

AMENDED IN ASSEMBLY AUGUST 18, 2015

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**

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**Introduced by Senator Hill**

(Principal coauthor: Assembly Member Bonilla)

February 25, 2015

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An act to amend ~~Section~~ *Sections 2701, 2708, and 2786* of, to add ~~Section 2786.1 to, to add and repeal Section 2711 of, Sections 2718 and 2786.1 to,~~ 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: Registered nurses:~~ 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 Affairs.~~ *Existing law* requires the board to appoint an executive officer to perform duties delegated by the board. ~~The Existing law repeals the board and the executive officer position on January 1, 2016.~~

*This bill would extend the repeal date to January 1, 2018.*

*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. Existing*

*law establishes the California State Auditor's Office, which is headed by the California State Auditor, to conduct financial and performance audits as directed by statute.*

~~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 enforcement program, including, but not limited to, 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.~~ *require the board, by February 1, 2016, to contract with the California State Auditor's Office to conduct a performance audit of the board's enforcement program, as specified. The bill would require the board to reimburse the office for the cost of the performance audit. The bill would require the office to report the results of the audit to the Governor, the department, and the appropriate policy committees of the Legislature by January 1, 2017. The bill would require the board's staff and management to cooperate with the office and provide the office with access to data, case files, employees, and information.*

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~~ *those* 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~~ *adopt* 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) The Director of Consumer Affairs shall appoint a~~  
4     ~~board enforcement program monitor no later than March 31, 2016.~~  
5     ~~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     ~~(b) The director shall advertise the availability of the~~  
10    ~~enforcement program monitor position. The requirements of the~~  
11    ~~position shall include, but not be limited to, performance audit~~  
12    ~~experience and familiarity with state laws, regulations, and~~  
13    ~~administrative procedures pertaining to the board. The enforcement~~

1 program monitor shall not have a pecuniary interest, outside of  
2 the direct compensation referenced in this section, in reviewing  
3 the board or any recommendations made pursuant to this section.

4 (e) (1) The enforcement program monitor shall monitor and  
5 evaluate the nursing disciplinary system and procedures and  
6 specifically concentrate recommendations on improving the  
7 enforcement program. The enforcement program monitor shall  
8 develop recommendations that acknowledge the board's right to  
9 exercise reasonable discretion in applying disciplinary standards  
10 to particular circumstances and in deciding individual cases.

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

15 (A) Improving the quality and consistency of complaint  
16 processing and investigation.

17 (B) Ensuring consistency in the application of board sanctions  
18 or discipline imposed on licensees.

19 (C) Ensuring the accurate and consistent implementation of the  
20 laws and rules affecting discipline, including adherence to the  
21 Division of Investigation Case Acceptance Guidelines (Consumer  
22 Protection Enforcement Initiative Model), as revised July 1, 2014.

23 (D) Reducing the timeframes for completing complaint  
24 processing and investigation.

25 (E) Addressing staff concerns regarding disciplinary matters or  
26 procedures.

27 (F) Reviewing the appropriate use of licensed professionals to  
28 investigate complaints.

29 (G) Reviewing the board's cooperation with other governmental  
30 entities charged with enforcing related laws and regulations  
31 regarding nurses.

32 (H) Generally assessing the adequacy of staffing, operations,  
33 and fiscal resources of other governmental entities as they affect  
34 the board's enforcement functions and identifying any delays  
35 caused by these other entities.

36 (I) Assessing the adequacy of board staffing and fiscal resources  
37 to perform its enforcement functions.

38 (3) In fulfilling the monitoring duties described in subparagraphs  
39 (A) through (H), inclusive, of paragraph (2), the enforcement

1 ~~program monitor shall perform those duties consistent with~~  
2 ~~paragraph (1):~~

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

9 ~~(5) The enforcement program monitor shall have access to all~~  
10 ~~records and full and complete data in all official matters that are~~  
11 ~~in possession of the board and the board's members, officers, and~~  
12 ~~employees.~~

13 ~~(d) The enforcement program monitor shall submit an initial~~  
14 ~~written report of his or her findings and recommendations to the~~  
15 ~~board within six months after the enforcement program monitor~~  
16 ~~begins the review process, and shall submit a report every six~~  
17 ~~months after the initial report with a final report to be submitted~~  
18 ~~on or before December 31, 2018. The board shall be given 30 days~~  
19 ~~to review and prepare a response to each written report beginning~~  
20 ~~from the time the report is submitted to the board. After the 30~~  
21 ~~days expire, the program enforcement monitor shall submit each~~  
22 ~~written report to the department and the Legislature. The~~  
23 ~~enforcement program monitor shall make his or her reports and~~  
24 ~~the board's response to the reports available to the public when~~  
25 ~~the reports are submitted to the department and the Legislature.~~  
26 ~~The enforcement program monitor shall make every effort to~~  
27 ~~provide the board with an opportunity throughout the entire review~~  
28 ~~process to reply to any facts, findings, issues, or recommendations~~  
29 ~~in his or her reports with which the board may disagree.~~

30 ~~(e) The final report shall include final findings and~~  
31 ~~recommendations on the topics addressed in the prior reports~~  
32 ~~submitted by the program enforcement monitor pursuant to~~  
33 ~~subdivision (e) and in compliance with the process described in~~  
34 ~~subdivision (d):~~

35 ~~(f) The board shall pay for all of the costs associated with the~~  
36 ~~employment of an enforcement program monitor.~~

37 ~~(g) This section shall become inoperative on March 31, 2018,~~  
38 ~~and as of January 1, 2019, is repealed.~~

39 *SECTION 1. Section 2701 of the Business and Professions*  
40 *Code is amended to read:*

1 2701. (a) There is in the Department of Consumer Affairs the  
2 Board of Registered Nursing consisting of nine members.

3 (b) For purposes of this chapter, “board,” or “the board,” refers  
4 to the Board of Registered Nursing. Any reference in state law to  
5 the Board of Nurse Examiners of the State of California or the  
6 California Board of Nursing Education and Nurse Registration  
7 shall be construed to refer to the Board of Registered Nursing.

8 (c) The board shall have all authority vested in the previous  
9 board under this chapter. The board may enforce all disciplinary  
10 actions undertaken by the previous board.

11 (d) This section shall remain in effect only until January 1, ~~2016,~~  
12 ~~2018~~, and as of that date, is repealed, unless a later enacted statute  
13 that is enacted before January 1, ~~2016,~~ ~~2018~~, deletes or extends  
14 that date. Notwithstanding any other ~~provision of law~~, the repeal  
15 of this section renders the board subject to review by the  
16 appropriate policy committees of the Legislature.

17 *SEC. 2. Section 2708 of the Business and Professions Code is*  
18 *amended to read:*

19 2708. (a) The board shall appoint an executive officer who  
20 shall perform the duties delegated by the board and who shall be  
21 responsible to it for the accomplishment of those duties.

22 (b) The executive officer shall be a nurse currently licensed  
23 under this chapter and shall possess other qualifications as  
24 determined by the board.

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

26 ~~(d) Notwithstanding any other provision of law, the person~~  
27 ~~servicing on December 31, 2011, as executive officer of the board~~  
28 ~~shall serve as an interim executive officer until the board appoints~~  
29 ~~a permanent executive officer. The board may appoint this interim~~  
30 ~~executive officer as the permanent executive officer.~~

31 (e)

32 (d) This section shall remain in effect only until January 1, ~~2016,~~  
33 ~~2018~~, and as of that date is repealed, unless a later enacted statute,  
34 that is enacted before January 1, ~~2016,~~ ~~2018~~, deletes or extends  
35 that date.

36 *SEC. 3. Section 2718 is added to the Business and Professions*  
37 *Code, to read:*

38 2718. (a) (1) *By February 1, 2016, the board shall contract*  
39 *with the office to conduct a performance audit of the board's*  
40 *enforcement program. The board shall reimburse the office for*

1 *the cost of the performance audit. The office shall report the results*  
2 *of the audit, with any recommendations, to the Governor, the*  
3 *department, and the appropriate policy committees of the*  
4 *Legislature by January 1, 2017.*

5 *(2) The performance audit shall include, but not be limited to,*  
6 *an evaluation of all the following:*

7 *(A) The quality and consistency of, and compliance with,*  
8 *complaint processing and investigation.*

9 *(B) The consistency and adequacy of the application of board*  
10 *sanctions or discipline imposed on licensees.*

11 *(C) The accuracy and consistency in implementing the laws and*  
12 *rules affecting discipline, including adherence to the Division of*  
13 *Investigation Case Acceptance Guidelines (Consumer Protection*  
14 *Enforcement Initiative Model), as revised July 1, 2014.*

15 *(D) The timeframes for completing complaint processing,*  
16 *investigation, and resolution.*

17 *(E) Staff concerns regarding licensee disciplinary matters or*  
18 *procedures.*

19 *(F) The appropriate utilization of licensed professionals to*  
20 *investigate complaints.*

21 *(G) The adequacy of the board's cooperation with other state*  
22 *agencies charged with enforcing related laws and regulations*  
23 *regarding nurses.*

24 *(H) Any existing backlog, the reason for the backlog, and the*  
25 *timeframe for eliminating the backlog.*

26 *(I) The adequacy of board staffing, training, and fiscal resources*  
27 *to perform its enforcement functions.*

28 *(b) Board staff and management shall cooperate with the office*  
29 *and shall provide the office with access to data, case files,*  
30 *employees, and information as the office may, in its discretion,*  
31 *require for the purposes of this section.*

32 *(c) For the purposes of this section, "office" means the*  
33 *California State Auditor's Office.*

34 ~~SEC. 2.~~

35 *SEC. 4.* Section 2736.5 of the Business and Professions Code  
36 is repealed.

37 ~~SEC. 3.~~

38 *SEC. 5.* Section 2786 of the Business and Professions Code is  
39 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~~ shall be designed to require  
30 all 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.~~

38 SEC. 6. Section 2786.1 is added to the Business and Professions  
39 Code, to read:

1 2786.1. (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 does not give student applicants credit in the field of  
4 nursing for military education and experience by the use of  
5 challenge examinations or other methods of evaluation.

6 (b) The board shall ~~promulgate~~ *adopt* regulations by January 1,  
7 2017, requiring schools to have a process to evaluate and grant  
8 credit for military education and experience. *The regulations shall*  
9 *be adopted pursuant to the Administrative Procedure Act (Chapter*  
10 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
11 *Title 2 of the Government Code).* The word “credit,” as used in  
12 ~~the preceding sentence,~~ *this subdivision,* is limited to credit for  
13 licensure only. The board is not authorized to prescribe the credit  
14 that an approved school of nursing shall give toward an academic  
15 certificate or degree.

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