

# VOCATIONAL NURSING PRACTICE ACT

WITH

## RULES AND REGULATIONS

INCLUDES AMENDMENTS THROUGH JULY 31, 2015



**BOARD OF VOCATIONAL NURSING  
AND  
PSYCHIATRIC TECHNICIANS**

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**TABLE OF CONTENTS – PART I**

***California Business and Professions Code, Division 2  
Chapter 6.5. Vocational Nursing***

(Includes Amendments through July 31, 2015)

**ARTICLE 1. ADMINISTRATION**

§2840. Citation.....1  
§2840.5. Professional Status of Licensees.....1  
§2841. Board of Vocational Nursing and Psychiatric Technicians.....1  
§2841.1. Priority of Board; Protection of the Public.....1  
§2842. Qualifications; Consecutive Terms.....1  
§2843. Appointment; Terms; Vacancies.....2  
§2845. Removal from Office.....2  
§2846. Officers.....2  
§2847. Executive Officer.....2  
§2848. Regular Meetings.....3  
§2849. Special Meetings.....3  
§2850. Irregular Meetings.....3  
§2851. Quorum.....3  
§2852. Records and Register.....3  
§2852.5. Licensees; Data Collection.....3  
§2853. Offices; Venue.....4  
§2854. Prosecutions; Clerical Staff; Rulemaking Authority.....4  
§2855. Compensation and Expenses.....4  
§2857. Designation of License Issued by Board.....4  
§2858. Mediums of Exchange.....4

**ARTICLE 2. SCOPE OF REGULATION**

§2859. Practice of Vocational Nursing; Vocational Nurse.....4  
§2860. Unauthorized Practices.....5  
§2860.5. Permissible Practices.....5  
§2860.7. Skin Tests and Immunizations.....5  
§2861. Services by Unlicensed Persons.....6  
§2861.5. Liability for Emergency Care.....6  
§2862. Services by Student Nurses.....6  
§2863. Practice of Religious Tenets.....6  
§2864. Use of “L.V.N.”.....6  
§2866. Applicant’s Qualifications.....6  
§2867. Application Fee.....7  
§2867.5. Initial License Fee.....7  
§2867.6. Temporary Certificate.....7  
§2868. Giving of Examinations.....7  
§2870. Conduct of Examinations; Finality of Board’s Decisions.....7  
§2871. Re-examination.....7  
§2872. Issuance and Form of Licenses.....7

§2872.1. Waiver of Examination for Licensees of Other State or Foreign Country.....	7
§2872.2. Interim Permits.....	8
§2873. Equivalency to Graduation from Approved School.....	8
§2873.5. Effect of Service in Military Medical Corps.....	8
§2873.6. Issuance of Employment Restricted License to, and Qualifications for Appointment of, Certain Medical Technical Assistants.....	8

**ARTICLE 3. DISCIPLINARY PROCEEDINGS**

§2875. Conduct of Proceedings.....	9
§2876. Scope of Discipline.....	9
§2877. Effects of Suspension; Reinstatement.....	10
§2878. Grounds for Action.....	10
§2878.1. Reporting Known Violations to Board.....	11
§2878.5. Drug-related Offenses.....	11
§2878.6. What is Deemed a Conviction.....	12
§2878.7. Petition for Reinstatement of Reduction of Penalty.....	12
§2878.8. Disciplinary Action by another Agency or State.....	13
§2878.9. Probationary License.....	13
§2879. Revocation, Suspension, or Denial of License; Statement of Reasons for Denial; Copy of Criminal History Record; Hearings.....	14

**ARTICLE 4. VOCATIONAL NURSING SCHOOLS**

§2880. List of Approved Schools.....	14
§2881. Requirements for Approval.....	15
§2881.1. Credit for Previous Education.....	15
§2882. Required Instruction.....	15
§2883. Inspection Reports; Notice of Deficiencies; Removal from Approved List.....	15
§2884. Exempt Religious Schools.....	16

**ARTICLE 5. PENAL PROVISIONS**

§2885. Use of L.V.N.....	16
§2886. Impersonation of Applicants.....	16
§2887. Penalties.....	16

**ARTICLE 6. REVENUE**

§2890. Vocational Nursing and Psychiatric Technicians Fund.....	16
§2892. Expiration of Licenses; Renewal of Unexpired Licenses.....	16
§2892.1. Renewal of Expired Licenses.....	17
§2892.2. Expiration and Renewal of Suspended License.....	17
§2892.3. Expiration and Reinstatement of Revoked Licenses.....	17
§2892.4. Effect of Failure to Renew within Specified Time.....	17
§2892.5. Continuing Education Requirements.....	18
§2892.6. Collection of Fee from Provider of Course in Continuing Education.....	18
§2893. Statement and Deposits of Moneys Collected.....	18
§2894. Uses of Fund.....	19
§2895. Fee Schedule.....	19
§2895.1. Dishonored Check in Payment of License Renewal Fee.....	19
§2895.5. Collection of Additional Fee.....	20

**TABLE OF CONTENTS – PART II**

***California Business and Professions Code, Division 25  
Chapter 1. Vocational Nurses***

(Includes Amendments through July 31, 2015)

**ARTICLE 1. GENERAL PROVISIONS**

§2500. Location of Offices. [Repealed].....21  
§2501. Tenses, Gender, and Number.....21  
§2502. Definitions.....21  
§2503. Delegation of Certain Functions.....22  
§2504. Filing of Addresses.....22  
§2504.1. Response to Board Inquiry.....22

**ARTICLE 2. APPLICATION FOR LICENSE**

§2506. Form.....22  
§2507. Place of Filing.....23  
§2508. Permit Processing Times.....23  
§2509. Evaluation of Applicants.....24

**ARTICLE 3. EXAMINATIONS**

§2510. Scope of Examinations.....24  
§2511. Failure to Take Assigned Examination.....24  
§2512. Abandonment of Application.....24  
§2513. Eligibility to Reapply for Licensure Examination after Third Examination Failure [Repealed].....25  
§2514. Examination Procedure.....25

**ARTICLE 4. LICENSES**

§2516. Eligibility for Licensure.....25  
§2516.5. Eligibility for Licensure – Military.....27  
§2517. Eligibility for Licensure without Examination.....27  
§2517.5. Fingerprint and Disclosure Requirements for Renewal of License.....28  
§2518. Renewal of License, Eligibility to Qualify for Renewal after License Has Expired.....29  
§2518.5. Scope of Vocational Nursing Practice.....29  
§2518.6. Performance Standards.....29  
§2518.7. Private Duty Nursing – Defined.....30  
§2518.8. Unprofessional Conduct.....30  
§2519. Gross Negligence.....31  
§2520. Incompetence.....31  
§2520.1. Child Abuse Reporting.....31  
§2520.2. Elder Abuse Reporting.....32  
§2520.3. Dependent Adult Abuse Reporting.....32  
§2520.4. Licensee Mandatory Reporting.....32  
§2520.5. Employer Mandatory Reporting.....32

§2521. Substantial Relationship Criteria.....	33
§2522. Rehabilitation Criteria.....	33
§2522.5. Rehabilitation Criteria for Suspensions or Revocations. [Repealed].....	34
§2523. Citations and Fines – Content and Service.....	34
§2523.1. Exceptions. [Repealed].....	34
§2523.2. Violation Classifications.....	35
§2523.3. Citations for Unlicensed Practice.....	36
§2523.4. Criteria to be Considered in Assessing a Fine.....	36
§2523.5. Contested Citations.....	36
§2523.6. Compliance with Citation/Order of Abatement.....	37
§2523.7. Notification to Other Boards and Agencies.....	37
§2524. Disciplinary Guidelines and Uniform Standards Related to Substance Abuse.....	37
§2524.1. Required Actions against Registered Sex Offenders.....	38
§2524.5. Consumer Complaint Procedures.....	39

**ARTICLE 5. SCHOOLS OF VOCATIONAL NURSING**

§2525. Approved Schools of Nursing – Definition.....	40
§2526. Procedure for Approval.....	40
§2526.1. Provisional Approval.....	41
§2527. Reports.....	42
§2528. Faculty, Report of Changes. [Repealed].....	42
§2529. Faculty Qualifications.....	42
§2530. General Requirements.....	44
§2531. Curriculum. [Repealed].....	45
§2532. Curriculum Hours.....	45
§2533. Curriculum Content.....	46
§2534. Clinical Experience.....	47
§2534.1. Clinical Preceptorships.....	48
§2535. Credit for Previous Education and Experience.....	49
§2536. Transcript of Records. [Repealed].....	49

**ARTICLE 6. REVENUE**

§2537. Fees.....	49
§2537.1. Provider’s Fees.....	50
§2538. Waiver of Initial License Fee. [Repealed].....	50

**ARTICLE 7. CONTINUING EDUCATION**

§2540. Definitions. [Repealed].....	50
§2540.1. Hour Requirements.....	51
§2540.2. Continuing Education Courses.....	51
§2540.3. Course Provider Approval.....	51
§2540.4. Course Instructor Qualifications.....	52
§2540.5. Course Completion Certificates and Reporting.....	53
§2540.6. Inactive Licenses.....	53
§2540.7. Exemption from Continuing Education Requirements.....	53

**ARTICLE 8. INTRAVEOUS THERAPY**

§2542. Definition.....	54
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§2542.1. Intravenous Therapy.....	54
§2542.2. Procedure for Certification Course Approval.....	55
§2542.3. Approval of Course Content.....	55
§2542.4. Approval of Course Instructors.....	56
§2542.5. Reports to Board.....	56

**ARTICLE 9. BLOOD WITHDRAW**

§2544. Blood Withdrawal.....	57
§2544.1. Procedure for Certification Course Approval.....	57
§2544.2. Approval of Course Content.....	57
§2544.3. Approval of Course Instructors.....	58
§2544.4. Reports to Board.....	59

**ARTICLE 10. INTRAVENOUS THERAPY/BLOOD WITHDRAWAL**

§2547. Definition.....	59
§2547.1. Intravenous Therapy/Blood Withdrawal.....	60
§2547.2. Procedure for Certification Course Approval.....	60
§2547.3. Approval of Course Content.....	60
§2547.4. Approval of Course Instructors.....	61
§2547.5. Reports to Board.....	62
§2555. Curriculum Plan. [Repealed].....	62
§2556. Basic Curriculum. [Repealed].....	63

**ARTICLE 11. SPONSORED HEALTH CARE EVENTS – REQUIREMENTS FOR EXEMPTION**

§2557. Definitions.....	63
§2557.1. Sponsoring Entity Registration and Recordkeeping Requirements.....	63
§2557.2. Out-of-State Practitioner Authorization to Participate in Sponsored Event.....	64
§2557.3. Termination of Authorization and Appeal.....	65

**PART I**  
**VOCATIONAL NURSING PRACTICE ACT**  
**CALIFORNIA BUSINESS AND PROFESSIONS CODE, DIVISION 2**

**Chapter 6.5. Vocational Nursing**

**Article 1. Administration**

**2840. Citation.**

This chapter of the Business and Professions Code constitutes the chapter on vocational nursing and may be cited as the Vocational Nursing Practice Act. *(Added by Stats. 1951, Ch. 1689.)*

**2840.5. Professional Status of Licensees.**

(a) The Legislature hereby declares the practice of licensed vocational nursing to be a profession.

(b) This section shall not be construed to affect the laws relating to the practice of registered nursing, including the provisions of Chapter 6 (commencing with Section 2700), nor any existing regulations relating to registered nurse staffing of licensed health facilities.

(c) The intent of this section shall not be construed to mean that licensed vocational nurses are to be considered as professional employees as defined in Sections 3507.3 and 3533 of the Government Code. *(Added by Stats. 1973, Ch. 734.)*

**2841. Board of Vocational Nursing and Psychiatric Technicians.**

(a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, consisting of 11 members.

(b) Within the meaning of this chapter, "board," or "the board," refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(c) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. *(Amended by Stats. 2011, Ch. 338, Sec. 1. Effective January 1, 2012. Repealed as of January 1, 2016, by its own provisions.)*

**2841.1. Priority of Board; Protection of the Public.**

Protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians of the State of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. *(Added by Stats. 2002, Ch. 107, Sec. 11. Effective January 1, 2003.)*

**2842. Qualifications; Consecutive Terms.**

(a) Each member of the board shall be a citizen of the United States and a resident of the

State of California. The board shall have the following composition:

(1) Two members shall be duly licensed vocational nurses who have been licensed for a period of not less than three years prior to appointment.

(2) Two members shall be licensed psychiatric technicians, each of whom shall have had not less than five years' experience in a psychiatric hospital, or in a psychiatric unit of a hospital licensed by the State Department of Health Services, or a private institution licensed by the State Department of Health Services.

(3) One member shall be a licensed vocational nurse or registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of vocational nursing.

(4) Six members shall be public members who are not licentiates of the board or any other board under this division or of any board referred to in Sections 1000 and 3600.

(b) No person may serve as a member of the board for more than two consecutive terms.

(c) Per diem and expenses of members of the board who are licensed psychiatric technicians shall be paid solely from revenues received pursuant to Chapter 10 (commencing with Section 4500) of Division 2. *(Amended by Stats. 1997, Ch. 759, Sec. 19. Effective January 1, 1998.)*

### **2843. Appointments; Terms; Vacancies.**

Members of the board shall be appointed for a term of four years. Vacancies occurring shall be filled by appointment for the unexpired term.

Appointments to the office shall be for a term of four years expiring on June 1st. The Governor shall appoint four of the public members and the licensed members of the board qualified as provided in Section 2842. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983. *(Amended by Stats. 1999, Ch.655, Sec. 41.2. Effective January 1, 2000.)*

### **2845. Removal from Office.**

The Governor has the power to remove any member of the board from office for neglect of any duty required by law, or for incompetency, or unprofessional or dishonorable conduct. *(Added by Stats. 1951, Ch. 1689.)*

### **2846. Officers.**

The board at its first meeting after appointment, and annually thereafter at its first meeting in each year, shall elect from its members a president, vice president, and such other officers as it may deem necessary. The officers of the board shall hold their respective positions during its pleasure. *(Added by Stats. 1951, Ch. 1689.)*

### **2847. Executive Officer.**

(a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties.

(b) The person selected to be the executive officer of the board shall be a duly licensed vocational nurse under this chapter, a duly licensed professional nurse as defined in Section 2725, or a duly licensed psychiatric technician. The executive officer shall not be a member of the board.

(c) With the approval of the Director of Finance, the board shall fix the salary of the executive

officer.

(d) The executive officer shall be entitled to traveling and other necessary expenses in the performance of his or her duties. He or she shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date. *(Amended (as added by Stats. 2008, Ch. 35) by Stats. 2011, Ch. 338, Sec. 3. Effective January 1, 2012. Repealed as of January 1, 2016, by its own provisions.)*

#### **2848. Regular Meetings.**

The board for the purpose of transacting its business shall meet at least twice each year, at times and places it designates by resolution. *(Amended by Stats. 1994, Ch. 1275, Sec. 17. Effective January 1, 1995.)*

#### **2849. Special Meetings.**

Special meetings may be held at such times as the board may elect, or on the call of the president of the board, or of not less than five members thereof.

A written notice of the time, place, and object of any special meeting shall be mailed by the executive officer to all members of the board who are not parties to the call, at least 15 days before the day of the meeting. *(Amended by Stats. 1983, Ch. 85, Sec. 3.)*

#### **2850. Irregular Meetings.**

Meetings may be held at any time and place by the written consent of all members of the board. *(Added by Stats. 1951, Ch. 1689.)*

#### **2851. Quorum.**

Six members of the board constitute a quorum for transaction of business at any meeting. *(Amended by Stats. 2002, Ch. 810, Sec. 24. Effective January 1, 2003.)*

#### **2852. Records and Register.**

The board shall keep a record of all its proceedings, including a register of all applicants for licenses under this chapter and the action of the board upon each application. *(Added by Stats. 1951, Ch. 1689.)*

##### **2852.5. Licensees; Data Collection.**

(a) The board shall collect, at least biennially, at the times of both issuing an initial license and issuing a renewal license, all of the following data on vocational nurses licensed under this chapter:

- (1) Location of practice, including city, county, and ZIP Code.
- (2) Race or ethnicity, subject to subdivision (c).
- (3) Gender.
- (4) Languages spoken.
- (5) Educational background.

(6) Classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.

(b) The board shall annually provide the data collected pursuant to subdivision (a) to the Office of Statewide Health Planning and Development in a manner directed by the office that allows for inclusion of the data into the annual report required by Section 128052 of the Health and Safety Code.

