



Agenda Item 6.1

**Discussion and Possible Action:
Regarding Proposed Regulatory Text to Incorporate
Statutory Changes from SB 1451 (Ashby, Chapter 481,
Statutes of 2024) and Other Related Updates**

BRN Board Meeting | February 26-27, 2025

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 6.1
DATE: February 26-27, 2025

ACTION REQUESTED: **Discussion and possible action:** Regarding proposed regulatory text to incorporate statutory changes from SB 1451 (Ashby, Chapter 481, Statutes of 2024) and other related updates.

REQUESTED BY: Loretta Melby, RN, MSN
Executive Officer

BACKGROUND: Signed into law in 2020, [Assembly Bill \(AB\) 890 \(Wood, Chapter 265, Statutes of 2020\)](#) created two new categories of Nurse Practitioners (NPs) that can work without standardized procedures. Certain provisions of the bill were amended last year by passage of [SB 1451 \(Ashby, Chapter 481, Statutes of 2024\)](#).

The proposed text contains conforming amendments to ensure Board regulations reflect the statutory changes made by SB 1451. The proposed text also contains some clean up and clarifying amendments related to nurse practitioners. The proposed changes include the following:

103 NP Changes

- Removal of requirements for the category of a 103 NP applicant's transition to practice hours, national certification, and 103 NP certification to all align.
- Removal of the requirement for the healthcare provider attesting to a 103 NP applicant's completion of transition to practice hours to specialize in the same category as the 103 NP applicant.
- Clarification that maintenance of an active national certification in a population focus category is required to continue working as a 103 NP.
- Clarification that the term 103 NP refers to a nurse practitioner practicing pursuant to Section 2837.103 of the code.

104 NP Changes

- Clarification that maintenance of an active national certification in a population focus category that aligns with the 104 NP certification category is required to continue working as a 104 NP.
- Removal of requirement for a 104 NP applicant to submit national certification information.
- Removal of requirement for a 104 NP applicant to submit transition to practice information.

- Addition of requirement for a 104 NP applicant to submit proof of certification by the Board as a 103 NP.
- Clarification of documentation needed for a 104 NP applicant to apply direct patient care hours obtained as part of a Doctor of Nursing Practice program towards the 4600-hour requirement.
- Clarification that the term 104 NP refers to a nurse practitioner practicing pursuant to Section 2837.104 of the code.

Notice to Consumer Changes

- Clarification that consumer notification provisions are only mandatory for 103 and 104 NPs.
- Removal of specification that a patient be notified verbally that an NP is not a physician and surgeon.
- Removal of requirement for the patient notification that an NP is not a physician and surgeon be provided using specific terms for Spanish speakers.
- Removal of requirement for 103 NPs and 104 NPs to advise their patients that they have the right to see a physician and surgeon on request and the circumstances under which they must be referred to see a physician and surgeon.

General NP Changes

- Removal of the nurse practitioner certification equivalency option (Method 3) to reflect previous Board action.
- Clarification that nurse practitioners who are not certified as a 103 NP or 104 NP are still required to work under standardized procedures.

NEXT STEPS:

Adopt the proposed regulatory text for 16 CCR sections 1481, 1482, 1482.3, 1482.4 and 1487, direct staff to continue with the rulemaking file and proceed with review by the Director of the Department of Consumer Affairs and the Secretary of the Business, Consumer Services, and Housing Agency.

Upon their approvals, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulatory text as noticed.

FISCAL IMPACT, IF ANY:

Staff estimates that there will be no fiscal impact to the Board.

PERSON(S) TO CONTACT:

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DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF REGISTERED NURSING

PROPOSED REGULATORY LANGUAGE
Nurse Practitioners- Amendments to Align with Statutory Updates

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend Sections 1481, 1482.3, 1482.4 and 1487 of Division 14 of Title 16 of the California Code of Regulations as follows:

§ 1481. Categories and Scope of Practice of Nurse Practitioners.

(a) Categories of nurse practitioners include:

- (1) Family/individual across the lifespan;
- (2) Adult-gerontology, primary care or acute care;
- (3) Neonatal;
- (4) Pediatrics, primary care or acute care;
- (5) Women's health/gender-related;
- (6) Psychiatric-Mental Health across the lifespan.

(b) Nurse Practitioners who have met the additional training and experience requirements can apply to the board for an expanded scope of practice, and work without standardized procedures, under these two categories:

(1) A nurse practitioner practicing pursuant to Section 2837.103 of the code may perform the functions listed in Section 2387.103(c) of the code without standardized procedures only in a group setting ~~and in the category listed in subdivision (a) of this regulation in which the applicant is certified as a nurse practitioner pursuant to Section 2837.103 of the code.~~

(2) A nurse practitioner practicing pursuant to Section 2837.104 of the code may perform the functions listed in section 2387.104(b) - (c) of the code without standardized procedures, inside or outside of a group setting, only in the category listed in in subdivision (a) of this regulation in which the applicant is certified as a nurse practitioner pursuant to Section 2837.104 of the code.

