



Nurse Practitioner Advisory Committee Meeting

MEETING MATERIALS

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

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Agenda Item 2.0

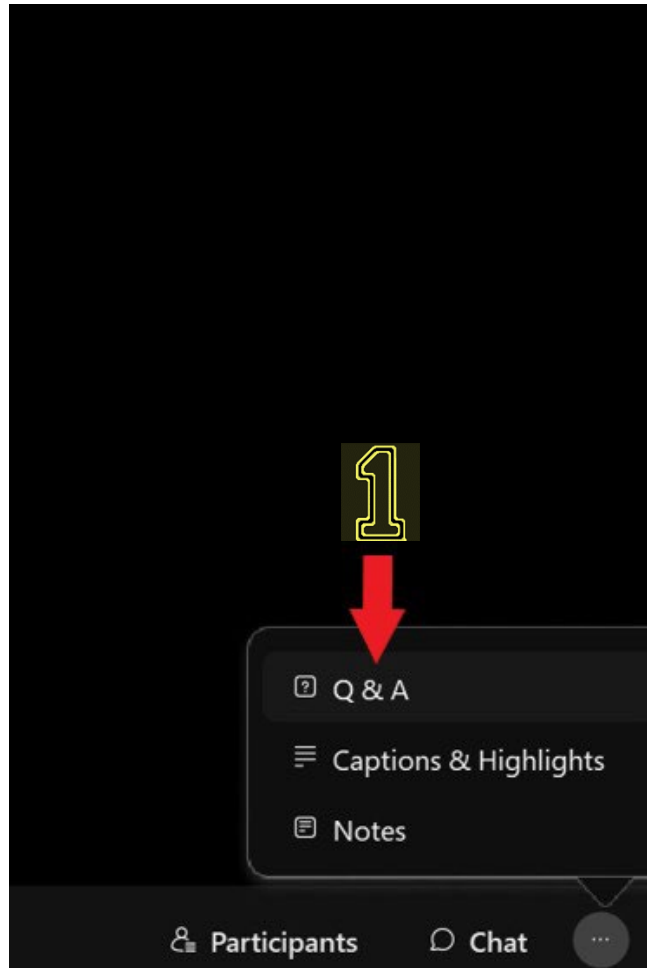
General instructions for the format of a teleconference meeting

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

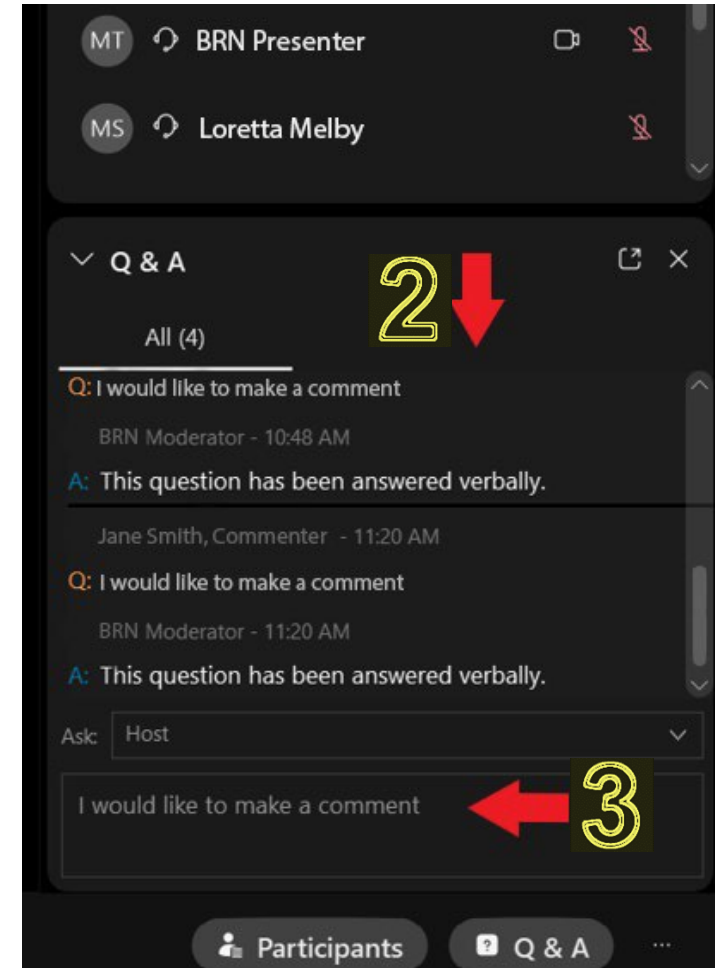
Participating During a Public Comment Period (if joining the meeting remotely via WebEx)

If you would like to make a public comment:

1. Click on the 'Q & A' button at the lower right of your WebEx session (you may need to click the three dots (...) to find this option).



