



California Board of Registered Nursing

Clinical Nurse Specialist Advisory Committee (CNSAC) Meeting
January 18, 2024





CNSAC Meeting

January 18, 2024

- 1.0 Call to order, roll call, establishment of a quorum
- 2.0 General Instructions for the format of a teleconference meeting
- 3.0 Public comments for items not on the agenda; items for future agendas
- 4.0 information only: Advisory committee member training
 - 4.1 Roles and Responsibilities: CNSAC Members, Board Staff, Meeting Etiquette
 - 4.2 Meeting Structure: Bagley-Keene Open Meeting Act, Quorum, Voting, Public Records Act
 - 4.3 Legislation, Regulations and Rulemaking
- 5.0 Discussion and possible action: Regarding election of Chair and Vice Chair positions
- 6.0 Discussion and possible action: Regarding meeting dates for 2024
- 7.0 Discussion and possible action: Regarding CNSAC members' terms of office as specified in the charter
- 8.0 Discussion and possible action: Regarding the formation of subcommittees



CNSAC Meeting

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- 1.0 Call to order, roll call,
establishment of a quorum



CNSAC Meeting

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2.0 General instructions for the format of a teleconference meeting



CNSAC Meeting

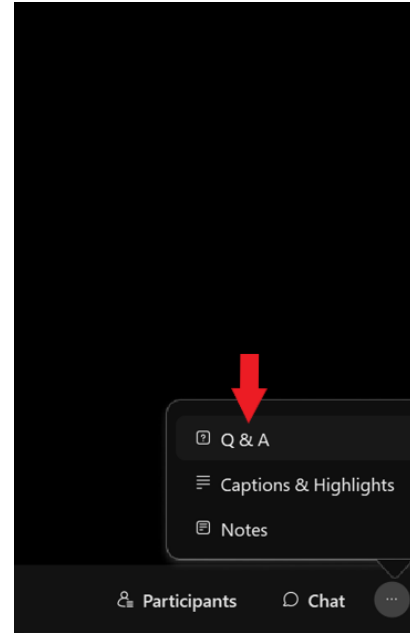
January 18, 2024

3.0 Public comments for items not on the agenda; items for future agendas

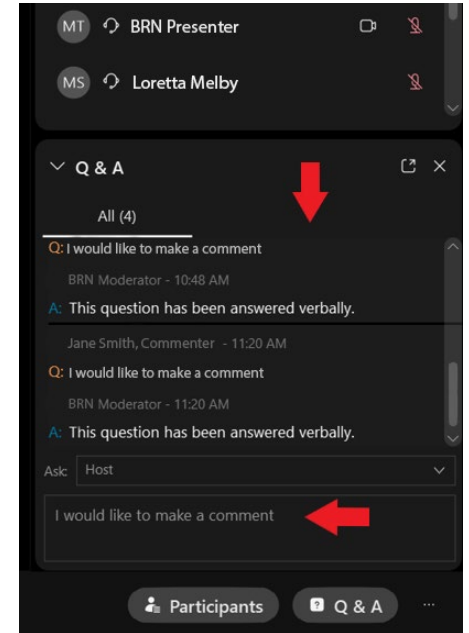
Instructions for Public Comment



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" (**NOTE:** If your comment will be in a language other than English, please indicate which language so the moderator can adjust accordingly). 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 **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.





CNSAC Meeting

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4.0 Information only: Advisory committee member training

4.1 Roles and Responsibilities: CNSAC Members, Board Staff, Meeting Etiquette

Clinical Nurse Specialist Advisory Committee

Members:

Elissa Brown, MSN, RN, PMHCNS-BC

Shannon Buckley, MSN, RN, CNS

Jessica Lightcap, MSN, RN, AACNS-P

Kerri Krogen, MSN, RN, AACNS-AG

Angelique Ellingboe, LCSW

BRN Staff:

Loretta Melby, MSN, RN – Executive Officer

Evon Lenerd Tapps, MBA – Assistant Executive Officer

Reza Pejuhesh – Department of Consumer Affairs, Legal Counsel

McCaulie Feusahrens – Chief of the Licensing Division

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CNSAC Meeting

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Roles and Responsibilities

Board's Mission

The mission of the California Board of Registered Nursing (Board) is to protect 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. The Board values include effectiveness, integrity, transparency, collaboration and equity.



CNSAC Meeting

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Roles and Responsibilities

Relationship to the Board

- CNSAC is an advisory committee of the Board.
- Recommendations may be forwarded to the Nursing Practice Committee and then to the full Board.
 - If time does not allow information and recommendations to be forwarded to the Nursing Practice Committee, referral may be made to the full Board.
- Referral to the Nursing Practice Committee or the full Board will depend on the relevance of the topic/issue to laws and regulations, the Board's public protection mandate, time-sensitivity, and other factors.
- Referred recommendations may be information-only or may request Board action.
- The Board's Executive Officer and/or staff liaison will facilitate the referral of CNSAC recommendations.

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CNSAC Meeting

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Roles and Responsibilities – Board Staff

- Loretta Melby, Executive Officer
 - The CNSAC operates under the direction of the BRN Executive Officer. The Executive Officer assists the committee Chair with running the meeting, if needed, and has the primary responsibility of reviewing recommendations of the CNSAC for submission to the Nursing Practice Committee.
- Reza Pejuhesh, Legal Counsel
 - The Legal Counsel attends meetings and provide consultation to the CNSAC regarding Board policies and procedures based on statutes and regulations. In coordination with the Executive Officer, the Legal Counsel reviews recommendations of the CNSAC prior to submission to the Nursing Practice Committee.
- McCaulie Feusahrens, Chief of Licensing Division/Staff Liaison
 - The staff liaison assists the committee Chair with development of agendas and materials and acts a liaison between committee members and the BRN. The staff liaison prepares recommendations of the CNSAC for the Executive Officer review prior to submission to the Nursing Practice Committee.



