that a candidate is eligible to take the test, the candidate will be issued an "authorization to test" (ATT) document, which is valid for six months. During that period, the candidate may register to take the test directly with the Board's exam vendor, Educational Testing Service, by mail or by telephone. If the candidate does not take the exam during that period, the ATT will expire and the candidate must reapply to the Board and pay a retake fee of \$75. VNPTE will continue to issue interim permits, which allow graduates of California-accredited LVN programs to work for a nine-month period while they are taking the exam; this time period permits eligible candidates to schedule an appointment to test at any time prior to the expiration of the ATT, and allows an additional three months for receipt of results and processing of the initial license.

Board to Explore VNPTE/BRN Diversion Program. In November 1993, VNPTE and the Board of Registered Nursing (BRN) presented testimony to the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions, chaired by Senator Dan McCorquodale, on several issues related to restructuring of the boards. [14:1 CRLR 87-88] During the hearing, both boards expressed opposition to a proposal to merge the boards entirely, but noted that some services offered by both boards could conceivably be consolidated for greater efficiency. After that hearing, outgoing Executive Officer Billie Haynes encouraged the Board to consider the possibility of contracting with BRN such that LVNs could participate in BRN's diversion program for substance-abusing licensees. After it determined that it lacks the statutory authority to implement such an arrangement, the Board put the proposal on hold, but may sponsor legislation to secure such authority.

Psychiatric Technician Task Force. In November 1993, the Board adopted the Executive Officer's recommendation that a short-term task force of volunteers be appointed to study the future trends and practices of psychiatric technicians in California. [14:1 CRLR 88] This recommendation was based on the facts that four psychiatric technician programs ceased or significantly decreased student enrollment during the past year, and state hospital reductions have led to the lay-off or termination of a large number of psychiatric technicians.



Ellen Swenson, Psychiatric Technician Program Director at Santa Rosa Junior College, attended the Board's January meeting and presented a summary of her research on psych tech employment. In her presentation, Ms. Swenson reported that the problem facing psych techs is not recruitment but rather job placement, especially in state hospitals. These and other pertinent issues facing psych techs were discussed at a Task Force Steering Committee on January 31; a final report of the Task Force's analysis and recommendations will be presented at the Board's November meeting.

■ LEGISLATION

SB 2036 (McCorquodale), as amended May 18, would create a "sunset" review process for occupational licensing agencies within DCA, requiring each to be comprehensively reviewed every four years. SB 2036 would impose an initial "sunset" date of July 1, 1998 for the Board; create a Joint Legislative Sunset Review Committee within the legislature, which would review the Board's performance approximately one year prior to its sunset date; and specify 11 categories of criteria under which the Board's performance will be evaluated. Following review of the agency and a public hearing, the Committee would make recommendations to the legislature on whether the Board should be abolished, restructured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case the Board would cease to exist and its powers and duties would transfer to DCA) or pass legislation extending the sunset date for another four years. (See agency report on DCA for related discussion of the "sunset" concept.) [S. Appr]

SB 2101 (McCorquodale), as amended April 4, would require the Board to meet at least twice each year; delete a provision requiring the Board to publish a notice of exam dates in newspapers of general circulation; and allow for the licensure as an LVN of any person who has served on active duty in the medical corps of any of the armed forces, in which no less than an aggregate of twelve months was spent in rendering patient care and, among other things, whose service has been under honorable conditions. [A. Health]

The following is a status update on bills reported in detail in CRLR Vol. 14, No. 1 (Winter 1994) at page 88:

AB 1807 (Bronshvag), as amended March 23, authorizes the issuance of a temporary certificate to practice as a psych tech under prescribed circumstances, including payment of a fee; adds the know-

ing failure to protect patients by following specified infection control guidelines to the list of actions that constitute unprofessional conduct for a psych tech; and prohibits the Board from maintaining a reserve fund greater than three months of the appropriated operating expenditures for any fiscal year. This bill was signed by the Governor on March 30 (Chapter 26, Statutes of 1994).

SB 993 (Kelley), which would have required all legislation becoming effective after January 1, 1995, which either provides for the creation of new categories of health professionals who were not required to be licensed before January 1, 1994, or revises the scope of practice of an existing category of health professional, to be supported by expert data, facts, and studies, died in committee.

■ LITIGATION

Following the October 1993 decision of the Sacramento County Superior Court setting aside VNPTE's May 1993 revocation of the accreditation of the LVN program at Pacific Coast College in Encino [14:1 CRLR 88], the Board held a meeting on March 11 and adopted a new, 17-page decision revoking PCC's accreditation. The new revocation is based on repeated findings of violations during three Board site visits to the school during 1992 and 1993; VNPTE found that PCC did not correct these violations within a reasonable period of time. The violations include failure to provide an adequate number of faculty and adequate clinical facilities, and failure to maintain proof that all students have completed the twelfth grade. On March 18, the Board served its notice of revocation on PCC.

■ RECENT MEETINGS

At its January meeting, VNPTE said farewell to outgoing Executive Officer Billie Haynes, who recently retired. New Executive Officer Teresa Bello-Jones and Board staff reviewed the Board's accomplishments during 1993, including the following:

- VNPTE collaborated with DCA's Information Systems Division (ISD) to convert all of its LVN applicant records to a new Applicant Tracking System (ATS) which ISD has developed for other DCA occupational licensing agencies. Board staff is still working with ISD to develop the procedures for transmitting applicants' records for CAT directly from ATS to the Board's exam vendor.

- In the area of licensing, the Board pilot-tested CAT for NCSBN and is preparing for full implementation of CAT in April. VNPTE also continued its im-

plementation of computerized testing of psych tech candidates; of 763 candidates who were examined in 1993, 80% of first-time takers passed. The Board also participated with DCA's Central Testing Unit to complete an occupational analysis of the psych tech profession [14:1 CRLR 88]; at its January meeting, VNPTE approved a new psych tech examination program which is based on the occupational analysis.

- In the area of enforcement, VNPTE revoked the licenses of 64 LVNs and 22 psych techs. In addition, the Board placed the licenses of 47 LVNs and 31 psych techs on probation; reinstated 9 licenses; and terminated probation for 27 licenses. The Board recruited and trained 17 licensees to write expert opinions and serve as expert witnesses in disciplinary matters. VNPTE also entered into a three-year contract with Occupational Health Services for the administration of its diversion program for substance-abusing licensees.

Also in January, the Board unanimously reelected LVN Charles L. Bennett as President and elected psychiatric technician Holly Donn as Vice-President.

■ FUTURE MEETINGS

May 19-20 in South San Francisco.
September 15-16 in San Diego.
November 17-18 in Los Angeles.

