

# BOARD OF REGISTERED NURSING

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*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 (BPC) 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 2023, BRN licenses over 520,000 RNs and certifies approximately 120,000 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 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.

At this writing, there are three vacancies on the Board—a direct patient care licensee member, an advanced practice nurse member, and a public member.

## MAJOR PUBLICATIONS

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

- [\*Healthcare Workforce Annual Report to Legislature\*](#): Department of Health Care Access Information, January 2023 (The Health Workforce Research Data Center at the Department of Health Care Access and Information (HCAI) produces a yearly report for the legislature. The report identifies trends in education and employment in the health care profession, supply and demand for health care workers, and gaps in the pipeline to certain professional and geographic areas. The report makes policy recommendations to address workforce shortages. The data also covers other medical professions in California.)

## RULEMAKING

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

- **Approval Requirements and Changes to an Approved Program:** On October 14, 2022, the Office of Administrative Law (OAL) [approved](#) this action to make [substantial changes](#) to Title 16 of the CCR, sections 1421, 1423 and 1432. The Board adopted more comprehensive language to address both overt misrepresentation and concealment of facts to ensure all relevant information is provided to BRN when approving programs. This action also added a requirement for prelicensure programs to get Board approval for increase in the total

annual enrollment or any change in the frequency, timing, or number of new student admissions for each Board-approved nursing program or degree option. The Board originally started the rulemaking process for these proposed regulations on September 10, 2021. This went into effect on January 1, 2023. [[27:2 CRLR 99](#)]

- **Clinical Facilities:** On October 13, 2022, the OAL [approved](#) BRN’s [proposed amendments](#) to Title 16 of the CCR, section 1427, to require nursing programs to report changes in their use of clinical facilities within 90 days of when a change occurs. These include changes to the number of students from the program approved for placement at clinical facilities, changes in annual clinical placement capacity at the facility, and cancellation or alteration of clinical affiliation agreements. The Board originally began the rulemaking process for these proposed regulations on November 5, 2021. This went into effect on January 1, 2023. [[27:2 CRLR 99–100](#)]

- **Categories and Scope of Practice of Nurse Practitioners:** On December 23, 2022, OAL [approved](#) the [proposed text](#) to adopt Title 16 of the CCR, sections 1482.3, 1482.4, and 1487 and to amend sections 1480 and 1481. This established the two new categories of scope of practice for which Nurse Practitioners can apply, pursuant to [AB 890 \(Wood\) \(Chapter 265, Statutes of 2020\)](#). These new categories include 103 NPs (pursuant to Business and Professions Code section 2837.103) and 104 NPs (pursuant to Business and Professions Code section 2837.104), which have expanded independence within a defined scope of practice without standardized procedures. The Board began the rulemaking process for these proposed regulations on September 6, 2022. This went into effect on January 1, 2023.

- **Coursework Exemptions for Out-of-State Applicants:** On February 17, 2023, the Board gave [notice](#) of a proposal to add section 1410.5 to Title 16, Division 14, Article 2 of the

CCR. According to the [Initial Statement of Reasons](#), the [proposed text](#) would provide that an out-of-state applicant licensed in another jurisdiction who has been practicing in good standing for at least two years will not need to retake certain courses with a laboratory component, if their endorsement application includes proof of successful completion of the coursework, with or without a laboratory component, as part of their nursing education preparation. The proposed exemption will streamline the endorsement process by removing an educational barrier frequently encountered by out-of-state nurses.

## LEGISLATION

- [AB 633 \(Patterson\)](#), as introduced February 9, 2023, would add section 2811.1 to the Business and Professions Code. This bill would allow BRN to reduce renewal fees up to one-half for licensees who have practiced for 20 years or more in state and who have reached retirement age under the federal Social Security Act. This bill would create an inexpensive way for retired nurses to sustain their license in order to volunteer. *[A. Appr]*
- [AB 883 \(Mathis\)](#), as amended on March 23, 2023, would amend 115.4 of the Business and Professions Code. This bill would authorize and require a board within the DCA to expedite and assist in the initial licensure process for an applicant who is part of the Department of Defense SkillBridge Program. This would give United States service members an opportunity to apply for licensure 180 days before separation from service, creating an easier transition into civilian careers. *[A. Appr]*
- [AB 996 \(Low\)](#), as amended on March 27, 2023, would add section 36 to the Business and Professions Code. This bill would require a board within the DCA that approves continuing education providers or courses to develop and maintain a conflict-of-interest policy.

