

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 466

Introduced by Senator Hill

February 25, 2015

An act to amend Sections ~~2701 and 2708~~ of 2736.5, 2786, and 2786.6 of, to add Section 2736.7 to, and to add and repeal Section 2711 of, the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

SB 466, as amended, Hill. *Nursing*: Board of Registered Nursing.

The Nursing Practice Act provides for the licensure and regulation of registered nurses by the Board of Registered Nursing within the Department of Consumer Affairs, and requires the board to appoint an executive officer to perform duties delegated by the board. ~~The act repeals the authority of the board and its executive officer on January 1, 2016. The act authorizes the board to take disciplinary action against a certified or licensed nurse or to deny an application for a certificate or license for certain reasons, including unprofessional conduct.~~

~~This bill would extend the repeal date to January 1, 2020. require the Director of the Department of Consumer Affairs to appoint a board enforcement program monitor no later than March 31, 2016, as specified. The bill would require the enforcement program monitor to monitor and evaluate the nursing disciplinary system and procedures and specifically concentrate on improving the overall efficiency and consistency of the enforcement program, including, but not limited to, assuring consistency in the application of sanctions or discipline imposed on licensees. The bill would make these provisions inoperative on March 31, 2018, and would repeal these provisions on January 1, 2019.~~

The act authorizes any person who has served on active duty in the medical corps of the Armed Forces of the United States and who successfully completed the course of instruction to qualify him or her for rating as a medical service technician—independent duty, or other equivalent rating, and whose service in the Armed Forces was under honorable conditions to submit the record of that training to the board for evaluation. The act requires the board to grant a license to that person if he or she meets specified qualifications and the board determines that his or her education would give reasonable assurance of competence to practice as a registered nurse in this state. The act requires the board to maintain records of those applicants, including, but not limited to, applicants who are rejected from examination.

This bill would revise and recast this provision to authorize a person who has successfully completed the course of education, training, or experience to qualify him or her for rating as a medical service technician—independent duty, or other equivalent rating to submit that record for evaluation, and would require the board to provide that person with a list of coursework, if any, that the applicant must complete to be eligible for licensure. This bill would require the board to issue a license to that person if he or she meets specified qualifications and the board determines that his or her education, training, or experience would give reasonable assurance of competence to practice as a registered nurse in the state. The bill would delete the requirement on the board to maintain records of certain applicants. The bill, on or before January 1, 2017, would also require the board to issue regulations in conjunction with the Military Department that identify the Armed Forces education, training, or experience that is equivalent or transferable to the curriculum required for licensure by the board.

The act requires the board to maintain a list of approved schools or programs of nursing in this state, as specified, and provides that an approved school or program of nursing is one that has been approved by the board and meets certain academic requirements. The act requires the board to deny an application for approval of, and to revoke the approval given to, any school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

This bill would instead require the board to deny or revoke approval of a school of nursing that does not give student applicants credit for previous education and the opportunity to obtain credit for other clinical

and theoretical knowledge acquired through experience by the use of challenge examinations or other methods of evaluation. The bill would require the board, by January 1, 2017, to promulgate regulations detailing acceptable evaluation criteria for clinical and theoretical knowledge acquired through prior experience. The bill would also authorize the board to determine, upon review and recommendation, that an applicant for licensure as a registered nurse who acquires his or her education or a portion thereof at a school that is not approved or has been previously disapproved by the board is eligible for a registered nurse license if the applicant meets specified criteria, including, but not limited to, that he or she was previously licensed as a vocational nurse.

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

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

1 SECTION 1. Section 2711 is added to the Business and
2 Professions Code, to read:
3 2711. (a) (1) The Director of Consumer Affairs shall appoint
4 a board enforcement program monitor no later than March 31,
5 2016. The director may retain an independent contractor for this
6 appointment by a personal services contract. The Legislature
7 hereby finds that the services described in this section are a new
8 state function, pursuant to Section 19130 of the Government Code.
9 (2) The director shall supervise the enforcement program
10 monitor and may terminate or dismiss the enforcement program
11 monitor from the appointment.
12 (b) (1) The enforcement program monitor shall monitor and
13 evaluate the nursing disciplinary system and procedures and
14 specifically concentrate on improving the overall efficiency and
15 consistency of the enforcement program. The director shall specify
16 further duties of the program monitor.
17 (2) The monitoring duty shall be on a continuing basis for a
18 period of no more than two years from the date of the enforcement
19 program monitor's appointment and shall include, but not be
20 limited to, the following areas:
21 (A) Improving the quality and consistency of complaint
22 processing and investigation.