CNSAC Meeting
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Roles and Responsibilities – CNSAC Members

Committee Composition

- **Four Clinical Nurse Specialists (CNS)**, holding active California licenses, who have demonstrated current expertise in clinical nurse specialist practice and have substantial knowledge of the Nursing Practice Act.
- **One public member** who has been a consumer of CNS practice.



CNSAC Meeting

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Roles and Responsibilities – CNSAC Members

Committee Leadership

- CNSAC shall elect from its committee a Chair and a Vice Chair which will be reelected every two years.
- The Chair and Vice Chair may be reelected by the committee without limitation.
- The Chair and Vice Chair are entrusted with leadership of the committee and are responsible for ensuring that the committee meets its statutory requirements, and the committee meetings follow the Bagley-Keene Open Meeting Act.

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CNSAC Meeting

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Roles and Responsibilities – CNSAC Members

Chair and Vice Chair Duties

Chair

- Works with the Executive Officer, Legal Counsel, and Staff Liaison to create the agenda for the meetings.
- Leads CNSAC meetings
- Calls the meeting to order
 - conduct roll call and establish quorum
 - initiates the questioning of participants
 - ensure that meetings begin and end on time
 - initiate voting by roll call

Vice Chair

- Acts in the absence of the Chair

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CNSAC Meeting
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Roles and Responsibilities – CNSAC Members

Expected Time Commitment

- In accepting an appointment to the CNSAC, members make a commitment to dedicate the time necessary to attend the meetings, participate and complete the business of the CNSAC.
- The CNSAC meets twice per year with the meetings will typically be scheduled for 1.5 - 2 hours.
 - The time commitment includes the actual meeting attendance as well as reviewing meeting materials in advance.
- Special meetings may be held at such times as the Board may elect, or on the call of the Board President or the Board's Executive Officer.
- At this time, all meetings will be held virtually.



CNSAC Meeting

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Roles and Responsibilities – CNSAC Members

Committee Responsibilities

The CNSAC shall have the following duties and responsibilities:

- Review Report Materials
 - Members are expected to review all meeting materials prior to each meeting.
- Maintain Confidential Records
 - Members are responsible for protecting DCA-provided information.



CNSAC Meeting
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Roles and Responsibilities – CNSAC Members

Committee Responsibilities

- Make recommendations to the Board to establish categories of clinical nurse specialists and the standards required to be met for nurses to hold themselves out as clinical nurse specialists in each category.
 - The standards shall take into account the types of advanced levels of nursing practice that are or may be performed and the clinical and didactic education, experience, or both needed to practice safely at those levels.
 - In setting the standards, the Board shall consult with clinical nurse specialists, physicians and surgeons appointed by the Medical Board of California with expertise with clinical nurse specialist, and health care organizations that utilize clinical nurse specialists.

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CNSAC Meeting
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Roles and Responsibilities – CNSAC Members

Tenure

- Except as provided below, all appointments shall be for a term of four years and vacancies shall be filled for the unexpired term. The initial appointments shall be for the following terms:
 - Two of the four licensed CNSs shall serve a term of four years;
 - One licensed CNS shall serve a term of three years; and
 - One licensed CNS shall serve a term of two years.
 - The public member shall serve a term of four years.
- Members may serve up to two consecutive full terms.

CNSAC Meeting
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Roles and Responsibilities – CNSAC Members

Vacancies

- A committee member's position becomes vacant prior to term expiration when a member:
 - submits their written resignation to the Board.
 - ceases to reside in California.



CNSAC Meeting
January 18, 2024

Roles and Responsibilities

Meeting Etiquette

When participating in a meeting virtually, treat a virtual meeting just as you would if you were in a face-to-face meeting.

- **Setup**

- Test your connection, screen and equipment prior to the meeting.
- Make sure the area behind you is organized. It is preferred that you use a virtual background.
- Adjust your camera before the meeting to ensure it is adjusted to eye level.

- **Joining**

- It is recommended that you join the meeting 5-10 minutes early so we can address any technical issues that may arise and do video and audio checks.



CNSAC Meeting
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Roles and Responsibilities

Meeting Etiquette

- **Audio**

- Keep your microphone on mute if you are not actively engaged in a conversation.

- **Video**

- Limit your movement when you speak and ensure that your face is on camera and visible.
- It is recommended that you blur your background or use one of the template backgrounds available to you.
- Never leave a meeting while a participant is present in the meeting, unless there are technical video issues.



CNSAC Meeting

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Roles and Responsibilities

Meeting Etiquette

- **Behavior**

- Avoid multitasking (checking email, eating, etc.), and give your full attention throughout the meeting.
- Mute mobile phones, turn off notification sounds to minimize meeting interruptions.
- Wait to be called on by the Chair before speaking, this will keep the meeting structure flowing efficiently and avoid disrupting others.
- Never leave a meeting during a participant discussion, ask the chair to schedule a short break if necessary.



CNSAC Meeting
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Roles and Responsibilities

Meeting Etiquette

- **Speaking**

- Identify yourself before you speak.
- When speaking, keep your points clear and concise.
- Do not interrupt other members or participants while they are speaking.



CNSAC Meeting

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CNSAC Meeting

January 18, 2024

4.0 Information only: Advisory committee member training

4.2 Meeting Structure: Bagley Keene Open Meeting Act, Quorum, Voting, Public Records Act

Legal Topics Presented to BRN Advisory Committees

January 18, 2024

by: Reza Pejuhesh, BRN legal counsel



Topics covered in this presentation:

- Bagley-Keene Open Meeting Act
- California Public Records Act



Bagley-Keene Open Meeting Act

Full statutory text can be found at:

Government Code §§ [11120 - 11132](#)



Why the complicated formalities?

