

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

PROPOSED STATUTORY LANGUAGE
CALIFORNIA BUSINESS AND PROFESSIONS CODE
Chapter 6.5. VOCATIONAL NURSING

New language is *italicized* and in **blue**.
Deleted language is shown in ~~strikeout~~ and in **red**.

(1) Create Section 2859.1, Article 2, Chapter 6.5, Division 2 of the California Business and Professions Code to read as follows:

§2859.1

- (a) *The licensed vocational nurse may enhance basic scope of practice as identified in section 2859 and have their license modified by successfully completing specialized continuing education certification courses approved by the board including but not limited to: intravenous therapy, blood withdrawal, intravenous therapy with blood withdrawal, or mechanical ventilator care.*
- (b) *For licensees who completed mechanical ventilator care training and currently provide ventilator care, the board may accept a verification of competency form prescribed by the board on or before December 31, 2022 from the licensee's employer verifying the licensee's competency to provide mechanical ventilation care. Upon approval of the form, the Board may temporarily modify the licensee's license.*
- (1) *A licensed vocational nurse who provides mechanical ventilator care, shall have their license temporarily modified as specified in section 2859.1(b), no later than January 1, 2022.*
- (2) *A licensed vocational nurse who obtained a modified license under §2859.1(b) to perform mechanical ventilator care shall complete a board-approved mechanical ventilator care certification course no later than **TBD** to continue providing this type of care.*
- (i) *Failure to complete a mechanical ventilator care certification course approved by the board by **TBD** may result in removal of the mechanical ventilator care license modifier from their license.*

BVNPT TIMELINE

1/1/2021- Legislation Enacted
7/1/2021-Approved Regs- Authority to approve programs
7/1/2022-No longer accepting verification of competency forms
7/1/2023-All LVNs and PTs performing MVC (Mechanical Ventilator Care) must take a BVNPT approved course for MVC license modification/certification.

(2) Amend Section 2860.5, Article 2, Chapter 6.5, Division 2 of the California Business and Professions Code to read as follows:

§2860.5

A licensed vocational nurse ~~when directed by a physician and surgeon~~ may do all ~~of~~ the following *per a patient-specific order from a licensed physician:*

- (a) Administer medications by *routes that include but are not limited to: oral, subcutaneous, hypodermic injection, and intramuscular routes except for those specialized medications that require a knowledge base or level of assessment that exceeds the scope of practice of the licensee.*
- (b) ~~Withdraw blood from a patient, if prior thereto such nurse has been instructed by a physician and surgeon and has demonstrated competence to such physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the board, or has demonstrated competence to the satisfaction of the board.~~
If the nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board in:
 - (1) *Blood withdrawal*
 - (2) *Intravenous therapy*
 - (3) *Care of patients on mechanical ventilation*
- (c) ~~Start and superimpose intravenous fluids if all of the following additional conditions exist:~~
 - (1) ~~The nurse has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.~~
 - (2) ~~The procedure is performed in an organized health care system in accordance with the written standardized procedures adopted by the organized health care system as formulated by a committee which includes representatives of the medical, nursing, and administrative staffs. "Organized health care system," as used in this section, includes facilities licensed pursuant to Section 1250 of the Health and Safety Code, clinics, home health agencies, physician's offices, and public or community health services. Standardized procedures so adopted will be reproduced in writing and made available to total medical and nursing staffs.~~

(3) Amend Section 2892.7, Article 6, Chapter 6.5, Division 2 of the California Business and Professions Code to read as follows:

§2892.7

The board shall collect an initial approval and a biennial renewal fee in the amount of one hundred fifty dollars (\$150) unless a higher fee, not to exceed two hundred fifty dollars (\$250), is established by the board, from any provider *requesting approval by the board to provide certification courses that include but are not limited to* ~~of a course in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal, or mechanical ventilator care~~ *who requests approval by the board of such a course for purposes of intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal requirements under this chapter.* That fee, however, shall not exceed the *regulatory* cost required for the board to administer the approval of intravenous therapy, blood withdrawal, ~~or intravenous therapy with blood withdrawal, or mechanical ventilator care~~ *courses by intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal* providers.

(4) Amend Section 2895, Article 6, Chapter 6.5, Division 2 of the California Business and Professions Code to read as follows:

§2895

The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) – (k) ...

(l) The fee to be paid for postlicensure certification *including but not limited to:* intravenous therapy, blood withdrawal, ~~or intravenous therapy with blood withdrawal, or mechanical ventilator care~~ shall be twenty dollars (\$20) unless a higher fee, not to exceed fifty dollars (\$50), is established by the board.

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

PROPOSED STATUTORY LANGUAGE
CALIFORNIA BUSINESS AND PROFESSIONS CODE
Chapter 10. PSYCHIATRIC TECHNICIANS

New language is *italicized* and in **blue**.

Deleted language is shown in ~~strikeout~~ and in **red**.