(c) A licensee may, but is not required to, report his or her race or ethnicity to the board. *(Added by Stats. 2014, Ch. 420, Sec. 3. Effective January 1, 2015.)*

**2853. Offices; Venue.**

The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to them. Legal proceedings against the board may be instituted in any county in which any of the three cities above mentioned is located. *(Added by Stats. 1951, Ch. 1689.)*

**2854. Prosecutions; Clerical Staff; Rulemaking Authority.**

The board shall prosecute all persons guilty of violating the provisions of this chapter. It may employ such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such services and may incur such other expenses as it may deem necessary.

The board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter. Such rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. *(Amended by Stats. 1971, Ch. 716.)*

**2855. Compensation and Expenses.**

Each member of the board shall receive a per diem and expenses as provided in Section 103. *(Repealed and added by Stats. 1959, Ch. 1645.)*

**2857. Designation of License Issued by Board.**

The board shall issue a license designated as licensed vocational nurse license. *(Amended by Stats. 1971, Ch. 716.)*

**2858. Mediums of Exchange.**

The board shall accept in payment of any fee required by this chapter cash or any customary or generally accepted medium of exchange, including check, cashier's check, certified check or postal money order. For the purposes of this section, customary or generally accepted medium of exchange does not include postage stamps. *(Added by Stats. 1957, Ch. 1468.)*

## **Article 2. Scope of Regulation**

**2859. Practice of Vocational Nursing; Vocational Nurse.**

The practice of vocational nursing 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 of vocational nursing, or its equivalent, practiced under the direction of a licensed physician, or registered professional nurse, as defined in Section 2725.

A vocational nurse, within the meaning of this chapter, is a person who has met all the legal requirements for a license as a vocational nurse in this state and who for compensation or personal profit engages in vocational nursing as the same is hereinabove defined. *(Amended by Stats. 2011, Ch. 338, Sec. 4. Effective January 1, 2012.)*

## **2860. Unauthorized Practices.**

This chapter confers no authority to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of any provision of law. *(Added by Stats. 1951, Ch. 1689.)*

### **2860.5. Permissible Practices.**

A licensed vocational nurse when directed by a physician and surgeon may do all of the following:

(a) Administer medications by hypodermic injection.

(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.

(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. *(Amended by Stats. 1974, Ch. 1084.)*

### **2860.7. Skin Tests and Immunizations.**

(a) A licensed vocational nurse, acting under the direction of a physician may perform: (1) tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program, and (2) immunization techniques, providing such administration is upon standing orders of a supervising physician, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising physician is associated.

(b) The supervising physician under whose direction the licensed vocational nurse is acting pursuant to subdivision (a) shall require such nurse to:

(1) Satisfactorily demonstrate competence in the administration of immunizing agents, including knowledge of all indications and contraindications for the administration of such agents, and in the recognition and treatment of any emergency reactions to such agents which constitute a danger to the health or life of the person receiving the immunization; and

(2) Possess such medications and equipment as required, in the medical judgment of the supervising physician and surgeon, to treat any emergency conditions and reactions caused by the immunizing agents and which constitute a danger to the health or life of the person receiving the immunization, and to demonstrate the ability to administer such medications and to utilize such

equipment as necessary.

(c) Nothing in this section shall be construed to require physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized. *(Added by Stats. 1974, Ch. 837.)*

### **2861. Services by Unlicensed Persons.**

This chapter does not prohibit the performance of nursing services by any person not licensed under this chapter; provided, that such person shall not in any way assume to practice as a licensed vocational nurse. *(Added by Stats. 1951, Ch. 1689.)*

#### **2861.5. Liability for Emergency Care.**

A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of his employment shall not be liable for any civil damages as the result of acts or omissions in rendering the emergency care. This section shall not be construed to grant immunity from civil damage to any person whose conduct in rendering emergency care is grossly negligent. *(Added by Stats. 1974, Ch. 824.)*

### **2862. Services by Student Nurses.**

Vocational nursing services may be rendered by a student enrolled in an approved school of vocational nursing when these services are incidental to his or her course of study. *(Amended by Stats. 2011, Ch. 338, Sec. 5. Effective January 1, 2012.)*

### **2863. Practice of Religious Tenets.**

This chapter does not prohibit vocational nursing or the care of the sick, with or without compensation or personal profit, when done by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in the practice of vocational nursing. *(Added by Stats. 1951, Ch. 1689.)*

### **2864. Use of "L.V.N."**

Every licensee under this chapter may be known as a licensed vocational nurse and may place the letters "L.V.N." after his name. *(Added by Stats. 1951, Ch. 1689.)*

### **2866. Applicant's Qualifications.**

An applicant for a licensed vocational nurse license shall comply with each of the following:

(a) Be at least 17 years of age.

(b) Have successfully completed at least an approved course of study through the 12th grade or the equivalent thereof as specified by the board.

(c) Have successfully completed the prescribed course of study in an approved school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an approved school of vocational nursing in this state.

(d) Not be subject to denial of licensure under Section 480. *(Amended by Stats. 2011, Ch. 338, Sec. 6. Effective January 1, 2012.)*

## **2867. Application Fee.**

An applicant for a license authorizing him to practice vocational nursing in this State under this chapter, upon the filing of his application shall pay the fee required by this chapter. *(Added by Stats. 1951, Ch. 1689.)*

### **2867.5. Initial License Fee.**

Every person to whom a license is issued after August 30, 1962, shall, as a condition precedent to its issuance, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter. *(Added by Stats. 1961, Ch. 363.)*

### **2867.6. Temporary Certificate.**

After receiving the results of having passed the examination and upon receipt of the initial license fee required by subdivision (e) of Section 2895, the board shall issue a receipt or temporary certificate which will serve as a valid permit for the licensee to practice under this chapter. *(Added by Stats. 1981, Ch. 422, Sec. 1.)*

## **2868. Giving of Examinations.**

The board shall hold not less than two examinations each year for applicants desirous of practicing vocational nursing in this State, at such times and places as the board may determine. *(Added by Stats. 1951, Ch. 1689.)*

## **2870. Conduct of Examinations; Finality of Board's Decision.**

Examinations shall be written, but in the discretion of the board may be supplemented by an oral or practical examination in such subjects as the board determines. All examinations shall be conducted by such persons and in such manner and under such rules and regulations as the board may prescribe.

The board shall finally pass or reject all applicants. Its actions shall be final and conclusive and not subject to review by any court or other authority. *(Added by Stats. 1951, Ch. 1689.)*

## **2871. Re-examination.**

Any applicant who fails to pass his first examination may take a second examination upon payment of the fee required by this chapter. *(Amended by Stats. 1978, Ch. 1161.)*

## **2872. Issuance and Form of Licenses.**

The board shall issue a license to each applicant who passes the examination. The form of the license shall be determined in accordance with Section 164. *(Amended by Stats. 1971, Ch. 716.)*

### **2872.1. Waiver of Examination for Licensees of Other State or Foreign Country.**

The board upon written application and receipt of the required application fee may issue a license without examination to any applicant who possesses a valid, unrevoked license as a vocational nurse or practical nurse issued by any other state or a foreign country, and who in the opinion of the board meets all the other requirements set forth in Sections 2866 and 2873. *(Added by Stats. 1955, Ch. 1884.)*

## **2872.2. Interim Permits.**

(a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

(b) If the application for licensure by examination is received by the board no later than four months after completion of a board-approved nursing program and approval of the application, the board may issue an interim permit authorizing the applicant to practice vocational nursing pending the results of the first licensing examination, or for a period of nine months, whichever occurs first. An applicant may submit an application for an interim permit at the same time as the applicant submits his or her application for licensure by examination. The board shall make a decision whether to issue the interim permit and, if the board decides to issue the interim permit, shall issue the interim permit to the applicant within 60 days of receiving the completed application.

(c) If the applicant passes the examination, the interim permit shall remain in effect until an initial license is issued by the board or for a maximum period of six months after passing the examination, whichever occurs first. If the applicant fails the examination, the interim permit shall terminate upon notice by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit, whichever occurs first.

(d) A permittee shall function under the supervision of a licensed vocational nurse or a registered nurse, who shall be present and available on the premises during the time the permittee is rendering professional services. The supervising licensed vocational nurse or registered nurse may delegate to the permittee any function taught in the permittee's basic nursing program.

(e) An interim permittee shall not use any title or designation other than vocational nurse interim permittee or "V.N.I.P." (*Amended by Stats. 2013, Ch. 301, Sec. 1. Effective January 1, 2014.*)

## **2873. Equivalency to Graduation From Accredited School.**

Any person possessing either the education or the experience, or any combination of both the education and the experience, equivalent to that acquired in an approved school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that he or she successfully demonstrates to the board that he or she possesses the necessary qualifications, and successfully passes the examinations or tests as may from time to time be required by the board. (*Amended by Stats. 2011, Ch. 338, Sec. 8. Effective January 1, 2012.*)

## **2873.5. Effect of Service in Military Medical Corps.**

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 12 months was spent in rendering bedside patient care, and who has completed the basic course of instruction in nursing required by his or her particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, or whose general discharge has been under honorable conditions, shall be granted a license upon proof that he or she possesses the necessary qualifications of this section, as set forth in his or her service records, and upon his or her passing an examination. (*Amended by Stats. 1994, Ch. 1275, Sec. 19. Effective January 1, 1995.*)

## **2873.6. Issuance of Employment Restricted License to, and Qualifications for Appointment of, Certain Medical Technical Assistants.**

(a) Any person who on the effective date of this section is employed as a medical technical assistant or as a senior medical technical assistant by the Department of Corrections and Rehabilitation, who served on active duty in the medical corps of any of the Armed Forces of the United States or who

served in the United States Public Health Service, in which no less than an aggregate of 12 months was spent in rendering patient care, who completed the basic course of instruction in nursing required by the United States Public Health Service, or by his or her particular branch of the armed forces, and who was honorably discharged therefrom, shall be granted an employment restricted license upon proof that he or she possesses the necessary qualifications of this section as set forth in his or her service and discharge records. An employment restricted license issued pursuant to this subdivision shall authorize the holder thereof to practice vocational nursing only within a facility of the Department of Corrections and Rehabilitation and shall be valid only for the period of employment. In order to obtain a nonrestricted license as a vocational nurse, a medical technical assistant shall apply and take the examination as required and normally administered by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) On and after the effective date of this section, no person shall be appointed as a medical technical assistant by the Department of Corrections and Rehabilitation unless the person complies with one of the following:

(1) Is a licensed vocational nurse or a registered nurse.

(2) Has served on active duty in the medical corps of any of the Armed Forces of the United States or who served in the United States Public Health Service, in which no less than an aggregate of 12 months was spent in rendering patient care, who completed the basic course of instruction in nursing required by the United States Public Health Service, or by his or her particular branch of the armed forces, and who has been honorably discharged therefrom. The Department of Corrections and Rehabilitation is authorized only to hire persons who are eligible for licensure, and as a condition of employment shall require that those persons obtain a license as a vocational nurse within six months of employment. He or she shall be supervised by a registered nurse or physician and surgeon and shall not administer medications until licensed.

(c) Notwithstanding subdivision (a), any person who was granted a restricted vocational nurse's license pursuant to that subdivision and who was employed in the psychiatric unit of the California Medical Facility at the time of the unit's transfer from the Department of Corrections to the State Department of Mental Health on July 1, 1988, shall continue to hold his or her license. *(Amended by Stats. 2012, Ch. 24, Sec. 3. Effective June 27, 2012.)*

## **Article 3. Disciplinary Proceedings**

### **2875. Conduct of Proceedings.**

Every licensee may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein. *(Added by Stats. 1951, Ch. 1689.)*

### **2876. Scope of Discipline.**

The board shall discipline the holder of any license, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice vocational nursing for a period not exceeding one year.

(d) Revoking his license.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper. *(Added by Stats. 1951, Ch. 1689.)*

### **2877. Effects of Suspension; Reinstatement.**

If the holder of a license is suspended, he shall not be entitled to practice vocational nursing during the term of suspension and shall return his license to the board.

Upon the expiration of the term of suspension, he shall be reinstated by the board and shall be entitled to resume his practice of vocational nursing unless it is established to the satisfaction of the board that he has practiced vocational nursing in this state during the term of suspension. In this event, the board shall revoke his license. (*Amended by Stats. 1965, Ch. 593.*)

### **2878. Grounds for Action.**

The board may suspend or revoke a license issued under this chapter for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
  - (1) Incompetence, or gross negligence in carrying out usual nursing functions.
  - (2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event the record of conviction shall be conclusive evidence of the conviction.
  - (3) The use of advertising relating to nursing which violates Section 17500.
  - (4) The use of excessive force upon or the mistreatment or abuse of any patient. For the purposes of this paragraph, "excessive force" means force clearly in excess of that which would normally be applied in similar clinical circumstances.
  - (5) The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law.
  - (6) Failure to report the commission of any act prohibited by this section.
- (b) Procuring a certificate by fraud, misrepresentation, or mistake.
- (c) Procuring, aiding, abetting, attempting, or agreeing or offering to procure or assist at, a criminal abortion.
- (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.
- (e) Making or giving any false statement or information in connection with the application for issuance of a license.
- (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.
- (g) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.
- (h) Impersonating another practitioner, misrepresenting professional credentials or licensure status, or permitting another person to use his or her certificate or license.
- (i) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of Article 12 (commencing with Section 2220) of Chapter 5.
- (j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.
- (k) The commission of any act punishable as a sexually related crime, if that act is substantially related to the duties and functions of the licensee.
- (l) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the

standards, guidelines, and regulations pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300), Division 5, Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the California Medical Board, the Board of Podiatric Medicine, the Board of Dental Examiners, and the Board of Registered Nursing, to encourage appropriate consistency in the implementation of this subdivision.

The board shall seek to ensure that licentiates and others regulated by the board are informed of the responsibility of licentiates and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases. (*Amended by Stats. 2003, Ch. 640, Sec. 11. Effective January 1, 2004.*)

#### **2878.1. Reporting Known Violations to Board.**

(a) If a licensed vocational nurse has knowledge that another person has committed any act prohibited by Section 2878, the licensed vocational nurse shall report this information to the board in writing and shall cooperate with the board in furnishing information or assistance as may be required.

(b) Any employer of a licensed vocational nurse shall report to the board the suspension or termination for cause, or resignation for cause, of any licensed vocational nurse in its employ. In the case of licensed vocational nurses employed by the state, the report shall not be made until after the conclusion of the review process specified in Section 52.3 of the California Code of Regulations and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194. This required reporting shall not constitute a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (d) and shall not be subject to discovery in civil cases.

(c) An employment agency or nursing registry shall report to the board the rejection from assignment of a licensed vocational nurse by a health facility or home health care provider due to acts that would be cause for suspension or termination as described in subdivision (d).

(d) For purposes of the section, "suspension, termination, or resignation for cause" or "rejection from assignment" are defined as suspension, termination, or resignation from employment, or rejection from assignment, for any of the following reasons:

(1) Use of controlled substances or alcohol to the extent that it impairs the licensee's ability to safely practice vocational nursing.

(2) Unlawful sale of a controlled substance or other prescription items.

(3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.

(4) Falsification of medical records.

(5) Gross negligence or incompetence.

(6) Theft from patients or clients, other employees, or the employer.

(e) Failure of an employer to make a report required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation.

(f) Pursuant to Section 43.8 of the Civil Code, no person shall incur any civil penalty as a result of making any report required by this chapter.

(g) The board shall implement this section contingent upon the necessary funding in the annual Budget Act.

(h) For purposes of this section, "employer" includes employment agencies and nursing registries. (*Amended by Stats. 2011, Ch. 338, Sec. 9. Effective January 1, 2012.*)

#### **2878.5. Drug-Related Offenses.**

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to

another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of that commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b). *(Amended by Stats. 2003, Ch. 586, Sec. 4. Effective January 1, 2004.)*

#### **2878.6. What is Deemed a Conviction.**

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment. *(Amended by Stats. 1978, Ch. 1161.)*

#### **2878.7. Petition for Reinstatement or Reduction of Penalty.**

(a) A person whose license has been revoked, suspended, surrendered, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the disciplinary order or if any portion of the order is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for the reinstatement of a license that was revoked or surrendered, except that the board may, in its sole discretion, specify in its order a lesser period of time, which shall be no less than one year, to petition for reinstatement.

(2) At least two years for the early termination of a probation period of three years or more.

(3) At least one year for the early termination of a probation period of less than three years.

(4) At least one year for the modification of a condition of probation, or for the reinstatement of a license revoked for mental or physical illness.

(b) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The board itself or the administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision.