1 (B) Assuring consistency in the application of sanctions or
2 discipline imposed on licensees.

3 (C) The accurate and consistent implementation of the laws and
4 rules affecting discipline, including adhering to the Consumer
5 Protection Enforcement Initiative complaint priority guidelines
6 as described in the memorandum dated August 31, 2009, by Brian
7 J. Stiger titled “Complaint Prioritization Guidelines for Health
8 Care Agencies.”

9 (D) Staff concerns regarding disciplinary matters or procedures.

10 (E) Appropriate use of licensed professionals to investigate
11 complaints.

12 (F) The board’s cooperation with other governmental entities
13 charged with enforcing related laws and regulations regarding
14 nurses.

15 (3) The enforcement program monitor shall exercise no authority
16 over the board’s discipline operations or staff. However, the board
17 and its staff shall cooperate with the enforcement program monitor,
18 and the board shall provide data, information, and case files
19 requested by the enforcement program monitor to perform all of
20 his or her duties.

21 (4) The director shall assist the enforcement program monitor
22 in the performance of his or her duties, and the enforcement
23 program monitor shall have the same investigative authority as
24 the director.

25 (c) The enforcement program monitor shall submit an initial
26 written report of his or her findings and conclusions to the board,
27 the department, and the Legislature no later than September 1,
28 2016, and every six months thereafter, and be available to make
29 oral reports to each, if requested to do so. The enforcement
30 program monitor may also provide additional information to either
31 the department or the Legislature at his or her discretion or at the
32 request of either the department or the Legislature. The
33 enforcement program monitor shall make his or her reports
34 available to the public or the media. The enforcement program
35 monitor shall make every effort to provide the board with an
36 opportunity to reply to any facts, findings, issues, or conclusions
37 in his or her reports with which the board may disagree.

38 (d) The board shall pay for all of the costs associated with the
39 employment of an enforcement program monitor.

1 (e) This section shall become inoperative on March 31, 2018,
2 and as of January 1, 2019, is repealed.

3 SEC. 2. Section 2736.5 of the Business and Professions Code
4 is amended to read:

5 2736.5. (a) Any person who has served on active duty in the
6 medical corps of any of the Armed Forces of the United States and
7 who has successfully completed the course of ~~instruction~~ education,
8 training, or experience required to qualify him or her for rating as
9 a medical service technician—~~independent duty, or other equivalent~~
10 rating in his or her particular branch of the Armed Forces, and
11 whose service in the Armed Forces has been under honorable
12 conditions, may submit the record of ~~such training that education,~~
13 training, or experience to the board for ~~evaluation.~~ evaluation
14 toward licensure.

15 (b) After making an evaluation pursuant to subdivision (a), the
16 board shall provide an applicant with a list of coursework, if any,
17 that the applicant must complete to be eligible for licensure.

18 ~~(b)~~

19 (c) If ~~such person~~ an applicant meets the qualifications of
20 subdivision (a) and paragraphs (1) and (3) of subdivision (a) of
21 Section 2736, and if the board determines that his or her ~~education~~
22 education, training, or experience would give reasonable assurance
23 of competence to practice as a registered nurse in this state, he or
24 she shall be granted a license upon passing the standard
25 examination for ~~such~~ licensure.

26 ~~(e)~~

27 (d) The board shall, by regulation, establish criteria for
28 evaluating the ~~education~~ education, training, or experience of
29 applicants under this section.

