



Nurse Practitioner Advisory Committee Meeting

SUPPLEMENTAL MATERIALS

Nurse Practitioner Advisory Committee (NPAC) Meeting | September 12, 2023

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Agenda Item 2.0

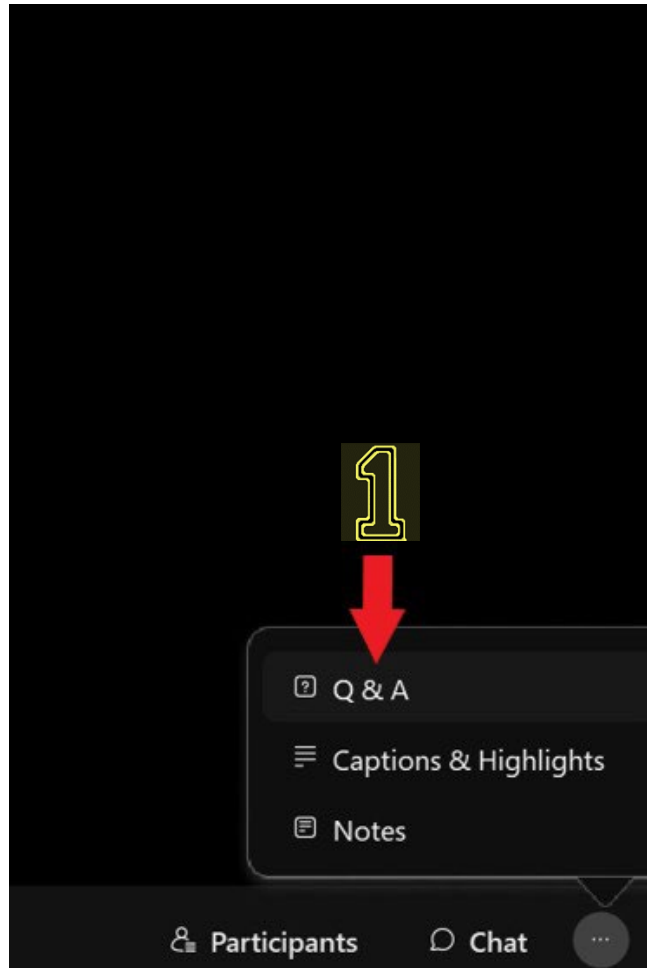
General instructions for the format of a teleconference meeting

Nurse Practitioner Advisory Committee (NPAC) Meeting | September 12, 2023

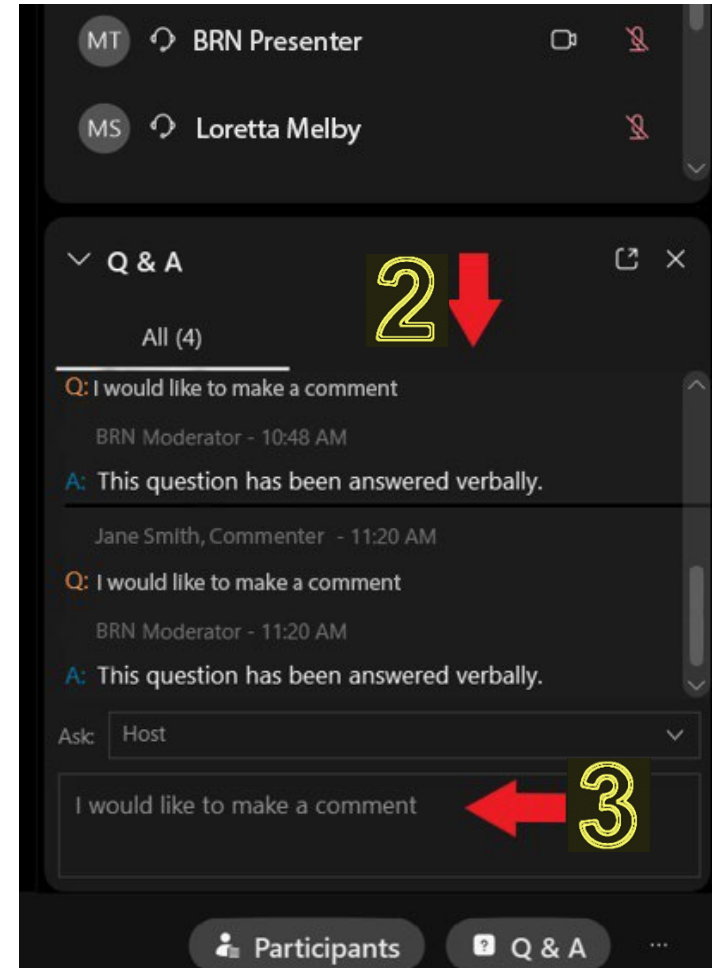
Participating During a Public Comment Period (if joining the meeting remotely via WebEx)