(d) The board may grant or deny the petition or may impose any terms and conditions that it

reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(e) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(f) Except in those cases where the petitioner has been disciplined for a violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter the provisions of Sections 822 and 823. *(Repealed and added by Stats. 2001, Ch. 728, Sec. 24. Effective January 1, 2002.)*

#### **2878.8. Disciplinary Action by Another Agency or State.**

The board may deny any application or may suspend or revoke any license issued under this chapter based upon the denial of licensure, suspension, restriction, or other disciplinary action of a license by another state, any other government agency, or by another California health care professional licensing board. A certified copy of the finding shall be conclusive evidence of that action provided that, if from another state, the findings establish an act which if committed in California would be grounds for discipline. *(Added by Stats. 1992, Ch. 1289, Sec. 23. Effective January 1, 1993.)*

#### **2878.9. Probationary License.**

(a) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any term of this chapter, but who has met all other requirements for licensure and who has successfully completed the examination for licensure within four years of the date of issuance of the initial license.

(b) Specific terms and conditions may include, but are not limited to, the following:

- (1) Continuing medical, psychiatric, or psychological treatment.
- (2) Ongoing participation in a specified rehabilitation program.
- (3) Abstention from the use of alcohol or drugs.
- (4) Compliance with all provisions of this chapter.

(c) (1) Notwithstanding any other provision of law, and for purposes of this section, when deciding whether to issue a probationary license, the board shall request that an applicant with a dismissed conviction provide proof of that dismissal and shall give special consideration to applicants whose convictions have been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal Code.

(2) The board shall also take into account and consider any other reasonable documents or individual character references provided by the applicant that may serve as evidence of rehabilitation as deemed appropriate by the board.

(d) The board may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the applicant or licensee.

(e) For purposes of issuing a probationary license to qualified new applicants, the board shall develop standard terms of probation that shall include, but not be limited to, the following:

- (1) A three-year limit on the individual probationary license.
- (2) A process to obtain a standard license for applicants who were issued a probationary license.
- (3) Supervision requirements.

(4) Compliance and quarterly reporting requirements. *(Amended by Stats. 2008, Ch. 675, Sec. 1. Effective January 1, 2009.)*

**2879. Revocation, Suspension, or Denial of License; Statement of Reasons for Denial; Copy of Criminal History Record; Hearings.**

(a) Notwithstanding Section 2878 or any other provision of law, the board may revoke, suspend, or deny at any time a license under this chapter on any of the grounds for disciplinary action provided in this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for a license, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.

(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a licensed vocational nurse.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record if the applicant makes a written request to the board for a copy, specifying an address to which it is to be sent.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make this information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted. *(Added by Stats. 2008, Ch. 675, Sec. 2. Effective January 1, 2009.)*

## **Article 4. Vocational Nursing Schools**

**2880. List of Approved Schools.**

The board shall prepare and maintain a list of approved schools of vocational nursing in this state whose graduates, if they have the other necessary qualifications provided in this chapter, shall be eligible to apply for a license to practice vocational nursing in this state. *(Amended by Stats. 2011, Ch. 338, Sec. 10. Effective January 1, 2012.)*

## **2881. Requirements for Approval.**

An approved school of vocational nursing is one which has been approved by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, gives a course of instruction in vocational nursing of not less than 1,530 hours or 50 semester units approved by the board pursuant to Section 2882 whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions and is affiliated or conducted in connection with one or more hospitals.

One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time. *(Amended by Stats. 2011, Ch. 338, Sec. 11. Effective January 1, 2012.)*

### **2881.1. Credit for Previous Education.**

The board shall deny the application for approval made by, and shall revoke the approval given to, any school of vocational nursing that does not give to student applicants credit, in the field of nursing, for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

The board shall prescribe, by regulation, the education for which credit is to be given and the amount of credit that is to be given for each type of education, including the amount of credit to be given to a certified nurse assistant, a nurse assistant who has provided direct nursing services in health facilities, and an applicant who has successfully completed equivalent courses offered by a secondary school that is approved by the State Department of Education in any state or by a nationally recognized regional accrediting body. These courses shall be assessed for equivalency by the vocational nursing school. *(Amended by Stats. 2011, Ch. 338, Sec. 12. Effective January 1, 2012.)*

### **2882. Required Instruction.**

The course of instruction of an approved school of vocational nursing shall consist of not less than the required number of hours of instruction in such subjects as the board may from time to time by regulation determine, together with the required number of hours in the care of medical, surgical, obstetrical patients, sick children, and such other clinical experience as from time to time may be determined by the board.

The board shall, by regulation, provide for the approval of courses of instruction expressed in hours of instruction, or academic units, or which require satisfactory demonstration of skills and behavioral competencies. *(Amended by Stats. 2011, Ch. 338, Sec. 13. Effective January 1, 2012.)*

### **2883. Inspection Reports; Notice of Deficiencies; Removal from Approved List.**

It shall be the duty of the board, through an official representative, to inspect or review all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the inspection or review shall be made to the board, which shall thereupon approve the schools of vocational nursing that meet the requirements provided by the board.

Upon receiving the report of the representative, if the board determines that any approved school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the approved list and notice thereof

in writing given to it. *(Amended by Stats. 2011, Ch. 338, Sec. 14. Effective January 1, 2012.)*

**2884. Exempt Religious Schools.**

None of the provisions of this chapter shall be applicable to any school or schools conducted by any well recognized church or denomination for the purpose of training the adherents of such church or denomination in the care of the sick in accordance with its religious tenets. *(Added by Stats. 1951, Ch. 1689.)*

## **Article 5. Penal Provisions**

**2885. Use of L.V.N.**

It is unlawful for any person or persons not licensed as provided in this chapter to impersonate in any manner or pretend to be a licensed vocational nurse, or to use the title "Licensed Vocational Nurse," the letters "L.V.N.," or any other name, word or symbol in connection with or following his name so as to lead another or others to believe that he is a licensed vocational nurse. *(Added by Stats. 1951, Ch. 1689.)*

**2886. Impersonation of Applicants.**

It is unlawful for a person to wilfully make any false representation or to impersonate any other person or permit or aid any person in any manner to impersonate him in connection with any examination or application for a license, or request to be examined or licensed. *(Added by Stats. 1951, Ch. 1689.)*

**2887. Penalties.**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than twenty dollars (\$20) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment. *(Amended by Stats. 1983, Ch. 1092, Sec. 11. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)*

## **Article 6. Revenue**

**2890. Vocational Nursing and Psychiatric Technicians Fund.**

The Vocational Nursing and Psychiatric Technicians Fund is hereby created in the State Treasury. *(Amended by Stats. 1997, Ch. 759, Sec. 24. Effective January 1, 1998.)*

**2892. Expiration of Licenses; Renewal of Unexpired Licenses.**

Licenses issued under this chapter prior to January 1, 1974, shall, unless renewed, expire on the last day of the month following the month in 1974 in which the licensee's birthday occurs and at two-year intervals thereafter on the last day of the month following the month in which the licensee's birthday occurs. Licenses issued under this chapter on or after January 1, 1974, shall, unless renewed, expire at

two- year intervals on the last day of the month following the month in which the licensee's birthday occurs, beginning with the second birthday following the date on which the license was issued. To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

The board shall give written notice to a licensee 30 days in advance of the renewal date and, 90 days in advance of the expiration of the fourth year that a renewal fee has not been paid, shall give written notice to the licensee informing the licensee in general terms of the provisions of Section 2892.4. *(Amended by Stats. 1981, Ch. 714, Sec. 6.)*

#### **2892.1. Renewal of Expired Licenses.**

Except as provided in Sections 2892.3 and 2892.5, an expired license may be renewed at any time within four years after its expiration upon filing of an application for renewal on a form prescribed by the board, payment of all accrued and unpaid renewal fees, and payment of any fees due pursuant to Section 2895.1.

If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2892 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed. *(Amended by Stats. 2001, Ch. 435, Sec. 7. Effective January 1, 2002.)*

#### **2892.2. Expiration and Renewal of Suspended Licenses.**

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended. *(Added by Stats. 1961, Ch. 363.)*

#### **2892.3. Expiration and Reinstatement of Revoked Licenses.**

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the date the application for reinstatement is filed, plus the delinquency fee, if any, accrued at the time of its revocation. *(Amended by Stats. 1973, Ch. 106.)*

#### **2892.4. Effect of Failure to Renew Within Specified Time.**

A license which is not renewed within four years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the license may apply for and obtain a new license if all of the following conditions are met:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.

(b) The applicant pays all of the fees that would be required of an applicant for a new license.

(c) The applicant takes and passes the examination which would be required of an applicant for a new license. The examination may be waived in any case in which the applicant establishes to the

satisfaction of the board that, with due regard for the public interest, the applicant is qualified to engage in the practice of vocational nursing.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section. *(Amended by Stats. 1984, Ch. 880, Sec. 1.)*

**2892.5. Continuing Education Requirements.**

(a) Each person renewing his or her license under the provisions of this chapter shall submit proof satisfactory to the board that, during the preceding two-year period, he or she has informed himself or herself of developments in the vocational nurse field or in any special area of vocational nurse practice, occurring since the issuance of his or her certificate, or the last renewal thereof, whichever last occurred, either by pursuing a course or courses of continuing education approved by the board in the vocational nurse field or relevant to the practice of such licensee, and approved by the board; or by other means deemed equivalent by the board.

(b) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to assure that a variety of alternative forms of continuing education are available to licensees including, but not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(c) This section shall not apply to the first license renewal following the initial issuance of a license.

(d) The board may, in accordance with the intent of this section, make exceptions from continuing education for licensees residing in another state or country, or for reasons of health, military service, or other good cause.

This section shall become operative on July 1, 1980. *(Amended by Stats. 1979, Ch. 651.)*

**2892.6. Collection of Fee from Provider of Course in Continuing Education.**

The board shall collect a biennial fee, not to exceed two hundred dollars (\$200), from any provider of a course in continuing education who requests approval by the board of such course for purposes of continuing education requirements under this chapter. That fee, however, shall in no event exceed that cost required for the board to administer the approval of continuing education courses by continuing education providers. *(Amended by Stats. 1990, Ch. 1131, Sec. 1.)*

**2893. Statements and Deposits of Moneys Collected.**

At least once in every calendar month, the board shall furnish the Controller a detailed statement of all moneys collected by the board under this chapter or from any other source, and, at the same time, shall pay the amount thereof to the Treasurer. On order of the Controller, the amount so paid shall be deposited in the State Treasury to the credit of the Vocational Nursing and Psychiatric Technicians Fund and to the Vocational Nurse Education Fund, as specified in Section 128500 of the Health and Safety Code. *(Amended by Stats. 2003, Ch. 640, Sec. 13. Effective January 1, 2004.)*

#### **2894. Uses of Fund.**

All money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the provisions of this chapter, including the promotion of nursing education in this state, and for the refund, in accordance with law, of license fees or other moneys paid into the Vocational Nursing and Psychiatric Technicians Fund under the provisions of this chapter.

Claims against the Vocational Nursing and Psychiatric Technicians Fund shall be audited by the Controller, and shall be paid by the Treasurer upon warrants drawn by the Controller. *(Amended by Stats. 2005, Ch. 74, Sec. 8. Effective July 19, 2005.)*

#### **2895. Fee Schedule.**

The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be in an amount not less than seventy-five dollars (\$75) and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(b) The fee to be paid for taking each examination shall be the actual cost to purchase the examination from a vendor approved by the board.

(c) The fee to be paid for any examination after the first shall be in an amount not less than seventy-five dollars (\$75) and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150).

(d) The biennial renewal fee to be paid upon the filing of an application for renewal shall be in an amount not less than one hundred dollars (\$100) and may be fixed by the board at an amount no more than one hundred fifty dollars (\$150). In addition, an assessment of five dollars (\$5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to Section 2895.5.

(e) Notwithstanding Section 163.5, the delinquency fee for failure to pay the biennial renewal fee within the prescribed time shall be in an amount not less than fifty dollars (\$50) and may be fixed by the board at not more than 50 percent of the regular renewal fee and in no case more than seventy-five dollars (\$75).

(f) The initial license fee is an amount equal to the biennial renewal fee in effect on the date the application for the license is filed.

(g) The fee to be paid for an interim permit shall be in an amount not less than forty dollars (\$40) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(h) The fee to be paid for a duplicate license shall be in an amount not less than twenty-five dollars (\$25) and may be fixed by the board at an amount no more than fifty dollars (\$50).

(i) The fee to be paid for processing endorsement papers to other states shall be in an amount not less than seventy-five dollars (\$75) and may be fixed by the board at an amount no more than one hundred dollars (\$100).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter. *(Amended by Stats. 2003, Ch. 640, Sec. 14. Effective January 1, 2004.)*

##### **2895.1. Dishonored Check in Payment of License Renewal Fee.**

Notwithstanding any other provision of law, an applicant for license renewal who receives his or her license after payment by a check or money order that is subsequently returned unpaid, shall not be granted a renewal until the applicant pays the amount outstanding from the returned check or money order, the applicable returned check fee, together with the applicable fee including any delinquency fee for the pending renewal. The board may require each applicant to make payment of all fees by cashier's

check. *(Added by Stats. 1994, Ch. 26, Sec. 63. Effective March 30, 1994.)*

**2895.5. Collection of Additional Fee.**

As provided in subdivision (d) of Section 2895, the Board of Vocational Nursing and Psychiatric Technicians shall collect an additional five dollar (\$5) assessment at the time of the biennial licensure renewal. This amount shall be credited to the Vocational Nurses Education Fund. This assessment is separate from those fees prescribed in Section 2895. *(Added by Stats. 2003, Ch. 640, Sec. 15. Effective January 1, 2004.)*

## PART II

### CALIFORNIA CODE OF REGULATIONS

#### TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS

##### Division 25. Board of Vocational Nursing and Psychiatric Technicians of the State of California (Originally Printed July 12, 1952)

##### Chapter 1. Vocational Nurses

##### Article 1. General Provisions

##### **2500. Location of Offices. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2853, Business and Professions Code.

History:

1. Chapter 25 (# 2500 through 2558) filed 7-8-52; effective thirtieth day thereafter (Register 29, No. 2).
2. Amendment filed 12-10-64; effective thirtieth day thereafter (Register 64, No. 24).
3. Amendment filed 7-20-71; effective thirtieth day thereafter (Register 71, No. 30).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

##### **2501. Tenses, Gender, and Number.**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2854, Business and Professions Code.

History:

1. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

##### **2502. Definitions.**

As used in this Chapter, unless the context otherwise requires:

(a) "Board" means the Board of Vocational Nursing and Psychiatric Technicians of the State of California;

(b) "Code" means the Business and Professions Code;

(c) "Approved school of vocational nursing," "approved school," and "school" mean a school of vocational nursing which has been approved by the Board pursuant to Sections 2880-2884 of the Code (the Vocational Nursing Practice Act), and whose graduates, if otherwise qualified, are eligible to apply for a license to practice vocational nursing.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 101, 2841, 2873 and 2881, Business and Professions Code.

History:

1. Amendment of subsection (a) filed 7-20-71; effective thirtieth day thereafter (Register 71, No. 30).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction of subsection (d) (Register 84, No. 2).
4. Change without regulatory effect amending subsection (a) and Note filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
5. Repealer of subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
6. Change without regulatory effect amending subsections (a) and (c) filed 7-23-2013 pursuant to section 100, title 1, California

### **2503. Delegation of Certain Functions.**

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation, surrender or interim suspension of a license; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in the absence of the executive officer from the office of the Board, the assistant executive officer.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2847, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d)(Register 83, No. 47).
2. Editorial correction (Register 84, No. 2).
3. Amendment filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

### **2504. Filing of Addresses.**

All persons holding a license from the Board shall file their current mailing address with the Board at its office in Sacramento, and shall immediately notify the Board of any and all changes of mailing address, within 30 days after the change, giving both their old and new addresses and license number.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 136 and 2892, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Change without regulatory effect amending section and Note filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).

#### **2504.1. Response to Board Inquiry.**

If the board or its designee asks a licensee to provide criminal history information, a licensee shall respond to that request within 30 days. The licensee shall make available all documents and other records requested and shall respond with accurate information.

Note: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 144, 2847, 2854, 2875, 2878 and 2878.6, Business and Professions Code; and Section 11105, Penal Code. History:

1. New section filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as 1-9-2009 order transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).

## **Article 2. Application for License**

### **2506. Form.**

Applications for license shall be made upon the form prescribed and provided by the Board, accompanied by such evidence, statements, or documents as therein required.

History:

1. Renumbering from Section 2510 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Editorial correction (Register 84, No. 2).

**2507. Place of Filing.**

Applications for licensure shall be filed with the Board's principal office in Sacramento.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2853, Business and Professions Code.

History:

1. Renumbering from Section 2511 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction (Register 84, No. 2).

**2508. Permit Processing Times.**

“Permit” as defined by the Permit Reform Act of 1981 means any license, certificate registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various permits are set forth below. The actual processing times apply to those persons who apply by the specified filing deadlines (if applicable) and who take and pass the first available examination.

<i>Permit</i>	<i>Maximum period of time in which the board will notify applicant in writing that the application is complete and accepted for filing or that the application is deficient and what specific information is required.</i>	<i>Maximum period of time after the filing of a complete application in which the Board will notify applicant of a permit decision.</i>	<i>Actual processing time based on prior two years.</i>		
			<i>Minimum</i>	<i>Median</i>	<i>Maximum</i>
Initial License	90 days	365 days	127	183	387 days
Interim Permit	30 days	60 days	3	10	22 days
Temporary License	30 days	30 days	1	15	30 days
Intravenous Therapy (IV), Blood Withdrawal BW) and IV/BW Certificate	30 days	30 days	1	15	30 days
Continuing Education (CE) Providers	30 days	30 days	1	15	30 days
Renewals – CE Providers	30 days	30 days	1	15	30 days
Renewals – License	60 days	90 days	10	51	94 days

Note: Authority cited: Section 2854, Business & Professions Code and Section 15376, Government Code. Reference: Sections 15375 and 15376, Government Code.

History:

1. New section filed 5-03-91; operative 6-02-91 (Register 91, No. 24).

## **2509. Evaluation of Applicants.**

(a) In addition to any other requirements for licensure, whenever evidence exists that an applicant for a license may be unable to practice safely because the applicant's ability to practice may be impaired due to mental illness, or physical illness affecting competency, the board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete.

(b) The report of the evaluation shall be made available to the applicant.

(c) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 480, 820, 822, 2841.1, 2866, 2878, 2878.6, 2878.9 and 2879, Business and Professions Code. History:

1. New section filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

## **Article 3. Examinations**

### **2510. Scope of Examinations.**

The examination for licensure as a licensed vocational nurse shall be the NCLEX-PN examination of the National Council of State Boards of Nursing, Inc.

Note: Authority cited: Sections 851 and 2854, Business and Professions Code. Reference: Section 2870, Business and Professions Code.

History:

1. Renumbering from Section 2520 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

3. Amendment filed 2-3-87; effective thirtieth day thereafter (Register 87, No. 6).

### **2511. Failure to Take Assigned Examination.**

An applicant who fails to take an assigned examination shall be removed from the eligible list of applicants. To be scheduled for a subsequent examination, the applicant shall notify the Board and shall pay the fees prescribed by Section 2895 of the code.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2868, 2869, 2871 and 2895, Business and Professions Code. History:

1. New section filed 7-25-60; effective thirtieth day thereafter (Register 60, No. 16).

2. Renumbering from Section 2520.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

3. Amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2512. Abandonment of Application.**

(a) An application shall be deemed to have been abandoned and the application fee forfeited when:

(1) The applicant fails to complete the application within the two years after it is originally submitted or within two years after last notification of deficiency.

(2) The applicant fails to submit the initial license fee within two years after notification by the Board.

(3) The applicant fails to take the licensing examination within two years after the first assigned date or within two years after last failing the examination.

(b) An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2867 and 2867.5, Business and Professions Code. History:

1. New section filed 9-11-70; effective thirtieth day thereafter (Register 70, No. 37).
2. Renumbering from Section 2520.2 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2513. Eligibility to Reapply for Licensure Examination After Third Examination Failure. [Repealed]**

History:

1. New section filed 12-19-55; effective thirtieth day thereafter (Register 55, No. 18). For history of former section, see Register 54, No. 7.
2. Amendment filed 6-9-59; effective thirtieth day thereafter (Register 59, No. 9).
3. Amendment filed 12-6-66; effective thirtieth day thereafter (Register 66, No. 43).
4. Amendment and renumbering from Section 2521 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
5. Repealer filed 12-4-75; effective thirtieth day thereafter (Register 75, No. 49).

### **2514. Examination Procedure.**

No one except as authorized by the Board shall solicit, accept, or compile information regarding the contents of written examination questions, either before, during, or after the administration of any examination.

(a) Applications and all required supporting documentation and fees must be received by the Board prior to the applicant being scheduled for examination.

(b) Vocational nursing programs shall file a transcript of record for each student who completes the course on a form provided by the Board.

(c) Schools shall submit in duplicate a list of all students whose applications for examination are submitted to the Board by the school.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2867, 2868, 2869 and 2873, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Renumbering from Section 2522 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Amendment of subsections (a) and (b) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).

## **Article 4. Licenses**

### **2516. Eligibility for Licensure.**

Persons who desire to qualify for licensure under Section 2873 of the Code must meet the requirements of one of the following:

(a) Completion of a course in vocational or practical nursing in a school approved by another state, provided that the course completed is substantially equivalent to that prescribed by Section 2533 of this Chapter; or

(b) Completion of the following experience and pharmacology course:

(1) Completion within the 10 years prior to the date of application of not less than 51 months of paid general duty inpatient bedside nursing experience in a clinical facility, at least half of which shall have been within five years prior to the date of application. Paid general duty inpatient bedside nursing experience is the performance of direct patient care functions provided throughout the patient's stay that encompass the breadth and depth of experience equivalent to that performed by the licensed vocational nurse.

(A) Such experience shall be verified by the employer showing specific dates of employment.

(B) The 51 months experience prescribed above shall include a minimum of each of the following: 48 months medical-surgical nursing; 6 weeks maternity or genitourinary nursing; 6 weeks pediatric nursing.

(C) Experience in any one or combination of the following areas may be substituted for a maximum of 8 months of medical-surgical experience:

1. Communicable Disease Nursing
2. Public Health Nursing
3. Occupational Health Nursing
4. Office Nursing (M.D.)
5. Psychiatric Nursing
6. Operating Room Nursing
7. Private Duty Nursing (performed in acute care facilities only)
8. Emergency Room Nursing
9. Out Patient Clinic
10. Post Anesthesia Recovery Nursing
11. Hemodialysis Nursing
12. Rehabilitation Nursing
13. Gerontological Nursing
14. Emergency Medical Technician service

(D) Applicants with formal nursing education may submit official transcripts for evaluation of possible credit in lieu of paid inpatient bedside nursing experience.

(E) Applicants reapplying on the basis of experience acquired subsequent to the date of the original application shall show that the qualifying experience has been completed within 10 years prior to the date of reapplication and that at least half of such experience has been within five years prior to the date of reapplication.

(2) The applicant must submit proof of completion of a course of at least 54 theory hours of pharmacology.

The course shall include but not be limited to:

- (A) Knowledge of commonly used drugs and their action
- (B) Computation of dosages
- (C) Preparation of medications
- (D) Principles of administration

(3) Verification of work experience shall include certification from the R.N. director or supervisor that the applicant has satisfactorily demonstrated the following knowledge and skills:

- (A) Basic Bedside Nursing
  1. Ambulation techniques
  2. Bedmaking
  3. Urinary Catheter care
  4. Collection of specimens
  5. Diabetic testing
  6. Administration of a cleansing enema
  7. Feeding patient

8. Hot and cold applications
  9. Intake and Output
  10. Personal hygiene and comfort measures
  11. Positioning and transfer
  12. Range of motion
  13. Skin care
  14. Vital signs
  15. Communication skills, both verbal and written, including communication with patients who have psychological disorders
- (B) Infection control procedures (may be demonstrated in classroom, lab, and/or patient care settings.)
1. Asepsis
  2. Techniques for strict, contact, respiratory, enteric, tuberculosis, drainage, universal and immunosuppressed patient isolation.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873, Business and Professions Code.

History:

1. New subsection (d) filed 12-23-76; effective thirtieth day thereafter (Register 76, No. 52). For prior history, see Register 75, No. 36.
2. Amendment of subsection (b) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
3. Amendment of subsection (c) filed 3-29-79; effective thirtieth day thereafter (Register 79, No. 13).
4. Amendment of subsection (d)(2) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8).
5. Amendment of subsection (d) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
7. Amendment of subsection (b)(2) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
8. Amendment filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
9. Amendment of subsection (c)(2) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
10. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
11. Change without regulatory effect amending first paragraph and subsection (a) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

#### **2516.5. Eligibility for Licensure – Military.**

In order to establish proof of active duty service and training in the medical corps of any of the armed forces pursuant to Section 2873.5 of the code, an applicant must submit the following to the Board:

- (a) Transcripts or “Certificate of Release or Discharge from Active Duty (DD 214) showing completion of basic course of instruction in nursing required by his or her particular branch of the armed forces;
- (b) DD 214 or other military document showing that service in the armed forces has been under honorable conditions, or whose general discharge has been under honorable conditions; and
- (c) Military service evaluations showing the dates of service, wards assigned and duties performed for each assignment.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2873.5, Business and Professions Code.

History:

1. New section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### **2517. Eligibility for Licensure Without Examination.**

An applicant shall be eligible for licensure without examination, pursuant to Section 2872.1 of the code, provided that the applicant:

(a) presents satisfactory proof of a current and valid license as a vocational nurse or practical nurse, or in an equivalent capacity, by another state, a territory of the United States, or a foreign country; and

(b) took the National League for Nursing State Board Test Pool Examination for Practical Nurses or the National Council Licensing Examination for Practical Nurses, and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2872.1, Business and Professions Code.

History:

1. Amendment of subsection (c) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31). For prior history, see Register 75, No. 36.

2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2517.5. Fingerprint and Disclosure Requirements for Renewal of License.**

(a) As a condition of renewal for a license that expires on or after April 1, 2009, a licensee who was initially licensed prior to January 1, 1998, or for whom an electronic record of the submission of fingerprints no longer exists, shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The licensee shall pay any costs for furnishing the fingerprints and conducting the searches.

(2) A licensee shall certify when applying for renewal whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(3) This requirement is waived if the license is renewed in an inactive status, or if the licensee is actively serving in the military outside the country.

(4) A licensee shall retain, for at least three years from the renewal date, either a receipt showing the electronic transmission of his or her fingerprints to the Department of Justice or a receipt evidencing that the licensee's fingerprints were taken.

(b) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been convicted of any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances.

(c) As a condition of renewal, a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country.

(d) Failure to comply with the requirements of this section renders any application for renewal incomplete and the license will not be renewed until the licensee demonstrates compliance with all requirements.

(e) Failure to furnish a full set of fingerprints to the Department of Justice as required by this section on or before the date required for renewal of a license is grounds for discipline by the Board.

Note: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 118, 141, 144, 2841.1, 2854, 2878, 2878.6, 2878.8, 2892.1 and 2892.3, Business and Professions Code; and Section 11105, Penal Code.

History:

1. New section filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as 1-9-2009 order, including amendment of section and Note, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).

3. Amendment of subsection (b) filed 7-27-2015; operative 10-1-2015 (Register 2015, No. 31).

## **2518. Renewal of License, Eligibility to Qualify for Renewal After License Has Expired.**

Any person who has been issued an equivalent license in another state during the period since the expiration of the nurse's license in California, or can otherwise establish to the satisfaction of the Board, that the nurse is qualified to engage in practice as a licensed vocational nurse, shall also be exempted from such examination requirements.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.4, Business and Professions Code.

History:

1. Renumbering from Section 2532 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history see Register 61, No. 26.
2. Amendment filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2518.5. Scope of Vocational Nursing Practice.**

The licensed vocational nurse performs services requiring technical and manual skills which include the following:

(a) Uses and practices basic assessment (data collection), participates in planning, executes interventions in accordance with the care plan or treatment plan, and contributes to evaluation of individualized interventions related to the care plan or treatment plan.

(b) Provides direct patient/client care by which the licensee:

- (1) Performs basic nursing services as defined in subdivision (a);
- (2) Administers medications;
- (3) Applies communication skills for the purpose of patient/client care and education; and
- (4) Contributes to the development and implementation of a teaching plan related to self-care for the patient/client.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2859, 2860.5, 2860.7, 2878(a) and 2878.5, Business and Professions Code; and Section 11215, Health and Safety Code.

History:

1. New section filed 9-19-96; operative 10-19-96 (Register 96, No. 38).

### **2518.6. Performance Standards.**

(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by actions that include but are not limited to the following:

- (1) Reporting to the Board acts specified in Sections 2878 and 2878.5 of the Business and Professions Code;
- (2) Documenting patient/client care in accordance with standards of the profession; and
- (3) Performing services in accordance with Section 125.6 of the Business and Professions Code.

(b) A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

- (1) Maintaining current knowledge and skills for safe and competent practice;
- (2) Maintaining patient/client confidentiality;
- (3) Maintaining professional boundaries with the patient/client;
- (4) Abstaining from chemical/substance abuse; and
- (5) Cooperating with the Board during investigations as required by Section 2878.1 of the Business and Professions Code.

(c) A violation of this section constitutes unprofessional conduct for purposes of initiating

disciplinary action.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 101.6, 108, 2859, 2878, 2878.1 and 2878.5, Business and Professions Code; Section 11166, Penal Code; and Section 15630(a), Welfare and Institutions Code. History:

1. New section filed 9-19-96; operative 10-19-96 (Register 96, No. 38).
2. Amendment of subsections (a)-(a)(1) and (b)(3)-(4), new subsection (b)(5) and amendment of Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

### **2518.7. Private Duty Nursing Defined.**

Private duty patient care may be performed in any setting, including, but not limited to, acute care, long term care, or the patient's home. For purposes of licensure equivalency eligibility, the Board will accept only private duty patient care that has occurred in acute or long term care facilities. Private duty services are contracted directly between the nurse and the patient or entity acting on the patient's behalf. A licensed vocational nurse (LVN) must provide private duty nursing services under the direction of a registered nurse who directs nursing care and/or the patient's physician who directs medical care. The supervisor must be responsible for direction to the private duty LVN regarding the respective nursing and medical procedures.

The direction provided by the registered nurse or physician to the LVN must be available at least by telephone.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2859, Business and Professions Code.

History:

1. New section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2518.8. Unprofessional Conduct.**

In addition to the conduct described in Section 2878(a) of the Code, "unprofessional conduct" also includes, but is not limited to, the following:

(a) Including or permitting to be included any of the following provisions in agreement to settle a civil dispute arising from the licensee's practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the board.

(b) Failure to provide to the board, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any board investigation. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

- (d) Failure to report to the board within 30 days any of the following:
  - (1) The bringing of an indictment or information charging a felony against the licensee.
  - (2) The arrest of the licensee.
  - (3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.
  - (4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.
- (e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 490, 2841.1, 2878 and 2878.6, Business and Professions Code.

History:

1. New section filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

### **2519. Gross Negligence.**

As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 “gross negligence” means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed vocational nurse, and which has or could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the belief that there was a conscious substantial departure from the above standard of care.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854, 2873, 2880, 2881, 2881.1, 2882-2884, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Renumbering from Section 2533 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

### **2520. Incompetence.**

As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 “incompetence” means the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by responsible licensed vocational nurses.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854, 2873, 2880, 2881, 2881.1, 2882-2884, Business and Professions Code.

History:

1. New section filed 7-31-74; effective thirtieth day thereafter (Register 74, No. 31).
2. Renumbering from Section 2534 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

#### **2520.1. Child Abuse Reporting.**

Pursuant to Penal Code Section 11166, licensed vocational nurses are mandated to report known or suspected child abuse cases to a child protective agency. Failure to make a child abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(a), Business and Professions Code; and Section 11166, Penal Code.

History:

1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

### **2520.2. Elder Abuse Reporting.**

Pursuant to Welfare and Institutions Code Section 9381, licensed vocational nurses are mandated to report any known or suspected instance of elder physical abuse to an elder protective agency. Failure to make an elder physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(a), Business and Professions Code; and Section 9381, Welfare and Institutions Code.

History:

1. New section filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).

### **2520.3. Dependent Adult Abuse Reporting.**

Pursuant to Welfare and Institutions Code Section 15630(a), licensed vocational nurses are mandated to report any known or suspected instance of dependent adult abuse to an adult protective agency. Failure to make a dependent adult physical abuse report as required shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 2878(a).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2878(a), Business and Professions Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 2-4-87; effective thirtieth day thereafter (Register 87, No. 6).

### **2520.4. Licensee Mandatory Reporting.**

A licensed vocational nurse shall report, in writing, to the Board the commission of any act by another person that is prohibited by Business and Professions Code Sections 2878, 2878.1 and 2878.5. The report shall be made to the Board within 30 calendar days from the date the licensee knows that a violation occurred. Failure to make a report to the Board as required by this section shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 2878.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2859, 2878, 2878.1 and 2878.5, Business and Professions Code; Section 11166, Penal Code; and Section 15630(a), Welfare and Institutions Code.