The *Bagley-Keene Open Meeting Act (OMA)*:

- Government Code §§ 11120 – 11132
- Requires that discussions, deliberations, and action taken by “state bodies” be conducted in public “meetings” that abide by established requirements
- Allows for limited authority for certain proceedings to occur in closed session (only if expressly authorized in statute)



Why the complicated formalities?

Government Code § 11120 – statement of legislative intent behind the OMA:

“It is the public policy of this state that public agencies exist to aid in the conduct of the people’s business and the proceedings of public agencies be conducted openly so that the public may remain informed.... [T]he Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.”



Why the complicated formalities?

Inherent tradeoff:

Efficiency and flexibility in conducting business

vs.

Transparency, opportunities for stakeholder input, public participation, etc.

*The OMA prioritizes the latter.



Fundamental premises of the OMA:

Government Code § 11123(a):

“All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.”

Government Code § 11122.5(b)(1):

“A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.”



OMA Definitions

“State body” – Government Code § 11121:

“As used in this article, ‘state body’ means each of the following:

- (a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.
- (b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.
- (c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.
- (d) ...
- (e) ...”



OMA Definitions

“Meeting”:

Government Code § 11122.5(a):

“As used in this article, ‘meeting’ includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.”

*The phrase “hear, discuss, or deliberate” is generally construed broadly.



OMA Definitions

“Action taken”:

Government Code § 11122:

“As used in this article ‘action taken’ means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.”

*But remember, “action” is not the only thing that is prohibited outside of a “meeting”; state bodies also may not “hear, discuss, or deliberate” upon matters within their jurisdiction outside of a meeting that complies with the OMA.

Committee members should avoid violations of the requirements and spirit of the OMA by not discussing committee business outside of a formal committee meeting.



What is required for a compliant “meeting”?

The basics:

- 10 days’ notice to the public/written agenda
- Opportunities for public comment
- ADA and non-discrimination compliance
- Physical meeting location (...)

*(*This list is not exhaustive.)*



What is required for a compliant “meeting”?

10 days’ notice to the public/written agenda

Government Code § 11125:

(a) ... Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting....

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

...



What is required for a compliant “meeting”?

Opportunities for public comment

Government Code § 11123(a):

“All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.”

“...the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings...from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.” *[Members of the public may comment on matters not on the agenda, as long as the committee does not discuss such matters not act on them at the same meeting.]*

Government Code § 11125.7(a):

“...the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body’s discussion or consideration of the item.”



What is required for a compliant “meeting”?

ADA and non-discrimination compliance

Government Code § 11123.1:

“All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.”

Government Code § 11131:

“No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.”



What is required for a compliant “meeting”?

Physical meeting location

- The OMA has very specific rules regarding in-person and teleconference meeting requirements.
- During the Covid-19 pandemic, temporary legal authority was passed allowing meetings to be conducted entirely by remote means, without a physical meeting location. That authority has expired, and was replaced by legislation that updated the in-person and teleconference requirements.
- Board staff will coordinate committee meetings to accommodate the needs and convenience of committee members to the extent possible, but within the mandatory confines of the OMA’s requirements.



What is required for a compliant “meeting”?

Physical meeting location

Government Code § 11123 allows agencies to conduct meetings entirely in person, without a teleconference/remote option (as long as the meeting complies with other OMA requirements regarding public access, etc.).

It also authorizes one of three methods by which state bodies may conduct teleconference meetings.



What is required for a compliant “meeting”?

Physical meeting location

Government Code § 11123 (teleconference method 1):

“...(b)(1)(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

...

(b)(1)(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.”

Under this method, each location at which a committee member is present must: be identified in the agenda; be open to the public; meet ADA requirements; have an agenda posted outside; allow for the open session to be audible to the public; etc.



What is required for a compliant “meeting”?

Physical meeting location

Government Code § 11123.2 (eff. 1/1/2024) (teleconference method 2) :

“...(d) (1) The state body shall provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The telephonic or online means provided to the public to access the meeting shall be equivalent to the telephonic or online means provided to a member of the state body participating remotely. [¶]

(i) At least one member of the state body shall be physically present at each teleconference location.

(j)(1) Except as provided in paragraph (2) *[which allows exceptions based on physical or mental disability]*, a majority of the members of the state body shall be physically present at the same teleconference location. Additional members of the state body in excess of a majority of the members may attend and participate in the meeting from a remote location. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location. [¶]

(j)(4) If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.” *[*Applies to open session – during closed session, there should not be any non-members present.]*



What is required for a compliant “meeting”?

Physical meeting location

Government Code § 11123.5 (eff. 1/1/2024) (teleconference method 3 – advisory bodies only) :

“(b) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123 or Section 11123.2, any state body that is an advisory board, advisory commission, **advisory committee**, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section’s requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article. [¶]

(d) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (f). [¶]

(f) A state body described in subdivision (b) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate. At least one **staff member** of the state body shall be present at the primary physical meeting location during the meeting. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.



What is required for a compliant “meeting”?

Physical meeting location

Additionally, under teleconference methods 2 and 3, there is a requirement to be visible on camera during the open session if possible.

Government Code § 11123.2(k) and § 11123.5(h) :

- (1) Except as provided in paragraph (2), the members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.
- (2) The visual appearance of a member of the state body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a state body on camera to cease.
- (3) If a member of the state body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance when they turn off their camera.



What is required for a compliant “meeting”?

Physical meeting location – misc. provisions

- * Votes taken during teleconference meetings must be by rollcall.
- * During teleconference meetings, if there is a failure of the remote means of access that allows members of the public to participate during open session, the meeting should recess until such means can be reestablished, or adjourned.
- * Government Code § 11124:
“No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.”



Closed sessions during a meeting

Government Code § 11128:

“Each closed session of a state body shall be held only during a regular or special meeting of the body.”

Government Code § 11132:

“Except as expressly authorized by this article, no closed session may be held by any state body.”

*The OMA provides authorization to conduct closed sessions for specific reasons such as, under appropriate circumstances, to discuss pending litigation, administrative discipline matters, or to avoid the unwarranted invasion of the privacy of an individual licensee or applicant. (See Gov. Code, § 11126.)



Taking action during meetings

Government Code § 11122:

“As used in this article ‘action taken’ means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.”

*In order to take action on an item, a “quorum” of members of the state body must be present at the meeting. The number of members that constitutes a quorum is typically defined in statute or, in the case of advisory bodies not codified in statute, in the committee charter.

*The committee chairperson should facilitate an orderly discussion, including: allowing for discussion by committee members; accepting a motion and second from a member; direct the taking of public comment; and then take a vote by roll call.



California Public Records Act

Full statutory text can be found at:

Government Code §§ [7920.000 – 7931.000](#)



Fundamental premise of the California Public Records Act (PRA)

Government Code § 7921.000:

“In enacting this division, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”



What does the PRA require of state agencies ?

*Agencies must make public records available to any person that requests them.

Government Code § 7922.530:

“Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.”



What does the PRA require of state agencies?

*Agencies must issue a written response to the request, generally within 10 days from receipt.

Government Code § 7922.535(a):

“Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. If the agency determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available.”

(In statutorily-defined “unusual” circumstances,” the agency can invoke a limited extension of the time allowed to respond.)



What does the PRA require of state agencies?

*Agencies have a duty to assist members of the public to make a focused and effective request (e.g., if a request is vague or ambiguous).

Government Code § 7922.600(a):

“When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.”

*Note, a request does not need to cite statutory authority or mention the applicable law in order to be considered a request under the PRA or to trigger the agency’s statutory duties.



What does the PRA require of state agencies?

*Agencies may not determine whether/what records to disclose based upon the identity of the requester or the reason for their request.

Government Code § 7921.300:

“This division does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.”



What does the PRA require of state agencies?

*“Public record” is a broadly defined term that includes, e.g., committee members’ emails and other physical and electronic records related to committee business.

Government Code § 7920.530(a):

As used in this division, “public records” includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Government Code § 7920.545:

As used in this division, “writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.



Exemptions to disclosure under the PRA

*In general, agencies' records are considered public unless they are subject to an explicit statutory exception.

“The objectives of the Public Records Act thus include preservation of islands of privacy upon the broad seas of enforced disclosure.”

Black Panther Party v. Kehoe (1974) 42 Cal. App. 3d 645, 653.

*The PRA identifies various specific categories of records that are considered exempt from disclosure to the public, including, e.g.: complaint and investigative records; personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy; licensing examinations, scoring keys, etc.



What to do if you receive a request for records?

- *Contact BRN staff immediately, and forward a copy of the request.
- *Do not disclose any records unless specifically directed to do so.
- *Board staff will make a determination of whether the request calls for the disclosure of public records, or whether the records are exempt from disclosure (consulting with Board legal counsel if necessary).
- *Board staff will handle the preparation of a written response, and if appropriate, the disclosure of responsive records to the requester, and/or staff will provide further direction to the committee member.



Questions & Comments?

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS



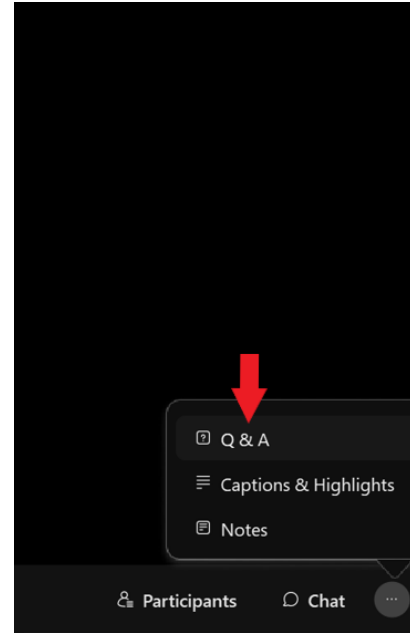
Thank you for your attention, and thank you for your public service!



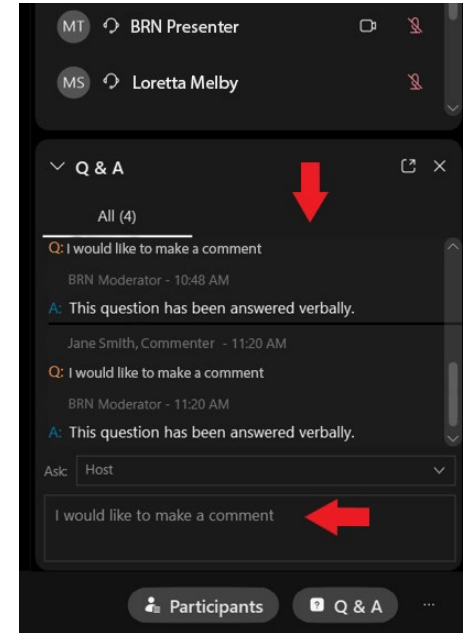
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CNSAC Meeting

January 18, 2024

4.0 Information only: Advisory committee member training

4.3 Legislation, Regulations and Rulemaking

OVERVIEW OF THE LEGISLATIVE PROCESS

Marissa Clark
Chief of Legislative Affairs

ALL BILLS START AS IDEAS

- ① Individuals
- ② Legislative Advocates
- ③ Organizations
- ④ State Agencies
- ⑤ Legislators

BILL INTRODUCTION

- ① Only Legislators can introduce
- ② January - February
- ③ Bills are numbered in order over a 2-year period
- ④ Bill is read for the first time

