

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE APRIL 20, 2015

**SENATE BILL**

**No. 466**

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**Introduced by Senator Hill**

February 25, 2015

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An act to amend Sections ~~2736.5, 2786, 2786~~ and 2786.6 of, ~~to add Section 2736.7 to,~~ and to add and repeal ~~Section~~ *Sections 2711 and 2736.7* 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 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 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. *requiring schools seeking approval to have a process to evaluate and grant credit for education and clinical and theoretical knowledge acquired through prior experience. The bill would require the board to review a school's policies and practices regarding granting credit for previously acquired education and clinical and theoretical knowledge at least once every 4 years to ensure consistency in evaluation and application across schools. The bill would require the board to post on its Internet Web site information related to the acceptance of military coursework and experience at each approved school. The bill would also require the board, by January 1, 2018, to prepare a report to the Legislature examining the barriers to California licensure for practitioners who cannot meet California licensure requirements due to insufficient academic or clinical preparation, but who are licensed and practicing in other states.*

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 hereby
- 7 finds that the services described in this section are a new state
- 8 function, pursuant to Section 19130 of the Government Code.

1 (2) The director shall supervise the enforcement program  
2 monitor and may terminate or dismiss the enforcement program  
3 monitor from the appointment.

4 (b) (1) The enforcement program monitor shall monitor and  
5 evaluate the nursing disciplinary system and procedures and  
6 specifically concentrate on improving the overall efficiency and  
7 consistency of the enforcement program. The director shall specify  
8 further duties of the program monitor.

9 (2) The monitoring duty shall be on a continuing basis for a  
10 period of no more than two years from the date of the enforcement  
11 program monitor's appointment and shall include, but not be  
12 limited to, the following areas:

13 (A) Improving the quality and consistency of complaint  
14 processing and investigation.

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

17 (C) The accurate and consistent implementation of the laws and  
18 rules affecting discipline, including adhering to the Consumer  
19 Protection Enforcement Initiative complaint priority guidelines as  
20 described in the memorandum dated August 31, 2009, by Brian J.  
21 Stiger titled "Complaint Prioritization Guidelines for Health Care  
22 Agencies."

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

24 (E) Appropriate use of licensed professionals to investigate  
25 complaints.

26 (F) The board's cooperation with other governmental entities  
27 charged with enforcing related laws and regulations regarding  
28 nurses.

29 (3) The enforcement program monitor shall exercise no authority  
30 over the board's discipline operations or staff. However, the board  
31 and its staff shall cooperate with the enforcement program monitor,  
32 and the board shall provide data, information, and case files  
33 requested by the enforcement program monitor to perform all of  
34 his or her duties.

35 (4) The director shall assist the enforcement program monitor  
36 in the performance of his or her duties, and the enforcement  
37 program monitor shall have the same investigative authority as  
38 the director.

39 (c) The enforcement program monitor shall submit an initial  
40 written report of his or her findings and conclusions to the board,

1 the department, and the Legislature no later than September 1,  
2 2016, and every six months thereafter, and be available to make  
3 oral reports to each, if requested to do so. The enforcement program  
4 monitor may also provide additional information to either the  
5 department or the Legislature at his or her discretion or at the  
6 request of either the department or the Legislature. The  
7 enforcement program monitor shall make his or her reports  
8 available to the public or the media. The enforcement program  
9 monitor shall make every effort to provide the board with an  
10 opportunity to reply to any facts, findings, issues, or conclusions  
11 in his or her reports with which the board may disagree.

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

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

16 ~~SEC. 2.— Section 2736.5 of the Business and Professions Code~~  
17 ~~is amended to read:~~

18 ~~2736.5.—(a) Any person who has served on active duty in the~~  
19 ~~medical corps of any of the Armed Forces of the United States and~~  
20 ~~who has successfully completed the course of education, training,~~  
21 ~~or experience required to qualify him or her for rating as a medical~~  
22 ~~service technician— independent duty, or other equivalent rating~~  
23 ~~in his or her particular branch of the Armed Forces, and whose~~  
24 ~~service in the Armed Forces has been under honorable conditions,~~  
25 ~~may submit the record of that education, training, or experience~~  
26 ~~to the board for evaluation toward licensure.~~

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

30 ~~(c) If an applicant meets the qualifications of subdivision (a)~~  
31 ~~and paragraphs (1) and (3) of subdivision (a) of Section 2736, and~~  
32 ~~if the board determines that his or her education, training, or~~  
33 ~~experience would give reasonable assurance of competence to~~  
34 ~~practice as a registered nurse in this state, he or she shall be granted~~  
35 ~~a license upon passing the standard examination for licensure.~~

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

39 ~~(e) On or before January 1, 2017, the board shall, by regulation~~  
40 ~~and in conjunction with the Military Department, identify the~~

1 ~~Armed Forces education, training, or experience that is equivalent~~  
 2 ~~or transferable to the curriculum required for licensure by the~~  
 3 ~~board.~~

4 ~~SEC. 3. Section 2736.7 is added to the Business and Professions~~  
 5 ~~Code, to read:~~

6 ~~2736.7. Upon review and recommendation, the board may~~  
 7 ~~determine that an applicant for licensure as a registered nurse who~~  
 8 ~~acquired his or her education or a portion thereof at a school that~~  
 9 ~~is not approved or has been previously disapproved by the board~~  
 10 ~~is eligible for a registered nurse license if the applicant meets all~~  
 11 ~~of the following criteria:~~

