

ASSEMBLY BILL

No. 1165

Introduced by Assembly Member Ridley-Thomas

February 27, 2015

An act to add Section 2880.5 to the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as introduced, Ridley-Thomas. Vocational nursing: secondary and post-secondary education.

Existing law, the Vocational Nursing Practice Act, establishes the Board of Vocational Nursing and Psychiatric Technicians and sets forth the qualification requirements and duties of members of the board. These duties include, protection of the public, the evaluation of applicants for licensing as a vocational nurse, and the issuing of licenses to practice as a vocational nurse. Existing law requires the board to prepare and maintain a list of approved schools of vocational nursing in the state.

This bill would state that the board has the sole responsibility to assess and recommend approval for schools of vocational nursing and psychiatric technician education programs in the state. The bill would require the board to enter into a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board to review and approve schools of vocational nursing and psychiatric technicians and the powers of the bureau to protect the interest of students attending institutions governed by the California Private Postsecondary Education Act of 2009. The bill would subject all approved schools of vocational nursing to specified fees for deposit into the Vocational Nursing and Psychiatric Technicians Fund. The bill

would specify that only a nursing school approved by the board may accept applications to its vocational nursing and psychiatric technician program and would make it unlawful for anyone to conduct a school of vocational nursing and psychiatric technicians unless the school has been approved by the board. The bill would also deem it “unprofessional conduct” for a registered nurse, vocational nurse, or psychiatric technician to violate or attempt to violate, either directly or indirectly, or to assist or abet the violation of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2880.5 is added to the Business and
2 Professions Code, to read:
3 2880.5. (a) In support of the mission of the Board of
4 Vocational Nursing and Psychiatric Technicians on nursing
5 education, the board has the sole responsibility to assess and
6 recommend approval for schools of vocational nursing and
7 psychiatric technician education programs in the State of California
8 as one several core functions.
9 (b) The board shall select and approve secondary or
10 post-secondary schools of vocational nursing and psychiatric
11 technicians.
12 (c) The board shall have a memorandum of understanding with
13 the Bureau for Private Postsecondary Education to delineate the
14 powers of the board to review and approve schools of vocational
15 nursing and psychiatric technicians and the powers of the bureau
16 to protect the interest of students attending institutions governed
17 by the California Private Postsecondary Education Act of 2009,
18 Chapter 8 (commencing with Section 94800) of Part 59 of Division
19 10 of Title 3 of the Education Code.
20 (d) An institution of higher education or a private postsecondary
21 school of nursing approved by the board shall remit to the board
22 for deposit in the Vocational Nursing and Psychiatric Technicians
23 Fund the following fees, in accordance with the following schedule:
24 (1) The fee for an initial approval of a school of vocational
25 nurses and psychiatric technicians shall be five thousand dollars
26 (\$5,000).

1 (2) The fee for continuing approval of a school of vocational
2 nurses and psychiatric technicians established after January 1,
3 2016 shall be three thousand five hundred dollars (\$3,500).

4 (3) The processing fee for authorization of a substantive change
5 to an approval of a school of vocational nurses and psychiatric
6 technicians shall be five hundred dollars (\$500).

7 (e) If the board determines that there is a surplus revenue
8 equal to two years of operating costs, and the annual cost of
9 providing oversight and review of a school of vocational nurses
10 and psychiatric technicians, as required by this article, is less than
11 the amount of any fees required to be paid by that institution
12 pursuant to this article, the board may decrease the fees applicable
13 to that institution to an amount that is proportional to the board's
14 cost association with that institution.

15 (f) It is unlawful for anyone to conduct a school of vocational
16 nurses and psychiatric technicians unless the school has been
17 approved by the board.

18 (g) If the board has reasonable belief, either by complaint or
19 otherwise, that a school is allowing students to apply for its
20 vocational nursing and psychiatric technician program and that
21 the program does not have the approval of the board, the board
22 shall immediately order the school to cease and desist from offering
23 students the ability to enroll in its nursing program. The board
24 shall also notify the Bureau for Private Postsecondary Education
25 and the Attorney General's office that the school is offering
26 students the ability to enroll in a nursing program that does not
27 have the approval of the board.

28 (h) It shall be unprofessional conduct for any registered nurse,
29 vocational nurse or psychiatric technician to violate or attempt to
30 violate, either directly or indirectly, or to assist or abet the violation
31 of this section.