

# BOARD OF REGISTERED NURSING

---

*Executive Officer: Loretta Melby, MSN, RN ♦ (916) 330-0454 ♦ www.rn.ca.gov*

*Protection of the public shall be the highest priority for the Board of Registered Nursing in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

— Business and Professions Code § 2708.1

**T**he Board of Registered Nursing (BRN) is a consumer protection agency within the California Department of Consumer Affairs (DCA). Pursuant to the Nursing Practice Act, Business and Professions Code section 2700 et seq., BRN licenses registered nurses (RNs) and certifies advanced practice nurses, including certified nurse-midwives (CNMs), nurse practitioners (NPs), registered nurse anesthetists (CRNAs), clinical nurse specialists (CNSs), and public health nurses (PHNs). In addition to licensing and certification, BRN establishes accreditation requirements for California nursing schools and reviews nursing school criteria. It also receives and investigates complaints against its licensees, taking disciplinary action as appropriate. BRN's regulations implementing the Nursing Practice Act are codified in Division 14, Title 16 of the California Code of Regulations (CCR). As of 2021, BRN licenses over 450,000 RNs and certifies approximately 100,000 advanced practice nurses.

By law, the nine-member Board consists of four public members and five nurse licensees. The licensee members must include two direct-patient care nurses, an advanced practice nurse, a nurse administrator, and a nurse educator. Seven of the members (including all of the RN members) are appointed by the Governor, and two of the public members are appointed by the

legislature. The Nursing Practice Act also requires BRN’s Executive Officer to be a BRN licensee, a unique requirement among DCA boards.

On June 8, 2022, Governor Newsom [appointed](#) Roi David Lollar, 55, of Bakersfield to the Board. Lollar is an 18-year veteran educator in the Kern High School District, having taught Drama and English. He was a Graduate Teaching Assistant at the Fine Arts Department of the University of Illinois and a Talent Agent Assistant at International Creative Management in Beverly Hills. He is a member of the Kern High School Teachers’ Association, formerly on their Executive Board, and is currently a member of the National Education Association’s Task Force for Future Assessments. He earned his terminal degree, the Master of Fine Arts (MFA) from the University of Illinois.

On August 3, 2022, the Senate appointed Vicki Granowitz, 66, of San Diego, to the Board. Granowitz spent 16 years as a psychotherapist in private practice specializing in the field of child abuse and sexual assault and four years as a Social Worker at the Veteran’s Administration Medical Center in La Jolla. Vicki retired from psychotherapy 35 years ago after being diagnosed with Multiple Sclerosis. She has since been an active community organizer and citizen volunteer participating on a diverse range of boards and committees, currently serving as Vice Chair of the San Diego Parks Foundation. Vicki received a Bachelor of Science in Criminal Justice Administration and a Master of Social Work from San Diego State University.

At this writing, there is one vacancy on the Board—a direct patient care licensee member—to be appointed by the Governor.

# HIGHLIGHTS

## **Board Sunset Date Extended After Contentious Sunset Review**

On September 18, 2022, Governor Newsom signed [AB 2684 \(Berman\)](#) into law (Chapter 413, Statutes of 2022). AB 2684 is BRN's sunset bill, which extends the Board's sunset date to January 1, 2027. This extension comes off a contentious sunset review; after the 2021 sunset review process, BRN was only extended one year to January 1, 2023. [\[27:2 CRLR 78–80\]](#)

In addition to the provisions extending and establishing the Board and its power, the bill authorizes each appointing power, rather than only the Governor, to remove board members for cause. Moreover, it requires BRN to accept specified information from accreditors; extends statutory state-of-emergency waivers for nursing education programs; establishes a 500-hour minimum direct patient care requirement; codifies the Nursing Education Workforce Advisory Committee; prohibits payments for clinical placements; combines furnishing number applications with other advanced practice applications; requires the Board's Executive Officer to create a uniform method for evaluating requests for changes to nursing education programs; and makes other minor and technical changes.

## **Board Publishes Notice of Rulemaking on Categories and Scope of Practice of Nurse Practitioners, Requirements for a Nurse Practitioner**

On September 6, 2022, BRN published [notice](#) of its intent to amend sections 1480 and 1481, and add sections 1482.3, 1482.4, and 1487 of Article 8, Division 14 of Title 16 of the CCR to address the changes imposed by [AB 890 \(Wood\) \(Chapter 265, Statutes of 2020\)](#) to develop

categories and scope of practice requirements for NPs. At its May 18, 2022, [meeting](#), the Board voted to approve the [proposed language](#) and directed the Executive Officer to prepare and submit the rulemaking package.