2. The 'Q & A' panel will appear.



3. In the 'Q & A' panel, type "I would like to make a comment". You will be identified by the name or moniker you used to join the WebEx session, your line will be opened (**click the 'Unmute me' button**), and you will have **two (2) minutes** to provide comment. Every effort is made to take comments in the order which they are requested.

NOTE: Please submit a new request for each agenda item on which you would like to comment.



Agenda Item 4.0

Review and vote on whether to approve previous meeting's minutes

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

**CALIFORNIA BOARD OF REGISTERED NURSING
NURSE PRACTITIONER ADVISORY COMMITTEE
MEETING MINUTES**

DRAFT

DATE: September 12, 2023

START TIME: 1:09 pm

LOCATION: NPAC members met at the following locations that were open to the public:

California Board of Registered Nursing
1747 N. Market Blvd.
Sacramento, CA 95834 8635
HQ-2 Hearing Room, Ste. 186

West 3rd Street
Los Angeles, CA 90048
Room 665W (6th floor)

University of San Diego
5998 Alcala Park
San Diego, CA 92110
Beyster Institute for Nursing Research Building,
Room BINR 201

- 1:09 pm **1.0** **Call to Order/Roll Call/Establishment of a Quorum**
Samantha Gambles Farr – Chair, called the meeting to order at 1:09 pm. Quorum established at 1:10 pm.
- Nurse Practitioner
Advisory
Committee
Members:** Samantha Gambles Farr, RN, MSN, FNP-C, CCRN,
RNFA – Chair ([San Diego](#))
Edward Ray, MD, FACS - Vice Chair
Andrea Espinosa, MD - **absent**
Jan Johnson Griffin - MSN, APRN - **absent**
Kevin Maxwell, PhD, DNP, FNP-BC, RN ([San Diego](#))
Sally Pham, MSN, RN, FNP-BC ([Sacramento](#))
Betha Schnelle, MBA, MPH - **absent**
- BRN Staff
Representatives:** Loretta Melby, RN, MSN, Executive Officer
Reza Pejuhesh, DCA Legal Affairs Division, Attorney
- 1:12 pm **3.0** **Public comment for items not on the agenda; items for future
agendas.**
- Public Comment for
Agenda Item 3.0:** No public members present in San Diego or Los Angeles.

No public comments from Sacramento or the WebEx.
- 1:14 pm **4.0** **Review and vote on whether to approve previous meetings’
minutes**

4.1 March 7, 2023

Discussion: Samantha Gambles Farr opened the agenda item and requested any corrections or comments.

No members made any comments or corrections.

Motion: Edward Ray motioned to approve the minutes.

Second: Sally Pham

Public Comment for Agenda Item 4.0: No public comment in Sacramento or WebEx.

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	AB	AB	Y	Y	AB
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:18 pm

5.0

Discussion and possible action: Regarding meeting dates for 2024

Discussion: Samantha Gambles Farr opened the agenda item and requested any discussion from the members.

Loretta Melby: Explained that the meeting dates were moved from the beginning of the months to later in the months to deal with any legislative bills that may need input from the committee.

Samantha Gambles Farr: Thanked EO Melby for the clarification.

Motion: Samantha Gambles Farr motioned to accept the meeting dates of March 26, 2024, and September 24, 2024.

Second: Edward Ray

Public Comment for Agenda Item 5.0: No public comments from any locations or WebEx.

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	AB	AB	Y	Y	AB
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:23 pm

6.0

Information only: Report from the Board of Registered Nursing's Executive Officer regarding the implementation of Assembly Bill 890 (Reg. Sess. 2019-2020)

Discussion:

Samantha Gambles Farr opened the agenda item and asked about the gap analysis being offered in California and about post-master certificates in order to qualify to take the exam again.

Samantha Gambles Farr: Explained programs originally not offering post-master certificates for transition into a new specialty are now going to offer more of these programs in California.

Loretta Melby: Said she's heard the same.

Kevin Maxwell: Asked if there are any other legislative fixes on the horizon.

