

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 14.

BOARD OF REGISTERED NURSING

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Required Curriculum

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (Board) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office by 5:00 p.m. on Tuesday, January 30, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 2715, 2786.1, and 2786.6, and to implement, interpret, or make specific BPC sections 2785, 2785.5, 2786, 2786.1, 2786.2, 2786.3, 2786.5, 2786.6 and 2788, the Board is considering amending section 1426 of Article 3, Division 14, of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board of Registered Nursing (Board) sunset bill, Assembly Bill 2684 (Berman, Chapter 413, Statutes of 2022), updated Business and Profession Code section 2786 to state that an approved school of nursing or nursing program shall meet a minimum of 500 direct patient care clinical hours in a Board-approved clinical setting with a minimum of 30 hours of supervised direct patient care clinical hours dedicated to each nursing area specified by the Board.

However, the Board’s regulations at 16 CCR 1426(g)(2), currently state that, with the exception of an initial nursing course that teaches basic nursing skills in a skills lab,

75% of clinical hours in a course must be in direct patient care in an area specified in 16 CCR Section 1426(d) in a board-approved clinical setting.

Different nursing programs may have a different requirement number of direct patient care hours that their students will complete given the variance in course and unit requirements, resulting in inconsistency as some prelicensure nursing programs provide significantly more direct patient care hours than others.

The Board proposes removing the 75% direct patient care clinical requirement from 16 CCR 1426(g)(2), which will allow prelicensure nursing programs to defer solely to BPC section 2786(a)(2)'s statutory requirement for a program to have a minimum of 500 direct patient care clinical hours with at least 30 hours in each nursing area. This proposal aligns with the Board's mission to protect and serve the public by ensuring that licensees are receiving the same baseline level of preparation and hands on experience before entering the workforce and are competent and adequately prepared to treat the public.

The Board proposes the following changes:

Amend CCR Title 16 Section 1426 – Required Curriculum

The proposed text would remove the text “With the exception of an initial nursing course that teaches basic nursing skills in a skills lab, 75% of clinical hours in a course must be in direct patient care in an area specified in section 1426(d) in a board-approved clinical setting.” from 16 CCR 1426(g)(2).

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The Board has determined that this regulatory proposal does not affect worker safety or the state's environment.

This regulatory proposal benefits the health and welfare of California residents by reducing variance in direct patient care experience amongst the Board's approved prelicensure nursing programs by ensuring that all students in California are receiving the same baseline level of preparation and hands on experience before entering the workforce. Members of the public will benefit from having competent licensees, who as health care practitioners, are adequately prepared to treat the public.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Incorporation by Reference

No forms are incorporated by reference in the proposed regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the state: None.

The proposed regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations or costs of implementation are a result of current law.

The regulations do not result in federal funding or any cost or savings to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate Imposed on Local Agency or School Districts: None.

Cost to any local agency or school district requiring reimbursement pursuant to Government Code Sections 17500 et seq: None.

Significant Effect on Housing Costs: None

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts/evidence/documents or testimony:

This regulation will not have a significant adverse economic impact on businesses because the requirement for prelicensure nursing programs to provide students with a minimum number of direct patient care hours was established by state statute, not this rulemaking package.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The requirement for prelicensure nursing programs to provide students with a minimum number of direct patient care hours was established by state statute, not this rulemaking package.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs / Businesses:

The Board has determined this regulatory proposal (1) will not create or eliminate jobs; (2) will not create new business nor eliminate existing businesses; (3) will not expand existing businesses in the state of California.

The Board is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Benefits of Regulation

This regulatory proposal will affect the general health and welfare of California residents by:

- Reducing variance in direct patient care experience amongst the Board's approved prelicensure nursing programs by ensuring that all students in California are receiving the same baseline level of preparation and hands on experience before entering the workforce.

The proposed regulations are not expected to affect worker safety or the state's environment.

Business Reporting Requirements

The regulation does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that there will be no increased costs for small businesses with the proposed regulations because this change only effect prelicensure nursing programs located with education institutions, it does not impact small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at any scheduled hearing or during the written

comment period to the Contact Person below.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.rn.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, after considering all timely and relevant comments, upon its own motion or at the request of any interested party, may thereafter adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 business days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of the Contact Person at the address stated above.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Marissa Clark
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The backup contact person is:

Name: Ras Siddiqui
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AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process on the Board's website. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed at: <https://www.rn.ca.gov/regulations/proposed.shtml>