(c) A registered nurse who has been certified by the Board as a nurse practitioner may use the title, "advanced practice registered nurse" and/or "certified nurse practitioner" and may place the letters APRN-CNP after their name or in combination with other letters or words that identify the category.

Credits

NOTE: Authority cited: Sections 2715, 2835.7 and 2836, Business and Professions Code. Reference: Sections 2835, 2835.5, 2835.7, 2836, 2836.1, 2836.2, 2836.3, and 2837, Business and Professions Code.

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§ 1482. Requirements for Certification As a Nurse Practitioner.

(a) To obtain certification as a Nurse Practitioner, an applicant must hold a valid and active license as a registered nurse in California and possess a master's degree in nursing, a master's degree in a clinical field related to nursing, or a graduate degree in nursing and one of the following:

- (1) Successful completion of a nurse practitioner education program approved by the Board;
- (2) National certification as a nurse practitioner in one or more categories listed in Section 1481(a) from a national certification organization accredited by the National Commission on Certifying Agencies or the American Board of Nursing Specialties.

~~(b) A nurse who has not completed an academically affiliated nurse practitioner education program shall provide evidence of having completed equivalent education and supervised clinical practice, as set forth in this article.~~

~~(c) Graduates who have completed a nurse practitioner education program in a foreign country shall meet the requirements as set forth in this article. The applicant shall submit the required credential evaluation through a board-approved evaluation service evidencing education equivalent to a master's or doctoral degree in Nursing.~~

(c) A nurse practitioner must work under standardized procedures unless certified pursuant to Section 2837.103 or Section 2837.104 of the code.

Credits

NOTE: Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2835, 2835.5, 2836, and 2837, Business and Professions Code.

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§ 1482.3. Requirements for a Nurse Practitioner Certification Pursuant to Business and Professions Code Section 2837.103.

(a) To obtain certification as a nurse practitioner pursuant to Section 2837.103 of the code, an applicant shall hold a valid and active certification as a nurse practitioner in California and submit a completed application that includes the following:

- (1) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),
- (2) Other name(s) applicant has used or has been known by,
- (3) Applicant's physical address,
- (4) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,
- (5) Email address, if any,
- (6) Applicant's telephone number,
- (7) Applicant's Social Security Number or Individual Taxpayer Identification Number,
- (8) Applicant's birthdate (month, day, and year),
- (9) California registered nurse license number issued by the Board,
- (10) California nurse practitioner certification number issued by the Board,
- (11) Date of passage of the Board's national nurse practitioner board certification examination. Verification of this passage shall be provided directly to the Board by the organization that administered the examination.
- (12) Proof of holding a certification as a nurse practitioner by a national certification organization accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification (ABSNC) ~~as a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code.~~ Verification of this certification shall be provided directly to the Board by the issuing organization.
- (13) Proof of completion of a transition to practice by submitting to the Board one or more attestations of a physician or surgeon, a nurse practitioner practicing pursuant to Section 2837.103 of the code, or a nurse practitioner practicing pursuant to Section 2837.104 of the code. Any physician or surgeon, a nurse practitioner practicing pursuant to Section 2837.103 of the code, or a nurse practitioner practicing pursuant to Section 2837.104 of the code submitting an attestation ~~must specialize in the same specialty area or category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code and~~ must not have a familial or financial relationship with the applicant.

(A) For purposes of this subdivision, “transition to practice” means 4600 hours or three full-time equivalent years of clinical practice experience and mentorship that are all of the following:

- (i) Completed in California.
- (ii) Completed within five years prior to the date the applicant applies for certification as a nurse practitioner pursuant to Section 2837.103 of the code.
- (iii) Completed after certification by the Board of Registered Nursing as a nurse practitioner.
- (iv) Completed in direct patient care in the role of a nurse practitioner ~~in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code.~~

(B) For purposes of this subdivision “financial interest” shall have the same meaning as in Section 650.01(b)(2) of the code, and “familial” shall include the members of “immediate family” as used in Section 650.01(b)(3) of the code.

(14) A statement signed under penalty of perjury by the applicant that all statements made in the application are true and correct.

(b) Maintenance of an active national certification in a category listed in Section 1481(a) is required to work under the provisions of Section 2837.103. Verification of certification renewal must be maintained by the licensee and provided to the Board or an employer upon request.

(c) A nurse practitioner practicing pursuant to Section 2837.103 of the code may be referred to colloquially as a “103 NP”.

Credits

Note: Authority cited: Section 2715, Business and Professions Code. Reference: Sections 29.5, 30, 494.5, 2837.101 and 2837.103, Business and Professions Code

§ 1482.4. Requirements for a Nurse Practitioner Certification Pursuant to Business and Professions Code Section 2837.104.

