

# 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

The Board of Registered Nursing (BRN) functions as 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 their 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.

Mandated by law, the nine-member Board consists of four public members and five nurse licensees. The licensee members encompass two direct-patient care nurses, an advanced practice nurse, a nurse administrator, and a nurse educator. The Governor appoints seven of the members (including all RNs), and the legislature appoints two public members. The Nursing Practice Act

also requires BRN’s Executive Officer to be a BRN licensee, a unique requirement among DCA boards.

Governor Newsom appointed two Board Members during this reporting period: Nilu Patel, a CRNA at the University of California, Irvine, was [appointed](#) on October 12, 2023, as an Advance Practice Member. On May 22, 2023, Dolores Trujillo was [reappointed](#) to the Board, where she has served since 2020. Trujillo is an RN in the Neonatal Intensive Care Unit at Kaiser Hospital in Roseville and serves as Board President. Additionally, on June 29, 2023, the Speaker of the Assembly appointed Alison Cormack, a public member with technology, non-profits, and political experience. At this writing, one vacancy exists on the Board—a registered nurse member.

At its May 17, 2023 Board meeting, the Board [appointed and repointed](#) a total of nine members to the Intervention Evaluation Committee (IEC): Barry Levine, Physician; William Gould, Nurse; Humphry Ogg, Nurse; Cheryl Janus, Nurse; Julius Musenze, Physician; Colleen Burks, Nurse; Victoria Pon Tell, Nurse (Reappointment); Lori Kopplinger, Nurse (Reappointment); and Carrie Randazzo, Public Member (Reappointment). The Board currently also has a [vacancy](#) in the Chief of Operations and Consumer Division position.

## HIGHLIGHTS

### **Board of Registered Nursing Rule on Coursework Exemptions for Out-of-State Applicants Approved by OAL**

At its [meeting](#) on April 20, 2023, BRN considered the four public comments it received from the 45-day public comment period to add section 1410.5 to Article 2 of Division 14 of Title 16 of CCR, to eliminate the nursing-related natural science laboratory educational requirement for out-of-state applicants, streamlining the application process for these potential licensees. The

Board approved its responses and voted to approve the proposed text as noticed. The Board originally gave [notice](#) of the proposal on February 17, 2023. [[28: CRLR 27–28](#)]

BRN describes out-of-state applicants' previous educational barriers in the [Initial Statement of Reasons](#). BRN currently regulates over 502,000 RNs and almost 34,000 NPs (page 1). BRN licenses registered nurses and certifies Advanced Practice Registered Nurses (APRN), which include certified nurse-midwives, registered nurse anesthetists, clinical nurse specialists, public health nurses, and NPs. To be licensed as RN's, applicants can either receive licensure by examination or by endorsement. The examination process is for applicants who have never been licensed in another state or territory and entails passing the National Council Licensure Examination (NCLEX-RN). The endorsement process is for applicants who hold a current and active RN license in another state, U.S. territory, or Canada and who passed the NCLEX-RN or State Board Test Pool Examination.

Endorsement applicants must have completed an education program meeting the California requirements in section 1426 of the CCR. One of the requirements is the completion of a nursing-related natural science laboratory. This laboratory requirement caused delays and prevented licensure for out-of-state applicants because many other states do not have the same nursing-related natural science laboratory requirements. Applicants also found it challenging to prove they completed a laboratory when it was not clearly stated on their transcripts.

The BRN decided to create an exemption to the laboratory requirement for out-of-state applicants seeking endorsement in California. The new rule states:

An applicant licensed in another jurisdiction who has been practicing in good standing for at least 2 years will not need to retake any anatomy, physiology, or microbiology courses that include a laboratory component pursuant to section 1426, if the application required by section 1410 includes proof of successful completion of anatomy, physiology, and microbiology coursework, with or without

a laboratory component, as part of their nursing education preparation. (Title 16 CCR section 1410.5(b)).

The Board determined that practicing in good standing for two years in another state illustrates that the applicant is a safe practitioner. BRN stated the benefits of this change include helping “California to recruit and maintain a larger pool of qualified nurses from across the country, thereby increasing access to care” and reducing “administrative workload for the Board’s licensing staff.”

On August 16, 2023, the Board issued its [Final Statement of Reasons](#), summarizing each public comment and issuing a response, as discussed at its April 20 meeting. On August 18, 2023, the Office of Administrative Law (OAL) approved the rulemaking action. The regulatory action was effective on October 1, 2023.

