

AMENDED IN ASSEMBLY JUNE 18, 2015

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 23, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 466

Introduced by Senator Hill

(Principal coauthor: Assembly Member Bonilla)

February 25, 2015

An act to amend Section 2786 of, to add Section 2786.1 to, to add and repeal Section 2711 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 *recommendations* on improving the ~~overall efficiency and consistency of the enforcement program, including, but not limited to, assuring~~ *ensuring* consistency

in the application of *board* sanctions or discipline imposed on licensees. *The bill would require the program enforcement monitor to submit an initial written report 6 months after he or she begins the review process and every 6 months after the initial report to the board, the Director of Consumer Affairs, and the Legislature, as specified, and would require a final written report to be submitted by December 31, 2018, as specified.* 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 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 military education and 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, as defined, for military education and experience. The bill would require the board to review a school's policies and practices regarding granting credit for military education and 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.

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) The director shall advertise the availability of the
13 enforcement program monitor position. The requirements of the
14 position shall include, but not be limited to, performance audit
15 experience and familiarity with state laws, regulations, and
16 administrative procedures pertaining to the board. The enforcement
17 program monitor shall not have a pecuniary interest, outside of
18 the direct compensation referenced in this section, in reviewing
19 the board or any recommendations made pursuant to this section.*

20 ~~(b)~~
21 *(c) (1) The enforcement program monitor shall monitor and
22 evaluate the nursing disciplinary system and procedures and
23 specifically concentrate recommendations on improving the overall
24 efficiency and consistency of the enforcement program. The
25 director shall specify further duties of the program monitor. The
26 enforcement program monitor shall develop recommendations
27 that acknowledge the board’s right to exercise reasonable
28 discretion in applying disciplinary standards to particular
29 circumstances and in deciding individual cases.*

30 *(2) The monitoring duty shall be on a continuing basis for a
31 period of no more than two years from the date of the enforcement*

1 program monitor's appointment and shall include, but not be
2 limited to, the following areas:

3 (A) Improving the quality and consistency of complaint
4 processing and investigation.

5 ~~(B) Assuring~~ *Ensuring* consistency in the application of board
6 sanctions or discipline imposed on licensees.

7 ~~(C) The~~ *Ensuring the* accurate and consistent implementation
8 of the laws and rules affecting discipline, including ~~adhering~~
9 *adherence* to the ~~Consumer Protection Enforcement Initiative~~
10 ~~complaint priority guidelines as described in the memorandum~~
11 ~~dated August 31, 2009, by Brian J. Stiger titled "Complaint~~
12 ~~Prioritization Guidelines for Health Care Agencies."~~ *Division of*
13 *Investigation Case Acceptance Guidelines (Consumer Protection*
14 *Enforcement Initiative Model), as revised July 1, 2014.*

15 (D) *Reducing the timeframes for completing complaint*
16 *processing and investigation.*

17 ~~(D) Staff~~

18 (E) *Addressing staff* concerns regarding disciplinary matters or
19 procedures.

20 ~~(E) Appropriate~~

21 (F) *Reviewing the appropriate* use of licensed professionals to
22 investigate complaints.

23 ~~(F) The~~

24 (G) *Reviewing the* board's cooperation with other governmental
25 entities charged with enforcing related laws and regulations
26 regarding nurses.

27 (H) *Generally assessing the adequacy of staffing, operations,*
28 *and fiscal resources of other governmental entities as they affect*
29 *the board's enforcement functions and identifying any delays*
30 *caused by these other entities.*

31 (I) *Assessing the adequacy of board staffing and fiscal resources*
32 *to perform its enforcement functions.*

33 (3) *In fulfilling the monitoring duties described in*
34 *subparagraphs (A) through (H), inclusive, of paragraph (2), the*
35 *enforcement program monitor shall perform those duties consistent*
36 *with paragraph (1).*

37 ~~(3)~~

38 (4) The enforcement program monitor shall exercise no authority
39 over the board's discipline operations or staff. However, the board
40 and its staff shall cooperate with the enforcement program monitor,

1 and the board shall provide data, information, and case files
2 requested by the enforcement program monitor to perform all of
3 his or her duties.

