



BOARD OF REGISTERED NURSING

*Executive Officer: Catherine Puri
(916) 322-3350*

The Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse midwifery applicants, establishes accreditation requirements for California nursing schools and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs.

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 56 people.

MAJOR PROJECTS:

Proposed Regulatory Changes. A March 21 public hearing in Sacramento on regulatory changes in three areas (nurse faculty educational requirements; continuing education providers, instructors, courses and attendees; and application processing timeframes) yielded over 2,000 oral and written public comments. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 75-76 for a complete description of the proposed changes.) Because the majority of the testimony and letters expressed opposition to the proposed changes, the staff requested that the Board table its decision on the regulations until the May meeting.

In May, the BRN voted to withdraw the proposed regulatory changes to Article 5 (Continuing Education), sections 1451(d), 1454(f), 1455, 1457, and 1459. The remaining proposed regulations (sections 1425, 1451.2(a), 1452(b), 1455(c), and 1483.1) were modified and republished for a fifteen-day comment period, which was to end on May 31. These regulations were scheduled for inclusion on the Board's July agenda for final adoption.

National Nursing License Exam. The regularly scheduled national nursing licensing examination was postponed from February to March in California, because of an apparent theft of a portion of the exam while it was en route to a California test site. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 76 for background information.) Because the standardized licensing examination was administered in 44 other states and U.S. jurisdictions

in February, the BRN was required to determine under what conditions California would accept applications for endorsement of that test administration from those states. In closed session during its March meeting, the Board heard testimony from several testing experts and a representative from the Department of Consumer Affairs' Division of Investigation. BRN was satisfied that the compromised test was limited to the state of California, and that the proposed plan for scoring the exam would reveal any compromise. Although the item was scheduled for discussion during BRN's open session, the Board voted in closed session to follow the usual endorsement policy for exams given in other states or jurisdictions.

The Board was also concerned about the endorsement policies of other states or jurisdictions with respect to its administration of the examination. The National Council of State Boards of Nursing received official written confirmation of intent to endorse in the usual manner from five of the eleven states or jurisdictions administering the February exam. Of the remaining six states or jurisdictions, five gave verbal notification of intent to endorse in their normal manner. At this writing, no notification has yet been received from Maryland.

Department of Defense Request for List of California RNs. The BRN was asked to voluntarily comply with a request made by the U.S. Department of Defense (DOD) to the National Council of State Boards of Nursing (National Council) that a list of all licensed RNs be provided to DOD to be used in the event of a national emergency. Individual state boards would provide the list to the National Council, and the National Council would provide the list, with periodic updates, to the DOD. The list would then be used by the DOD, in case of a national emergency and on approval of Congress, to seek volunteers to serve in the reserve units of the U.S. armed forces.

This request was in response to H.R. 4346 (Montgomery), a federal bill which would have mandated peacetime conscription of selected health care providers for the draft; the bill, however, was defeated. The American Nurses Association (ANA), the American Medical Association (AMA), and the DOD are opposed to mandatory registration. The DOD's request for the names, addresses, dates of birth, and areas of specialty of MDs, RNs, and medics is a compromise to mandatory conscription.

The National Council negotiated a Memorandum of Understanding with the DOD specifying the conditions under which the list would be used. The Memorandum states that individual member board cooperation will be voluntary; data will be used to accomplish volunteer recruitment of RNs into the reserve components, and then only during partial mobilization as defined in section 276, Title 10 of the United States Code. In the event of partial mobilization, the DOD will notify the National Council that the data will be used.

Twenty-three states have returned the data to the National Council; and the AMA has already provided the DOD with requested information about physicians and surgeons. The ANA opposes mandatory registration, but supports the effort to provide information for voluntary recruitment.

Board member discussion and public comment revealed opposition to voluntary RN registration with the DOD. BRN members voiced concerns on issues ranging from the privacy rights of state licensees to potential discriminatory treatment of health care professionals. There was also concern over the ambiguity of the terms used by the DOD. The BRN decided to respond to the National Council's request by stating its reservations.

