

AMENDED IN SENATE APRIL 30, 2015

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 Section 2786 and 2786.6 of, and to add Section 2786.1 to,~~ to add and repeal ~~Sections Section 2711 and 2736.7 of, and to repeal Section 2736.5 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 repeal these provisions.*

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 *in the field of nursing* for ~~previous military~~ 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 requiring schools seeking approval to have a process to evaluate and grant ~~credit~~ *credit, as defined, for military 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 military education and clinical and theoretical knowledge at least once every 4~~ *experience at least every 5* 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.

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.

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

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

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

2 (E) Appropriate use of licensed professionals to investigate  
3 complaints.

4 (F) The board's cooperation with other governmental entities  
5 charged with enforcing related laws and regulations regarding  
6 nurses.

7 (3) The enforcement program monitor shall exercise no authority  
8 over the board's discipline operations or staff. However, the board  
9 and its staff shall cooperate with the enforcement program monitor,  
10 and the board shall provide data, information, and case files  
11 requested by the enforcement program monitor to perform all of  
12 his or her duties.

13 (4) The director shall assist the enforcement program monitor  
14 in the performance of his or her duties, and the enforcement  
15 program monitor shall have the same investigative authority as  
16 the director.

17 (c) The enforcement program monitor shall submit an initial  
18 written report of his or her findings and conclusions to the board,  
19 the department, and the Legislature no later than September 1,  
20 2016, and every six months thereafter, and be available to make  
21 oral reports to each, if requested to do so. The enforcement program  
22 monitor may also provide additional information to either the  
23 department or the Legislature at his or her discretion or at the  
24 request of either the department or the Legislature. The  
25 enforcement program monitor shall make his or her reports  
26 available to the public or the media. The enforcement program  
27 monitor shall make every effort to provide the board with an  
28 opportunity to reply to any facts, findings, issues, or conclusions  
29 in his or her reports with which the board may disagree.

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

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

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. 2. Section 2736.5 of the Business and Professions Code*  
6 *is repealed.*

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

15 ~~(b) If such person meets the qualifications of paragraphs (1)~~  
16 ~~and (3) of subdivision (a) of Section 2736, and if the board~~  
17 ~~determines that his or her education would give reasonable~~  
18 ~~assurance of competence to practice as a registered nurse in this~~  
19 ~~state, he or she shall be granted a license upon passing the standard~~  
20 ~~examination for such licensure.~~

21 ~~(c) The board shall, by regulation, establish criteria for~~  
22 ~~evaluating the education of applicants under this section.~~

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

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

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

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

32 ~~(e) The board shall attempt to contact by mail or other means~~  
33 ~~individuals meeting the requirements of subdivision (a) who have~~  
34 ~~been or will be discharged or separated from the Armed Forces of~~  
35 ~~the United States, in order to inform them of the application~~  
36 ~~procedure provided by this section. The board may enter into an~~  
37 ~~agreement with the federal government in order to secure the names~~  
38 ~~and addresses of such individuals.~~

39 *SEC. 3. Section 2786 of the Business and Professions Code is*  
40 *amended to read:*

1 2786. (a) An approved school of nursing, or an approved  
2 nursing program, is one that has been approved by the board, gives  
3 the course of instruction approved by the board, covering not less  
4 than two academic years, is affiliated or conducted in connection  
5 with one or more hospitals, and is an institution of higher  
6 education. For purposes of this section, “institution of higher  
7 education” includes, but is not limited to, community colleges  
8 offering an associate of arts or associate of science degree and  
9 private postsecondary institutions offering an associate of arts,  
10 associate of science, or baccalaureate degree or an entry-level  
11 master’s degree, and is an institution that is not subject to the  
12 California Private Postsecondary Education Act of 2009 (Chapter  
13 8 (commencing with Section 94800) of Part 59 of Division 10 of  
14 Title 3 of the Education Code).

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

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

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

37 ~~SEC. 4. Section 2786.6 of the Business and Professions Code~~  
38 ~~is amended to read:~~

1     ~~2786.6.— (a) The board shall deny the application for approval~~  
2 ~~made by, and shall revoke the approval given to, any school of~~  
3 ~~nursing that either:~~

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

9     ~~(2) Is operated by a community college and discriminates against~~  
10 ~~an applicant for admission to a school solely on the grounds that~~  
11 ~~the applicant is seeking to fulfill the units of nursing required by~~  
12 ~~Section 2736.6.~~

13     ~~(b) The board shall promulgate regulations by January 1, 2017,~~  
14 ~~requiring schools to have a process to evaluate and grant credit for~~  
15 ~~previous education and clinical and theoretical knowledge acquired~~  
16 ~~through prior experience, including that gained from military~~  
17 ~~service. The word “credit,” as used in the preceding sentence, is~~  
18 ~~limited to credit for licensure only. The board is not authorized to~~  
19 ~~prescribe the credit that an approved school of nursing shall give~~  
20 ~~toward an academic certificate or degree.~~

21     ~~(c) The board shall review a school’s policies and practices~~  
22 ~~regarding granting credit for previous education and clinical and~~  
23 ~~theoretical knowledge acquired through prior experience at least~~  
24 ~~once every four years to ensure consistency in evaluation and~~  
25 ~~application across schools. The board shall post on its Internet~~  
26 ~~Web site information related to the acceptance of military~~  
27 ~~coursework and experience at each approved school.~~

28     ~~SEC. 4. Section 2786.1 is added to the Business and Professions~~  
29 ~~Code, to read:~~

30     ~~2786.1. (a) The board shall deny the application for approval~~  
31 ~~made by, and shall revoke the approval given to, any school of~~  
32 ~~nursing that does not give student applicants credit in the field of~~  
33 ~~nursing for military education and experience by the use of~~  
34 ~~challenge examinations or other methods of evaluation.~~

35     ~~(b) The board shall promulgate regulations by January 1, 2017,~~  
36 ~~requiring schools to have a process to evaluate and grant credit~~  
37 ~~for military education and experience. The word “credit,” as used~~  
38 ~~in the preceding sentence, is limited to credit for licensure only.~~  
39 ~~The board is not authorized to prescribe the credit that an~~

1 *approved school of nursing shall give toward an academic*  
2 *certificate or degree.*  
3 *(c) The board shall review a school's policies and practices*  
4 *regarding granting credit for military education and experience*  
5 *at least once every five years to ensure consistency in evaluation*  
6 *and application across schools. The board shall post on its Internet*  
7 *Web site information related to the acceptance of military*  
8 *coursework and experience at each approved school.*

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