

**State of California
Office of Administrative Law**

In re:
Board of Registered Nursing

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:
Amend sections: 1421, 1432
Repeal sections:

AMENDED NOTICE OF APPROVAL OF
CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

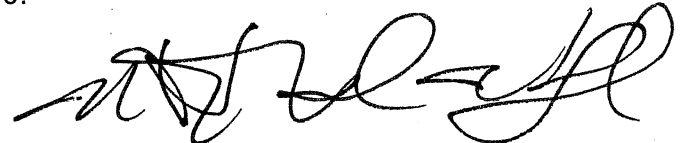
OAL Matter Number: 2023-0915-04

OAL Matter Type: Nonsubstantive (N)

In this change without regulatory effect, the Board amends its regulations to update a document incorporated by reference, the *Instructions for Institutions Seeking Approval of New Prelicensure Registered Nursing Program or Addition of a New Campus or Location for a Currently Approved Nursing Program* (EDP-I-01). The amendments include changing the agency's logo in the heading of the document, updating the name of the current governor, specifying the location of a form in the EDP-I-01 document, and making some grammatical changes.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: November 7, 2023



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Loretta Melby, Executive Officer
Copy: Marissa Clark

OFFICE OF ADMINISTRATIVE LAW

300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225 FAX (916) 323-6826

KENNETH J. POGUE
Director

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



NOV 07 2023

1:43 PM

TO: Secretary of State

FROM: Thanh Huynh, Senior Attorney

RE: OAL File No. 2023-0915-04N
Board of Registered Nursing
Corrective Filing to Correct Form 400
Date filed with the Secretary of State: October 26, 2023

DATE: November 7, 2023

On October 26, 2023, the amendments of Title 16, sections 1421 and 1432 of the California Code of Regulations were filed with the Secretary of State (SOS) with an error on the Form 400. The Form 400 that was filed with the SOS stated in section B.2 that the sections affected were 1421 and 1423. The correct sections affected are 1421 and 1432. This memorandum corrects this error.

Attached are a copy of the endorsed Form 400 which was incorrectly filled out, a copy of the corrected Form 400, and authorization from the agency to correct the Form 400. You may retain this communication with your copy of the above-entitled regulation. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thanh Huynh'.

Thanh Huynh
Senior Attorney

Enclosures: Copy of endorsed Form 400 incorrectly filled out, Copy of the corrected Form 400, and agency email.

NONSUBSTANTIVE

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0915-04	EMERGENCY NUMBER N
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For use by Office of Administrative Law (OAL) only

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

OCT 26 2023

1:47 pm

OFFICE OF ADMIN. LAW
 2023 SEP 15 PM 4:41

<p>NOTICE</p>	<p>REGULATIONS</p>
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AGENCY WITH RULEMAKING AUTHORITY Board of Registered Nursing	AGENCY FILE NUMBER (If any)
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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) Application for Approval	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0901-025 per agency request
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) 10/26/2023	

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1421 & 1423
TITLE(S) 16	REPEAL

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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

Effective on filing with Secretary of State

\$100 Changes Without Regulatory Effect

Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)

Fair Political Practices Commission

State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Marissa.Clark@dca.ca.gov
------------------------------------	----------------------------------	-----------------------	---

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 9/15/2023
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, RN, MSN, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 26 2023

Office of Administrative Law

COPY OF ENDORSED FORM 400 INCORRECTLY FILLED OUT

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16 BOARD OF REGISTERED NURSING

Proposed Non-Regulatory Change to Text Concerning
California Code of Regulations, Division 14, Article 3

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Sections 1421 and 1423 of Title 16 of the California Code of Regulations to read as follows:

Article 3. Prelicensure Nursing Programs

§ 1421. Application for Approval

- (a) An institution of higher education or affiliated institution applying for approval of a new prelicensure registered nursing program (program applicant) shall be in the state and shall comply with the requirements specified in the board's document entitled, "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location for a Currently Approved Nursing Program," (EDP-I-01 Rev ~~10/22~~ 9/23), ("Instructions"), which is hereby incorporated by reference, including:
- (1) Notify the board in writing of its intent to offer a new program that complies with board requirements;
 - (2) Submit a feasibility study in accordance with the requirements specified in the "Instructions";
 - (3) Appoint a director who meets the requirements of section 1425(a). Such appointment shall be made upon board acceptance of the feasibility study for the proposed program.
 - (4) After acceptance of the feasibility study by the board, and no later than six (6) months prior to the proposed date for enrollment of students, submit a self-study to the board in accordance with the requirements specified in the "Instructions" demonstrating how the program will meet the requirements of sections 1424 through 1432 of this article and sections 2786.6(a) and (b) of the code.
 - (5) Have a representative at public meetings of the board and board committee pursuant to the "Instructions" when the feasibility study and self-study are considered.
- (b) The board shall consider the feasibility study and accept, reject, or defer action on the study to permit the program applicant time to provide additional information to be considered, based upon the following criteria:

- (1) Evidence of initial and sustainable budgetary provisions for the proposed program;
 - (2) Institution of higher education's authority to grant an associate of arts, baccalaureate, or higher degree;
 - (3) For an affiliated institution, an agreement with an institution of higher education in the same general location authorized to grant an associate of arts, baccalaureate, or higher degree to students successfully completing the nursing program;
 - (4) Evidence of availability of clinical placements for students of the proposed program;
 - (5) Plans for administrative and faculty recruitment to staff the proposed program.
- (c) The board's designee shall review the self-study, conduct a site visit of the proposed program, and submit a written report to the board that contains findings as to whether the application and supporting documentation for the proposed program comply with the requirements set forth in (a)(4).
- (d) The board shall consider the application along with the written report and may thereafter grant or deny approval or defer action on the application. The board's decision is based on the applicant's demonstration that it meets the requirements of sections 1424 through 1432 and sections 2786.6(a) and (b) of the code.

NOTE:

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code.
 Reference: Section 2786 and 2786.6, Business and Professions Code.

§ 1432. Changes to an Approved Program.

(b) An approved nursing program shall not make a substantive change without prior board approval. These changes include:

(3) Addition of a new campus or location. The approved nursing program applying for a new campus or location and the board will follow the process defined in the board's document entitled "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location to a Currently Approved Nursing Program," (EDP-I-01 Rev ~~10/22~~ 9/23), which is incorporated in section 1421.

Authority cited: Sections 2715, 2786 and 2788, Business and Professions Code.
Reference: Sections 2715, 2786 and 2788, Business and Professions Code.

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0915-04	EMERGENCY NUMBER N
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For use by Office of Administrative Law (OAL) only

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

OCT 26 2023

1:47 PM

OFFICE OF ADMIN. LAW
 2023 SEP 15 PM 4:41

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
Board of Registered Nursing

AGENCY FILE NUMBER (If any)

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) Application for Approval	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0901-025 <i>per agency request</i>
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 1421 & 1432 REPEAL
TITLE(S) 16	10/26/2023 (14)

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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

Effective on filing with Secretary of State

\$100 Changes Without Regulatory Effect

Effective other (Specify) _____

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Department of Finance (Form STD. 399) (SAM §6660)

Fair Political Practices Commission

State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Marissa.Clark@dca.ca.gov
---	---	-----------------------	--

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 9/15/2023
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, RN, MSN, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 26 2023

Office of Administrative Law

COPY OF CORRECTED FORM 400

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16 BOARD OF REGISTERED NURSING

Proposed Non-Regulatory Change to Text Concerning
California Code of Regulations, Division 14, Article 3

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Amend Sections 1421 and ~~1432~~ of Title 16 of the California Code of Regulations to read as follows:

Article 3. Prelicensure Nursing Programs

§ 1421. Application for Approval

- (a) An institution of higher education or affiliated institution applying for approval of a new prelicensure registered nursing program (program applicant) shall be in the state and shall comply with the requirements specified in the board's document entitled, "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location for a Currently Approved Nursing Program," (EDP-I-01 Rev ~~10/22~~ 9/23), ("Instructions"), which is hereby incorporated by reference, including:
- (1) Notify the board in writing of its intent to offer a new program that complies with board requirements;
 - (2) Submit a feasibility study in accordance with the requirements specified in the "Instructions";
 - (3) Appoint a director who meets the requirements of section 1425(a). Such appointment shall be made upon board acceptance of the feasibility study for the proposed program.
 - (4) After acceptance of the feasibility study by the board, and no later than six (6) months prior to the proposed date for enrollment of students, submit a self-study to the board in accordance with the requirements specified in the "Instructions" demonstrating how the program will meet the requirements of sections 1424 through 1432 of this article and sections 2786.6(a) and (b) of the code.
 - (5) Have a representative at public meetings of the board and board committee pursuant to the "Instructions" when the feasibility study and self-study are considered.
- (b) The board shall consider the feasibility study and accept, reject, or defer action on the study to permit the program applicant time to provide additional information to be considered, based upon the following criteria:

- (1) Evidence of initial and sustainable budgetary provisions for the proposed program;
 - (2) Institution of higher education's authority to grant an associate of arts, baccalaureate, or higher degree;
 - (3) For an affiliated institution, an agreement with an institution of higher education in the same general location authorized to grant an associate of arts, baccalaureate, or higher degree to students successfully completing the nursing program;
 - (4) Evidence of availability of clinical placements for students of the proposed program;
 - (5) Plans for administrative and faculty recruitment to staff the proposed program.
- (c) The board's designee shall review the self-study, conduct a site visit of the proposed program, and submit a written report to the board that contains findings as to whether the application and supporting documentation for the proposed program comply with the requirements set forth in (a)(4).
- (d) The board shall consider the application along with the written report and may thereafter grant or deny approval or defer action on the application. The board's decision is based on the applicant's demonstration that it meets the requirements of sections 1424 through 1432 and sections 2786.6(a) and (b) of the code.

NOTE:

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code.
Reference: Section 2786 and 2786.6, Business and Professions Code.

§ 1432. Changes to an Approved Program.

* * *

(b) An approved nursing program shall not make a substantive change without prior board approval. These changes include:

* * *

(3) Addition of a new campus or location. The approved nursing program applying for a new campus or location and the board will follow the process defined in the board's document entitled "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location to a Currently Approved Nursing Program," (EDP-I-01 Rev 40/22 9/23), which is incorporated in section 1421.

* * *

Authority cited: Sections 2715, 2786 and 2788, Business and Professions Code.
Reference: Sections 2715, 2786 and 2788, Business and Professions Code.

Huynh, Thanh@OAL

From: Clark, Marissa@DCA <Marissa.Clark@dca.ca.gov>
Sent: Friday, November 3, 2023 12:51 PM
To: Huynh, Thanh@OAL; Mustafa, Shabana@OAL
Cc: Pogue, Kenneth@OAL; Heidig, Elizabeth@OAL; Mustafa, Shabana@OAL; Siddiqui, Ras@DCA; Vong, Steven@DCA
Subject: RE: OAL File No. 2023-0915-04N - Notice of Approval

Thank you! Sorry again for the mistake.

Marissa Clark (*She/Her/Hers*)
Chief of Legislative Affairs
California Board of Registered Nursing
Email: Marissa.Clark@dca.ca.gov
Phone: 916-574-7438

From: Huynh, Thanh@OAL <Thanh.Huynh@oal.ca.gov>
Sent: Friday, November 3, 2023 12:37 PM
To: Clark, Marissa@DCA <Marissa.Clark@dca.ca.gov>; Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>
Cc: Pogue, Kenneth@OAL <Kenneth.Pogue@oal.ca.gov>; Heidig, Elizabeth@OAL <Elizabeth.Heidig@oal.ca.gov>; Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>; Siddiqui, Ras@DCA <Ras.Siddiqui@dca.ca.gov>; Vong, Steven@DCA <Steven.Vong@dca.ca.gov>
Subject: RE: OAL File No. 2023-0915-04N - Notice of Approval

Hi Marissa,

Thank you for bringing it to our attention. A corrective memo will be filed with the Secretary of State.

Best regards,

Thanh Huynh
Senior Attorney
Office of Administrative Law
300 Capitol Mall, suite 1250
Sacramento, CA 95814
Tel.: (916) 323-6824
Fax: (916) 323-6826

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From: Clark, Marissa@DCA <Marissa.Clark@dca.ca.gov>
Sent: Friday, November 3, 2023 12:35 PM

To: Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>

Cc: Pogue, Kenneth@OAL <Kenneth.Pogue@oal.ca.gov>; Heidig, Elizabeth@OAL <Elizabeth.Heidig@oal.ca.gov>; Huynh, Thanh@OAL <Thanh.Huynh@oal.ca.gov>; Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>; Siddiqui, Ras@DCA <Ras.Siddiqui@dca.ca.gov>; Vong, Steven@DCA <Steven.Vong@dca.ca.gov>

Subject: RE: OAL File No. 2023-0915-04N - Notice of Approval

Hi Shabana,

Thank you so much. In reviewing the files for posting on our website, we realized we made an error/typo on our original Form 400 and accidentally transposed one of the sections being amended.

The Form 400 said it was amending 1421 & 1423, but instead it should have said it was amending 1421 & 1432.

Is this something that can be updated on the Form 400/Approval at this point, or do we need to resubmit a new Section 100 to rectify?