## MAJOR PUBLICATIONS

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

- [Fall 2023 BRN Report Newsletter](#), Board of Registered Nursing, 2023 (BRN released biannual covering news and updates since Spring 2023. This issue highlighted rule changes for out-of-state U.S. graduates, obstacles and challenges nurses faced during COVID-19, and correctional facility nursing. The report also covered logistical and procedural updates including a new phone system and the information on the complaint process.)

# RULEMAKING

The following is a status update on recent rulemaking proceedings initiated or completed by BRN:

- **Coursework Exemptions for Out-of-State Applicants, California Code of Regulations, Title 16, Division 14, Article 2, Section 1410.5:** On October 18, 2023, OAL [approved](#) the Board's [proposed language](#) to add section 1410.5 to Article 2 of Division 14 of Title 16 of the CCR. According to the [Initial Statement of Reasons](#), this new regulation simplifies the licensing process for out-of-state nurses seeking California licensure by eliminating common educational barriers, including a laboratory requirement, while reducing the administrative workload for the Board's licensing staff. (See HIGHLIGHT).

- **Continuing Education Requirements; Exemptions, California Code of Regulations, Title 16, Division 14, Article 2, Section 1452:** On September 22, 2023, the Board gave [notice](#) of proposed amendments to section 1452 of Division 14 of Title 16 of the CCR, regarding continuing education requirements related to mandatory implicit bias training, as set forth in the [proposed language](#). According to the [initial statement of reasons](#), this new section is necessary to clarify that the statutory requirement of one hour of implicit bias continuing education applies to all newly licensed licensees in California and establish that licensees are not allowed to request exemptions from this training. The public comment period for this proposed regulation will end on January 3, 2024.

# LEGISLATION

- [AB 633 \(Patterson\)](#), as amended on June 14, 2023, adds section 2811.1 to the Business and Professions Code. This bill allows BRN to reduce renewal fees up to one-half for

licensees with twenty years or more of in-state practice and reached retirement age under the federal Social Security Act. This bill creates an inexpensive way for retired nurses to sustain their licenses and provide limited, free services. At its June 29, 2023, meeting, BRN [voted](#) to support this bill, pending the adoption of proposed amendments. Governor Newsom signed AB 633 on October 8, 2023 (Chapter 449, Statutes of 2023).

- [AB 883 \(Mathis\)](#), as amended on May 18, 2023, amends 115.4 of the Business and Professions Code. This bill authorizes and requires a board within the DCA to expedite and assist in the initial licensure process for Department of Defense SkillBridge Program participants. AB 883 gives United States service members an opportunity to apply for licensure 180 days before separation from service, easing their transition into civilian careers. Governor Newsom signed AB 883 on October 7, 2023 (Chapter 348, Statutes of 2023).

- [AB 1651 \(Sanchez\)](#), as amended on March 30, 2023, amends section 49414 of the Education Code. This bill requires school districts, county offices of education, and charter schools to store emergency epinephrine auto-injectors (EAI) in accessible locations. This bill permits non-nurse or trained personnel school employees to administer EAI to a person exhibiting anaphylaxis symptoms at school or a school activity if the person holds an Activity Supervisor Clearance Certificate. According to the author, the bill is supported by data showing the absence of full-time nurses or trained personnel during school hours and after school programming. BRN [voted](#) to support this bill at its March 16, 2023, meeting. Governor Newsom signed AB 1651 on October 8, 2023 (Chapter 588, Statutes of 2023).

- [AB 1722 \(Dahle\)](#), as amended on July 5, 2023, amends sections 49452 and 49455 of, and adds and repeals section 49426.5 of, the Education Code. This bill authorizes schools to employ a licensed vocational nurse (LVN) under the supervision of a credentialed school nurse,

who may be employed at the same school or a different local school. Under this bill, a local educational agency may only hire an LVN after a diligent search for a suitable credentialed school nurse each school year. The bill also expands who can perform students' sight and hearing tests. The author's intention is to respond to the shortage of RNs in the state, which is the current licensure level required to be a school nurse. Governor Newsom signed AB 1722 on October 13, 2023 (Chapter 853, Statutes of 2023).