30 ~~(d) The board shall maintain records of the following categories~~
31 ~~of applicants under this section:~~

32 ~~(1) Applicants who are rejected for examination, and the areas~~
33 ~~of such applicants' preparation which are the causes of rejection.~~

34 ~~(2) Applicants who are qualified by their military education~~
35 ~~alone to take the examination, and the results of their examinations.~~

36 ~~(3) Applicants who are qualified to take the examination by~~
37 ~~their military education plus supplementary education, and the~~
38 ~~results of their examinations.~~

39 ~~(e) The board shall attempt to contact by mail or other means~~
40 ~~individuals meeting the requirements of subdivision (a) who have~~

1 ~~been or will be discharged or separated from the Armed Forces of~~
2 ~~the United States, in order to inform them of the application~~
3 ~~procedure provided by this section. The board may enter into an~~
4 ~~agreement with the federal government in order to secure the names~~
5 ~~and addresses of such individuals.~~

6 *(e) On or before January 1, 2017, the board shall, by regulation*
7 *and in conjunction with the Military Department, identify the*
8 *Armed Forces education, training, or experience that is equivalent*
9 *or transferable to the curriculum required for licensure by the*
10 *board.*

11 *SEC. 3. Section 2736.7 is added to the Business and Professions*
12 *Code, to read:*

13 *2736.7. Upon review and recommendation, the board may*
14 *determine that an applicant for licensure as a registered nurse*
15 *who acquired his or her education or a portion thereof at a school*
16 *that is not approved or has been previously disapproved by the*
17 *board is eligible for a registered nurse license if the applicant*
18 *meets all of the following criteria:*

19 *(a) Was previously licensed as a licensed vocational nurse.*

20 *(b) Has successfully completed a nursing education program*
21 *accredited by the Accreditation Commission for Education in*
22 *Nursing, Commission on Collegiate Nursing Education, or other*
23 *accreditation entity approved by the board.*

24 *(c) Has not held a healing arts license that has been the subject*
25 *of disciplinary action by a healing arts board of this state or by*
26 *another state, federal territory, or Canadian province.*

27 *(d) Holds an unencumbered registered nursing license issued*
28 *by another state licensing board or agency.*

29 *(e) Has continuously practiced as a licensed registered nurse*
30 *for the equivalent of five full-time years in an acute care hospital*
31 *setting before the date of application.*

32 *(f) Demonstrates clinical experience as a registered nurse in*
33 *medical-surgical, including geriatrics, psychiatric-mental health,*
34 *obstetrics, and pediatrics.*

35 *(g) Has not been the subject of a disciplinary action by a nursing*
36 *licensing authority or of adverse judgments or settlements resulting*
37 *from the practice of nursing that the board determines constitutes*
38 *a pattern of negligence or incompetence.*

39 *(h) Is not subject to denial of licensure under Division 1.5*
40 *(commencing with Section 475).*

1 *SEC. 4. Section 2786 of the Business and Professions Code is*
2 *amended to read:*

3 2786. (a) An approved school of nursing, or an approved
4 nursing program, is one that has been approved by the board, gives
5 the course of instruction approved by the board, covering not less
6 than two academic years, is affiliated or conducted in connection
7 with one or more hospitals, and is an institution of higher
8 education. For purposes of this section, “institution of higher
9 education” includes, but is not limited to, community colleges
10 offering an associate of arts or associate of science degree and
11 private postsecondary institutions offering an associate of arts,
12 associate of science, or baccalaureate degree or an entry-level
13 master’s degree, and is an institution that is not subject to the
14 California Private Postsecondary Education Act of 2009 (Chapter
15 8 (commencing with Section 94800) of Part 59 of Division 10 of
16 Title 3 of the Education Code).

17 (b) A school of nursing that is affiliated with an institution that
18 is subject to the California Private Postsecondary Education Act
19 of 2009 (Chapter 8 (commencing with Section 94800) of Part 59
20 of Division 10 of Title 3 of the Education Code), may be approved
21 by the board to grant an associate of arts or associate of science
22 degree to individuals who graduate from the school of nursing or
23 to grant a baccalaureate degree in nursing with successful
24 completion of an additional course of study as approved by the
25 board and the institution involved.

26 (c) The board shall determine by regulation the required subjects
27 of instruction to be completed in an approved school of nursing
28 for licensure as a registered nurse and shall include the minimum
29 units of theory and clinical experience necessary to achieve
30 essential clinical competency at the entry level of the registered
31 nurse. The board’s standards shall be designed to require all schools
32 to provide clinical instruction in ~~all phases of~~ the educational
33 process.