LEGISLATION:

SB 1819 (Greene), as amended on May 18, would amend the Unemployment Insurance Code to add certified nurse midwives and nurse practitioners to those health care providers who may legally certify clients for disability benefits related to pregnancy and childbirth. This bill was enrolled to the Governor on June 9.

SB 1913 (Presley), as amended April 18, would require medical personnel in correctional institutions to notify law enforcement employees when those employees are coming in close contact with an inmate who has AIDS, AIDS-related conditions, or is HIV positive. The Board opposes this bill, which is pending in the Assembly Public Safety Committee.

SB 2141 (Davis) would authorize the disclosure of a patient's HIV status to health care providers, including nurses. An April 21 hearing was cancelled at the request of the author.

SB 2423 (Torres), as amended June 3, would authorize the Department of Health Services (DHS) to adopt regulations setting forth the minimum number of equivalent hours per patient required for various types of long-term health care facilities, and would provide that



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these regulations shall set forth the minimum number of actual nursing hours per patient in these facilities. This bill would also define "nursing hours" as the number of hours of work performed per patient per day by aides, nursing assistants, orderlies, RNs, or LVNs. This bill is pending in the Assembly Committee on Aging and Long-Term Care.

SB 2579 (Bergeson) would require the DHS to create a statewide integrated perinatal care plan. Certified nurse-midwives and nurse practitioners would be included in the list of perinatal care providers. The Board supports this bill, which passed the Senate on June 6.

SB 2755 (Royce) would authorize the BRN to appoint an advisory committee composed of specified organizational and governmental representatives to study the shortage of RNs in California and report to the legislature and the Board. The Board supports this bill, which is pending in the Assembly Health Committee.

SB 2797 (Torres), as amended April 7, would have permitted nutrition or hydration to be withheld or withdrawn in circumstances where, in the reasonable medical judgment of the patient's attending physician and a second consulting physician, the patient is in the final stage of a terminal illness or injury. The Board opposed this bill, which failed passage in the Senate Appropriations Committee on May 23.

AB 271 (Allen) would require the Board to submit an annual report to the legislature containing a detailed description of any administrative or enforcement duties which the Board has not completed during the previous year. The Board opposes this bill, which is pending in the Senate Committee on Governmental Organization.

AB 3215 (Jones), as amended May 25, would require the Office of Statewide Health Planning and Development to develop a comprehensive plan to improve the recruitment of men and women to enter educational programs for training as professional nurses. This bill passed the Assembly on June 9.

AB 2703 (Tucker), as amended April 18, would place the scope of practice of respiratory therapists under the Division of Allied Health Professions of the Board of Medical Quality Assurance. This bill is pending in the Senate Business and Professions Committee.

AB 4401 (Filante), as amended May 10, would amend existing law which requires the DHS to establish staffing standards and regulations for health

facilities, and prohibits those regulations from requiring the use of a registered nurse for the performance of any service which may lawfully be performed by a licensed vocational nurse. *AB 4401* would repeal that prohibition on January 1, 1994. This bill is pending in the Senate Business and Professions Committee.

AB 4651 (Killea) would require the California Medical Assistance Commission, when negotiating contracts for the provision of inpatient hospital services under the Medi-Cal program, to take into consideration whether a hospital provides additional obstetrical beds; contracts with a comprehensive perinatal provider; permit certified nurse midwives to admit patients; or expands overall obstetrical services in the hospital. The BRN supports this bill, which has been placed in the Assembly Ways and Means suspense file.

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 2 (Spring 1988) at page 76:

SB 645 (Royce), as amended June 1, removes the BRN from jointly promulgating regulations to establish standards for services which may be performed by a medical assistants. Under *SB 645*, these regulations would be promulgated and administered by the Board of Medical Quality Assurance's Division of Allied Health Professions, after requesting recommendations regarding those standards from appropriate public agencies. The Board opposes this bill, which is pending in the Assembly Ways and Means Committee.

