



Agenda Item 7.0

Report of the Nursing Practice Committee

BRN Board Meeting | November 20-21, 2024

Nursing Practice Committee November 20-21, 2024

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Agenda Item 7.1

Information Only: Advisory Committee Updates

BRN Board Meeting | November 20-21, 2024

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 7.1
DATE: November 20-21, 2024

- ACTION REQUESTED:** **Information only:** Advisory committee updates
- Nurse Practitioner Advisory Committee (NPAC)
 - Nurse-Midwifery Advisory Committee (NMAC)
 - Clinical Nurse Specialist Advisory Committee (CNSAC)
 - Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)
 - Nursing Education and Workforce Advisory Committee (NEWAC)

REQUESTED BY: Loretta Melby, RN, MSN
Executive Officer

BACKGROUND:

Loretta Melby, Executive Officer, will provide updates on the activities of the advisory committees.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
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Agenda Item 7.2

Discussion and Possible Action: Adoption of Proposed Regulatory Text to Modify California Code of Regulations (CCR), Title 16, Section 1444.5 and the Recommended Guidelines for Disciplinary Orders and Conditions of Probation.

BRN Board Meeting | November 20-21, 2024

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 7.2

DATE: November 20-21, 2024

ACTION REQUESTED: Discussion and Possible action: Adoption of proposed regulatory text to modify California Code of Regulations (CCR), Title 16, Section 1444.5 and the Recommended Guidelines for Disciplinary Orders and Conditions of Probation.

REQUESTED BY: Loretta Melby RN, MSN
Executive Officer, California Board of Registered Nursing

BACKGROUND:

Title 16 CCR Section 1444.5 incorporates by reference the Board's [Recommended Guidelines for Disciplinary Orders and Conditions of Probation](#). This document outlines recommended penalties and probationary terms for violations of California's Nursing Practice Act.

A list of the Standard Probation Conditions can be found on page 17 of the document. Probation Condition #8 outlines the various levels of supervision that may be required when a licensee is placed on probation. This condition was originally written to apply to Registered Nurses who already work under the supervision of a physician, dentist, podiatrist, or clinical psychologist.

However, statutory changes over the last several years have provided various Advanced Practice Registered Nurses (APRN) with the authority to practice without direct supervision and outside of typical group healthcare setting. Consequently, Probation Condition #8 needed to be updated to account for these new scenarios.

The proposed regulatory text would add a sub section to Probation Condition #8 establishing supervision requirements for a licensee that is practicing in an independent setting when they are placed on probation. It would address details such as supervisor qualifications, level of supervision, timeline expectations, and reporting requirements.

The proposed regulatory text has gone through several iterations based on significant feedback provided by Board advisory committees, subcommittees, and regulatory counsel.

NEXT STEPS: Motion to approve the proposed regulatory text for Recommended Guidelines for Disciplinary Orders and Conditions of Probation and 16 CCR 1444.5, and to direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency for review and if no adverse comments are received, 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 of the Recommended Guidelines for Disciplinary Orders and Conditions of Probation and section 1444.5 as noticed.

FISCAL IMPACT, IF ANY: Staff estimates that there will be no fiscal impact to the Board.

PERSON TO CONTACT: Marissa Clark
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California Board of Registered Nursing
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DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF REGISTERED NURSING

PROPOSED REGULATORY LANGUAGE
Independent Practitioner Supervision in Disciplinary Guidelines

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1444.5 of Division 14 of Title 16 of the California Code of Regulations to read as follows:

§ 1444.5. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the administrative adjudication provisions of the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled: "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (~~10/02 Revised~~) (*OAL insert effective date here*), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation--for example: the presence of mitigating factors; the age of the case; evidentiary problems.