Loretta Melby: Explained that the California Association of Nurse Practitioners (CANP) is working closely with legislative staffers on this and BRN has been answering questions from them for understanding. She discussed what DCA's Office of Professional Examination Services (OPES) did when they looked at the legacy certifications. She also spoke about California and Kentucky not requiring national certification and that legislative options are limited this year since the session ends this Thursday (September 14, 2023). A bill could be introduced next year.

Samantha Gambles Farr: Asked if the stakeholders have brought up a full practice authority bill (eliminating the transition to practice).

Loretta Melby: Explained that she has not been involved in any discussions around this issue. The only issue she's been dealing with is allowing retired or legacy national certifications.

Samantha Gambles Farr: Asked if there are still issues with employers being hesitant to have 103 NPs.

Loretta Melby: Said the BRN does not have any authority over employers and 103 NPs. Employers are continuing to employ NPs with standardized procedures versus the 103 NP role.

1:40 pm

Public Comment for Agenda Item 6.0:

WebEx:

Mechelle: Had a question about her 103 application being withdrawn due to lack of national certification. She said she has a ANCC family NP certification, but her employer has not signed off and she will work with the employer to resolve this. She did not understand why the certification information was included in her deficiency.

Loretta Melby: said the BRN is still working to fine tune the process and suggested the commenter email McCaulie.

Rebecca Gold Fader: She is in Northern California with Kaiser Permanente. She is not surprised with the lower number of applications being submitted. She said the bill, as written, inhibits the way employers are responding to the law and it's extremely frustrating. Employees don't see how this could benefit them if they're choosing to stay with the current employer. She realizes the BRN is trying to protect the public but thinks the BRN is knocking this bill off at the knees when large employee groups are not able to, or choose not to, take the benefits of what this bill has and recognize them for their employed NPs. She's been a NP for 31 years and was able to obtain her 103NP. She and her group are mightily involved trying to get employer groups to change.

Loretta Melby: Said the BRN is only able to carry out what is statutorily allowed by law and has no authority over employers nor the statutory authority to expand the group settings included in the statute. The NPAC subcommittees did extensive research, including meeting with stakeholders, and provided recommendations to the whole committee and Board and the Board accepted those recommendations. Any other changes would need to be made in another legislative bill. The BRN is not hindering the progress of NPs in the 103 role and there was a lot of miscommunication and misinterpretation regarding what the bill allowed. She further explained what 103 and 104 NPs can do under the license authority as it currently reads.

Rebecca Gold Fader: Said the largest employers are not creating a pathway or recognizing this despite internal advocacy as they employ NPs. She understands BRN does not have authority over employers but felt it important to bring this issue up in a meeting like this. She would like alternative pathways considered for NPs moving forward.

Loretta Melby: Explained to the commenter that NPs can contact their organizations to work with and meet with employers.

Nancy Trego, geriatric NP: She's a legacy NP that was denied 103 NP status. This was a huge disappointment after advocating for this type of bill for over 15 years. She's identified a couple barriers for legacy NPs. They've taken the national certification but to sit for another exam in California would not be a national certification. She said they would have to sit in a NP program for their population foci to have the transcripts to retake the exam, then must achieve the transition to practice hours after doing all this which would take five years.

Loretta Melby: Said the national certification must be in the population focus in one of the eight areas that are approved. It is not needed to complete the transition to practice hours. She said this would be considered during the gap analysis so long as the NP has a master's degree in nursing. She said a NP qualified under Method One may not qualify whether the legacy retired certification is addressed in legislation.

Nancy Trego, geriatric NP: Said she sat through the OPES process as an expert and does not understand how OPES can say they are unable to be a 103 NP.

Loretta Melby: Said OPES did not say legacy retired certifications would not qualify. She spoke about the comparison to the APRN consensus model.

Laura Starrh: She's an Adult Gero Acute Care NP working in California for almost six years. She has 103 NP status, but the current employer does not recognize it. They're not sure how to implement it at an institutional level. She understands the BRN does not have authority over employers, but you do have authority through the regulation process. She encourages the BRN to be as aggressive as possible and be open and liberal as possible because her practice is being muted by the current regulations.

Loretta Melby: Asked Laura to submit the regulations that are limiting her practice because she does not believe the language does this.

Mary McCue: Unable to unmute so he wrote a comment which Loretta Melby read. She asked if it is possible for the BRN to track the number of NPs who complain they are unable to find a placement.

Loretta Melby: Said there is no way for the BRN to do this but NP organizations could need to help with this issue.

No other public comments in any other location.

Samantha Gambles Farr: Thanked the commenters and said members of the committee are also experiencing these issues as well as hearing about them.

2:12 pm

7.0

Discussion and possible action: Regarding the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a nurse practitioner (NP)

Discussion:

Samantha Gambles Farr introduced this item and asked for member discussion.

Sally Pham: Asked if this is only about 103 NP discipline or all NPs.

Reza Pejuhesh: Explained that this committee is over all NPs, including but not limited to 103 and 104 NPs. If there is an issue for 103 and/or 104 then that could be discussed as well.

Loretta Melby: Said the Disciplinary Guidelines are for all types of RNs, including APRNs. She said one item that stood out is supervision of nurses on probation. The level of supervision provided is based on the nurse's practice level during probation.

Edward Ray: Brought up the MBC disciplinary guidelines and stated that the BRN could address some of the professionalism issues surrounding discipline. He envisioned NPAC's role to focus on areas specific to independent practice for 103 and 104 NPs without causing any other issues for the BRN. He thinks this is going to be a work in progress going forward.

Samantha Gambles Farr: Said she agrees with Dr. Ray. She appreciated the previous presentation saying discipline is set up in a standardized way and thinks moving forward the committee will focus on the independent practice, monitor, and see what happens as 103 NPs start to practice and then reevaluate what has happened and get feedback.

Loretta Melby: Said she thinks the Disciplinary Guidelines are well established and changes may need to be made in anticipation of 104's starting to practice.

Samantha Gambles Farr: Asked if there would be discussions regarding regulations for 104 NPs.

Loretta Melby: Stated that she thinks there is a need, and that Shannon Johnson has been looking at the disciplinary guidelines since January 2023. She thinks the committee will need to focus on the independent practice of NPs going forward since that has not been previously authorized by law. She spoke about the supervision aspect of probation and intervention.

Samantha Gambles Farr: Asked about the two contacts per shift and whether it must be in person.

Loretta Melby: Explained the enforcement NEC evaluates employment and establishes the provisions based on the case. An Administrative Law Judge (ALJ) can also establish supervision requirements. She said minimal supervision does not benefit anyone. She explained the worksite monitor requirements.

Kevin Maxwell: Explained that he thinks it will be telling to see what sorts of actual discipline problems arise to help guide the committee as far as what needs to be focused on.

Loretta Melby: Said we are not looking at what people are doing that brings discipline. It is negligence, incompetence, gross negligence, or unprofessional conduct. She gave examples of case types, such as, practice error, diversion, knowledge deficit, practice miss, mental health, unprofessional conduct, etc.

Reza Pejuhesh: Explained the expert witness process used by the BRN and respondent nurses during the discipline process. He said the focus may be on the 104 NP since that is new for the BRN.

Loretta Melby: Said any regulations put forth would come before NPAC for input and recommendations.

Motion: No motion made.

2:40 pm

**Public Comment for
Agenda Item 7.0:**

WebEx:

Laura Starrh: Said she doesn't see an APRN as a Board member and asked if the makeup has been changed.

Loretta Melby: Explained that the APRN position is vacant, and the governor appoints the member.

Samantha Gambles Farr: Asked if the commenter was speaking about the BRN Board member or on the NPAC.

Loretta Melby: Explained Elizabeth Woods was the board member whose term ended recently.

Samantha Gambles Farr: Stated that a call was sent out looking for APRNs for the BRN Board member position.

Sacramento:

Kathy Hughes, Executive Director of SEIU Nurse Alliance of CA: Asked if Board staff are working on proposed regulatory language for 104 NPs now or will be in the future.

Loretta Melby: Stated that staff are working on the language now.

No other public comments in San Diego or Los Angeles.

2:44 pm

8.0

Discussion and possible action: Regarding the establishment of a subcommittee to review final dispositions of disciplinary cases against NPs on a quarterly basis to identify trends and enforcement issues

Discussion:

Samantha Gambles Farr introduced the agenda item.

Kevin Maxwell: Asked if this consists of two members. If so, he asked that a NP be on the committee.

Loretta Melby: Explained that it is only two members.

Samantha Gambles Farr: Stated that she has not been on a subcommittee and wants to be on this one.

Loretta Melby: Asked for a second volunteer.

Edward Ray: Seconded Kevin Maxwell's idea for members to rotate on the subcommittees.

Sally Pham: Asked if the subcommittee members disagree with the final dispositions.

Reza Pejuhesh: Said this subcommittee would be tasked with identifying trends or issues. If the members disagree with the outcome of the case, or level of discipline, it is not the committee's job to correct it. The subcommittee would raise the issue and identify it for the committee to discuss further and look for solutions.

Sally Pham: Asked about staff developing disciplinary language without having any trends to use.

Loretta Melby: Explained that they are looking at the supervision during probation requirement. She provided some workplace examples for context. She discussed options for supervision of a 104 NP who will be practicing independently that could be like how the Medical Board handles supervision of doctors.

Reza Pejuhesh: Explained that the current anticipated deficiency in the disciplinary guidelines regarding supervision of independent 104 NPs could be a reason to modify the disciplinary guidelines without waiting to gather and review trend information.

Samantha Gambles Farr: Asked for another volunteer.

Edward Ray: Stated that he doesn't want to monopolize it and would not mind having a rotating membership.

Reza Pejuhesh: Explained that a rotating membership could be established now or in the future. Two members can be appointed, and rotation can be established later.

Sally Pham: Said three members are absent who may want to serve but she is interested in serving as well.

Loretta Melby: Said three of the four current attendees are interested in serving so a vote could be taken for each member today. She recommends establishing the subcommittee today to be able to look at information over the next six months.

Sally Pham: Asked if she could make a motion to have a subcommittee review the information quarterly with new members every quarter.

Loretta Melby: Asked if Sally Pham meant both done quarterly and Sally said yes. She recommended doing it on an annual basis since the committee meets every six months.

Reza Pejuhesh: Said there might be some confusion based on the agenda item title. He said the subcommittee can report out at the March meeting what they find.

Edward Ray: Said he doesn't feel strongly about it and Sally Pham can be on the subcommittee if she wants. If the group will rotate as often as is being discussed, then he can serve later.

Motion: Samantha Gambles Farr motioned that Samantha Gambles Farr and Sally Pham serve as the subcommittee to review final dispositions of disciplinary cases of NPs and present that information to the NPAC.

Second: Edward Ray

3:08 pm

Public Comment for Agenda Item 8.0:

WebEx:

Cynthia Jovanov: She recommends that content experts be on the subcommittee as well as the two members. She thinks this would help with bias. She said the BRN is more difficult with discipline than the Medical Board because of public safety. She said this will affect people's livelihood if it is not approached in a manner that is fair and equitable regarding disciplinary actions.

After public comment:

Sally Pham: Asked if the language for the motion should include an outside NP.

Loretta Melby: Stated that no outside people can serve on the committee; however, the subcommittee can consult with whoever they would need to.

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	AB	AB	Y	Y	AB

Key: Yes: Y | No: N | Abstain: A | Absent for Vote: AB

Motion Passed

3:16 pm

9.0

Adjournment: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA - Chair, adjourned the meeting at 3:16 pm.

Submitted by:

Approved by:

McCaulie Feusahrens

Chief of Licensing
Licensing Division
California Board of Registered Nursing

**Samantha Gambles Farr, RN, MSN,
FNP-C, CCRN, RNFA**

Chair
Nurse Practitioner Advisory Committee

Loretta Melby, MSN, RN

Executive Officer
California Board of Registered Nursing



Agenda Item 5.0

Discussion and possible action: Report from the Board of Registered Nursing's Executive Officer regarding the implementation of Assembly Bill 890 (Reg. Sess. 2019-2020)

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 5.0
DATE: March 26, 2024

ACTION REQUESTED: **Discussion and possible action:** Report from the Board of Registered Nursing's Executive Officer regarding the implementation of Assembly Bill (AB) 890 (Reg. Sess. 2019-2020)

REQUESTED BY: Loretta Melby, RN, MSN
Executive Officer

BACKGROUND:

Loretta Melby, Executive Officer for the Board of Registered Nursing, will provide updates on Board activities regarding the implementation of AB 890 to NPAC members.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 6.0

Discussion and possible action: Report of the NPAC's Discipline subcommittee on trends and enforcement issues with final dispositions of disciplinary cases against nurse practitioners (NP)

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 6.0
DATE: March 26, 2024

ACTION REQUESTED: **Discussion and possible action:** Report of the NPAC's Discipline subcommittee on trends and enforcement issues with final dispositions of disciplinary cases against nurse practitioners (NP)