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 | September 12, 2023

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

DRAFT

DATE: March 7, 2023

START TIME: 1:01 pm

LOCATION: **NOTE:** A physical meeting location was not provided pursuant to the provisions of Government Code section 11133 (added by Assembly Bill No. 361 (Rivas), Reg. Sess. 2021-2022).

1:01 pm

1.0

Call to Order/Roll Call/Establishment of a Quorum

Samantha Gambles Farr – Chair, called the meeting to order at 1:01 pm. Quorum established at 1:02 pm.

**Nurse Practitioner
Advisory Committee
Members:**

Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA – Chair
Edward Ray, MD, FACS - Vice Chair
Andrea Espinosa, MD
Jan Johnson Griffin - MSN, APRN
Kevin Maxwell, PhD, DNP, FNP-BC, RN
Sally Pham, MSN, RN, FNP-BC
Betha Schnelle, MBA, MPH (arrived at 1:04 pm)

**BRN Staff
Representatives:**

Loretta Melby, RN, MSN, Executive Officer
Reza Pejuhesh, DCA Legal Affairs Division, Attorney

1:05 pm

3.0

Public comment for items not on the agenda; items for future agendas.

**Public Comment for
Agenda Item 3.0:**

No public comments.

1:06 pm

4.0

Review and vote on whether to approve previous meetings' minutes

4.1 November 1, 2022

Discussion:

Samantha Gambles Farr opened the agenda item and requested any corrections or comments. She also noted a correction on page 10 – the minutes currently ready that she is in support of the supplemental exam. Needs addition of “no” in front of supplemental exam.

Motion:

Edward Ray: Motioned to approve the November 1, 2022, meeting minutes as corrected on page 10 by NPAC Chair.

Second:

Sally Pham

**Public Comment for
Agenda Item 4.0:**

No public comments.

Vote:

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

Motion Passed

1:10 pm

5.0

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 turned it over to Loretta Melby for her Executive Officer report.

Andrea Espinosa: Asked what designates a 103 NP now on the Board website.

Loretta Melby: Explained that the license verification shows the specialty of the NP if they are a 103 or standard NP.

Andrea Espinosa: Asked where a 103 NP can practice. She explained that there is no clear information posted about this and whether or not it is at any type of facility.

Loretta Melby: Explained that the statute is very clear on where a 103 NP can work and stated that Business and Professions Code section 2837.103(a)(2) specified six defined areas:

- clinic as defined in Health and Safety Code (HSC) section 1200,
- health facility as defined in HSC section 1250,
- facility as described in Chapter 2.5 (commencing with Section 1440) of Division 2 of HSC,
- medical group practice as defined in HSC section 2406,
- home health agency as defined in HSC section 1727, and
- hospice facility licensed pursuant to Chapter 8.5 (commencing with Section 1745) of Division 2 of HSC.

Andrea Espinosa: Explained that she thinks the expectation is for the NPAC to have responsibility for guiding this process so facilities at some level have information. She further explained that her opinion is that NPAC should provide recommendations to clearly define the facilities to assist them to know whether they can hire 103 NPs.

Loretta Melby: Explained that the BRN does not have jurisdiction over facilities, but she can request CDPH develop information to address this issue.