12 ~~(a) Was previously licensed as a licensed vocational nurse.~~

13 ~~(b) Has successfully completed a nursing education program~~  
 14 ~~accredited by the Accreditation Commission for Education in~~  
 15 ~~Nursing, Commission on Collegiate Nursing Education, or other~~  
 16 ~~accreditation entity approved by the board.~~

17 ~~(c) Has not held a healing arts license that has been the subject~~  
 18 ~~of disciplinary action by a healing arts board of this state or by~~  
 19 ~~another state, federal territory, or Canadian province.~~

20 ~~(d) Holds an unencumbered registered nursing license issued~~  
 21 ~~by another state licensing board or agency.~~

22 ~~(e) Has continuously practiced as a licensed registered nurse~~  
 23 ~~for the equivalent of five full-time years in an acute care hospital~~  
 24 ~~setting before the date of application.~~

25 ~~(f) Demonstrates clinical experience as a registered nurse in~~  
 26 ~~medical-surgical, including geriatrics, psychiatric-mental health,~~  
 27 ~~obstetrics, and pediatrics.~~

28 ~~(g) Has not been the subject of a disciplinary action by a nursing~~  
 29 ~~licensing authority or of adverse judgments or settlements resulting~~  
 30 ~~from the practice of nursing that the board determines constitutes~~  
 31 ~~a pattern of negligence or incompetence.~~

32 ~~(h) Is not subject to denial of licensure under Division 1.5~~  
 33 ~~(commencing with Section 475).~~

34 ~~SEC. 2. Section 2736.7 is added to the Business and Professions~~  
 35 ~~Code, to read:~~

36 ~~2736.7. (a) The board shall, by January 1, 2018, prepare a~~  
 37 ~~report to be submitted to the Legislature examining barriers to~~  
 38 ~~California licensure for practitioners who cannot meet California~~  
 39 ~~licensure requirements due to insufficient academic or clinical~~  
 40 ~~preparation, but who are licensed and practicing in other states.~~

1 (b) *The report required by this section shall be submitted in*  
2 *compliance with Section 9795 of the Government Code.*

3 (c) *Pursuant to Section 10231.5 of the Government Code, this*  
4 *section is repealed on January 1, 2022.*

5 ~~SEC. 4.~~

6 SEC. 3. Section 2786 of the Business and Professions Code is  
7 amended to read:

8 2786. (a) An approved school of nursing, or an approved  
9 nursing program, is one that has been approved by the board, gives  
10 the course of instruction approved by the board, covering not less  
11 than two academic years, is affiliated or conducted in connection  
12 with one or more hospitals, and is an institution of higher  
13 education. For purposes of this section, “institution of higher  
14 education” includes, but is not limited to, community colleges  
15 offering an associate of arts or associate of science degree and  
16 private postsecondary institutions offering an associate of arts,  
17 associate of science, or baccalaureate degree or an entry-level  
18 master’s degree, and is an institution that is not subject to the  
19 California Private Postsecondary Education Act of 2009 (Chapter  
20 8 (commencing with Section 94800) of Part 59 of Division 10 of  
21 Title 3 of the Education Code).

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

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

39 (d) The board shall perform or cause to be performed an analysis  
40 of the practice of the registered nurse no less than every five years.

1 Results of the analysis shall be utilized to assist in the  
2 determination of the required subjects of instruction, validation of  
3 the licensing examination, and assessment of the current practice  
4 of nursing.

5 ~~SEC. 5.~~

6 *SEC. 4.* Section 2786.6 of the Business and Professions Code  
7 is amended to read:

8 2786.6. (a) The board shall deny the application for approval  
9 made by, and shall revoke the approval given to, any school of  
10 nursing that either:

11 (1) Does not give to student applicants credit, in the field of  
12 nursing, for previous education and the opportunity to obtain credit  
13 for other clinical and theoretical knowledge acquired through prior  
14 experience by the use of challenge examinations or other methods  
15 of evaluation.

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

20 (b) ~~The board shall prescribe, by regulation, the education for~~  
21 ~~which credit is to be given and the amount of credit that is to be~~  
22 ~~given for each type of education, including clinical and theoretical~~  
23 ~~knowledge acquired through prior experience. promulgate~~  
24 ~~regulations by January 1, 2017, requiring schools to have a process~~  
25 ~~to evaluate and grant credit for previous education and clinical~~  
26 ~~and theoretical knowledge acquired through prior experience,~~  
27 ~~including that gained from military service.~~ The word “credit,” as  
28 used in the preceding sentence, is limited to credit for licensure  
29 only. The board is not authorized to prescribe the credit that an  
30 approved school of nursing shall give toward an academic  
31 certificate or degree. ~~The board shall promulgate regulations~~  
32 ~~detailing acceptable evaluation criteria for clinical and theoretical~~  
33 ~~knowledge acquired through prior experience by January 1, 2017.~~

34 (c) *The board shall review a school’s policies and practices*  
35 *regarding granting credit for previous education and clinical and*  
36 *theoretical knowledge acquired through prior experience at least*  
37 *once every four years to ensure consistency in evaluation and*  
38 *application across schools. The board shall post on its Internet*

- 1 *Web site information related to the acceptance of military*
- 2 *coursework and experience at each approved school.*

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