(* * * *)

Note: Authority cited: Section 2715, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 726, 729, 2750, 2759, 2761 and 2762, Business and Professions Code; Section 44010, Education Code; and Sections 11425.50 and 11519, Government Code

The section below was pulled from page 21 of the [Recommended Guidelines For Disciplinary Orders and Conditions of Probation](#). Added text is indicated with an underline and deleted text is indicated by a strikethrough.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse, in ~~in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved~~ advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code that is in good standing [i.e. no disciplinary action within the last five (5) years] with the applicable professional state licensing agency and otherwise meets the requirements of this section.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each workday. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each workday. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(e) Independent Practice Setting - If the Respondent is certified by the Board as an advanced practice registered nurse and has a scope of practice to provide patient care without standardized procedures in an independent practice setting, the Board shall require the respondent, during probation, to have a Board-approved advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist who have agreed to provide supervision of the Respondent according to their plan(s) of supervision. The Respondent shall not resume practice until the Board provides written approval of the proposed supervisor(s) and plan(s) of supervision in accordance with this subsection.

Within sixty (60) calendar days of the effective date of the Decision and Order, Respondent shall submit to the Board in writing by email to the address listed on this Board's website, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent would be supervised in accordance with this subsection. The plan for supervision shall describe how the supervisor(s) and supervisee will meet the requirements of this subsection, including duration, type of supervision and access to all patient records. The request shall include each proposed supervisor's license number and license type, and a description of how they meet the criteria for Board approval provided below.

The supervisor shall meet the following criteria to be approved:

1. Has not been subject to any disciplinary action by their licensing Board within the last five (5) years. For the purposes of this section "disciplinary action" shall mean revocation, suspension, probation, public reprimand or reproof or any other form of license restriction imposed on a license. An administrative citation and fine does not constitute discipline and, therefore, in and of itself is not a reason to deny an individual as a supervisor.
2. Does not have a current or prior financial, personal, business, or professional relationship with Respondent.

The Board shall advise Respondent within thirty (30) calendar days whether the proposed supervisor and plan of supervision are approved. Respondent shall not practice nursing until receiving approval by the Board of Respondent's choice of a supervisor and plan of supervision.

The plan of supervision shall be either *[(direct and require the physical presence of the supervising provider in the office during the time direct patient care is provided.)]*, or *[(general and not require the physical presence of the supervising provider during the time direct patient care is provided but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits at the office or place of practice)]*. Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Each supervisor shall submit written reports to the Board, on the time frame established in the respondent's plan of supervision, that verify that supervision has taken place as required and include an evaluation of Respondent's performance. Respondent shall complete any required consent forms or Release of Information authorizing the supervisor to communicate with the Board. It shall be Respondent's responsibility to ensure that the required reports are filed in a timely manner as outlined in the Respondent's plan of supervision. Failure to file the required reports in a timely fashion within the time frames specified by the Board shall be a violation of probation.

If the supervisor is no longer available, Respondent shall notify the Board in writing by email within seventy-two (72) hours of the date the supervisor is no longer available. Within five (5) calendar days of the date the supervisor is no longer available, Respondent shall submit in writing by email to the Board or its designee for its prior approval, the name and qualifications of one or more proposed new supervisor(s) and a plan for supervision by each supervisor as specified in this subsection.

Respondent shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by Respondent. If Respondent fails to submit a proposed new supervisor and plan for supervision as required or fails to cease practice in accordance with this section when there is no supervisor approved by the Board or its designee, this shall constitute a violation of probation.

RATIONALE: This allows the Board to require appropriate supervision and/or collaboration, to monitor the respondent's registered or advanced practice nursing competency and thus protect consumer safety. ~~The level of supervision or need for advanced practice collaboration will be determined by the Board at probation meetings.~~



Agenda Item 7.3

Information Only: Updates to the BRN Website Including the Additions of Webpages for each Advanced Practice Registered Nurse profession.

BRN Board Meeting | November 20-21, 2024

BOARD OF REGISTERED NURSING Agenda Item Summary

AGENDA ITEM: 7.3
DATE: November 20-21, 2024

ACTION REQUESTED:

Information only: Updates to the BRN website including the additions of webpages for each Advanced Practice Registered Nurse profession.