34 (d) The board shall perform or cause to be performed an analysis
35 of the practice of the registered nurse no less than every five years.
36 Results of the analysis shall be utilized to assist in the
37 determination of the required subjects of instruction, validation of
38 the licensing examination, and assessment of the current practice
39 of nursing.

1 *SEC. 5. Section 2786.6 of the Business and Professions Code*
 2 *is amended to read:*

3 2786.6. (a) The board shall deny the application for approval
 4 made by, and shall revoke the approval given to, any school of
 5 nursing ~~which:~~ *that either:*

6 ~~(a)~~

7 (1) Does not give to student applicants credit, in the field of
 8 nursing, for previous education and the opportunity to obtain credit
 9 for other ~~acquired clinical and theoretical knowledge acquired~~
 10 *through prior experience* by the use of challenge examinations or
 11 other methods of ~~evaluation;~~ *or, evaluation.*

12 ~~(b)~~

13 (2) Is operated by a community college and discriminates against
 14 an applicant for admission to a school solely on the grounds that
 15 the applicant is seeking to fulfill the units of nursing required by
 16 Section 2736.6.

17 ~~The~~

18 (b) *The board shall prescribe, by regulation, the education for*
 19 *which credit is to be given and the amount of credit* ~~which that is~~
 20 *to be given for each type of education:* *education, including clinical*
 21 *and theoretical knowledge acquired through prior experience.* The
 22 word “credit,” as used in the preceding sentence, is limited to credit
 23 for licensure only. The board is not authorized to prescribe the
 24 credit ~~which that~~ an approved school of nursing shall give toward
 25 an academic certificate or degree. *The board shall promulgate*
 26 *regulations detailing acceptable evaluation criteria for clinical*
 27 *and theoretical knowledge acquired through prior experience by*
 28 *January 1, 2017.*

29 ~~SECTION 1. Section 2701 of the Business and Professions~~
 30 ~~Code is amended to read:~~

31 ~~2701. (a) There is in the Department of Consumer Affairs the~~
 32 ~~Board of Registered Nursing consisting of nine members.~~

33 ~~(b) For purposes of this chapter, “board,” or “the board,” refers~~
 34 ~~to the Board of Registered Nursing. Any reference in state law to~~
 35 ~~the Board of Nurse Examiners of the State of California or the~~
 36 ~~California Board of Nursing Education and Nurse Registration~~
 37 ~~shall be construed to refer to the Board of Registered Nursing.~~

38 ~~(c) The board shall have all authority vested in the previous~~
 39 ~~board under this chapter. The board may enforce all disciplinary~~
 40 ~~actions undertaken by the previous board.~~

1 ~~(d) This section shall remain in effect only until January 1, 2020,~~
2 ~~and as of that date, is repealed, unless a later enacted statute that~~
3 ~~is enacted before January 1, 2020, deletes or extends that date.~~
4 ~~Notwithstanding any other provision of law, the repeal of this~~
5 ~~section renders the board subject to review by the appropriate~~
6 ~~policy committees of the Legislature.~~

7 ~~SEC. 2.— Section 2708 of the Business and Professions Code is~~
8 ~~amended to read:~~

9 ~~2708. (a) The board shall appoint an executive officer who~~
10 ~~shall perform the duties delegated by the board and who shall be~~
11 ~~responsible to it for the accomplishment of those duties.~~

12 ~~(b) The executive officer shall be a nurse currently licensed~~
13 ~~under this chapter and shall possess other qualifications as~~
14 ~~determined by the board.~~

15 ~~(c) The executive officer shall not be a member of the board.~~

16 ~~(d) Notwithstanding any other law, the person serving on~~
17 ~~December 31, 2011, as executive officer of the board shall serve~~
18 ~~as an interim executive officer until the board appoints a permanent~~
19 ~~executive officer. The board may appoint this interim executive~~
20 ~~officer as the permanent executive officer.~~

21 ~~(e) This section shall remain in effect only until January 1, 2020,~~
22 ~~and as of that date is repealed, unless a later enacted statute, that~~
23 ~~is enacted before January 1, 2020, deletes or extends that date.~~