History:

1. New section filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

### **2520.5. Employer Mandatory Reporting.**

(a) Employers of licensed vocational nurses shall report, in writing, to the Board the rejection from assignment, suspension, termination, or resignation for cause (as defined in Business and Professions Code Section 2878.1(d)) of any licensed vocational nurse in its employ. The resignation for cause provision only applies to a licensed vocational nurse's resignation submitted in lieu of receiving a rejection from assignment, suspension, or termination for cause (as defined in Business and Professions Code Section 2878.1 (d)). An employment agency or nursing registry shall report to the Board the rejection from assignment of a licensed vocational nurse by a health facility or home health care provider due to acts that would be cause for suspension or termination (as defined in Business and Professions Code Section 2878.1 (d)). The report shall be made within 30 calendar days from the effective date of the suspension, termination, or resignation for cause, or, where a licensee was rejected from assignment, within 30 calendar days from the date the health facility or home health care provider first notified the employment agency or nursing registry of the rejection. Failure to make a report to the Board as required under this section shall constitute a violation of Business and Professions Code Section 2878.1.

(b) For purposes of this section, “employer” also includes employment agencies and nursing registries.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2859, 2878, 2878.1 and 2878.5, Business and Professions Code.

History:

1. New section filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).
2. Amendment filed 9-17-2013; operative 1-1-2014 (Register 2013, No. 38).

### **2521. Substantial Relationship Criteria.**

For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

- (a) Procuring a license by fraud, misrepresentation, or mistake.
- (b) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code.
- (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code.
- (d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.
- (e) Conviction of a crime involving fiscal dishonesty.
- (f) Any crime or act involving the sale, gift, administration, or furnishing of “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of the Business and Professions Code.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 475, 480, 490, 2875, 2876, 2878, 2878.5 and 2878.6, Business and Professions Code.

History:

1. New section filed 4-1-75; effective thirtieth day thereafter (Register 75, No. 14).
2. Renumbering from Section 2536 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment of subsection (f) filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22).

### **2522. Rehabilitation Criteria.**

When considering a) the denial of a license under Section 480 of the Business and Professions Code, b) the suspension or revocation of a license on the ground that a licensee has been convicted of a crime, or c) a petition for reinstatement of a license under Section 2787.7 of the Business and Professions Code, the Board in evaluating the rehabilitation of an individual and his or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.
- (2) Actual or potential harm to the public.
- (3) Actual or potential harm to any patient.
- (4) Overall disciplinary record.
- (5) Overall criminal actions taken by any federal, state or local agency or court.
- (6) Prior warnings on record or prior remediation.
- (7) Number and/or variety of current violations.
- (8) Mitigation evidence.
- (9) In case of a criminal conviction, compliance with terms of sentence and/or court-ordered

probation.

(10) Time passed since the act(s) or offense(s) occurred.

(11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.

(12) Cooperation with the Board and other law Enforcement or regulatory agencies.

(13) Other rehabilitation evidence.

Note: Authority cited: Sections 482 and 2854, Business and Professions Code. Reference: Sections 480, 482, 488, 490, 492, 2876, 2878 and 2878.7, Business and Professions Code. History:

1. Amendment of section heading and section and new Note filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

### **2522.5. Rehabilitation Criteria for Suspensions or Revocations. [Repealed]**

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4530 and 4531, Business and Professions Code.

History:

1. New section filed 4-1-75; effective thirtieth day thereafter (Register 75, No. 14).

2. Renumbering from Section 2537.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).

3. Amendment of subsection (b) filed 3-4-78; effective thirtieth day thereafter (Register 78, No. 9).

4. Repealer filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).

### **2523. Citations and Fines – Content and Service.**

(a) The executive officer of the Board or his/her designee, in lieu of filing an accusation against any licensee, may issue a citation which may contain an administrative fine and/or order of abatement against that licensee for any violation of law which would be grounds for discipline or of any regulation adopted by the Board pursuant thereto.

(b) The executive officer of the Board or his or her designee may issue a citation which may contain an administrative fine against any employer of a licensed vocational nurse who fails to report a suspension or termination for cause of that licensee as specified in Section 2878.1 of the Business and Professions Code. For purposes of this article, "cited person" includes a cited employer.

(c) Each citation shall be in writing, shall indicate the classification of the citation, and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.

(d) For licensee citations, the citation may contain an assessment of an administrative fine, an order of abatement fixing a reasonable time for abatement of the violation or both.

(e) The citation shall inform the cited person of the right to an informal conference concerning the matter and of the right to an administrative hearing.

(f) The citation shall be served upon the cited person personally or by certified and regular mail.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878 and 2878.1, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Amendment of subsection (a), new subsection (b), subsection relettering, amendment of newly designated subsection (d) and amendment of Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

### **2523.1. Exceptions. [Repealed]**

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Repealer filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

## **2523.2 Violation Classifications.**

(a) There shall be three classes of violations:

- (1) Class "A";
- (2) Class "B"; and
- (3) Class "C."

(b) In determining the violation class for violations, the following factors shall be considered:

- (1) Nature and severity of the violation.
- (2) Length of time that has passed since the date of the violation.
- (3) Consequences of the violation, including potential or actual patient harm.
- (4) History of previous violations of the same or similar nature.
- (5) Evidence that the violation was willful.

(c) The fine for each Class "A" violation shall not exceed \$10,000 per violation. A Class "A" violation is the failure of an employer to report to the Board, as specified in Section 2520.5, the rejection from assignment, suspension, termination, or resignation for cause of a licensed vocational nurse.

(d) The fine for each Class "B" violation shall be no less than \$1,001 and no more than \$2,500. A Class "B" violation includes:

(1) A violation that results in or could have resulted in patient harm and where there is no evidence that revocation or other disciplinary action is required to ensure consumer safety. Such violations include but are not limited to patient abandonment and falsifying nursing notes;

(2) Any violation that is neither directly or potentially detrimental to patients nor directly or potentially impacts their care. Such violations include, but are not limited to, a violation committed for personal and/or financial gain, or fraud;

(3) A minor or technical violation that continues for six months or more in duration; or

(4) A minor or technical violation with one or more Class "C" citations.

(e) The fine for each Class "C" violation shall not exceed \$1,000. A Class "C" violation is a minor or technical violation that is neither directly or potentially detrimental to patients nor directly or potentially impacts their care and which continues for less than six months duration. Such violations include but are not limited to practicing with an expired license, pre-charting, charting errors, or verbal abuse.

(f) Notwithstanding the administrative fine amounts specified in subsections (d) and (e), a Class B or Class C citation may include a fine of no more than \$5,000 if one or more of the following circumstances apply:

(1) The cited person has a history of two or more prior citations of the same or similar violations.

(2) The citation involves a violation that has a substantial risk to the health and safety of another person.

(3) The citation involves multiple violations that demonstrate a willful disregard of the law.

(4) The citation involves a violation perpetuated against an elder, disabled, or dependent person.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878 and 2878.1, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

3. Amendment of subsections (c)-(d)(2) filed 9-17-2013; operative 1-1-2014 (Register 2013, No. 38).

### **2523.3. Citations for Unlicensed Practice.**

The executive officer of the board or his/her designee may issue citations, in accordance with Section 148 of the Code, against any person (as defined in section 302 of the Code) who is performing or who has performed services for which licensure is required under the Vocational Nursing Practice Act or regulations adopted pursuant thereto. Each citation issued under this section shall contain an order of abatement. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

### **2523.4. Criteria to be Considered in Assessing a Fine.**

In any citation which includes a fine, the following factors shall be considered in determining the amount of the fine to be assessed:

- (a) Gravity of the violation.
- (b) History of previous violations of the same or a similar nature.
- (c) The good or bad faith exhibited by the cited person.
- (d) Evidence that the violation was willful.
- (e) The extent to which the cited person cooperated with the board's investigation.
- (f) The extent to which the cited person has remediated any knowledge and/or skills deficiencies which could have injured a patient.
- (g) Any other mitigating or aggravating factors.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code. History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

### **2523.5. Contested Citations.**

(a) The cited person may, within 14 calendar days after service of the citation, submit a written request for an informal citation review with the executive officer or his/her designee.

(b) The executive officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal conference with the cited person and his/her legal counsel or authorized representative, if desired.

(c) The executive officer or his/her designee may affirm, modify or dismiss the citation, including any fine or order of abatement, at the conclusion of the informal conference. A written decision stating the reasons for the decision shall be mailed to the cited person and his/her legal counsel, if any, within 14 calendar days from the date of the informal conference.

(d) If the citation is dismissed during the informal conference, any request for an administrative hearing shall be deemed withdrawn. If the citation is affirmed or modified, the cited person may request an administrative hearing within 30 days of the date of the issuance of the written informal conference decision. The request for an administrative hearing shall be in writing.

(e) The failure of a cited person to appear for a scheduled informal citation review conference shall be deemed a withdrawal of any request for an administrative hearing if the Board sends written notice to the cited person of that consequence and the cited person does not inform the Board otherwise, in writing, within 10 calendar days of the notice.

(f) In addition to the appeal rights in subsections (a) through (e) above, the cited person may request an administrative hearing provided for in subdivision (b)(4) of Section 125.9 of the Code within

30 days of the date of issuance of the citation or assessment.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878 and 2878.1, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).
2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

#### **2523.6. Compliance with Citation/Order of Abatement.**

(a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the executive officer or his/her designee an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the order is appealed and the cited person does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in further action being taken by the Board which may include discipline against a licensee, or other appropriate judicial relief being taken against the person cited.

(d) If a fine issued to a licensee is not paid after a citation has become final, the fine shall be added to the cited person's license renewal fee. A license shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9, 148, 2878 and 2878.1, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).
2. Amendment of section and Note filed 9-11-2007; operative 10-11-2007 (Register 2007, No. 37).

#### **2523.7. Notification to Other Boards and Agencies.**

The issuance and disposition of a citation shall be reported to other boards of vocational nursing, registered nursing and other regulatory agencies.

Note: Authority cited: Sections 125.9, 148 and 2854, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History:

1. New section filed 7-27-95; operative 8-26-95 (Register 95, No. 30).

#### **2524. Disciplinary Guidelines and Uniform Standards Related to Substance Abuse.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.) the Board shall utilize the disciplinary guidelines entitled "Disciplinary Guidelines and Uniform Standards Related to Substance Abuse" (Rev. 6/20/11), which are hereby incorporated by reference. The Disciplinary Guidelines apply to all disciplinary matters; the Uniform Standards apply to a substance abusing licensee.

(a) Subject to subsection (b), deviation from the Disciplinary Guidelines, including the standard conditions of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

(b) If the conduct found to be a violation involves the use of drugs and/or alcohol, the licensee

shall be presumed to be a substance abusing licensee for purposes of Section 315 of the Business and Professions Code. If the licensee does not rebut that presumption, then the Uniform Standards for a substance abusing licensee shall apply.

(c) Notwithstanding the Disciplinary Guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact as defined in subdivision (c) of section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a sex offense as defined in Section 44010 of the Education code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

Note: Authority cited: Section 2854, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 315, 315.2, 315.4, 729, 2875, 2876 and 2878, Business and Professions Code; Section 44010, Education Code; and Sections 11400.20, 11425.50(e) and 11500, Government Code .

History:

1. New section and appendix A filed 10-23-96; operative 11-22-96 (Register 96, No. 43).
2. Amendment of section and repealer of appendix A filed 5-31-2000; operative 6-30-2000 (Register 2000, No. 22).
3. Editorial correction relocating article 5 heading from section 2524 to section 2525 (Register 2006, No. 15).
4. Editorial correction implementing repealer of appendix A and amending History 2 (Register 2007, No. 37).
5. Amendment filed 9-29-2008; operative 10-29-2008 (Register 2008, No. 40).
6. Amendment of section heading, section and Note filed 11-29-2012; operative 12-29-2012 (Register 2012, No. 48).

#### **2524.1. Required Actions Against Registered Sex Offenders.**

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the board shall:

(1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.

(3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license shall govern.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2841.1, 2866, 2876, 2878, 2878.6 and 2878.7, Business and Professions Code.

History:

1. New section filed 3-2-2006; operative 4-1-2006 (Register 2006, No. 9).
2. Renumbering of former section 2524.1 to section 2524.5 and new section 2524.1 filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

## 2524.5. Consumer Complaint Disclosure.

In reaching a decision on the disclosure of a consumer complaint under the Public Records Act (Government Code Section 6250 et seq.), the Board shall follow its "Consumer Complaint Disclosure Policy" which specifies the following:

(a) **Public Access to Information** - It is the policy of the Board of Vocational Nursing and Psychiatric Technicians (hereafter "Board") that information concerning individuals licensed by this agency be available to members of the public. Among the principal functions of the Board is the investigation of complaints against its licensees to determine whether there is cause for disciplinary action. Information regarding actions taken by the Board in the disposition of such complaints is readily accessible to the consuming public.

(b) **Complaint Information System** - The Board maintains a system designed to provide information regarding complaints and disciplinary actions against its licensees and information regarding their license status.

(c) **Information to be Provided Regarding Complaints** - In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant. The Board shall disclose details of a consumer complaint if the complaint is substantiated through investigation and/or an Accusation or Statement of Issues is filed. The Board shall disclose the following consumer complaint information to the public, upon request:

(1) The number of complaints which have been found by the Board to be violations of the licensing law or regulations; and

(2) With respect to each complaint, the following information:

(A) Its date of receipt;

(B) A summary of the violation(s);

(C) Its disposition, by indicating whether the complaint:

(1) Has been or will be referred to formal disciplinary action.

(2) Has been found to involve a minor violation not in itself meriting disciplinary action;

(3) Has been disposed of through any action taken, formal or informal.

(3) Comparative data considered by the Board to be informative to consumers, which could include the average number of complaints received against licensees in a given region, locality or area of practice.

(4) A general disclaimer, if any, as the Board may deem appropriate.

(d) **A consumer complaint may not be disclosed if one of the following conditions exists:**

(1) The complaint is deemed without merit.

(2) Board jurisdiction cannot be established.

(3) The complaint is unrelated to professional conduct.

(4) The complaint involves a non-consumer matter.

(5) Disclosure is prohibited by statute or regulation.

(6) Disclosure might endanger or injure the complainant.

(7) Disclosure might compromise the investigation and/or prosecution.

(e) **Information to be Provided Regarding Disciplinary Actions** - The Board maintains records showing the disciplinary history of all current license holders and will provide to the public, upon request, whether a current license holder has ever been disciplined and, if so, when and for what offense. A copy of documents related to that action including the accusation, proposed decision, stipulation and/or final decision will be provided to the public upon request.

Note: Authority cited: Section 2854, Business and Professions Code; and Section 6253.4, Government Code. Reference: Sections 2875, 2876, 2878, 2878.1 and 2878.5, Business and Professions Code; and Sections 6252, 6253, 6253.2, 6253.4, 6254, 6255, 6260, 11503 and 11504, Government Code.

History:

1. Renumbering of former section 2524.1 to new section 2524.5, including amendment of subsections (c) and (e), filed 5-4-2012; operative 6-3-2012 (Register 2012, No. 18).

## Article 5. Schools of Vocational Nursing

### 2525. Approved Schools of Nursing. Definition.

(See Section 2502(c) of this Chapter.)

History:

1. Renumbering from Section 2550 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Editorial correction relocating article 5 heading from section 2524 to section 2525 (Register 2006, No. 15).
3. Change without regulatory effect amending section heading and section filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### 2526. Procedure for Approval.

(a) The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

- (1) Philosophy of the program.
- (2) Conceptual framework.
- (3) Terminal objectives to indicate expected student outcomes upon successful completion of the program.
- (4) Curriculum objectives.
- (5) Course outlines.
- (6) Course objectives.
- (7) Instructional Plan.
- (8) Evaluation methodology for curriculum.
- (9) Faculty who meet the qualifications set forth in Section 2529.
- (10) Clinical Facilities.
- (11) Evaluation methodology for clinical facilities.
- (12) Admission criteria.
- (13) Screening and selection criteria.
- (14) Number of students.

(A) A school may admit alternate students in each new class to replace students who may drop out.

(B) The number of alternate students admitted may not exceed 10% of the school's Board-approved number of students per class.

(C) Prior to admission, alternate students must be informed in writing of their alternate status and that they may be dropped from the program.

(D) Alternate students may participate in classes until the commencement of scheduled clinical experience at approved clinical facilities.