REQUESTED BY:

Loretta Melby, RN, MSN
Executive Officer

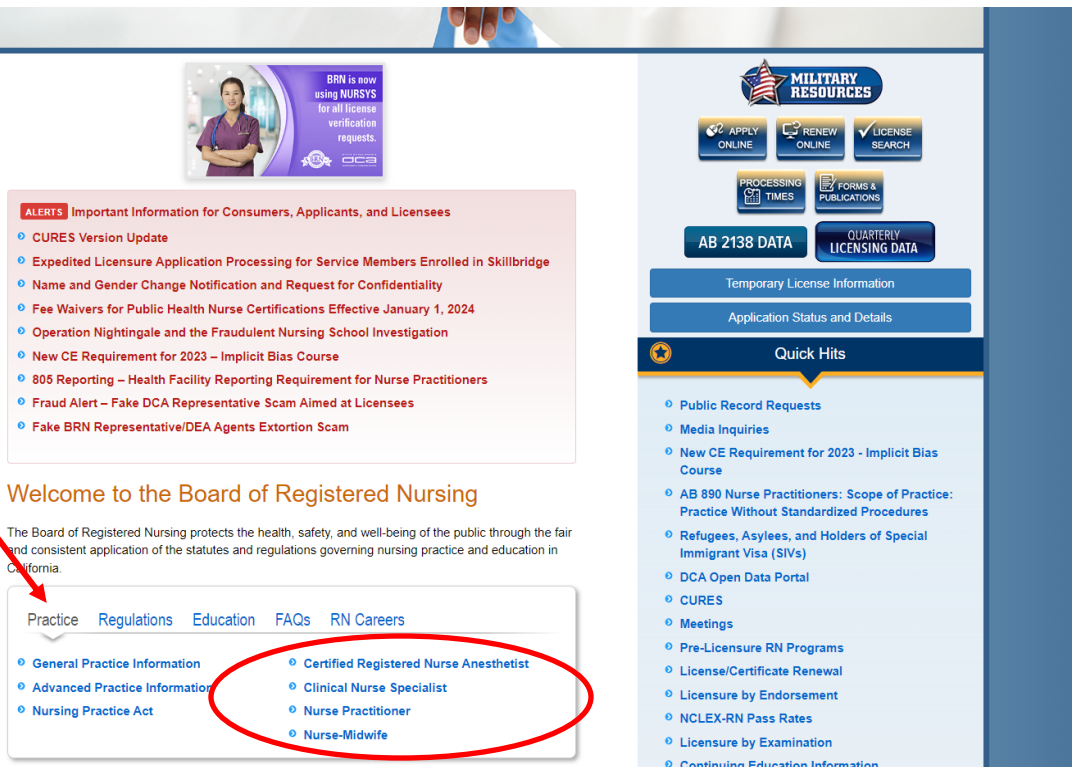
BACKGROUND:

Loretta Melby, Executive Officer, will provide an overview on the recent updates to the BRN website. These updates include a new webpage for [statewide nursing student enrollment data](#) and new webpages for each Advanced Practice Registered Nurse (APRN) profession below:

- Certified Registered Nurse Anesthetist (CRNA): <https://www.rn.ca.gov/practice/crna.shtml>
- Clinical Nurse Specialist (CNS): <https://www.rn.ca.gov/practice/cns.shtml>
- Nurse Practitioner (NP): <https://www.rn.ca.gov/practice/np.shtml>
- Nurse-Midwife (NMW): <https://www.rn.ca.gov/practice/nmw.shtml>

Below is a screenshot of where you can find the APRN links on the BRN website:

From the BRN website:
www.rn.ca.gov
Scroll to the middle of the homepage, past the alert section and you will see a box with several headers. The new pages are under "Practice" header.