- [SB 345 \(Skinner\)](#), as amended September 1, 2023, amends and repeals various sections of the Business and Professions Code, Civil Code, Education Code, Code of Civil Procedure, Welfare and Institutions Code, Probate Code, and the Health and Safety Code, relating to health care services. This bill ensures that California healthcare practitioners can provide essential reproductive and gender affirming care to all patients, regardless of their patient's location (*see 29:1 CRLR 18*), for more information). At its meeting on April 20, 2023, the Board [voted](#) to support SB 345. Governor Newsom signed SB 345 on September 27, 2023 (Chapter 260, Statutes of 2023).

- [SB 372 \(Menjivar\)](#), as amended on September 1, 2023, adds section 27.5 to the Business and Professions Code. This bill mandates a DCA board to, in response to request by a licensee, update the licensee's records to include the licensee's updated legal name or gender aligning with government-issued documentation reflecting such changes (*see 29:1 CRLR 28*), for more information). Governor Newsom signed SB 372 on September 23, 2023 (Chapter 225, Statutes of 2023).

- [SB 667 \(Dodd\)](#), as amended on September 7, 2023, amends sections 1209, 2746.5, 2746.51, and 4170 of the Business and Professions Code, and section 2708 of the Unemployment Insurance Code. This bill addresses the limitations found over three years of implementing SB

1237, which allowed Certified Nurse Midwives (CNMs) to independently practice standard protocols without a physician present. This bill allows CNMs to order and perform certain tests to reduce costly barriers to birth center sustainability and practice. The bill grants CNMs broader authority for furnishing and ordering controlled substances and for treating common gynecological conditions. Governor Newsom signed SB 667 on October 8, 2023 (Chapter 497, Statutes of 2023).

- [\*\*SB 887 \(Committee on Business, Professions and Economic Development\)\*\*](#), as amended on September 8, 2023, amends various sections of the Business and Professions and Education Codes. As it applies to BRN, this bill mandates BRN to establish nurse practitioner categories and corresponding standards for each category. These standards must include the types of advanced levels of nursing practice and the education needed to practice at each level. The bill also establishes a Nursing Education and Workforce Advisory Committee within the BRN to analyze and propose nursing education standards and workforce solutions. This bill requires a representative from the Chancellor of the California State University Office to serve on this advisory committee for a term of four years. This bill also deletes the requirement for the Board to hold at least two examinations each year. At its meeting on April 20, 2023, the Board [voted](#) to support SB 887. Governor Newsom signed SB 887 on October 8, 2023 (Chapter 510, Statutes of 2023).

- [\*\*AB 48 \(Aguiar-Curry\)\*\*](#), as amended on September 9, 2023, amends section 1599.1 of, and to add section 1599.15 to the Health and Safety Code. This bill is known as the Nursing Facility Resident Informed Consent Protection Act of 2023. This bill requires a prescriber to personally examine and obtain the informed written consent of a resident of a skilled nursing facility or intermediate care facility, or that resident's representative, prior to prescribing a psychotherapeutic drug. The author states that this bill responded to the practice of misusing these



drugs in nursing and care facilities which increases the risk of severe side effects and death. Governor Newsom signed AB 48 on October 13, 2023 (Chapter 794, Statutes of 2023).

The following bills, reported in Volume 28, No. 2 (Spring 2023), died in committee or otherwise failed to be enacted in 2023: [AB 996 \(Low\)](#), relating to continuing education: conflict-of-interest policy; [AB 1292 \(Flora\)](#), relating to distance education nursing program students; [AB 1577 \(Low\)](#), relating to nursing clinical placements in general acute care hospitals; and [SB 472 \(Hurtado\)](#), relating to opioid overdose reversal medication and pupil health.

## LITIGATION

- *Palmer v. Bonta*, Case No. 5:23-Cv-01047 (C.D. Cal.). On June 6, 2023, Plaintiffs Jacqueline Palmer, Heather Lewis, and Rodolfo Jaravata-Hanson filed a [complaint](#) against California Attorney General Rob Bonta, Medical Board of California President Kristina Lawson, and Executive Officer of the California Board of Registered Nursing Loretta Melby, asserting claims under 42 U.S.C. § 1983 for a violation of the First Amendment Right to Freedom of Speech. On September 15, 2023, the court partially [granted](#) defendants' motion to dismiss Plaintiffs Lewis and Jaravata-Hanson, but denied the motion as to plaintiff Palmer. On September 25, 2023, Plaintiffs submitted an [amended complaint](#) to which the defendants answered on October 13, 2023.