Andrea Espinosa: Stated that she thinks this is a good idea since there are small facilities who may not understand this.

Loretta Melby: Stated that she is emailing CDPH right now.

Kevin Maxwell: Asked if the 103 NP who does not work for a facility as a 103 NP because they do not choose to employ them causes a barrier to become a 104 NP.

Loretta Melby: Stated that the 103 NP must practice as a 103 NP for at least three years, not inclusive of the transition to practice.

Reza Pejuhesh: Explained that a person must meet all the requirements specified in paragraph 1 of subdivision (a).

Loretta Melby: Explained that if a person is not practicing as a 103 NP with full scope of practice, then that would not count towards the 104 NP requirement. She further explained that a NP can seek other employment to gain experience to become a 104 NP; however, she is not advocating for nurses to have multiple jobs. She stated that associations should advocate to hospitals and facilities to hire NPs in the 103 NP role since the BRN's mission is to protect the public and not advocate for the profession.

Samantha Gambles Farr: Asked what some of the outliers were for NPs who did not qualify for the 103 NP certification.

Loretta Melby: Said the requirements are to be nationally certified in a population focus that is licensable and completed a transition to practice with 4,600 hours within the last five years prior to application for certification. She said messaging was not clear to the public that only those with approved population focus were eligible to apply which caused issues with legacy and retired national certification NPs. She also explained that there is a link for the NP application to connect with the Medical Board's licensing system but did not include the Osteopathic Physician's information and the NPs found a way to bypass this, but the Osteopathic MD was unable to complete the process with the link provided. BRN has resolved this in the application but continues to work to resolve applications already submitted with this incorrect information. She also said applicants did not answer the national certification question correctly if they did not have the approved national certification.

Samantha Gambles Farr: Asked if applicants will be notified if they applied incorrectly.

Loretta Melby: Explained that they would be notified with an explanation once this feature is built into Breeze.

1:42 pm **Public Comment for Agenda Item 5.0:** No public comment.

1:43 pm **6.0** **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 opened the agenda item and turned it over to Loretta Melby who read the information from BPC section 2837.102(a) regarding NPAC providing recommendations or guidance to the Board when the Board is considering disciplinary action against a NP. She further explained the issue that arose during NMAC and asked Reza to speak about this.

Reza Pejuhesh: Explained about the possibility of NPAC reviewing every NP case and providing input. He further explained that there are a few legal issues that complicate this and stand in the way of NPAC

reviewing every case. He explained the adjudicative function of the Board being maintained separately from the investigative and prosecutorial functions. NPAC is an advisory committee to the Board and should consider itself similarly to the Board's position as a neutral fact finder not involved in the investigation and advocacy process. He does not think the language from AB 890 resolves this issue and made the comparison between the administrative and criminal processes that include due process. He spoke about the ability for a licensee to question a Board expert during an administrative hearing that would not be available if NPAC provided advice to the board.

Andrea Espinosa: Stated that she can see how NPAC may not be involved in individual cases, but it would be good to look at trends of disciplinary cases and look at how NPAC could make recommendations rather than looking at individual cases.

Reza Pejuhesh: Explained about revising the disciplinary guidelines regarding NP practice rehabilitation. He said there is a potential for NPAC to look at trends in discipline and that maybe a subcommittee could be formed to look at cases already filed when they are public information.

Edward Ray: Added that NPAC could look at cases where there's unclear regulatory language and disciplinary guideline language or areas where it's not well covered by these things to see if there's an opportunity to make needed changes.

Samantha Gambles Farr: Echoed Andrea Espinosa and Edward Ray's sentiments. She stated that she thinks it would be a good idea to look at trends and identify what might be missing in regulatory language, if needed.

Betha Schnelle: Strongly agreed with this recommendation to weigh in on trends or unclear language and she thinks this could be done quarterly.

Loretta Melby: Stated that the Board meets quarterly where data is shared with the public.

Betha Schnelle: Asked if reviewing trends would include actions taken or not taken in the analysis.

Loretta Melby: Explained that if no discipline is warranted then the case is closed which is not public information.

Kevin Maxwell: Asked if there was an estimate of volume on a quarterly basis.

Loretta Melby: Stated that she could look at some data but said Shannon Johnson is online and she can be elevated to a panelist to respond.

Shannon Johnson: Explained that it is reported on an annual basis and there were about 50 for the year. She further stated that in 2022 there were 50, in 2021 there were 51, and in 2020 there were 61.

Reza Pejuhesh: Asked if the data is complaints or discipline.

Shannon Johnson: Explained that these are the discipline numbers and that there isn't a huge difference over the years.

Samantha Gambles Farr developed the motion with guidance from Reza Pejuhesh, Loretta Melby, and Shannon Johnson.

Andrea Espinosa: Asked if the motion should be specific to 103 and 104 NPs so as not to overlap with other committees.

Reza Pejuhesh: Explained that NPAC is to oversee all NPs.

Motion: **Samantha Gambles Farr:** Motioned for NPAC to establish a subcommittee to review final dispositions of disciplinary cases against NPs on a quarterly basis to identify trends and enforcement issues.

Second: Andrea Espinosa

2:22 pm

Public Comment for Agenda Item 6.0: No public comments.

Vote:

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

Motion Passed

Further Discussion after Vote: **Samantha Gambles Farr:** She explained that she thought there was a robust conversation regarding the 103 and 104 NPs and there should be a regulatory package coming. She anticipates a lot more discussion about disciplinary issues from the joint meeting.

Reza Pejuhesh: Stated that if suggestions for disciplinary guidelines are not made at this meeting, then committee members should think about it because the regulations will be coming soon.

Samantha Gambles Farr: Asked if there is a timeline.

Loretta Melby: Explained that there is a timeline to present language at the November 2023 board meeting. She said it would be nice to have input from NPAC with a possible delay of language being submitted to the board to the beginning of 2024.

Jan Johnson Griffin: Asked if the subcommittee is going to be two people.

Loretta Melby: Stated that a subcommittee is limited to two by the Bagley-Keene Act.

Jan Johnson Griffin: Stated that it looks like there are 18 separate areas to be addressed which is high.

2:35 pm

7.0

Loretta Melby: Explained that there are multiple sections and all of them may not need to be addressed. She suggested adding a section for APRNs that could then encompass all advanced practice nurses.

Discussion and possible action: Regarding recognition of legacy certifications and specialty certifications for NPs to practice under Business and Professions Code section 2837.103

Discussion:

Kevin Maxwell: Asked if we are precluded from allowing legacy certifications to move forward with a 103 NP without a change in the law.

Loretta Melby: Stated that was correct.

Kevin Maxwell: Stated that it is possible for the current certifications to change, and asked what happens to those that have been 103 or 104 NPs?

Loretta Melby: Suggests looking at the APRN consensus model released by NCSBN. She explained what went into the development of national minimum requirements and what could possibly change in the future.

Kevin Maxwell: Asked if there was an idea about how many legacy certifications were in California.

Loretta Melby: Explained that there is no data, and that California is one of two states that certify a person as an NP without a national certification as long as they graduated from a California approved NP program.

Specialty Certifications:

Loretta Melby: Explained that 103 and 104 certification is based on the approved population focus as listed in the statute. It is not based on the specialty certification, but the specialty must fall under the population focus that was approved for certification as a 103 and 104.

Andrea Espinosa: Asked for clarification with the nephrology example.

Loretta Melby: Explained that NPs are certified with an Adult Gero/Primary Care or Adult Gero/Acute Care national certification but can obtain a specialty certification in Nephrology. She further explained that the NP can practice nephrology so long as it is under the population foci that you were certified as a 103 NP.

Jan Johnson Griffin: Asked about dermatology specialization if you have a women's health national certification.

Loretta Melby: Explained that you can currently practice dermatology under standardized procedures with a physician.

Samantha Gambles Farr: Stated that it's 3:00 pm and would like to go to public comment to get feedback on this subject.

Loretta Melby: Explained that a motion is not necessary for this agenda item.