(E) Upon commencement of clinical experience at approved clinical facilities, the actual number of students in the class may not exceed the number of students approved by the Board for that particular class.

- (15) Evaluation methodology for student progress.
- (16) List of resources for provision of counseling and tutoring services for students.
- (17) Student policies:
  - (A) Credit granting.
  - (B) Attendance.
  - (C) Grievance.
- (18) Organizational chart.
- (19) Proposed starting date.
- (20) Evidence of program resources to include, but not be limited to:
  - (A) Description of the geographic area and community to be served by the proposed

program;

(B) Clinical affiliations available for student clinical experience; and

(C) Existing nursing programs with which clinical affiliations are shared.

(b) An institution may commence a new vocational nursing program upon Board approval.

(c) A Board representative shall complete an inspection or review prior to graduation of the initial class. A program shall not commence another class without prior Board approval.

(d) Approval will be granted by the Board when a vocational nursing program demonstrates that it meets all requirements as set forth in this Chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.

(e) The approval period shall be for a term of four years unless the Board grants an extension.

(1) An extension may be granted when the program demonstrates to the satisfaction of the Board that it is in full compliance with all requirements as set forth in this Chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.

(2) The extension may be granted for a period not to exceed four years.

(f) Six months prior to the date of approval expiration, a program may apply for continued approval based upon submission of documentation satisfactory to the Board pursuant to Section 2526 (a). A subsequent inspection or review may be conducted by a Board representative.

(g) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2880, 2881 and 2883, Business and Professions Code.

History:

1. Amendment and renumbering from section 2551 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history, see Register 75, No. 28.

2. Amendment of subsection (c)(4)(B) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).

3. Amendment of subsection (a), repealer of subsections (a)1.-(b), new subsections (a)1.-(e) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

4. Editorial correction deleting duplicate section (Register 92, No. 18).

5. Amendment filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).

6. Repealer of subsections (a)(14)-(a)(14)(B), new subsections (a)(14)-(a)(14)(E) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

7. New subsection (a)(16), subsection renumbering and amendment of newly designated subsection (a)(20) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

8. Change without regulatory effect amending section heading and subsections (a) and (d)-(g) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

9. Amendment of subsections (c) and (f) filed 8-21-2014; operative 10-1-2014 (Register 2014, No. 34).

### **2526.1. Provisional Approval.**

(a) Provisional approval means a program has not met all requirements as set forth in this Chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.

(b) Provisional approval shall be granted for a period determined by the Board.

(c) The Board May place any program on provisional approval when that program does not meet all requirements as set forth in this Chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional approval period, provisional approval may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.

(d) Any program holding provisional approval may not admit "new" classes beyond the established pattern of admission previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional approval.

(e) A program placed on provisional approval shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for

correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional approval.

(f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional approval.

(g) A program whose provisional approval has been revoked shall be removed from the Board's list of approved programs. The status of students as potential applicants for licensure will be determined by the Board.

(h) A program that is removed from the Board's list of approved programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2880, 2881 and 2883, Business and Professions Code.

History:

1. New section filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
3. Change without regulatory effect amending section heading and section filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### **2527. Reports.**

(a) The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not approval will be continued.

(b) A school shall report to the Board within ten days of the termination of a faculty member.

(c) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of approval or provisional approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2883, Business and Professions Code.

History:

1. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
2. Renumbering from section 2552 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).(Register 83, No. 47).
4. New subsection (c) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
5. Editorial correction deleting duplicate section (Register 92, No. 18).
6. Amendment of subsection (c) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
7. Change without regulatory effect amending subsections (a) and (c) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### **2528. Faculty, Report of Changes. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2882, Business and Professions Code.

History:

1. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
2. Renumbering from Section 2553 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Repealer of subsection (b) filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Repealer filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).

### **2529. Faculty Qualifications.**

(a) A school shall submit qualifications of the proposed faculty members for approval by the Board prior to employment.

(b) Each vocational nursing program shall have one faculty member, designated as director who

meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525 et seq.).

(c) Requirements for specific faculty positions are as follows:

(1) **Director.** A director of a vocational nursing program shall:

(A) Hold a current California active license as a Registered Nurse; and

(B) Hold a baccalaureate degree from an approved school; and

(C) Have a minimum of three years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or a minimum of three years experience in nursing administration or nursing education within the last five years; and

(D) Have completed a course or courses offered by an approved school with instruction in administration, teaching, and curriculum development.

(2) **Assistant Director.** An assistant director of a vocational nursing program shall:

(A) Hold a current California active license as a Registered Nurse; and

(B) Hold a baccalaureate degree from an approved school;

(C) Have a minimum of three years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or have a minimum of three years experience in nursing administration or nursing education within the last five years; and

(D) Have completed a course or courses offered by an approved school with instruction

(1) in teaching, (2) curriculum development, and (3) administration.

(3) **Instructor.** An instructor in a vocational nursing program shall have or be currently attending a course offered by an approved school in teaching; and shall meet the requirements of Subsection A or B, below:

(A) Registered Nurse:

1. Hold a current California active license as a Registered Nurse; and

2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year full- time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and

3. Have a minimum of two years experience as a registered nurse or licensed vocational nurse within the last five years.

(B) Licensed Vocational Nurse:

1. Hold a current California active license as a Vocational Nurse; and

2. Hold a baccalaureate degree from an approved school; or a valid teaching credential; or have completed a minimum of one year full- time teaching experience in a state approved registered nursing or vocational or practical nursing, or psychiatric technician school within the last five years; or met community college or state university teaching requirements in California; and

3. Have a minimum of two years experience as a vocational nurse within the last five years.

(4) **Additional Faculty.** Persons who have the qualifications to teach in a community college or a state university in California or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirements for vocational education credential may teach curriculum content as specified in Section 2533(e).

(5) **Teacher Assistant.** A teacher assistant in a vocational nursing program shall:

(A) Hold a current California active license as a Vocational Nurse or Registered Nurse;

and,

(B) Have a minimum of two years of experience as a licensed vocational nurse or registered nurse within the last five years.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2883, Business and Professions Code.

History:

1. Amendment of subsection (c) filed 4-12-89; operative 5-12-89 (Register 89, No. 23). For prior history, see Register 87, No. 6.
2. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment of subsections (b), (c)(1)(D), (c)(2)(D) and (c)(4) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
4. Amendment of subsection (c)(4) filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
5. Change without regulatory effect amending subsections (c)(1)(B)-(D), (c)(2)(B)-(D), (c)(3), (c)(3)(A)2. and (c)(3)(B)2. filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### **2530. General Requirements.**

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory and equipment to achieve the program's objectives.

(b) Regular faculty meetings shall be held. Minutes shall be available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours assigned to the instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) Each school shall have on file proof that each enrolled student has completed a general education course of study through the 12th grade or evidence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally-recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

(1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.

(2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

(i) The school shall evaluate student performance to determine the need for remediation or removal from the program.

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

(1) Sufficient program resources as specified in Section 2530(a).

(2) Adequacy of clinical experience as specified in Section 2534.

(3) Licensure examination pass rates as specified in Section 2530(l).

(l) The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of

approved vocational nursing schools for the same period.

(1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2881 and 2882, Business and Professions Code.

History:

1. New section filed 10-4-61; effective thirtieth day thereafter (Register 61, No. 20).
2. New subsections (f) and (g) filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Amendment filed 7-11-75; effective thirtieth day thereafter (Register 75, No. 28).
4. Amendment and renumbering from section 2554.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
5. Amendment of subsection (i) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. New subsection (j) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
7. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
8. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
9. Amendment of subsections (a) and (d), repealer of subsection (j)(3) and subsection renumbering, and new subsections (k)-(k)(2) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
10. Amendment of subsection (h) and new subsections (h)(1), (h)(2), (k)(3) and (l)-(l)(2) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
11. Amendment of subsection (g), repealer of subsection (l)(1) and subsection renumbering filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).
12. Change without regulatory effect amending subsections (l)-(l)(1) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### **2531. Curriculum. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2882, Business and Professions Code.

History:

1. New section filed 6-9-59; effective thirtieth day thereafter (Register 59, No. 9).
2. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Amendment and renumbering from Section 2554.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
4. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
5. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2532. Curriculum Hours.**

(a) The course in vocational nursing shall consist of not less than 1530 hours or 50 semester units, and may be given on either a full-time or part-time basis. One hour of instruction for purposes of computing the total hours of instruction or for calculating semester units as specified in this section shall consist of not less than 50 minutes of actual class time.

(b) The minimum hours required shall be as follows: Theory Hours -576, which shall include a minimum of 54 hours in pharmacology Clinical Hours -954

(c) The school week shall not exceed 40 hours per week.

(d) School days that consist of class attendance only or a combination of class attendance and clinical experience shall not exceed eight hours in length.

(e) Students may be assigned to shifts of up to and including 12-hour length for clinical experience, only.

(f) Students may be granted holidays and vacation days equivalent to those granted by community colleges.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881, 2882 and 2883, Business and Professions Code. History:

1. Renumbering of Section 2556.5 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36). For prior history see Register 72, No. 21.
2. Amendment of subsection (b) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8).

3. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
5. Amendment of subsection (a) filed 4-8-86; effective thirtieth day thereafter (Register 86, No. 15).
6. Amendment of subsection (c), repealer of subsection (d), new subsections (d)-(f) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

### **2533. Curriculum Content.**

- (a) Vocational nurse programs shall include theory and correlated clinical experience.
- (b) The curriculum shall develop the knowledge, skills, and abilities necessary to care for patients of all ages in current health care settings.
- (c) Curriculum content shall be taught in a sequence that results in students' progressive mastery of knowledge, skills, and abilities.
- (d) The curriculum content shall include:
  - (1) Anatomy and physiology
  - (2) Nutrition
  - (3) Psychology
  - (4) Normal growth and development
  - (5) Nursing fundamentals
  - (6) Nursing process
  - (7) Communication, both verbal and written, including communication with patients who have psychological disorders
  - (8) Patient education
  - (9) Pharmacology which shall include:
    - (A) Knowledge of commonly used drugs and their action
    - (B) Computation of dosages
    - (C) Preparation of medications
    - (D) Principles of administration
  - (10) Medical-surgical nursing
  - (11) Communicable diseases, which shall include but not be limited to Human Immunodeficiency Virus (HIV)
  - (12) Gerontological nursing
  - (13) Rehabilitation nursing
  - (14) Maternity nursing
  - (15) Pediatric nursing
  - (16) Leadership
  - (17) Supervision
  - (18) Ethics and unethical conduct
  - (19) Critical thinking
  - (20) Culturally congruent care
  - (21) End-of-life care
- (e) The following related courses may be taught by additional faculty. Additional faculty are persons who have qualifications to teach in a community college or a state university in California or hold a baccalaureate degree in the field related to the curriculum content taught, or meet the requirement for a vocational credential.

<b>Courses</b>	<b>Maximum Hours of Instruction by Other Professionals Accepted by the Board</b>
Anatomy and Physiology	54
Psychology	54
Pharmacology	54
Nutrition	54
Normal Growth and Development	54

(f) All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2526, shall be approved by the Board prior to implementation. Proposed curricular changes must be submitted to the Board in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered. Revisions should include:

- (1) Explanation of changes;
- (2) Rationale for proposed revision;
- (3) Description of revised curriculum materials; and
- (4) Changes to behavioral objectives, if applicable.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881.1, 2882 and 2883, Business and Professions Code.

History:

1. Amendment filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6). For prior history, see Register 75, No. 36.
2. Reinstatement of section as it existed prior to emergency amendment filed 2-2-76, by operation of section 11422.1(b), Gov. Code (Register 76, No. 23).
3. New subsection (b)(4) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
4. Amendment of subsection (d) filed 9-27-79; effective thirtieth day thereafter (Register 79, No. 39).
5. Amendment of subsection (f) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
7. Amendment of subsection (a)(8) and new subsections (a)(8)(A)-(a)(8)(D) filed 4-12-89; operative 5-12-89 (Register 89, No. 23).
8. Amendment filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
9. New subsection (c), subsection relettering, and amendment of newly designated subsection (e) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
10. Amendment of subsection (f) and new subsections (f)(1)-(f)(4) filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).
11. Amendment of subsection (e) and amendment of Note filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).
12. Amendment of subsection (d)(7), new subsections (d)(18)-(21) and amendment of subsection (e) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2534. Clinical Experience.**

(a) Schools shall apply on a form provided by the Board for approval of each clinical facility prior to use.

(b) Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught. Clinical objectives which students are expected to master shall be posted on patient care units utilized for clinical experience.

(c) Schools are responsible for the continuous review of clinical facilities to determine if the student's clinical objectives for each facility are being met.

(d) For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2873, 2881, 2882 and 2883, Business and Professions Code. History:

1. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51). For prior history, see Register 68, No. 22.
2. Renumbering from Section 2557 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
3. Amendment of subsection (b) filed 2-2-76 as an emergency; effective upon filing (Register 76, No. 6).
4. Reinstatement of subsection (b) as it existed prior to emergency amendment filed 2-2-76, by operation of Section 11422.1(b), Gov. C. (Register 76, No. 23).
5. Amendment of subsection (b) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
6. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
7. Amendment of subsection (b) filed 11-20-97; operative 12-20-97 (Register 97, No. 47).
8. Repealer of subsection (e) filed 12-29-2004; operative 1-28-2005 (Register 2004, No. 53).

### **2534.1. Clinical Preceptorships.**

(a) With prior Board approval, each vocational nursing program may offer an optional clinical preceptorship during the last nine weeks of the program.

(b) Preceptorship means an optional clinical experience for selected vocational nursing students, which is conducted in the last nine (9) weeks of the vocational nursing program.

(c) Preceptor means a registered nurse or a licensed vocational nurse on staff at the clinical facility in which the preceptorship will occur who is specially selected and prepared to work with a student during the preceptorship and who shall be responsible for on-site direction of the student's preceptorship.

(d) The program director or designee shall be responsible for the overall management of the preceptorship and final student outcomes.

(e) General Requirements

(1) The preceptorship may be conducted in any health care setting (including acute, subacute, clinic or a combination of settings) wherein the specific clinical objectives can be met.

(2) The goal of the preceptorship shall be the facilitation of students' maximal application of newly acquired knowledge, skills, and abilities in a realistic setting that simulates actual job performance.

(3) Preceptorships shall not be used for clinical make-up time or remediation.

(4) Prior to implementation of the preceptorship, the director shall apply for Board approval and specify the clinical objectives to be accomplished by the student in the preceptorship facility.

(5) The total length of a student's preceptorship shall not exceed 160 hours.

(6) The total hours per week required of a student for theory and preceptorship attendance shall not exceed 40 hours.

(7) The total hours per day required of a student for theory and preceptorship attendance shall not exceed eight (8) hours.

(8) The preceptorship shall be conducted within the last nine (9) weeks of the program or when presentation of new theory and correlated clinical content has been completed, whichever occurs later.

(9) The maximum instructor-to-preceptorship student ratio is 1:15.

(10) The maximum preceptor-to-student ratio is 1:1.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881 and 2882, Business and Professions Code.

History:

1. New section filed 6-1-2000; operative 6-30-2000 pursuant to Government Code section 11349.3(a) (Register 2000, No. 22).

### **2535. Credit for Previous Education and Experience.**

Each school shall have a policy, approved by the Board for giving credit toward the curriculum requirements.

(a) Transfer credit shall be given for related previous education completed within the last five years. This includes the following courses:

- (1) Approved vocational or practical nursing courses.
- (2) Approved registered nursing courses.
- (3) Approved psychiatric technician courses.
- (4) Armed services nursing courses.
- (5) Certified nurse assistant courses.
- (6) Other courses the school determines are equivalent to courses in the program.

(b) Competency-based credit shall be granted for knowledge and/or skills acquired through experience. Credit shall be determined by written and/or practical examinations.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2881.1, Business and Professions Code.

History:

1. New subsection (a)(6) filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20). For prior history, see Register 77, No. 41; 75, No. 36; 70, No. 37.
2. New subsection (c) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Change without regulatory effect amending subsections (a)(1)-(3) filed 7-23-2013 pursuant to section 100, title 1, California Code of Regulations (Register 2013, No. 30).

### **2536. Transcript of Records. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2881, 2882 and 2883, Business and Professions Code.

History:

1. Amendment filed 12-10-64; effective thirtieth day thereafter (Register 64, No. 24).
2. Amendment filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).
3. Renumbering from Section 2558 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
4. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

## **Article 6. Revenue**

### **2537. Fees.**

The following fees are established:

(a) The fee to be paid upon the filing of an application is one hundred fifty dollars (\$150).