POLICY COMMITTEE

- ① Meet 30+ days after introduction
- ② Review public policy concerns
- ③ Bills pass with majority vote
- ④ BRN's bills normally referred to:
 - Assembly B&P
 - Senate B&P

FISCAL COMMITTEE

- ① Bills with Fiscal Impact/Costs
- ② Suspense File
- ③ Suspense Thresholds
 - Senate
 - \$50,000 General Fund
 - \$150,000 Special Funds
 - Assembly
 - \$150k All funds

THE FLOOR

- ① 2nd and 3rd reading
- ② Full membership of the Sen./Asm.
- ③ Most bills pass by majority vote
- ④ Urgency measures and tax measures require two-thirds vote
- ⑤ If passed, bill moves to second house and the process starts again

GOVERNOR

- ① 12-30 days to act
- ② SIGN, VETO, or NO ACTION
- ③ Most bills pass by majority vote
- ④ Urgency measures and tax measures require two-thirds vote

BOARD OF REGISTERED NURSING

- ① Track and Analyze Bills
- ② Board Meeting Agenda Item
- ③ Board Positions
- ④ Implementation

Regulatory Process

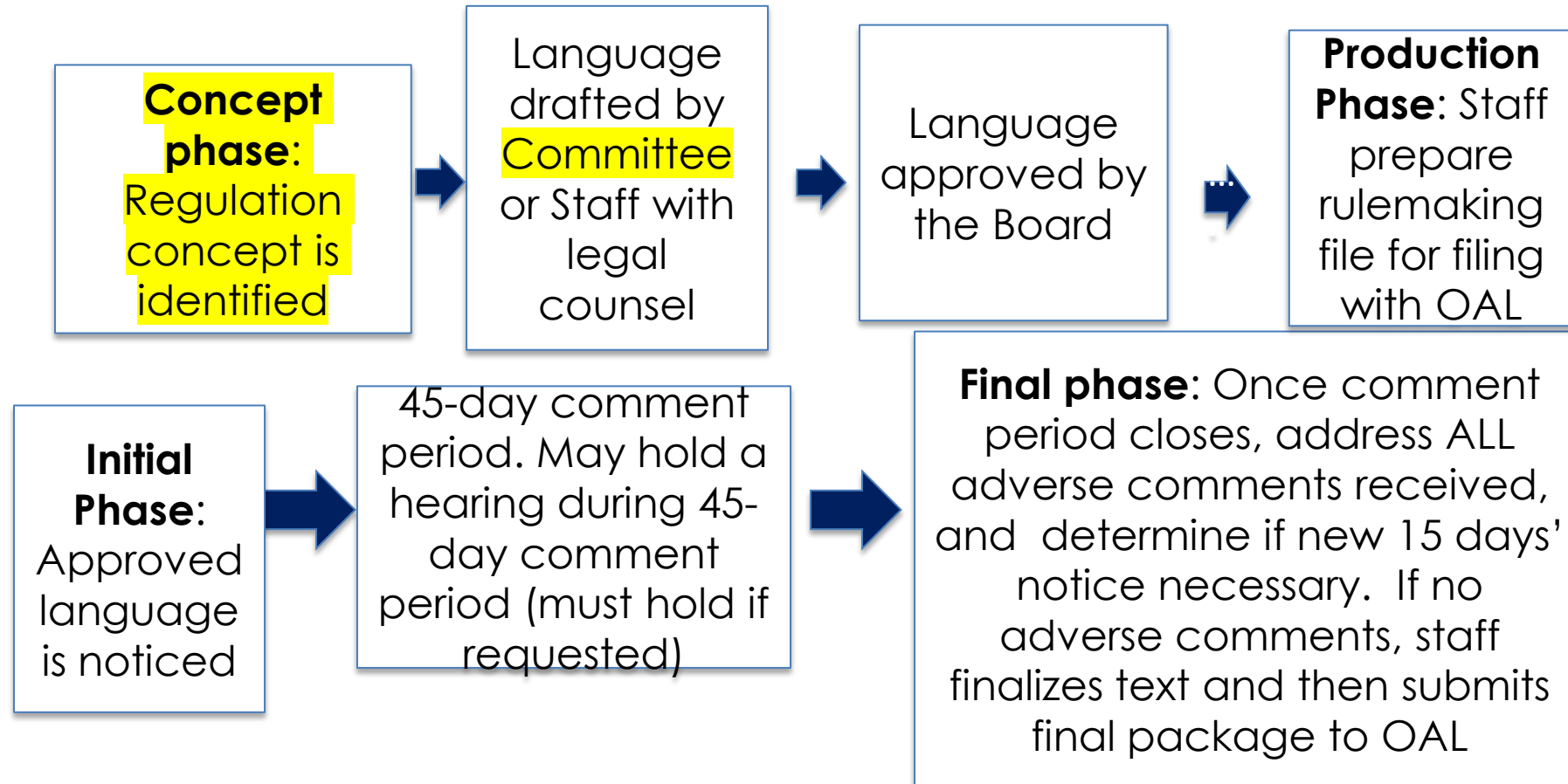
Steven Vong

Attorney III

DCA Legal Affairs Division



General Overview of Regulatory Process



Regulatory Phases for a Regular Rulemaking

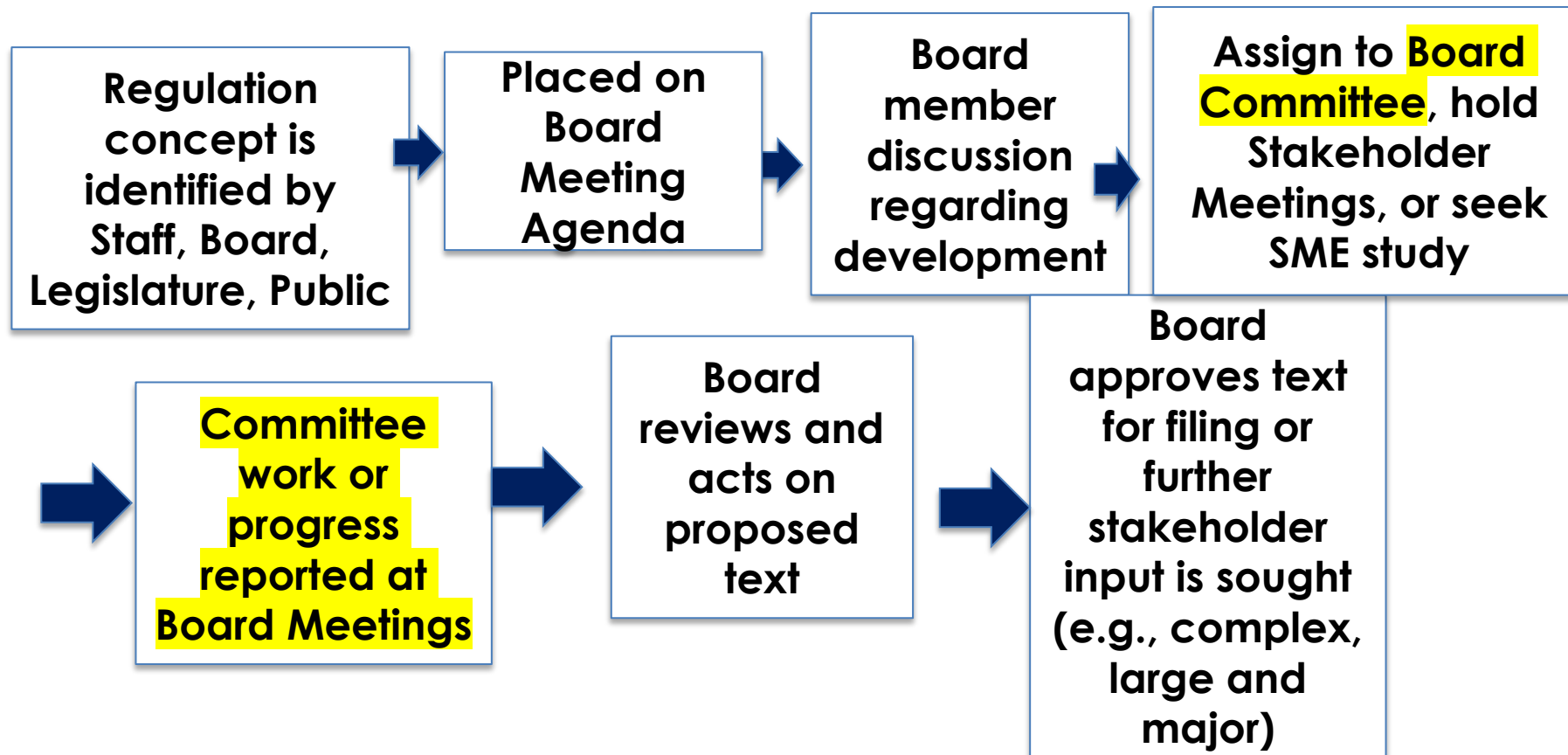
1. Concept
2. Production
3. Initial
4. Final

Concept Phase

1. Define the problem.
2. Describe the objectives you hope to achieve.
3. Brainstorm possible solutions.
4. Consult with those who would be affected.
(Required: complex and/or large proposals (Gov't. Code § 11346.45(a) and for major regulations (1 CCR 2001 (d)).
5. List and evaluate the costs and benefits.
6. Choose an option/solution and be prepared to explain why it is the preferred solution.



Board Committee Member Role in Concept Development





▶ **Compounding Committee Meetings**

Meeting Date	Location	Agenda	Meeting Materials	Minutes
November 5, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	11/5/19 Agenda	11/5/19 Meeting Materials	11/5/19 Minutes
October 16, 2019	Cancelled			
September 24, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	9/24/19 Agenda	9/24/19 Meeting Materials	9/24/19 Minutes