Samantha Gambles Farr: Stated that she would like to look for a solution to this issue.

Motion: No motion made.

3:02 pm

Public Comment for Agenda Item 7.0: No public comment.

Further Discussion after Public Comment: **Samantha Gambles Farr:** Explained that she did not anticipate the issues with legacy certifications, and she would like to find out how many legacy certification holders there are.

Loretta Melby: Explained that we would not be able to collect this data because it is not a requirement to become licensed. She further explained that those with legacy certifications are not prohibited from seeking additional certifications that meet the statutory requirements. She further explained that no one will lose their job based on the new requirements since they are able to practice under standardized procedures. This does not limit practice but expands the ability to practice. She stated if a person has two national certifications, then they need to apply for both certifications as a 103 with transitions to practice in both certification fields.

Jan Johnson Griffin: Asked about the subcommittees.

Samantha Gambles Farr: Stated that will need to be added to the next agenda.

Loretta Melby: Stated that if NPAC members are interested in addressing legacy certifications it will require a law change and this should be done with state organizations. She also said this would go against the APRN consensus that was previously adopted.

3:13 pm

8.0

Adjournment: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA - Chair, adjourned the meeting at 3:13 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: Regarding meeting dates for 2024

Nurse Practitioner Advisory Committee (NPAC) Meeting | September 12, 2023

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

AGENDA ITEM: 5.0

DATE: September 12, 2023

ACTION REQUESTED: **Discussion and Possible Action:** Regarding meeting dates for 2024

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

BACKGROUND:

The NPAC will meet twice per year. Meetings will be open to the public and adhere to the Bagley-Keene Open Meeting Act requirements. Special meetings may be held at such times as the Board may elect, or on the call of the Board President or the Executive Officer.

A proposed schedule is included in the meeting materials.

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

BRN Board, Committee, and Advisory Committee Meetings in 2024

January 2024	Advisory Committees
	Clinical Nurse Specialist Advisory Committee (CNSAC) Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)
January 25, 2024	Board Committee Meetings
	Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
February 28-29, 2024	Board Meeting
March 2024	Advisory Committee
	Nurse Education and Workforce Advisory Committee (NEWAC)
March 26, 2024	Advisory Committees
	Nurse-Midwifery Advisory Committee (NMAC) Nurse Practitioner Advisory Committee (NPAC)
April 18, 2024	Board Committee Meetings
	Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
May 22-23, 2024	Board Meeting
June 20, 2024	Board Committee Meetings
	Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
July 2024	No Scheduled Meetings
August 2024	Advisory Committees
	Clinical Nurse Specialist Advisory Committee (CNSAC) Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)
August 21-22, 2024	Board Meeting
September 2024	Advisory Committee
	Nurse Education and Workforce Advisory Committee (NEWAC)
September 24, 2024	Advisory Committees
	Nurse-Midwifery Advisory Committee (NMAC) Nurse Practitioner Advisory Committee (NPAC)
October 24, 2024	Board Committee Meetings
	Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
November 20-21, 2024	Board Meeting
December 2024	No Scheduled Meetings



Agenda Item 6.0

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 | September 12, 2023

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
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AGENDA ITEM: 6.0

DATE: September 12, 2023

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 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 action against a nurse practitioner (NP)

Nurse Practitioner Advisory Committee (NPAC) Meeting | September 12, 2023

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

AGENDA ITEM: 7.0

DATE: September 12, 2023

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

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

BACKGROUND:

The NPAC members will review the BRN discipline process including the BRN Disciplinary Guidelines (DGs) and discuss the possible changes needed to the DGs for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP.

RESOURCES:

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

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



Agenda Item 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

Nurse Practitioner Advisory Committee (NPAC) Meeting | September 12, 2023

**BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
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AGENDA ITEM: 7.0

DATE: September 12, 2023

ACTION REQUESTED: **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

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

BACKGROUND:

The NPAC will vote on two members to establish a subcommittee which will review final dispositions of disciplinary cases against NPs on a quarterly basis to identify trends and enforcement issues.

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