(b) The re-examination application fee (for any examination after the first) is one hundred fifty dollars (\$150).

(c) The biennial renewal fee is one hundred twenty dollars (\$120). For licenses that expire on or after July 1, 2009, the biennial renewal fee shall be one hundred fifty dollars (\$150). In addition, an assessment of five dollars (\$5) shall be collected and credited to the Vocational Nurse Education Fund, pursuant to section 2895.5 of the Code. If a license is renewed more than 30 days after its expiration, the renewal fee for the current cycle shall be the renewal fee in effect on the date the renewal fee is paid.

(d) The delinquency fee is sixty dollars (\$60). For licenses that expire on or after July 1, 2009, the delinquency fee shall be seventy-five dollars (\$75).

- (e) The initial license fee is one hundred twenty dollars (\$120). Effective July 1, 2009, the initial license fee shall be one hundred fifty dollars (\$150).
- (f) The interim permit fee is forty dollars (\$40).
- (g) The duplicate license fee is twenty-five dollars (\$25).
- (h) The endorsement fee is seventy-five dollars (\$75).
- (i) The penalty fee for submitting insufficient funds or fictitious check, draft, or money order on any bank or depository for payment of any fee to the Board is twenty five dollars (\$25).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2867.5, 2892.1, 2895, 2895.1 and 2895.5, Business and Professions Code; and Section 6157, Government Code.

History:

1. Amendment of subsection (a) filed 5-18-84; designated effective 1-1-85 (Register 84, No. 20). For prior history, see Register 83, No. 47.
2. Amendment of subsections (a), (b) and (d) filed 1-22-86; designated effective 4-1-86 (Register 86, No. 4).
3. Amendment filed 8-28-87; operative 8-28-87 (Register 87, No. 35).
4. Amendment of subsections (a), (b) and (e) filed 9-27-89; operative 10-27-89 (Register 89, No. 40.)
5. Repealer of subsections (a)-(f), new subsections (a)-(i) and amendment of Note filed 6-14-2006; operative 1-1-2007 (Register 2006, No. 24).
6. Amendment of subsections (c)-(e) filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as 1-9-2009 order, including further amendment of section and amendment of Note, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).
8. Amendment of subsections (a), (b) and (i) filed 8-12-2010; operative 10-1-2010 (Register 2010, No. 33).

### **2537.1. Provider's Fees.**

Pursuant to Section 2892.6 of the Code, the following fees for applications for approval of continuing education courses are established:

- (a) The fee to be paid upon filing of an application for a continuing education provider is two hundred dollars (\$200).
- (b) The biennial renewal fee is two hundred dollars (\$200).

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.6, Business and Professions Code.

History:

1. New section filed 3-29-79; effective thirtieth day thereafter (Register 79, No. 13).
2. Amendment filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).
3. Repealer of subsections (a)-(c) and new subsections (a) and (b) filed 6-14-2006; operative 1-1-2007 (Register 2006, No. 24).

### **2538. Waiver of Initial License Fee. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2892 and 2895, Business and Professions Code.

History:

1. Renumbering from Section 2559.1 filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Repealer filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).

## **Article 7. Continuing Education**

### **2540. Definitions. [Repealed]**

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2854 and 2892.5, Business

and Professions Code.

History:

1. New Article 7 (2540, 2540.1-2540.5) filed 9-30-75; effective thirtieth day thereafter (Register 75, No. 40).
2. Repealer filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2540.1. Hour Requirements.**

(a) Each licensee renewing a license under Section 2892 of the code shall submit proof of having completed, during the preceding two years, thirty (30) hours of continuing education acceptable to the Board.

(b) This section shall not apply to the first license renewal following the initial issuance of a license.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.

History:

1. Amendment of subsection (a) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsections (a) and (c) filed 2-18-81; effective thirtieth day thereafter (Register 81, No. 8.)
3. Amendment filed 9-8-81; effective thirtieth day thereafter (Register 81, No. 37).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2540.2. Continuing Education Courses.**

(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 nursing licensing agencies of this or of other states, 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 program, or college/university courses related to the Licensed Vocational Nurse scope of practice will be accepted.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2540.3. Course Provider Approval.**

(a) An individual applying for approval as a continuing education course provider must:

(1) Complete and submit an application form supplied by the Board entitled, "Application to be a Continuing Education Course Provider for Licensed Vocational Nurses" (Form 55A-40; 09/05), hereby incorporated by reference.

(2) The content of all courses of continuing education must be relevant to the practice of nursing and must:

(A) Be related to the scientific knowledge and/or technical, manual skills required for the practice of vocational nursing, or

(B) Be related to direct and/or indirect patient/client care.

(C) Learning experiences are expected to enhance the knowledge of the vocational nurse at a level above that required for licensure.

(3) Submit one course offering for Board review prior to course provider approval. Include the following information for the course submitted for review:

(A) Identifying information for the name, location and contact of the provider.

(B) A description of the subject matter of the course as it relates to recent developments in the vocational nursing field or in any special area of vocational nursing practice, including course title;

(C) The course objectives;

- (D) Method(s) of instruction;
- (E) Total number of hours in the course and the course location;
- (F) Methods of evaluation:
  1. for instructor evaluation of student achievement of course objectives; and
  2. for student evaluation of course content and course instructor.
- (G) Course instructor's qualifications, as specified in Section 2540.4.

(b) The Board will issue approval to the provider. A provider will not be approved for more than a two-year period. Following approval by the Board within each two-year period, the provider may offer an unlimited number of continuing education courses.

(c) An approved provider shall have a written and published policy, available on request, which provides information on:

- (1) refunds in cases of non-attendance
- (2) time period for return of fees
- (3) notification if course is canceled

(d) The approved provider is required to accept full responsibility for each and every course, including but not limited to recordkeeping, advertising course content, issuance of certificates and instructor qualifications.

(e) Approved providers shall keep the following records for a period of four years:

- (1) course outlines of each course given
- (2) record of dates and places each course is given
- (3) instructor curriculum vitae or resumes
- (4) names and license numbers of licensed vocational nurses and/or psychiatric technicians

who take any course offered by the approved provider and a record of any certificate issued to them.

(f) Provider approval is non-transferable.

(g) Approved providers must notify the Board within 30 days of any changes in information that was submitted on the most recent approved application to the board.

(h) Approval of a licensed vocational nurse continuing education course provider may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.

History:

1. Amendment of subsections (a)(4) and (c) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment of subsection (a) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
4. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### **2540.4. Course Instructor Qualifications.**

Instructors of continuing education courses shall meet two of the following:

- (a) Completion within two years preceding course approval of specialized training in the subject matter of the course;
- (b) Completion of academic studies related to the subject matter of the course within two years of course approval;
- (c) Experience teaching a course with similar subject matter content within the previous two years;
- (d) Six months of work experience in the subject matter of the course within the previous three years; or;
- (e) Experience in developing academic courses within two years preceding course approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.

History:

1. Amendment filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).

2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of section heading, first paragraph and subsection (d) filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2540.5. Course Completion Certificates and Reporting.**

- (a) At the completion of the course the provider shall issue a certificate to each licensee.
- (b) The licensee shall record on the license renewal form the date each course was completed, provider/course number, course title, and total hours of the course.
- (c) Licensees are required to maintain a record of continuing education courses taken during the last four (4) years.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.  
History:

1. Amendment of subsection (b) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

### **2540.6. Inactive Licenses.**

- (a) A license will be placed on inactive status when the renewal fee is paid and continuing education requirements have not been met.
- (b) To reactivate an inactive license the licensee must submit proof of thirty hours of continuing education taken during the preceding two years and have furnished a full set of fingerprints as required by section 2517.5.

Note: Authority cited: Sections 2841.1 and 2854, Business and Professions Code. Reference: Sections 700, 701, 703, 704, 2854, 2875, 2878 and 2892.5, Business and Professions Code; and Section 11105, Penal Code.

History:

1. Amendment filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of subsection (b) and Note filed 1-9-2009 as an emergency; operative 1-9-2009 (Register 2009, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2009 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as 1-9-2009 order, including further amendment of section, transmitted to OAL 6-30-2009 and filed 8-11-2009 (Register 2009, No. 33).

### **2540.7. Exemption from Continuing Education Requirements.**

- (a) At the time of making application for renewal, an applicant for exemption from the continuing education requirements shall make such application on a form prescribed by the Board.
- (b) The applicant must show evidence satisfactory to the Board, that during the two-year period immediately prior to the expiration date of the applicant's license, the licensee:
  - (1) Has been residing in another country for a period of one year or longer reasonably preventing completion of continuing education requirements; or
  - (2) Has been absent from California because of military or missionary service for a period of one year or longer preventing completion of continuing education requirements; or
  - (3) Should be exempt from the continuing education requirements for reasons of health or other good cause which includes:
    - (A) Total physical and/or mental disability for one year or more and the ability to return to work, as verified by a licensed physician and surgeon or licensed clinical psychologist.
    - (B) Total physical and/or mental disability for one year or longer of an immediate family member for whom the licensee has total responsibility, as verified by a licensed physician and surgeon or licensed clinical psychologist.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2892.5, Business and Professions Code.

History:

1. New section filed 5-18-79; effective thirtieth day thereafter (Register 79, No. 20).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Editorial correction of subsections (a) and (b) (Register 84, No. 2).

## **Article 8. Intravenous Therapy**

### **2542. Definition.**

As used in this Article:

(a) "Intravenous fluids" means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.

(b) "Superimpose" means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.

(c) "Primary infusion line" means the line which provides a direct infusion between the container and the peripheral vein.

(d) "Secondary infusion line" means a line which provides infusion through a lateral access into a primary infusion line.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 135 and 2860.5, Business and Professions Code.

History:

1. New article 8 (sections 2542-2542.5) filed 12-4-75; effective thirtieth day thereafter (Register 75, No. 49).
2. New subsections (c) and (d) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment of section heading, section and Note filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
4. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

### **2542.1. Intravenous Therapy.**

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or secondary infusion lines who has completed one of the following:

(a) A course in intravenous therapy approved by the Board, as defined in Section 2542.3.

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2542.4, that the licensee has been instructed in the subject areas specified in Section 2542.3 and that the licensee has the knowledge, skills and abilities to safely practice venipuncture. For further limitations, see Business and Professions Code section 2860.5.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment of subsection (b)(3) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).
2. Amendment of subsection (b)(3) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
4. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 83, No. 47)
5. Amendment of first paragraph and subsection (b) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
6. Repealer and new section filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
7. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

### **2542.2. Procedure for Certification Course Approval.**

(a) A person or institution applying for approval of a certification course in intravenous therapy must complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Intravenous Therapy for Licensed Vocational Nurses" (Form 55ED-6; 09/05), hereby incorporated by reference.

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse intravenous therapy certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment of subsection (c) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2)
2. Amendment of subsections (a) and (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
3. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2542.3. Approval of Course Content.**

(a) A course in intravenous therapy shall be taught by an instructor approved as provided in Section 2542.4; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least 30 hours in length, including 24 hours theory and 6 hours clinical experience, including at least 3 individually supervised successful venipunctures by each student on live human subjects. The theory shall include, but not be limited to the following:

(1) The requirements contained in Section 2860.5(c) of the code necessary for a nurse to start and superimpose intravenous fluids;

(2) Psychological preparation of the patient;

(3) Universal precautions for infection control; and

(4) Intravenous therapy;

(A) Indications for intravenous therapy

(B) Types of venipuncture devices

(C) Types of delivery systems

(D) Types of intravenous fluids

(E) Preparation and immobilization of the venipuncture site

(F) Observation of the patient

(G) Regulation of the fluid flow

(H) Local and systemic reactions

(b) Intravenous therapy clinical experience must include:

(1) Preparation of equipment;

(2) Safety factors;

(3) Choice of vein;

(4) Choice of device for intravenous therapy;

(5) Techniques of venipuncture;

(6) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment of subsection (a) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of subsections (a), (b)(4) and (b)(5) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2)
3. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
4. Reorganizing and renumbering of subsections (a)(2)-(10) and (b)(1)-(4) and new subsections (a)(5) and (a)(9) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).

- 5. New subsection (b)(6) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
- 6. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

**2542.4. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:

- (1) Has had a minimum of six months of experience starting and superimposing intravenous fluids in an “organized health care system,” as defined in Section 2860.5(c)(2) of the Code; or
- (2) Has had experience teaching courses in intravenous therapy.

(b) A nurse licensed by the California Board of Registered Nursing who within the previous five years:

- (1) Has had a minimum of six months of experience starting and superimposing intravenous fluids in an “organized health care system,” as defined in Section 2860.5(c)(2) of the Code; or
- (2) Has had experience teaching courses in intravenous therapy; or
- (3) Has met the requirements for faculty of a Registered Nursing or Vocational Nursing program.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

76, No. 31).

2. Amendment of subsection (b)(4) filed 10-7-77; effective thirtieth day thereafter (Register 77, No. 41).

3. Amendment of subsection (a) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).

4. Amendment filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

5. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).

6. Change without regulatory effect amending subsection (a) filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).

7. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

**2542.5. Reports to Board.**

(a) The certification course provider in intravenous therapy for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, “Certificate of Completion Intravenous Therapy For Licensed Vocational Nurses” (Form 55ED-7; 09/05), hereby incorporated by reference, which shall include:

- (1) Course Title;
- (2) Date of course completion;
- (3) Licensee's name, address, telephone number and vocational nurse license number;
- (4) Code number issued by the Board; and
- (5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy upon written notification from the Board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).

2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

## Article 9. Blood Withdrawal

### 2544. Blood Withdrawal.

A licensed vocational nurse may withdraw blood from a patient when directed by a licensed physician. In addition, the licensed vocational nurse must have:

(a) Satisfactorily completed a course in blood withdrawal approved by the Board, as defined in Section 2544.2; or

(b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2544.3, that the licensee has been instructed in the subject areas specified in Section 2544.2 and that the licensee has the knowledge, skills and abilities to safely practice blood withdrawal.

Note: Authority cited: Section 2584, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Article 9 (Sections 2544-2544.4), filed 9-2-75; effective thirtieth day thereafter (Register 75, No. 36).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### 2544.1. Procedure for Certification Course Approval.

(a) A person or institution applying for approval of a certification course in blood withdrawal must complete and submit an application form supplied by the Board entitled, "Application to be a Certification Course Provider in Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-1; 09/05), hereby incorporated by reference.

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
3. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### 2544.2. Approval of Course Content.

(a) A course in blood withdrawal for licensed vocational nurses shall be taught by an instructor approved as provided in Section 2544.3; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least six hours in length, including 3 hours theory and 3 hours clinical experience, including at least 3 individually supervised venipunctures on live human subjects and at least 3 individually supervised skin punctures on live human subjects. Arterial punctures are optional. The theory shall include, but not be limited to, the following:

(1) The requirements contained in Section 2860.5(b) of the Code necessary for a nurse to perform blood withdrawal;

(2) Psychological preparation of the patient;

- (3) Universal precautions for infection control;
- (4) Blood withdrawal;
  - (A) Methods of blood withdrawal;
    - 1. Skin puncture;
    - 2. Venipuncture; and
    - 3. Arterial puncture (optional).
  - (B) Selection of appropriate method;
  - (C) Safety measures;
  - (D) Possible complications; and
  - (E) Preparation of withdrawal sites.
- (b) Blood withdrawal clinical experience must include:
  - (1) Preparation of equipment for blood withdrawal;
  - (2) Safety factors;
  - (3) Choice of withdrawal site;
  - (4) Choice of artery (optional);
  - (5) Choice of device for blood withdrawal;
  - (6) Techniques of venipuncture;
  - (7) Techniques of arterial puncture (optional);
  - (8) Skin puncture practice must include instruction in:
    - (A) Preparation of site; and
    - (B) Preparation of equipment.
  - (9) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

- 1. Amendment and new subsection (c) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
- 2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
- 3. New subsection (a)(7) and subsection renumbering filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
- 4. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2544.3. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:

(1) Has had a minimum of six months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy.