According to the [Initial Statement of Reasons](#), for NPs to be eligible to practice under these two categories (103 NPs and 104 NPs), the Board’s existing regulatory categories and standards need to be amended to reflect the changes imposed by the passage of AB 890. This regulatory action will implement AB 890 and benefit the health and safety of all California consumers by expanding access to healthcare for more Californians.

Although AB 890 took effect in 2021, the bill itself required BRN to take action before NPs could begin to qualify to work in the new categories. [[24:2 CRLR 79](#); [26:1 CRLR 45–56, 63–64](#); [27:1 CRLR 91–92](#)]

The Boards amendments would:

- Amend the title of Article 8 of Division 14, Title 16 from “Standards for Nurse Practitioners” to “Nurse Practitioners.”
- Amend section 1480 to establish a definition for the term “group setting.” “Group setting” means one of the settings or organizations in Business and Professions Code section 2837.103(a)(2) where one or more physicians and surgeons practice with an NP without standardized procedures.
- Amend section 1481 to change the title from “Categories of Nurse Practitioners” to “Categories and Scope of Practice of Nurse Practitioners.”

- Amend section 1481 to establish the two new categories that NPs can apply for and the corresponding scope of practice. Sections 1481 (b)(1) and (b)(2) establish the new categories and scopes for Business and Professions Code sections 2837.103 and 2837.104, respectively.
- Add section 1482.3 to establish the requirements for an NP to be certified pursuant to Business and Professions Code section 2837.103.
- Add section 1482.4 to establish the requirements for an NP to be certified pursuant to Business and Professions Code section 2837.104.
- Add section 1487 to establish the requirements for an NP to provide a notice to consumers.

The deadline to submit public comment was November 1, 2022. BRN's [next steps](#) are to approve the proposed responses to public comments with any edits deemed necessary, direct the staff to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or nonsubstantive changes to the proposed regulation, and adopt the proposed regulation either as described in the proposed text or with any potential amendments, if no relevant, adverse comments are received within a modified text comment period.

## **California Board of Registered Nursing to Implement Law Expediting Licensure for Abortion Providers**

On September 27, 2022, Governor Gavin Newsom signed [AB 657 \(Cooper\) \(Chapter 560, Statutes of 2022\)](#) into law. AB 657 adds Chapter 1.2 (commencing with section 870) of the Business and Profession Code which requires BRN to expedite the licensure process for applicants who demonstrate they intend to provide abortions within the scope of practice of their license. BRN [supports](#) the bill and now needs to institute a rulemaking action to implement it.

AB 657 came largely in response to the Texas Legislature's passage of [SB 8](#), the Texas Heartbeat Act, and the United States Supreme Court's ruling in *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). The Texas Heartbeat Act criminalizes abortion after approximately six weeks. Further, *Dobbs* declares that abortion is not a constitutional right. This overturns *Roe v. Wade*, 410 U.S. 113 (1973) and leaves the decision to ban abortion to the states. As a result, the Guttmacher Institute estimates that 1.4 million women may travel to California to seek care; this is a 2,923% increase.

To deal with this potential increase, AB 657 requires an expedition in the licensure process for applicants who intend to provide abortions. Notably, the Nursing Practice Act makes it a crime to perform an abortion without holding the proper certificate, which authorizes the holder to perform specified functions necessary for an abortion. Given that BRN regulates this licensure for nurses, rulemaking action is needed to implement the bill and make expedited licenses possible.

AB 657 does not change BRN's existing licensure requirements; a nurse applying for expedited licensure still needs to meet all applicable statutory and regulatory requirements. Further, applicants need to provide a letter demonstrating and declaring their intention to perform abortions, a letter from an employer or health care entity indicating the applicant has accepted employment or entered a contract to provide abortions, the applicant's starting date, the location where the applicant will provide abortions, and that the applicant is providing abortions within the scope of their license.

As of this writing, BRN has not yet offered any rulemaking to implement AB 657.

# MAJOR PUBLICATIONS

The following reports/studies/guidelines have been conducted by or about BRN during this reporting period:

- [\*Forecasts of the Registered Nurse Workforce in California\*](#), University of California San Francisco, August 2022 (study uses data from two surveys conducted in California and other data sources to assess the current and future supply and demand of RNs and to learn how the coronavirus pandemic is affecting this essential workforce).
- [\*Occupational Analysis of the Nurse Practitioner Practice and Practice Specialties\*](#), Board of Registered Nursing, July 2022 (report mandated by California Business and Professions Code sections 139 and 2837.105 to perform an occupational analysis of nurse practitioners transitioning to independent practice in California).