(a) To obtain certification as a nurse practitioner pursuant to Section 2837.104 of the code, an applicant must hold a valid and active certification as a nurse practitioner pursuant to Section 2837.103 of the code and submit a completed application with all of the following information:

- (1) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

- (2) Other name(s) applicant has used or has been known by,
 - (3) Applicant's physical address,
 - (4) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,
 - (5) Email address, if any,
 - (6) Applicant's telephone number,
 - (7) Applicant's Social Security Number or Individual Taxpayer Identification Number,
 - (8) Applicant's birthdate (month, day, and year),
 - (9) California registered nurse license number issued by the Board,
 - (10) California nurse practitioner certification number issued by the Board,
 - (11) Date of passage of the Board's national nurse practitioner Board certification examination. Verification of this passage shall be provided directly to the Board by the organization that administered the examination.
 - (12) ~~Proof of holding a certification as a nurse practitioner by a national certification organization accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification (ABSNC) as a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code. Verification of this certification shall be provided directly to the Board by the issuing organization.~~ Proof of certification by the Board as a nurse practitioner pursuant to Section 2837.103 of the code.
 - (13) ~~Proof of completion of a transition to practice by submitting to the Board one or more attestations of a physician or surgeon or a nurse practitioner practicing pursuant to Section 2837.104 of the code. Any physician or surgeon or a nurse practitioner practicing pursuant to Section 2837.104 of the code submitting an attestation must specialize in the same specialty area or category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.104 of the code and must not have a familial or financial relationship with the applicant.~~
- (A) ~~For purposes of this subdivision, "transition to practice" means 4600 hours or three full-time equivalent years of clinical practice experience and mentorship that are all of the following:~~
- (i) ~~Completed in California.~~

~~(ii) Completed within five years prior to the date the applicant applies for certification as a nurse practitioner pursuant to Section 2837.104 of the code.~~

~~(iii) Completed after certification by the Board of Registered Nursing as a nurse practitioner.~~

~~(iv) Completed in direct patient care in the role of a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.104 of the code.~~

~~(B) For purposes of this subdivision "financial interest" shall have the same meaning as in Section 650.01(b)(2) of the code, and "familial" shall include the members of "immediate family" as used in Section 650.01(b)(3) of the code.~~

~~(14)~~ (13) Proof of practice as a nurse practitioner pursuant to Section 2837.103 of the code in good standing for at least three full-time equivalent years or 4600 hours in direct patient care.

(A) For purposes of this subdivision, "practice as a nurse practitioner pursuant to Section 2837.103 of the code in good standing" means practice conducted under a current, active, and unrestricted license. "Unrestricted" means the applicant was not subject to a disciplinary action by the Board, including probation, suspension, or public reproof.

(B) For an applicant who holds a Doctorate of Nursing Practice degree (DNP), "practice as a nurse practitioner pursuant Section 2837.103 of the code in good standing" also includes any hours of direct patient care that the applicant provided in the course of their doctoral education so long as the direct patient care is both (i) in the applicant's area of National Certification specified in subdivision (a)(12) and (ii) provided during the doctoral part of the applicant's doctoral education and not credited towards the applicant's master's degree. An applicant must provide verification on a form provided by the Board and signed by the Program Director of The Nurse Practitioner Program from the academic institution where the doctoral education was completed as to the number of eligible hours the applicant fulfilled. The form must be submitted to the Board through the Board's online portal accessible through the Board's website.

~~(15)~~ (14) A statement signed under penalty of perjury by the applicant that all statements made in the application are true and correct.

(b) Within 90 days of certification by the Board of Registered Nursing, a nurse practitioner practicing pursuant to Section 2837.104 of the code shall have a written protocol for consultation and a written plan for referrals, pursuant to Section 2837.104(c)(2) of the code and shall make that referral plan available to patients on

request. If the written plan calls for referrals to a specific individual, the plan must include that individual's acknowledgment and consent to the referrals.

(c) Maintenance of an active national certification in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.104 of the code, is required to work under the provisions of Section 2837.104. Verification of certification renewal must be maintained by the licensee and provided to the Board or an employer upon request.

(d) A nurse practitioner practicing pursuant to Section 2837.104 of the code may be referred to colloquially as a "104 NP".

Credits

NOTE: Authority cited: Section 2715, Business and Professions Code. Reference: Sections 29.5, 30, 494.5 and 2837.104, Business and Professions Code.

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§ 1487. Notice to Consumers.

Except when working in facilities under the Department of Corrections and Rehabilitation, a nurse practitioner practicing pursuant to Section 2837.103 or 2837.104 of the code, engaged in providing healthcare services shall do all of the following:

(a) Prominently post a notice, in at least 48-point Arial font, in a conspicuous location accessible to public view on the premises where the nurse practitioner provides the healthcare services, containing the following information:

NOTICE
Nurse practitioners are licensed and regulated
by the Board of Registered Nursing
(916) 322-3350
www.rn.ca.gov

(b) ~~Verbally~~ Inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon. ~~For purposes of Spanish language speakers, the nurse practitioner shall use the standardized phrases "enfermera especializada" or "enfermero especializado."~~

~~(c) Advise patients that they have the right to see a physician and surgeon on request and the circumstances under which they must be referred to see a physician and surgeon.~~

Credits

NOTE: Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2837.103 and 2837.104, Business and Professions Code.