September 5, 2019	University of Southern California Orange County Center 2300 Michelson Drive Irvine, Ca 92612	9/5/19 Agenda	9/5/19 Meeting Materials Proposed Regulations Related to Pharmaceutical Compounding of Sterile Preparations	9/5/19 Minutes
July 11, 2019	Department of Consumer Affairs - Building Two 1747 North Market Blvd., Room 186 Sacramento, CA 95834	7/11/19 Agenda	7/11/19 Meeting Materials	7/11/19 Minutes
June 4, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	6/4/19 Agenda		6/4/19 Minutes
April 16, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	4/16/19 Agenda	4/16/19 Meeting Materials	

Sample



Board Concept Approval

1. Board reviews and approves text for initiation of the rulemaking process at noticed Board meeting
2. Delegates to the Executive Director: production of the rulemaking file, including: preparation of initial statement of reasons, setting the matter for a public hearing, and authority to make non-substantive or technical corrections



Staff Production Phase

1. Initial Package includes:
2. Part A portion of the Std. Form 400
3. Notice of Proposed Action (“Notice” or “NOPA”)
4. Board-Approved Proposed Text/Language
5. Any forms incorporated by reference in the proposed text/language as approved by the Board
6. Initial Statement of Reasons (ISOR)
7. Underlying Data (Materials Relied Upon) enumerated in the ISOR (including SRIA if applicable)
8. Completed Std. Form 399 – Economic and Fiscal Impact Statement (Note: additional docs for major regulation required)



Staff Initiates Rulemaking:
Filing with and review by
OAL, Publication and
Notice to Interested Parties

1. Package filed with OAL by staff
2. OAL reviews Notice
3. Staff corrects any deficiencies identified by OAL
4. Publication in Notice Register
5. Mail notice to interested parties and post Notice, Text, and ISOR on web site

Initial Phase: Board Oversight

1. At Board meeting: Board reviews and votes on proposed responses to all comments received during public comment period and at any hearing



2. Authorizes all modifications to proposed text







3. Retains authority to review all adverse comments received by staff in response to text modifications

Initial Phase (cont.)