(b) A nurse licensed by the California Board of Registered Nursing who within the last five years:

(1) Has had a minimum of six months of experience, including blood withdrawal and/or starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in blood withdrawal and/or intravenous therapy; or

(3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

(c) A clinical laboratory scientist (technologist), licensed by the California Department of Health Services who within the previous five years:

(1) Has had a minimum of six months of experience performing blood withdrawal in an

“organized health care system,” as defined in Section 2860.5(b) of the Code; or  
(2) Has had experience teaching courses in blood withdrawal.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment of subsection (a) filed 3-3-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment of subsection (b) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).
3. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).
4. Change without regulatory effect amending subsection (a) filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
5. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### **2544.4. Reports to Board.**

(a) The certification course provider in blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, “Certificate of Completion Blood Withdrawal For Licensed Vocational Nurses” (Form 55ED-2; 09/05), hereby incorporated by reference, which shall include:

- (1) Course Title;
- (2) Date of course completion;
- (3) Licensee's name, address, telephone number and vocational nurse license number;
- (4) Code number issued by the Board; and
- (5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the blood withdrawal certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in blood withdrawal upon written notification from the Board.1.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.  
History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

## **Article 10. Intravenous Therapy/Blood Withdrawal**

#### **2547. Definition.**

As used in this Article:

(a) “Intravenous fluids” means fluid solutions of electrolytes, nutrients, vitamins, blood and blood products.

(b) “Superimpose” means to connect a container of intravenous fluid to tubing through which another container of intravenous fluid has just been administered.

(c) “Primary infusion line” means the line which provides a direct infusion between the container and the peripheral vein.

(d) “Secondary infusion line” means a line which provides infusion through a lateral access into a primary infusion line.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. New article 10 (sections 2547-2547.5) filed 1-11-79; effective thirtieth day thereafter (Register 79, No. 2).

2. New subsections (c) and (d) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Amendment of section heading and section filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
4. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

### **2547.1. Intravenous Therapy/Blood Withdrawal.**

The Board will consider a licensed vocational nurse as competent to start and superimpose intravenous fluids via primary or secondary infusion lines and perform blood withdrawal who has completed one of the following:

- (a) A course of instruction in intravenous therapy and blood withdrawal approved by the Board.
- (b) Submitted certification, satisfactory to the Board, by one of the persons specified in Section 2547.4, that the licensee has been instructed in the subject areas specified in Section 2547.3 and that the licensee is knowledgeable and competent in the practice of venipuncture and blood withdrawal.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

1. Amendment of subsection (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
2. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
3. Amendment of first paragraph filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
4. Repealer and new section filed 1-29-2003; operative 2-28-2003 (Register 2003, No. 5).
5. Change without regulatory effect repealing 1-29-2003 amendments filed 11-30-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 48).

### **2547.2. Procedure for Certification Course Approval.**

(a) A person or institution applying for approval of a certification course in intravenous therapy and blood withdrawal must complete and submit an application form supplied by the Board entitled "Application to be a Certification Course Provider in Intravenous Therapy/Blood Withdrawal for Licensed Vocational Nurses" (Form 55ED-11; 09/05), hereby incorporated by reference.

(b) A course of instruction must be approved by the Board before it is offered by the provider.

(c) A course will not be approved for more than a two-year period.

(d) Approval of a licensed vocational nurse intravenous therapy and blood withdrawal certification course may be withdrawn if the Board later discovers misrepresentation in an advertisement or in any information required by the Board in accordance with this Article.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment of subsections (a) and (b) filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
2. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2547.3. Approval of Course Content.**

(a) A course in intravenous therapy and blood withdrawal shall be taught by an instructor approved as provided in Section 2547.4; shall have a maximum of 15 students for each instructor for clinical experience; and shall be at least 36 hours in length, including 27 hours theory and 9 hours clinical experience, including at least 3 individually supervised successful venipunctures and 3 individually supervised skin punctures by each student on live human subjects. Arterial punctures are optional. The theory shall include, but not be limited to, the following:

(1) The requirements contained in Section 2860.5(b) and (c) of the Code necessary for a nurse to start and superimpose intravenous fluids and perform blood withdrawal;

(2) Psychological preparation of the patient;

- (3) Universal precautions for infection control;
- (4) Intravenous Therapy;
  - (A) Indications for intravenous therapy;
  - (B) Types of venipuncture devices;
  - (C) Types of delivery systems;
  - (D) Types of intravenous fluids;
  - (E) Preparation and immobilization of the venipuncture site;
  - (F) Observation of the patient;
  - (G) Regulation of the fluid flow; and
  - (H) Local and systemic reactions;
- (5) Blood Withdrawal;
  - (A) Methods of blood withdrawal:
    - 1. Venipuncture;
    - 2. Skin puncture; and
    - 3. Arterial puncture (optional).
  - (B) Selection of appropriate method;
  - (C) Safety measures;
  - (D) Possible complications; and
  - (E) Preparation of withdrawal sites.
- (b) Intravenous therapy and blood withdrawal clinical experience must include:
  - (1) Preparation of equipment for intravenous therapy and blood withdrawal;
  - (2) Safety factors;
  - (3) Choice of vein;
  - (4) Choice of artery (optional);
  - (5) Choice of device for intravenous therapy and blood withdrawal;
  - (6) Techniques of venipuncture;
  - (7) Techniques of arterial puncture (optional);
  - (8) Skin puncture practice must include instruction in:
    - (A) Preparation of site; and
    - (B) Preparation of equipment.
  - (9) Universal precautions for infection control.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 47).
2. Amendment of subsections (a), (a)(2)(A) and (a)(2)(F), new subsections (a)(3), (a)(4)(C) and (a)(4)(G) including renumbering or relettering, and reorganizing and renumbering of subsections (b)(1)-(7) filed 3-24-92; operative 4-23-92 (Register 92, No. 13).
3. Editorial correction of subsection (a)(4)(A) (Register 96, No. 30).
4. Amendment of subsections (a)(5)(A)(2), repealer of second subsection (b)(4), renumbering of second subsection (b)(5) to (b)(6), amendment of newly designated subsection (b)(6)(B), and new subsection (b)(7) filed 7-24-96; operative 8-23-96 (Register 96, No. 30).
5. Amendment of section heading and section filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

#### **2547.4. Approval of Course Instructors.**

To be approved by the Board, a certification course must be taught by one of the following persons:

(a) A physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board of California who within the previous five years:

(1) Has had a minimum of six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an “organized health care system,” as defined in Section

2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in intravenous therapy and blood withdrawal.

(b) A nurse licensed by the California Board of Registered Nursing who within the previous five years:

(1) Has had a minimum of six months of experience performing blood withdrawal and starting and superimposing intravenous fluids in an "organized health care system," as defined in Section 2860.5(c)(2) of the Code; or

(2) Has had experience teaching courses in intravenous therapy and blood withdrawal; or

(3) Has met the requirements for faculty of a Registered Nurse, Vocational Nurse or Psychiatric Technician program.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment filed 12-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 1).
2. Change without regulatory effect amending subsection (a) filed 1-14-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
3. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2547.5. Reports to Board.**

(a) The certification course provider in intravenous therapy and blood withdrawal for licensed vocational nurses must submit to the Board a copy of the certificate issued to the licensee, entitled, "Certificate of Completion Intravenous Therapy/Blood Withdrawal For Licensed Vocational Nurses" (Form 55ED-12; 09/05), hereby incorporated by reference, which shall include:

(1) Course title;

(2) Date of course completion;

(3) Licensee's name, address, telephone number and vocational nurse license number;

(4) Code number issued by the Board; and

(5) Number of course hours, specified as theory and clinical hours.

(b) The certification course provider shall maintain a list of all licensed vocational nurses who have completed the intravenous therapy and blood withdrawal certification course within the preceding four years.

(c) A licensed vocational nurse is deemed to be Board-certified in intravenous therapy and blood withdrawal upon written notification from the Board.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Section 2860.5, Business and Professions Code.

History:

1. Amendment filed 11-16-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 47).
2. Amendment filed 5-4-2007; operative 6-3-2007 (Register 2007, No. 18).

### **2555. Curriculum Plan. [Repealed]**

History:

1. Amendment filed 9-4-53; effective thirtieth day thereafter (Register 53, No. 15).
2. Repealer filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).

### **2556. Basic Curriculum. [Repealed]**

History:

1. Repealer filed 12-17-70; effective thirtieth day thereafter (Register 70, No. 51).

## Article 11. Sponsored Health Care Events – Requirements for Exemption

### 2557. Definitions.

For the purposes of Section 901 of the Code:

(a) “Community-based organization” means a public or private nonprofit organization that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

(b) “Out-of-state practitioner” means a person who is not licensed in California as a vocational nurse but who holds a current valid and active license or certificate in good standing in another state, district, or territory of the United States to practice as a vocational nurse or practical nurse.

Note: Authority cited: Sections 901 and 2854, Business and Professions Code. Reference: Section 901, Business and Professions Code.

History:

1. New article 11 (sections 2557-2557.3) and section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).

### 2557.1. Sponsoring Entity Registration and Recordkeeping Requirements.

(a) **Registration.** A sponsoring entity that wishes to provide, or arrange for the provision of, health care services at a sponsored event under Section 901 of the Code shall register with the Board not later than ninety (90) calendar days prior to the date on which the sponsored event is scheduled to begin. A sponsored entity shall register with the Board by submitting to the Board a completed Sponsoring Entity Application for Registration For Free Health Care Event, Form 901-A (3/23/12), which is hereby incorporated by reference.

(b) **Determination of Completeness of Form.** The Board may, by resolution, delegate to its Executive Officer or the Department of Consumer Affairs the authority to receive and process Form 901-A (3/23/12) on behalf of the Board. The Board or its delegatee shall inform the sponsoring entity within fifteen (15) calendar days of receipt of Form 901-A (3/23/12), in writing, that the form is either complete and the sponsoring entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The Board or its delegatee shall reject the registration if all of the identified deficiencies have not been corrected at least thirty (30) days prior to the commencement of the sponsored event.

(c) **Recordkeeping Requirements.** Regardless of where it is located, a sponsoring entity shall maintain, at a physical location in California, a copy of all records required by Section 901 of the Code as well as a copy of the authorization for participation issued by the Board to an out-of-state practitioner. The sponsoring entity shall maintain these records for a period of at least five (5) years after the date on which a sponsored event ended. The records may be maintained in either paper or electronic form. In addition, the sponsoring entity shall keep a copy of all records required by Section 901(g) of the Code at the physical location of the sponsored event until that event has ended. These records shall be available for inspection and copying during the operating hours of the sponsored event upon request of any representative of the Board.

(d) **Requirement for Prior Board Approval of Out-of-State Practitioner.** A sponsoring entity shall not permit an out-of-state practitioner to participate in a sponsored event unless and until the sponsored entity has received written approval of such practitioner from the Board.

(e) **Report.** Within fifteen (15) calendar days after a sponsored event has concluded, the sponsoring entity shall file a report with the Board summarizing the details of the sponsored event. This report may be in a form of the sponsoring entity's choosing, but shall include, at a minimum, the following

information:

- (1) The date(s) of the sponsored event;
- (2) The location(s) of the sponsored event;
- (3) The type(s) and general description of all health care services provided at the sponsored event; and
- (4) A list of each out-of-state practitioner granted authorization pursuant to this Article who participated in the sponsored event, along with the license number of that practitioner.

Note: Authority cited: Sections 901, 2841.1 and 2854, Business and Professions Code. Reference: Section 901, Business and Professions Code. History:

1. New section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).

## **2557.2. Out-of-State Practitioner Authorization to Participate in Sponsored Event.**

(a) Request for Authorization to Participate. An out-of-state practitioner ("applicant") may request authorization from the Board to participate in a sponsored event and provide such health care services at the sponsored event as would be permitted if the applicant were licensed by the Board to provide those services. An applicant shall request authorization by submitting to the Board a completed Request For Authorization To Practice Without A California License, Form 901-B (3/23/12), which is hereby incorporated by reference, accompanied by a non-refundable, and non-transferrable processing fee of fifty dollars (\$50). The applicant shall also furnish either a full set of fingerprints or submit to a Live Scan process to establish the identity of the applicant and to permit the Board to conduct a criminal history record check. The applicant shall pay any costs for furnishing the fingerprints. The fingerprint requirement shall apply only to the first application for authorization that is submitted by the applicant if no more than four years have passed since the last Request for Authorization, Form 901-B (3/23/12) was received by the Board.

(b) Response to Request for Authorization to Participate. Within twenty (20) calendar days of receiving a completed request for authorization, the Board shall notify the sponsoring entity or local government entity administering the sponsored event, whether that request is approved or denied.

(c) Denial of Request for Authorization to Participate.

(1) The Board shall deny a request for authorization to participate if:

(A) The submitted Form 901-B (3/23/12) is incomplete and the applicant has not responded within seven (7) calendar days to the Board's request for additional information.

(B) The applicant has not met all of the following educational and experience requirements:

1. Completion of a course of instruction in vocational or practical nursing in a school accredited by the Board or another United States province, provided that the course completed is substantially equivalent to that prescribed by Section 2533 of this chapter.

2. Taken the National League for Nursing State Board Test Pool Examination for Practical Nurses or the National Council Licensing Examination for Practical Nurses, and passed said examination with a score equal to or above the minimum passing score required by the Board for said examination.

(C) The applicant has failed to comply with a requirement of this Article or has committed any act that would constitute grounds for denial of an application for licensure by the Board.

(D) The applicant does not possess a current valid license in good standing. The term "good standing" means the applicant:

1. Has not been charged with an offense for any act substantially related to the practice for which the applicant is licensed by any public agency.

2. Has not entered into any consent agreement or been subject to an administrative decision that contains conditions placed upon the applicant's professional conduct or practice, including any voluntary surrender of license.

3. Has not been the subject of an adverse judgment resulting from the practice for which the applicant is licensed that the Board determines constitutes evidence of a pattern of negligence or incompetence.

(E) The Board has not received a criminal history report for the applicant from the California Department of Justice.

(2) The Board may deny a request for authorization to participate if any of the following occurs:

(A) The request is received less than twenty (20) calendar days before the date on which the sponsored event will begin.

(B) The applicant has been previously denied a request for authorization by the Board to participate in a sponsored event.

(C) The applicant has previously had an authorization to participate in a sponsored event terminated by the Board.

(D) The applicant has participated in three (3) or more sponsored events during the twelve (12) month period immediately preceding the current application.

(d) Appeal of Denial. An applicant requesting authorization to participate in a sponsored event may appeal the denial of such request by following the procedures set forth in section 2557.3(d).

Note: Authority cited: Sections 144, 901, 2841.1 and 2854, Business and Professions Code. Reference: Sections 901 and 2859, Business and Professions Code.

History:

1. New section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).

### **2557.3. Termination of Authorization and Appeal.**

(a) **Grounds for Termination.** The Board may terminate an out-of-state practitioner's authorization to participate in a sponsored event for any of the following reasons:

(1) The out-of-state practitioner has failed to comply with any applicable provision of this Article, or any applicable practice requirement or regulation of the Board.

(2) The out-of-state practitioner has committed an act that would constitute grounds for discipline if done by a licensee of the Board.

(3) The Board has received a credible complaint indicating that the out-of-state practitioner is unfit to practice at the sponsored event or has otherwise endangered consumers of the practitioner's services.

(b) **Notice of Termination.** The Board shall provide both the sponsoring entity or the local government entity administering the sponsored event, and the out-of-state practitioner with a written notice of the termination, including the basis for the termination. If the written notice is provided during a sponsored event, the Board may provide the notice to any representative of the sponsored event on the premises of the event.

(c) **Consequences of Termination.** An out-of-state practitioner shall immediately cease his or her participation in a sponsored event upon receipt of the written notice of termination.

Termination of authority to participate in a sponsored event shall be deemed a disciplinary measure reportable to the national practitioner data banks. In addition, the Board shall provide a copy of the written notice of termination to the licensing authority of each jurisdiction in which the out-of-state practitioner is licensed.

(d) **Appeal of Termination.** An out-of-state practitioner may appeal the Board's decision to terminate an authorization in the manner provided by Section 901(j)(2) of the Code. The request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act.

(e) **Informal Conference Option.** In addition to requesting a hearing, the out-of-state practitioner may request an informal conference with the Executive Officer regarding the reasons for the termination of authorization to participate. The Executive Officer shall, within thirty (30) days from receipt

of the request, hold an informal conference with the out-of-state practitioner. At the conclusion of the informal conference, the Executive Officer may affirm or dismiss the termination of authorization to participate. The Executive Officer shall state in writing the reasons for his or her action and mail a copy of his or her findings and decision to the out-of-state practitioner within ten (10) days from the date of the informal conference. The out-of-state practitioner does not waive his or her request for a hearing to contest a termination of authorization by requesting an informal conference. If the termination is dismissed after the informal conference, the request for a hearing shall be deemed to be withdrawn.

Note: Authority cited: Sections 901, 2841.1 and 2854, Business and Professions Code. Reference: Section 901, Business and Professions Code. History:

1. New section filed 8-30-2012; operative 9-29-2012 (Register 2012, No. 35).