AB 1235 (Montoya), regarding the administration of conscious sedation by dentists, is still pending in the Assembly Health Committee. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 66 for background information.)

SB 1267 (Maddy), as amended April 28, would establish the California Registered Nurse Education Program. The program would be funded by increasing the license renewal fee for RNs by not less than \$5 starting in July 1989. The Board supports this bill, which is awaiting a floor vote in the Assembly. (See CRLR Vol. 7, No. 3 (Summer 1987) p. 90.)

SB 1552 (Kopp) would require boards regulating health care professionals to consider inclusion of training in the characteristics and treatment of AIDS in specified continuing education and training requirements for licenses. This bill was scheduled for a June 28 hearing in the Assembly Health Committee.

AB 87 (Agnos), as amended January 7, would, among numerous provisions,

permit the disclosure of the results of a patient's blood test to detect HIV antibodies (antibodies to the probable causative agent of AIDS) to health care providers, including nurses, without the patient's consent. The BRN supports this bill, which was placed in the Assembly's inactive file on June 1.

RECENT MEETINGS:

At its March meeting in Sacramento, the BRN presented plans for the development of a scannable questionnaire to accompany license renewal notices to 235,000 RNs statewide. The Office of Statewide Health Planning and Development (OSHDP) sent a proposed draft of a survey to collect information from RNs in compliance with Health and Safety Code section 249.97. However, the proposed draft will not conform to the size of renewal packets under the Department of Consumer Affairs' automated system. Also, for such an extensive survey, scannable answer sheets will be important for easy analysis. The Board will present these concerns to OSHDP to promote development of a meaningful and cost-effective instrument.

The Nursing Practice Committee discussed its proposed three-part plan to bring together inactive RNs and refresher continuing education programs. The plan consists of notifying agencies of the project to determine any interest; notifying inactive RNs of the project to determine their interest; and finally, supplying the list of available refresher programs to the interested RNs. Through this project, the Board hopes to facilitate reentry into the profession of badly-needed inactive RNs.

At its May meeting in San Diego, Executive Officer Catherine Puri reported on budget change proposals for 1989-90, which will include additional staff to implement fingerprinting of license applicants.

The Governor's Office recently requested a report from the Board concerning its efforts to respond to all constituent mail within three weeks. A reporter from a San Francisco newspaper surveyed response times from various state agencies. Questions were mailed to the agencies, seemingly from constituents, and the BRN's response time was four weeks. The results of the survey were sent to the Governor's Office and published in the newspaper.

A summary of the pass rates for the March licensing examination were discussed. The overall pass rate was 34.1%, compared to 35% for February 1987. Of first-time California graduates, 82.3%



passed, compared to 86.1% for February 1987. Of first-time foreign graduates, 30.1% passed. Only 10% of the repeating foreign graduates passed. A total of 7,469 candidates took the exam, 59% of whom are foreign-educated.

FUTURE MEETINGS:

September 22-23 in Los Angeles.
November 17-18 in San Francisco.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
(916) 445-5101

The Board of Certified Shorthand Reporters (BCSR) licenses and disciplines shorthand reporters, recognizes court reporting schools and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members, three public and two from the industry, who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment.

MAJOR PROJECTS:

Examinations. A total of 466 test candidates took the May 1988 Dictation/Transcription examination. The results from this exam were available in early July. The normal turnaround time of six weeks between exam administration and posting of results was slightly delayed to allow for greater accuracy of reporting results in light of staff and budget restraints.

The Department of Consumer Affairs' Central Testing Unit (CTU) and BCSR committee members are continuing with the exam validation project. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 72; Vol. 7, No. 4 (Fall 1987) p. 67; Vol. 7, No. 3 (Summer 1987) p. 90 and Vol. 7, No. 1 (Winter 1987) pp. 59-60 for background information.) Two CTU mailings, each consisting of 760 questionnaires designed to survey critical knowledge skills and ability, are being distributed to new licensees. Response to the first of the two mailings has been poor. The second mailing is being sent with an urgent plea to complete the questionnaire.

