

**State of California
Office of Administrative Law**

In re:
Board of Registered Nursing

Regulatory Action:

Title 16, California Code of Regulations

Repeal sections: 1463.5, 1485.5

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2022-1102-01

OAL Matter Type: Nonsubstantive (N)

This action without regulatory effect repeals two regulations on training requirements for nurse practitioners and nurse-midwives who complete abortion by aspiration because both regulations are superseded by the amendment to Business and Professions Code section 2725.4 in Senate Bill 1375 (Chapter 631, Statutes of 2022) which is effective January 1, 2023.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100. This action without regulatory effect becomes effective on 1/1/2023.

Date: December 12, 2022



**Ashita Mohandas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Loretta Melby, Executive Officer
Copy: Marissa Clark**

NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022-1102-01	EMERGENCY NUMBER N
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Registered Nursing, Department of Consumer Affairs			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
The office of the Secretary of State
of the State of California

DEC 12 2022
received 2:17pm

OFFICE OF ADMIN. LAW
2022 NOV 2 AM 11:01

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) SB 1375 - Repeal of Abortion by Aspiration Techniques	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
TITLE(S) 16	REPEAL 1463.5 and 1485.5

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) January 1, 2023

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional) 916-574-7700	E-MAIL ADDRESS (Optional) Marissa.Clark@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Loretta Melby</i>	DATE 11/2/2022
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, RN, MSN, Executive Officer	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
DEC 12 2022
Office of Administrative Law

Title 16. Professional and Vocational Regulations
Division 14. **BOARD OF REGISTERED NURSING**

**Repeal of Title 16, California Code of Regulations,
Sections 1463.5 and 1485.5**

Article 6. Nurse-Midwives

~~§ 1463.5. Abortion by Aspiration Techniques.~~

~~For the purposes of Section 2725.4 of the Code, after January 1, 2016, certified nurse-midwives may perform an abortion by aspiration techniques in the first trimester of pregnancy if they have completed the requisite training in performing these procedures equivalent to the didactic curriculum and clinical training protocols of the HWPP No. 171 provided by any of the following:~~

- ~~(1) A Board-approved nurse-midwifery program or in a course offered by an accredited nurse-midwifery program;~~
- ~~(2) A course offered by a Board-approved continuing education provider that reflects evidence-based curriculum and training guidelines or a course approved for Category I continuing medical education;~~
- ~~(3) A course offered by a state or national health care professional or accreditation organization.~~

~~NOTE: Authority cited: Section 2715, Business and Professions Code.
Reference: Section 2725.4, Business and Professions Code.~~

Article 8. Standards for Nurse Practitioners

~~§ 1485.5. Abortion by Aspiration Techniques.~~

~~For the purposes of Section 2725.4 of the Code, after January 1, 2016, certified nurse-practitioners may perform an abortion by aspiration techniques in the first trimester of pregnancy if they have completed the requisite training in performing these procedures equivalent to the didactic curriculum and clinical training protocols of the HWPP No. 171 provided by any of the following:~~

- ~~(1) A Board-approved nurse practitioner program or in a course offered by an accredited nurse practitioner program;~~
- ~~(2) A course offered by a Board-approved continuing education provider that reflects evidence-based curriculum and training guidelines or a course approved for Category I continuing medical education;~~
- ~~(3) A course offered by a state or national health care professional or accreditation organization.~~

~~NOTE: Authority cited: Section 2715, Business and Professions Code.
Reference: Section 2725.4, Business and Professions Code.~~