Board meetings held and process of revising the text continues until no further adverse comments are received or the Board determines that it will make no further edits to the proposed text.



Final Phase

- The Board approves the final proposed text at a noticed Board meeting 
- Approval includes delegations to Executive Director: authority to complete the rulemaking file, including preparation of Final Statement of Reasons, make any non-substantive or technical changes and take “all steps necessary to complete the rulemaking” 
- Staff files the final package with OAL per the Board’s motion 
- If OAL or DOF indicates problem areas, the package may be withdrawn and discussed at future Board meeting. 

Board Committee Member Action on Regulations

How to prepare:

- Review the memo(s), text, and supporting documentation
- List questions
 - *If possible, seek clarification prior to meeting*
 - *Consider whether legal standards are met and alternatives considered*



Considerations

When reviewing the text, suggest considering the following:

1. Review the memo(s), text, and supporting documentation
2. Are there unintended consequences?
3. Is this the least restrictive alternative or interpretation that your agency can choose to implement the law?



Considerations (cont.)

When reviewing the text, suggest considering the following:

4. Is it necessary?
5. Do you have the authority to adopt regulations on this subject matter?
6. Does the proposal make specific or interpret a law under your jurisdiction?
7. Is it clear?
8. Is it in harmony with or does it conflict with California or federal statutes or other regulations?
9. Does it duplicate something already required in state or federal law or regulations?



Any Questions?

Raise your hand to ask

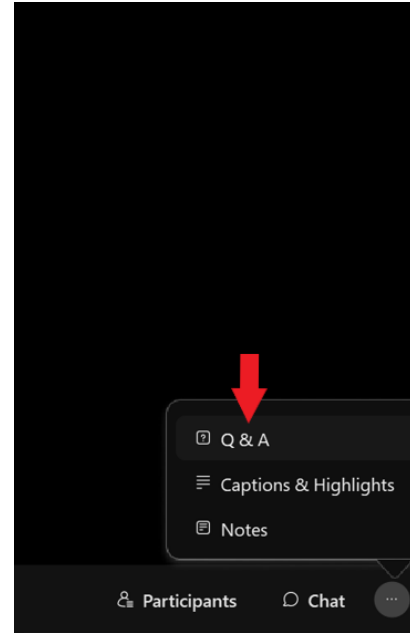
-OR-

Type in the chat box

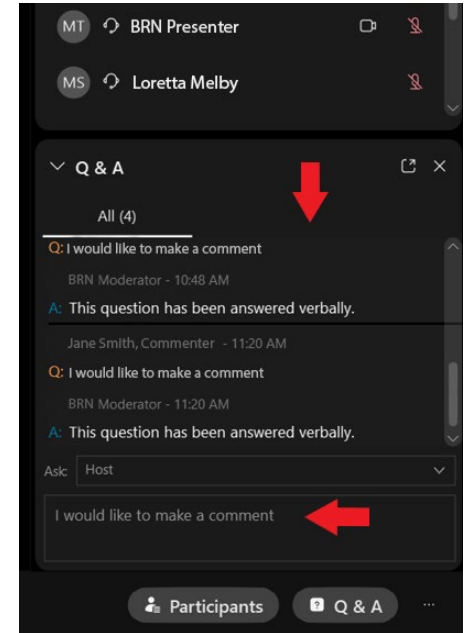
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CNSAC Meeting

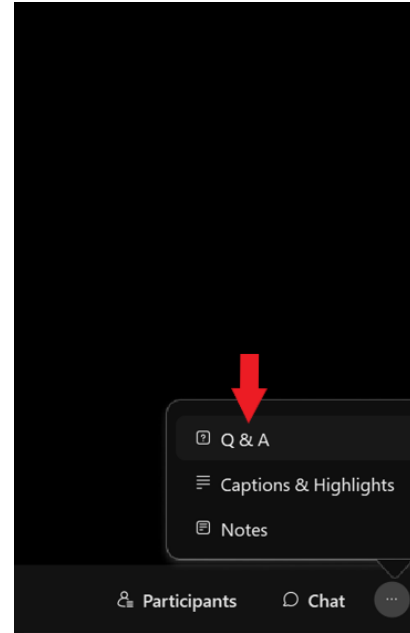
January 18, 2024

5.0 Discussion and possible action: Regarding election of Chair and Vice Chair positions

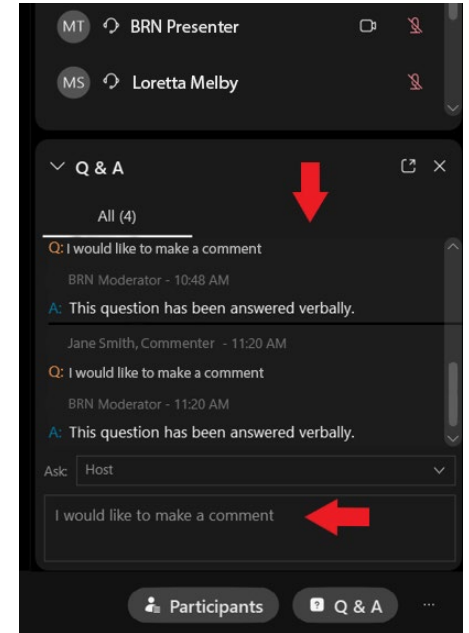
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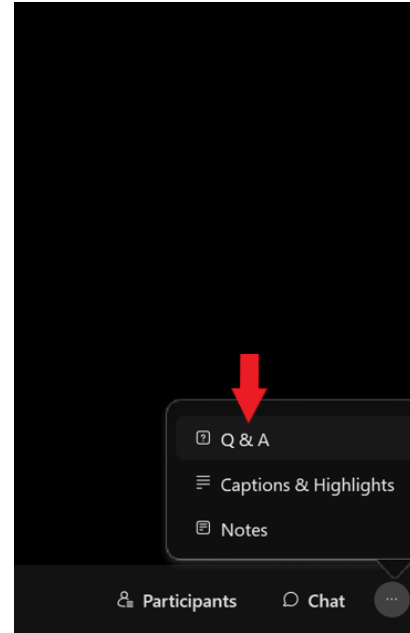
January 18, 2024