The screenshot shows the BRN website homepage. At the top right, there are buttons for 'APPLY ONLINE', 'RENEW ONLINE', 'LICENSE SEARCH', 'PROCESSING TIMES', and 'FORMS & PUBLICATIONS'. Below these are buttons for 'AB 2138 DATA' and 'QUARTERLY LICENSING DATA'. A 'Quick Hits' section lists various links. In the center, there is a 'Practice' menu with a dropdown arrow. The dropdown menu is open, and the following links are circled in red: 'Certified Registered Nurse Anesthetist', 'Clinical Nurse Specialist', 'Nurse Practitioner', and 'Nurse-Midwife'. A red arrow points from the text box on the left to the 'Practice' header.

Welcome to the Board of Registered Nursing

The Board of Registered Nursing protects the health, safety, and well-being of the public through the fair and consistent application of the statutes and regulations governing nursing practice and education in California.

Practice Regulations Education FAQs RN Careers

- General Practice Information
- Advanced Practice Information
- Nursing Practice Act
- Certified Registered Nurse Anesthetist
- Clinical Nurse Specialist
- Nurse Practitioner
- Nurse-Midwife

Below is a screenshot of where you can find the link to the statewide nursing student enrollment webpage on the BRN website:

The screenshot shows the BRN website homepage. A callout box on the left contains the following text: "From the BRN website: www.rn.ca.gov Scroll to the middle of the homepage, past the alert section and you will see a box with several headers. The new pages are under 'Education' header." A red arrow points from the 'Education' link in the navigation menu to the 'Statewide Nursing Student Enrollment Data' link in the Education sub-menu.

Important Information for Consumers, Applicants, and Licensees

- RES Version Update
- Updated Licensure Application Processing for Service Members Enrolled in Skillbridge
- Name and Gender Change Notification and Request for Confidentiality
- Waivers for Public Health Nurse Certifications Effective January 1, 2024
- Operation Nightingale and the Fraudulent Nursing School Investigation
- Implicit Bias Course Requirement for 2023 - Implicit Bias Course
- Reporting - Health Facility Reporting Requirement for Nurse Practitioners
- Alert - Fake DCA Representative Scam Aimed at Licensees
- Alert - Fake BRN Representative/DEA Agents Extortion Scam

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Practice Regulations **Education** FAQs RN Careers

- Nursing Programs
- NCLEX Pass Rates
- Accreditation and Retention/Attrition Rates
- BRN School Survey Interactive Dashboard
- Annual Reports
- Statewide Nursing Student Enrollment Data**
- RN to BS/MSN Education
- Review & Refresher Courses
- Financial Aid Information

MILITARY RESOURCES

- APPLY ONLINE
- RENEW ONLINE
- LICENSE SEARCH
- PROCESSING TIMES
- FORMS & PUBLICATIONS
- AB 2138 DATA
- QUARTERLY LICENSING DATA
- Temporary License Information
- Application Status and Details

Quick Hits

- Public Record Requests
- Media Inquiries
- New CE Requirement for 2023 - Implicit Bias Course
- AB 890 Nurse Practitioners: Scope of Practice: Practice Without Standardized Procedures
- Refugees, Asylees, and Holders of Special Immigrant Visa (SIVs)
- DCA Open Data Portal
- CURES
- Meetings
- Pre-Licensure RN Programs
- License/Certificate Renewal
- Licensure by Endorsement
- NCLEX-RN Pass Rates
- Licensure by Examination
- Continuing Education Information
- Name Change/Change in Address of Record
- Fee Schedule
- Website Satisfaction Survey

RESOURCES:

BRN Website: <https://www.rn.ca.gov>

Webpage for statewide nursing student enrollment data:

<https://www.rn.ca.gov/education/enrolldata.shtml>

Webpage for CRNAs: <https://www.rn.ca.gov/practice/crna.shtml>

Webpage for CNSs: <https://www.rn.ca.gov/practice/cns.shtml>

Webpage for NPs: <https://www.rn.ca.gov/practice/np.shtml>

Webpage for NMWs: <https://www.rn.ca.gov/practice/nmw.shtml>

NEXT STEPS:

FISCAL IMPACT, IF ANY:

None

PERSON(S) TO CONTACT:

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