

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2854 (Committee on Business and Professions) – As Introduced February 21, 2020

Policy Committee: Business and Professions

Vote: 19-0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) to delegate to the executive officer the authority to adopt a decision entered by default and to adopt a stipulation for surrender of a license.

FISCAL EFFECT:

Negligible.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by the author to codify a recommendation from the BVNPT's prior sunset review. Default decisions are straightforward cases in which a licensee or respondent does not respond to a disciplinary notice or action within the required timeframe. Currently, the BVNPT staff reviews these cases to determine whether they meet the criteria for default and then mail them to the BVNPT members. The BVNPT members then approve the recommendation and mail them back. Because the BVNPT staff does not exercise discretion when deciding whether to submit a default decision to the BVNPT members (the respondent is either in default or is not), the BVNPT members never disapprove them. The BVNPT notes that it does not currently have statutory authority to delegate the approval. This bill grants that authority.
- 2) **Background.** The BVNPT is responsible for administering the laws related to the education, practice and discipline of Licensed Vocational Nurses (LVNs) and Psychiatric Technicians. The BVNPT regulates over 120,000 LVNs and 11,000 PTs. LVNs provide basic medical and comfort care under the direction of registered nurses and other medical professionals, most commonly in nursing and residential care facilities. Psychiatric Technicians care for individuals with mental or emotional conditions or disabilities, following the instructions of physicians or other health practitioners.
- 3) **Related Legislation.** SB 1474 (Senate Committee on Business, Professions and Economic Development), which is currently pending in the Senate, extends by one year, until January 1, 2022, various DCA boards and bureaus set to sunset this year, including the BVNPT.
- 4) **Prior Legislation.** A previous version of AB 888 (Low), Chapter 575, Statutes of 2018, was similar to this bill and was substantially amended to address a different topic in the Senate.

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