This bill would aim to discourage the qualification of any continuing education course if the course provider has an economic interest in a commercial product or enterprise either directly or indirectly promoted in that course. *[A. B&P]*

- [AB 1292 \(Flora\)](#), as amended on March 16, 2023, would amend section 2729 of the Business and Professions Code. This bill would allow resident nursing students who are enrolled in out-of-state private postsecondary programs to gain clinical experience in the state. This bill would require that a registered nurse licensed by the Board supervise these nursing students at an accredited clinical setting. *[A. B&P]*

- [AB 1577 \(Low\)](#), as amended on March 23, 2023, would add section 1271.2 to the Health and Safety Code. This bill would require general acute care hospitals to provide clinical placements to postsecondary nursing students. This bill would make it a crime to violate this requirement. *[A. Health]*

- [AB 1651 \(Sanchez\)](#), as amended on March 30, 2023, would amend section 49414 of the Education Code. This bill would require school districts, county offices of education, and charter schools to store emergency epinephrine auto-injectors (EAI) in an accessible location. This bill would authorize a school employee who is not a school nurse or trained personnel to administer EAI to a person exhibiting symptoms of anaphylaxis at school or a school activity when a school nurse or other trained personnel is not available. According to the author, the bill would respond to data showing many schools do not have full time nurses or other trained personnel during school hours and after school programming. *[A. Appr]*

- [AB 1722 \(Dahle\)](#), as amended on March 30, 2023, would amend section 49452 and to add section 49426.5 to the Education Code. This bill would authorize schools to hire a licensed

vocational nurse (LVN) if a credentialed school nurse supervises the LVN. The supervising nurse may be employed at the same school or a different local school. The bill would also expand who can perform students' sight and hearing tests. According to the authors, this bill would respond to the shortage of RNs in state, which is the current licensure level required to be a school nurse. *[A. Appr]*

- [SB 345 \(Skinner\)](#), as amended on April 10, 2023, would amend section 2746.5 and add section 852 to the Business and Professions Code. This bill would ensure that California healthcare practitioners are able to provide essential reproductive and gender affirming care to all patients, regardless of their patient's location. This bill would respond to the issue of medication abortions prescribed in California but taken out-of-state. This bill would prohibit the sharing of information sought for out-of-state prosecution or lawsuits when the information is related to legally protected healthcare in California. Additionally, this bill would extend these protections to gender-affirming healthcare. *[S. PubSafe]*

- [SB 372 \(Menjivar\)](#), as amended on March 20, 2023, would add section 27.5 to the Business and Professions Code. This bill would require a board within the DCA to update a licensee's records to include the licensee's updated legal name or gender in accordance with government-issued documentation reflecting the licensee's legal name or gender has been changed. According to the author, this bill would respond to the harmful practice of deadnaming, which occurs when someone intentionally or unintentionally refers to a transgender or nonbinary person by a previously used name. *[S. Jud]*

- [SB 472 \(Hurtado\)](#), as amended on March 23, 2023, would amend section 49414.3 of the Education Code. This bill would require schools, county offices of education, and charter

schools to maintain at least two doses of an opioid antagonist on its campus. This bill would also require these entities to have information about the opioid antagonists annually. *[S. Appr]*

- [SB 667 \(Dodd\)](#), as amended on April 11, 2023, would amend sections 1206.5, 1265, 2746.5 and 2746.51, and 4170 of, and add section 1206.8 to the Business and Professions Code. This bill would address the limitations found following three years of implementing SB 1237, which allowed Certified Nurse Midwives (CNMs) to independently practice standard protocols without a physician present. This bill would allow CNMs to order and perform certain tests to reduce costly barriers to birth center sustainability and practice. The bill would also grant CNMs broader authority for furnishing and ordering controlled substances and for treating common gynecological conditions. *[S. BP&ED]*

- [SB 887 \(Roth\)](#), as introduced on March 14, 2023, would amend various sections of the Business and Professions Code. As it would apply to BRN, this bill would require BRN to establish categories of nurse practitioners and standards for each category. These standards would need to include the types of advanced levels of nursing practice and the education needed to practice at each level. The bill would also create a Nursing Education and Workforce Advisory Committee within the BRN to study and recommend nursing education standards and solutions to workforce issues. This bill would require a representative from the California State University Office of the Chancellor to serve on this advisory committee. *[S. BP&ED]*