(5) Amend Section 4502.1, Article 1, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4502.1

~~A psychiatric technician, working in a mental health facility or developmental disability facility, when prescribed by a physician and surgeon, may administer medications by hypodermic injection.~~

A licensed psychiatric technician may do all the following per a patient-specific order from a licensed physician:

- (a) Administer medications by routes that include but are not limited to: oral, subcutaneous, hypodermic, and intramuscular routes except for those specialized medications that require a knowledge base or level of assessment that exceeds the scope of practice of the licensee.*
- (b) If the psychiatric technician has satisfactorily completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board in:
 - (ii) Blood withdrawal*
 - (iii) Care of patients on mechanical ventilation**

(6) Amend Section 4502.2, Article 1, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4502.2

~~A psychiatric technician, when prescribed by a physician and surgeon, may withdraw blood from a patient with a mental illness or developmental disability if the psychiatric technician has received certification from the board that the psychiatric technician has completed a prescribed course of instruction approved by the board or has demonstrated competence to the satisfaction of the board.~~

Practicing as a psychiatric technician within the meaning of this chapter is the performance of services requiring those technical, manual skills acquired by means of a course in an approved school for preparation of psychiatric technicians, or its equivalent, and is responsible to the director of the service in which their duties are performed. The director may be a licensed physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel.

(7) Create Section 4502.4, Article 1, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4502.4

- (a) *The licensed psychiatric technician may enhance basic scope of practice as identified in section 4502.2 and have their license modified by successfully completing specialized continuing education certification courses approved by the board including but not limited to: blood withdrawal or mechanical ventilator care.*
- (b) *For licensees who completed mechanical ventilator care training and currently provide ventilator care, the board may accept a certification of competency form prescribed by the board on or before December 31, 2022 from the licensee's employer or Durable Medical Equipment provider certifying the licensee's competency to provide mechanical ventilation care.*
- (1) *A licensed psychiatric technician who provides mechanical ventilator care, shall have their license modified as specified in section 4502.4(b), no later than January 1, 2022.*
- (2) *A licensed psychiatric technician who obtained a modified license under §4502.4(b) to perform mechanical ventilator care shall complete a board-approved mechanical ventilator care certification course no later than TBD.*
- (i) *Failure to complete a mechanical ventilator care certification course approved by the board by TBD may result in removal of the mechanical ventilator care license modifier from their license.*

(8) Create Section 4502.4, Article 2, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4517

- (a) *The Board will accept each hour of theory or course related clinical experience as one (1) hour of continuing education.*
- (b) *Continuing education courses approved by psychiatric technician or nursing licensing agencies of this or of other states, or psychiatric technician or nursing organizations of this or other states, or courses considered comparable by the Board will be accepted.*
- (c) *Courses which are prerequisite to or part of a registered nursing or vocational nursing program, or college and university courses related to the psychiatric technician scope of practice will be accepted.*
- (d) *The Board recognizes that specialized areas of practice exist in the field of psychiatric technician practice. Courses that address these specialized areas may be approved by the Board to expand the scope of practice of the psychiatric technician if the following requirements are met:*
 - (1) *The course is approved by:*
 - (i) *Psychiatric Technician or Nursing licensing agencies of this or of other states, or*
 - (ii) *Psychiatric Technician or Nursing organizations of this or other states, and*
 - (2) *The course includes the following elements:*
 - (i) *The course is taught by recognized subject matter experts in the applicable field, and*
 - (ii) *The course includes theory content followed by written examination related to that theory content, and*
 - (iii) *The course includes hands-on correlated clinical simulation practice followed by documented competency testing, and*
 - (iv) *The course has documented standards for passing for both the written theory and clinical competency testing portions of the course.*
 - (3) *The course, or another Board-approved course related to the same specialty, is repeated by the licensee **TBD** for the purpose of updating and maintaining competency.*

(9) Amend Section 4518, Article 2, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4518

In the event the board adopts a continuing education, ~~or~~ blood withdrawal, *or mechanical ventilator care* program, the board shall collect an initial approval and a biennial renewal fee ~~as prescribed under Sections 4548 and 4518.1 of one hundred and fifty dollars (\$150) unless a higher fee, not to exceed two hundred fifty dollars (\$250), is established by the board~~ from any provider ~~of a course in requesting approval by the board to provide courses for the purposes of~~ continuing education, ~~or~~ blood withdrawal, *or mechanical ventilator care* ~~who requests approval by the board of the course for purposes of continuing education or blood withdrawal requirements adopted by the board~~. The fee, however, shall in no event exceed the cost required for the board to administer the approval of ~~continuing education or blood withdrawal courses by~~ continuing education, ~~or~~ blood withdrawal, *or mechanical ventilator care course* providers.

(10) Abolish Section 4518.1, Article 2, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4518.1

~~The board shall collect an initial approval and a biennial renewal fee in the amount of one hundred fifty dollars (\$150) unless a higher fee, not to exceed two hundred fifty dollars (\$250), is established by the board, from any provider of continuing education or a course to meet the certification requirements for blood withdrawal who requests approval by the board of the course for purposes of continuing education or blood withdrawal requirements under this chapter. That fee, however, shall not exceed the regulatory cost required for the board to administer the approval of continuing education or blood withdrawal by continuing education or blood withdrawal providers.~~

(11) Amend Section 4548, Article 6, Chapter 10, Division 2 of the California Business and Professions Code to read as follows:

§4548

The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions shall be according to the following schedule:

(a) – (k) ...

(l) The fee to be paid for postlicensure certification *including but not limited to:* blood withdrawal *or mechanical ventilator care* shall be twenty dollars (\$20) unless a higher fee, not to exceed fifty dollars (\$50), is established by the board.