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California Legislature
Senate Committee on Business, Professions & Economic Development
Senator Ted W. Lieu, Chair

September 13, 2013

Teresa Bello-Jones, Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833-2945

Dear Ms. Bello-Jones,

I am greatly concerned about the lack of timely state investigation and oversight highlighted in a recent Center for Investigative Reporting (CIR) article. The article outlined deeply troubling behavior by staff at a Southern California assisted living facility and negligence on the part of state regulators responsible for ensuring residents' health and safety.

The Board of Vocational Nursing and Psychiatric Technicians (BVNPT), among other regulatory agencies, is responsible for the oversight and licensure of employees in healthcare settings which serve some of our state's most vulnerable populations. As such, I respectfully request that you determine the role that any of your licensees may have played in this particular case. In addition, please provide an update on the status of investigations related to negligent and abusive licensee behavior similar to that outlined by the CIR.

Particularly given the trust placed in the hands of healthcare licensees, for the well-being and safety of the elderly and infirmed, it is imperative that we ensure swift action in the event that negligence or improper behavior has occurred. I know that the BVNPT considers public protection its highest priority and I look forward to partnering with you to determine if disciplinary action needs to be taken in this case. In addition, I would support any proactive measures that can be implemented in these types of settings in order to ensure patient protection.

Sincerely,

A handwritten signature in cursive script that reads "Ted W. Lieu".

TED W. LIEU
Chair, Senate Committee on Business, Professions and Economic Development

cc: The Honorable Ed Hernandez, Chair, Senate Committee on Health



September 19, 2013

The Honorable Ted W. Lieu, Chairman
Senate Committee on Business, Professions
and Economic Development
State Capitol, Room 2053
Sacramento, CA 95814

Dear Senator Lieu:

The Board of Vocational Nursing and Psychiatric Technicians (Board) acknowledges receipt of your correspondence dated September 13, 2013, relative to the lack of timely investigation and oversight of client care in an assisted living facility located in Southern California. Specifically, the Board was requested to determine the role that any of its licensees may have played.

Of particular concern in this case are the signs of client abuse, the apparent lack of fitness of assigned staff to deliver quality care, and the absence of staff supervision. The Board vigorously investigates all allegations of misconduct by licensed vocational nurses (LVNs) and psychiatric technicians (PTs) as soon as the Board has knowledge of such misconduct.

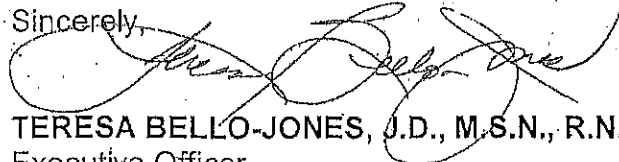
To this end, the Board implemented its mandatory reporting law in 2007. If an employer suspends or terminates a LVN or PT for cause, the employer is required to report that suspension or termination to the Board. Additionally, the Board recently revised its mandatory reporting requirements to expand the employers' reporting responsibility and to clarify that employment registries are required to also report these suspensions or terminations to the Board.

As reported in the newspaper articles, the care provider, Sabrina Bengoa, is a certified nursing assistant. However, the director of nursing at the facility, Beverlee McPherson, holds a current license as a LVN. Since the facility director of nursing is responsible and held accountable for the supervision of staff and delivery of client care within the facility, the Board will immediately investigate the possible misconduct by Ms. McPherson and take appropriate action as warranted by the evidence. We have opened a case against Ms. McPherson based on the information contained within the newspaper articles.

What we observed from the articles was that there appeared to be no attempt to identify other licensed providers involved in this egregious incident nor to report other licensees involved in alleged misconduct to their respective regulatory agency.

The Board's priority is consumer protection and always seeks ways to enhance this commitment.

Sincerely,


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer