

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Saldana

February 19, 2010

An act to amend Section 2761 of the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as introduced, Saldana. Nursing: disciplinary action.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing. The board also certifies advance practice registered nurses. Existing law authorizes the board to take disciplinary action against these nurses or to deny an application for a certificate or license for various acts and offenses.

This bill would make nonsubstantive, technical changes to that provision.

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

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

- 1 SECTION 1. Section 2761 of the Business and Professions
- 2 Code is amended to read:
- 3 2761. The board may take disciplinary action against a certified
- 4 or licensed nurse or deny an application for a certificate or license
- 5 for any of the following:
- 6 (a) Unprofessional conduct, which includes, but is not limited
- 7 to, *all of* the following:

1 (1) Incompetence, or gross negligence in carrying out usual
2 certified or licensed nursing functions.

3 (2) A conviction of practicing medicine without a license in
4 violation of Chapter 5 (commencing with Section 2000), in which
5 event the record of conviction shall be conclusive evidence thereof.

6 (3) The use of advertising relating to nursing ~~which~~ *that* violates
7 Section 17500.

8 (4) Denial of licensure, revocation, suspension, restriction, or
9 any other disciplinary action against a health care professional
10 license or certificate by another state or territory of the United
11 States, by any other government agency, or by another California
12 health care professional licensing board. A certified copy of the
13 decision or judgment shall be conclusive evidence of that action.

14 (b) Procuring his or her certificate or license by fraud,
15 misrepresentation, or mistake.

16 (c) Procuring, or aiding, or abetting, or attempting, or agreeing,
17 or offering to procure or assist at a criminal abortion.

18 (d) Violating or attempting to violate, directly or indirectly, or
19 assisting in or abetting the violating of, or conspiring to violate
20 any provision or term of this chapter or regulations adopted
21 pursuant to it.

22 (e) Making or giving any false statement or information in
23 connection with the application for issuance of a certificate or
24 license.

25 (f) Conviction of a felony or of any offense substantially related
26 to the qualifications, functions, and duties of a registered nurse,
27 in which event the record of the conviction shall be conclusive
28 evidence thereof.

29 (g) Impersonating any applicant or acting as proxy for an
30 applicant in any examination required under this chapter for the
31 issuance of a certificate or license.

32 (h) Impersonating another certified or licensed practitioner, or
33 permitting or allowing another person to use his or her certificate
34 or license for the purpose of nursing the sick or afflicted.

35 (i) Aiding or assisting, or agreeing to aid or assist any person
36 or persons, whether a licensed physician or not, in the performance
37 of, or arranging for, a violation of any of the provisions of Article
38 12 (commencing with Section 2220) of Chapter 5.

39 (j) Holding oneself out to the public or to any practitioner of
40 the healing arts as a “nurse practitioner” or as meeting the standards

1 established by the board for a nurse practitioner unless meeting
2 the standards established by the board pursuant to Article 8
3 (commencing with Section 2834) or holding oneself out to the
4 public as being certified by the board as a nurse anesthetist, nurse
5 midwife, clinical nurse specialist, or public health nurse unless the
6 person is at the time so certified by the board.

7 (k) Except for good cause, the knowing failure to protect patients
8 by failing to follow infection control guidelines of the board,
9 thereby risking transmission of blood-borne infectious diseases
10 from licensed or certified nurse to patient, from patient to patient,
11 and from patient to licensed or certified nurse. In administering
12 this subdivision, the board shall consider referencing the standards,
13 regulations, and guidelines of the State Department of Health
14 Services developed pursuant to Section 1250.11 of the Health and
15 Safety Code and the standards, guidelines, and regulations pursuant
16 to the California Occupational Safety and Health Act of 1973 (Part
17 1 (commencing with Section 6300), Division 5, Labor Code) for
18 preventing the transmission of HIV, hepatitis B, and other
19 blood-borne pathogens in health care settings. As necessary, the
20 board shall consult with the Medical Board of California, the Board
21 of Podiatric Medicine, the Dental Board of California, and the
22 Board of Vocational Nursing and Psychiatric Technicians, to
23 encourage appropriate consistency in the implementation of this
24 subdivision.

25 The board shall seek to ensure that licentiates and others
26 regulated by the board are informed of the responsibility of
27 licentiates to minimize the risk of transmission of blood-borne
28 infectious diseases from health care provider to patient, from
29 patient to patient, and from patient to health care provider, and of
30 the most recent scientifically recognized safeguards for minimizing
31 the risks of transmission.