4 (4)

5 (5) ~~The director shall assist the enforcement program monitor~~
6 ~~in the performance of his or her duties, and the enforcement~~
7 ~~program monitor shall have the same investigative authority as~~
8 ~~the director. access to all records and full and complete data in~~
9 ~~all official matters that are in possession of the board and the~~
10 ~~board's members, officers, and employees.~~

11 (e)

12 (d) The enforcement program monitor shall submit an initial
13 written report of his or her findings and ~~conclusions to the board,~~
14 ~~the department, and the Legislature no later than September 1,~~
15 ~~2016, and every six months thereafter, and be available to make~~
16 ~~oral reports to each, if requested to do so. The enforcement program~~
17 ~~monitor may also provide additional information to either the~~
18 ~~department or the Legislature at his or her discretion or at the~~
19 ~~request of either the department or the~~ *recommendations to the*
20 *board within six months after the enforcement program monitor*
21 *begins the review process, and shall submit a report every six*
22 *months after the initial report with a final report to be submitted*
23 *on or before December 31, 2018. The board shall be given 30 days*
24 *to review and prepare a response to each written report beginning*
25 *from the time the report is submitted to the board. After the 30*
26 *days expire, the program enforcement monitor shall submit each*
27 *written report to the department and the Legislature. The*
28 *enforcement program monitor shall make his or her reports and*
29 *the board's response to the reports available to the public or the*
30 ~~media. when the reports are submitted to the department and the~~
31 *Legislature. The enforcement program monitor shall make every*
32 *effort to provide the board with an opportunity throughout the*
33 *entire review process to reply to any facts, findings, issues, or*
34 ~~conclusions~~ *recommendations in his or her reports with which the*
35 *board may disagree.*

36 (e) *The final report shall include final findings and*
37 *recommendations on the topics addressed in the prior reports*
38 *submitted by the program enforcement monitor pursuant to*
39 *subdivision (c) and in compliance with the process described in*
40 *subdivision (d).*

1 ~~(d)~~
 2 (f) The board shall pay for all of the costs associated with the
 3 employment of an enforcement program monitor.

4 ~~(e)~~
 5 (g) This section shall become inoperative on March 31, 2018,
 6 and as of January 1, 2019, is repealed.

7 SEC. 2. Section 2736.5 of the Business and Professions Code
 8 is repealed.

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

11 2786. (a) An approved school of nursing, or an approved
 12 nursing program, is one that has been approved by the board, gives
 13 the course of instruction approved by the board, covering not less
 14 than two academic years, is affiliated or conducted in connection
 15 with one or more hospitals, and is an institution of higher
 16 education. For purposes of this section, “institution of higher
 17 education” includes, but is not limited to, community colleges
 18 offering an associate of arts or associate of science degree and
 19 private postsecondary institutions offering an associate of arts,
 20 associate of science, or baccalaureate degree or an entry-level
 21 master’s degree, and is an institution that is not subject to the
 22 California Private Postsecondary Education Act of 2009 (Chapter
 23 8 (commencing with Section 94800) of Part 59 of Division 10 of
 24 Title 3 of the Education Code).

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

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

1 (d) The board shall perform or cause to be performed an analysis
2 of the practice of the registered nurse no less than every five years.
3 Results of the analysis shall be utilized to assist in the
4 determination of the required subjects of instruction, validation of
5 the licensing examination, and assessment of the current practice
6 of nursing.

7 SEC. 4. Section 2786.1 is added to the Business and Professions
8 Code, to read:

9 2786.1. (a) The board shall deny the application for approval
10 made by, and shall revoke the approval given to, any school of
11 nursing that does not give student applicants credit in the field of
12 nursing for military education and experience by the use of
13 challenge examinations or other methods of evaluation.

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

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