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

The members of the Discipline subcommittee will provide updates on the work conducted and any trends/issues with final dispositions of disciplinary cases against NPs. Discipline data for the past five (5) years are included in the two charts below:

Nurse Practitioner (NP) Discipline Statistics

Type of Discipline	2018	2019	2020	2021	2022	2023	2024 (as of 3/18/24)
Public Repeval	13	11	5	10	5	17	5
Probation	14	16	23	30	24	24	4
Surrender	15	19	9	6	7	8	2
Voluntary Surrender during Probation	3	3	3	3	3	6	0
Revocation	5	6	12	8	9	15	0
Reinstatement	1	0	0	0	0	0	0
Total	51	55	52	57	48	70	8

NP Discipline Statistics – Violation Types

Violation Type	2018	2019	2020	2021	2022	2023	2024 (as of 3/18/24)
Practice	26	27	21	30	17	27	4
801 Practice	7	3	1	7	6	1	1
OSD	8	14	7	3	5	16	0
Conviction	7	6	12	6	7	13	3
SUD	3	4	5	4	3	3	0
Sexual Misconduct	0	0	0	2	3	1	0
Other	0	1	6	5	7	9	0
Total	51	55	52	57	48	70	8

RESOURCES:

BRN Disciplinary Guidelines: <https://www.rn.ca.gov/pdfs/enforcement/discguide.pdf>

NEXT STEPS:

FISCAL IMPACT, IF ANY:

None

PERSON(S) TO CONTACT:

McCaulie Feusahrens
 Chief of the Licensing Division
 California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 7.0

Discussion and possible action: Regarding input from NPAC on possible changes to the BRN Disciplinary Guidelines, to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP

Nurse Practitioner Advisory Committee (NPAC) Meeting | March 26, 2024

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 7.0
DATE: March 26, 2024

ACTION REQUESTED: **Discussion and possible action:** Regarding input from NPAC on possible changes to the BRN Disciplinary Guidelines, to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

The NPAC members will review the proposed regulation text to update Probation Condition #8 under the “Introductory Language and Standard Probation Conditions” section of the current [Disciplinary Guidelines](#) document.

RESOURCES:

BRN Disciplinary Guidelines: <https://www.rn.ca.gov/pdfs/enforcement/discguide.pdf>

[https://govt.westlaw.com/calregs/Document/IF5EF36F34C8111EC89E5000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IF5EF36F34C8111EC89E5000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

§ 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), 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.

Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any acts of sexual contact, as defined in subdivision (c) of Section 729 of the Business and Professions Code, with a patient, or has committed an act or been convicted of a sex offense as defined in Section 44010 of the Education Code, shall contain an order revoking the license. The proposed decision shall not contain an order staying the revocation of the license.

Nursing Practice Act - Business and Professions Code (BPC), Division 2, Chapter 6:
https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=BPC&division=2.&title=&part=&chapter=&article=&nodetreepath=4

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=2837.102.

BPC 2837.102(a):

(a) The board shall establish a Nurse Practitioner Advisory Committee to advise and make recommendations to the board on all matters relating to nurse practitioners, including, but not limited to, education, appropriate standard of care, and other matters specified by the board. The committee shall provide recommendations or guidance to the board when the board is considering disciplinary action against a nurse practitioner.

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov

Probation Condition #8 – Supervision***[proposed added text is denoted in underline formatting at subdivision (e)](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 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.

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 Practitioner - If the respondent is certified by the Board as an advanced practice registered nurse and authorized to practice without standardized procedures in an independent setting, the Board may, upon review of pertinent information, require the respondent, during probation, to establish a practice setting where a Board-approved advanced practice registered nurse or physician and surgeon can provide supervision to the respondent, as specified by the Board. The respondent shall not resume practice in an independent setting until the Board confirms in writing this requirement has been met.

In its approval of a supervising practitioner, the criteria considered by the Board may include, but is not limited to, the following:

1. The practitioner is trained in the same specialty or content area as the respondent.
2. The practitioner's license is in good standing (no current or pending discipline) with the issuing board.
3. The practitioner does not have a close personal or familial relationship with the licensee.

The respondent's level of supervision may include, but is not limited to the following:

1. Maximum - The individual providing supervision is present in the independent setting at all times.
2. Moderate - The individual providing supervision is present in the independent setting at least half the hours respondent works.
3. Minimum - The individual providing supervision has person-to-person communication with respondent at least twice during each shift worked.