6.0 Discussion and possible action:
Regarding meeting dates for 2024

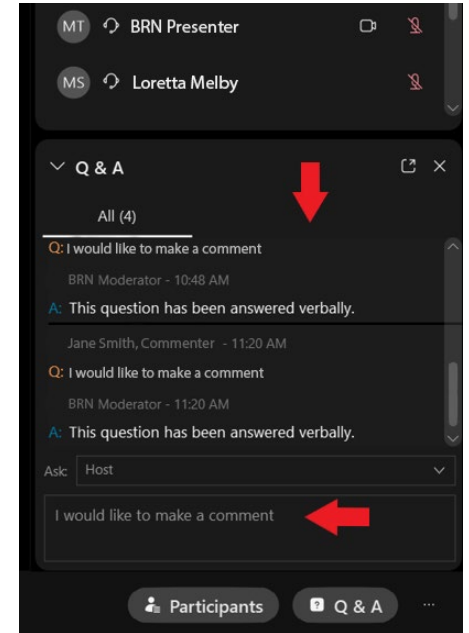
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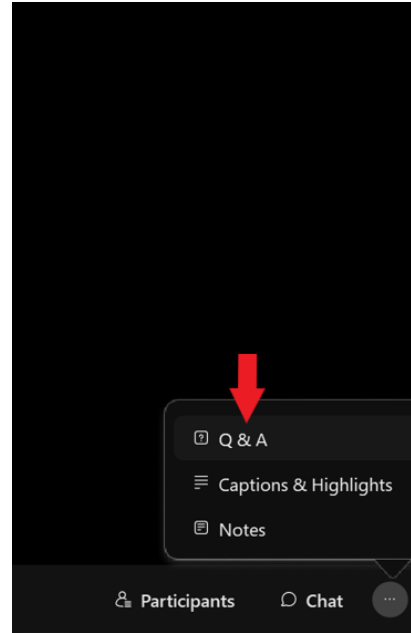
January 18, 2024

7.0 Discussion and possible action:
Regarding CNSAC members' terms
of office as specified in the charter

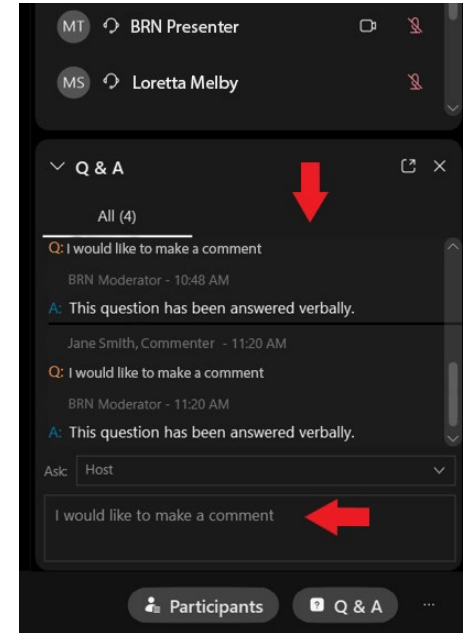
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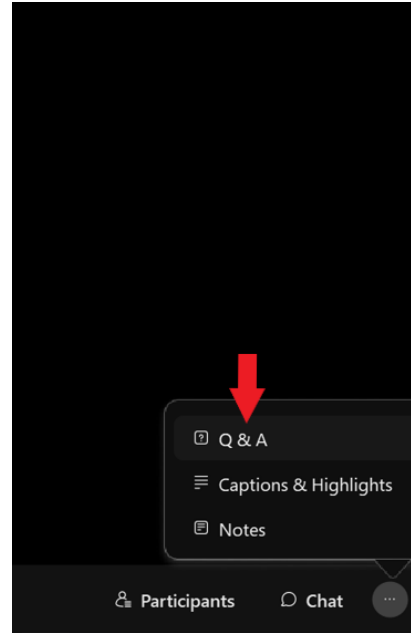
January 18, 2024

8.0 Discussion and possible action: Regarding the formation of subcommittees

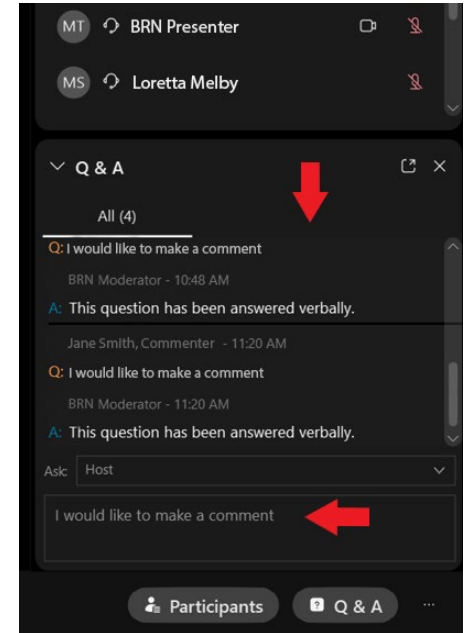
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CNSAC Meeting

January 18, 2024

9.0 Adjournment