Cite and Fine Program. The cite and fine program committee announced a June public hearing to consider draft language for new citation and fine regu-

lations. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 72; Vol. 7, No. 4 (Fall 1987) pp. 58-60; Vol. 7, No. 3 (Summer 1987) pp. 58-60; and Vol. 7, No. 2 (Spring 1987) p. 68 for background information.)

The contemplated language establishes categories of offenses and corresponding fine ranges. The most serious category includes offenses punishable by fines ranging from \$1001 to \$2500, and covers violations such as practicing without a license or with a suspended license; fraud in obtaining the license; aiding and abetting another to obtain or practice without a license; or negligent failure to adequately transcribe a transcript.

The second category of offenses, punishable by fines ranging from \$501 to \$1000, includes certified court reporting school offenses such as failure to submit annual reports; negligent maintaining or reporting of statistics relating to the student body; or educating potential CSRs without adequate BCSR certification.

The last category of offenses relates to shorthand reporting corporation violations which are punishable by fines ranging from \$100 to \$500. At a recent meeting, the Board was asked by a CSR industry member to begin an amnesty program for CSR corporations in potential violation of Board regulations. This amnesty program would provide such corporations with an opportunity to comply with the regulations before a citation and fine are issued. The Board took that request under advisement and will consider appropriate language in the draft proposal.

Standards for Reinstatement or Reduction of Penalty. Related to the successful implementation of a citation and fine program is the adoption of standards for reinstatement or reduction of penalties for CSR licensees who have had their licenses revoked or suspended. At its May meeting, the Board considered standards similar to those recently adopted by the Board of Examiners in Veterinary Medicine (BEVM). BCSR noted that the BEVM-developed standards were consistent with BCSR criteria, but would need to be "molded" to fit CSR requirements. The Board is eager to begin this program, but deferred any committee or legal review until after the next fiscal year begins in July.

LEGISLATION:

AB 4693 (Grisham) would change a number of sections of the Business and Professions Code relating to CSRs. Currently, section 8022 of the Business and Professions Code requires an applicant

for a CSR exam to file an application with BCSR's executive director at least thirty days prior to the exam. This bill extends the thirty-day filing deadline to 45 days.

Under section 8024.5 of the Business and Professions Code, this bill would also reduce the five-year period to three years for renewal, reinstatement, or re-issuance of a CSR certificate after its expiration, provided all fees and other qualifications are met. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 60 for background information.) Section 8025 would be amended to eliminate as a specific ground for suspension or revocation the holder's failure to pay required fees. It would also revise the fee amounts the Board may charge for examinations and delinquent or late filing fees until June 30, 1991. The bill would also require court reporting schools to file reports, as specified, and would further require that private schools notify the Board of any change of ownership. The measure is pending in the Senate Business and Professions Committee after passing the Assembly on June 9.

RECENT MEETINGS:

At its May meeting, the Board granted provisional recognition to the court reporting school program at San Diego City College (SDCC), which began in April 1987. The Board's Executive Officer has been favorably impressed with SDCC's conformity to BCSR's academic standards.

Also in May, the Board again addressed the Certified Court Reporting Association's (CCRA) request to have the Board require court reporting schools to release a list of names and addresses of students who have achieved a certain threshold speed level in order to notify them of relevant CCRA programs and seminars. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 77 for background information.) CCRA stated that its function is to further serve the educational needs of CSR students and to bridge the gap between school and CSR life, observing that such programs would serve the public by providing better-prepared CSRs. The majority of court reporting schools are opposed to this request, due to associated administrative burdens as well as possible problems in disclosure where student privacy is at issue. Some schools have claimed that this request is a mechanism to boost CCRA recruiting, and expressed concern that these lists would also expose students to unwanted CSR technology-related salespeople.