# RULEMAKING

The following is a status update on recent rulemaking proceedings that BRN has initiated:

- **Continuing Education Courses:** On August 12, 2022, OAL [approved](#) BRN's proposed [amendments](#) to sections 1450 and 1456, Title 16 of the CCR, to add implicit bias, direct patient care, and experimental medical procedure or treatment courses into its continuing education. The Board originally commenced the rulemaking process for these proposed regulations on May 12, 2021. The new regulations went into effect on October 1, 2022. [[27:2 CRLR 100](#)]
- **Clinical Facilities:** On October 13, 2022, the OAL [approved](#) BRN's proposed [amendments](#) to sections 1427, Title 16 of the CCR, to require nursing programs to report changes in their use of clinical facilities. The Board originally commenced the rulemaking process for these

proposed regulations on November 5, 2021. The new regulations will go into effect on January 1, 2023. [[27:2 CRLR 99–100](#)]

- **Approval Requirements and Changes to an Approved Program:** On October 14, 2022, OAL [approved](#) BRN’s proposed [amendments](#) to sections 1423, 1432, and 1421, Title 16 of the CCR, to make concealing material facts from BRN a cause for denial or revocation and add new regulations for nursing programs applying for new locations or increased enrollment. The Board originally approved of the proposed text on September 10, 2021. The new regulations will go into effect January 1, 2023. [[27:2 CRLR 99](#)]

- **Categories and Scope of Practice of Nurse practitioners (AB 890):** (see HIGHLIGHTS).

## LEGISLATION

- [AB 657 \(Cooper\)](#), as amended August 11, 2022, adds Chapter 1.2 (commencing with section 870) of the Business and Profession Code which requires the Board to expedite the licensure process for applicants who demonstrate they intend to provide abortions within the scope of practice of their license. Governor Newsom signed AB 657 on September 27, 2022 (Chapter 560, Statutes of 2022) (see HIGHLIGHTS).

- [AB 852 \(Wood\)](#), as amended August 22, 2022, amends section 688 of the Business and Professions Code to prohibit nurse practitioners authorized to dispense or furnish prescriptions from refusing to dispense or furnish an e-prescription coming from reputable software. This bill also denotes the exceptions when a practitioner could decline such a transmission. According to the author, this bill makes electronic transmission law clearer for prescribers. Governor Newsom signed AB 852 on September 25, 2022 (Chapter 518, Statutes of 2022).



- [AB 858 \(Jones-Sawyer\)](#), as amended August 22, 2022, would have amended Chapter 2 of Division 3 of the Labor Code to allow healthcare workers, with physician approval, to override hospital technology if in the best interest of the patient. The bill would have also expanded labor law protections to prohibit employer retaliation for these overrides. On September 23, 2022, Governor Newsom [vetoed](#) the bill “[p]er the request of the author and sponsor.”
- [AB 2626 \(Calderon\)](#), as amended August 24, 2022, amends sections 2253 and 3502.4 and adds sections 2746.6 and 2761.1 to the Business and Professions Code. This bill prohibits BRN from suspending or revoking the certificate, or denying an application for licensure, of a nurse practitioner solely for performing an abortion in accordance with California law. Further, the bill prohibits BRN from imposing this discipline on licensees if they are disciplined or convicted in another state in which they are licensed or certified solely for performing abortions in that state. According to the author, this bill protects California abortion providers and patients seeking care in California. Governor Newsom signed AB 2626 on September 27, 2022 (Chapter 565, Statutes of 2022).
- [AB 2684 \(Committee on Business and Professions\)](#), as amended August 25, 2022, extends the Board’s sunset date to January 1, 2027. This extension comes off a contentious sunset review; after the 2021 sunset review process, BRN was only extended one year to January 1, 2023 (see HIGHLIGHTS). Governor Newsom signed AB 2684 on September 18, 2022 (Chapter 413, Statutes of 2022)
- [SB 1375 \(Atkins\)](#), as amended August 23, 2022, amends section 2725.4 of the Business and Professions Code to expand the training options for nurse practitioners and certified nurse-midwives seeking to perform abortions by aspiration techniques. According to the author,

this helps address the shortage of health care professionals projected for California and complements recommendations from the California Future of Abortion Council to strengthen reproductive care. Governor Newsom signed SB 1375 on September 27, 2022 (Chapter 631, Statutes of 2022).

- The following bills, reported in Volume 27, No. 2 (Spring 2022) died in committee or otherwise failed to be enacted in 2022: [SB 1031 \(Ochoa Bogh\)](#), relating to reducing the renewal fee for an inactive license; [AB 2637 \(Blanca Rubio\)](#), relating to exemptions for qualified nursing schools from being affiliated with a hospital or institution of higher learning.