Apologies for the mix up,

Marissa Clark (*She/Her/Hers*)
Chief of Legislative Affairs
California Board of Registered Nursing
Email: Marissa.Clark@dca.ca.gov
Phone: 916-574-7438

From: Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>

Sent: Thursday, October 26, 2023 2:16 PM

To: Clark, Marissa@DCA <Marissa.Clark@dca.ca.gov>

Cc: Pogue, Kenneth@OAL <Kenneth.Pogue@oal.ca.gov>; Heidig, Elizabeth@OAL <Elizabeth.Heidig@oal.ca.gov>; Huynh, Thanh@OAL <Thanh.Huynh@oal.ca.gov>; Mustafa, Shabana@OAL <Shabana.Mustafa@oal.ca.gov>

Subject: OAL File No. 2023-0915-04N - Notice of Approval

Dear Marissa Clark,

OAL has finished its review of your submission. Attached for your records is the Notice of Approval for OAL File No. 2023-0915-04N, Secretary of State endorsed Form 400 along with the approved regulation text, and a copy of the Explanatory Statement.

As always, thank you!

OAL Front Desk

Respectfully,

Shabana Mustafa

State of California



Office of Administrative Law
300 Capitol Mall, Suite 1250

Sacramento, CA 95814
Phone (916) 323-6225
Fax (916) 323-6826
Email Shabana.Mustafa@oal.ca.gov

CONFIDENTIALITY NOTICE: This email from the State of California, with its contents and/or attachments, is solely for the use of the intended recipient and may contain confidential and privileged information. Unauthorized interception, review, copying, distribution, use, disclosure, or reliance is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of this email.

**State of California
Office of Administrative Law**

In re:
Board of Registered Nursing

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1421, 1423

Repeal sections:

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

OAL Matter Number: 2023-0915-04

OAL Matter Type: Nonsubstantive (N)

In this change without regulatory effect, the Board amends its regulations to update a document incorporated by reference, the *Instructions for Institutions Seeking Approval of New Prelicensure Registered Nursing Program or Addition of a New Campus or Location for a Currently Approved Nursing Program* (EDP-I-01). The amendments include changing the agency's logo in the heading of the document, updating the name of the current governor, specifying the location of a form in the EDP-I-01 document, and making some grammatical changes.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: October 26, 2023



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Loretta Melby, Executive Officer
Copy: Marissa Clark

NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2023-0915-04	N

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2023 SEP 15 PM4:41

NOTICE	REGULATIONS
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 26 2023

1:47 PM

AGENCY WITH RULEMAKING AUTHORITY Board of Registered Nursing	AGENCY FILE NUMBER (If any)
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B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Application for Approval	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0901-02 <i>S</i> <i>per agency request</i>
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 1421 & 1423
TITLE(S) 16	REPEAL

10/26/2023
TA

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)
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	<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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional)	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 9/15/2023
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, RN, MSN, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 26 2023

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16 BOARD OF REGISTERED NURSING

Proposed Non-Regulatory Change to Text Concerning
California Code of Regulations, Division 14, Article 3

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend Sections 1421 and 1423 of Title 16 of the California Code of Regulations to read as follows:

Article 3. Prelicensure Nursing Programs

§ 1421. Application for Approval

(a) An institution of higher education or affiliated institution applying for approval of a new prelicensure registered nursing program (program applicant) shall be in the state and shall comply with the requirements specified in the board's document entitled, "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location for a Currently Approved Nursing Program," (EDP-I-01 Rev 10/22 9/23), ("Instructions"), which is hereby incorporated by reference, including:

- (1) Notify the board in writing of its intent to offer a new program that complies with board requirements;
- (2) Submit a feasibility study in accordance with the requirements specified in the "Instructions";
- (3) Appoint a director who meets the requirements of section 1425(a). Such appointment shall be made upon board acceptance of the feasibility study for the proposed program.
- (4) After acceptance of the feasibility study by the board, and no later than six (6) months prior to the proposed date for enrollment of students, submit a self-study to the board in accordance with the requirements specified in the "Instructions" demonstrating how the program will meet the requirements of sections 1424 through 1432 of this article and sections 2786.6(a) and (b) of the code.
- (5) Have a representative at public meetings of the board and board committee pursuant to the "Instructions" when the feasibility study and self-study are considered.

(b) The board shall consider the feasibility study and accept, reject, or defer action on the study to permit the program applicant time to provide additional information to be considered, based upon the following criteria:

- (1) Evidence of initial and sustainable budgetary provisions for the proposed program;
 - (2) Institution of higher education's authority to grant an associate of arts, baccalaureate, or higher degree;
 - (3) For an affiliated institution, an agreement with an institution of higher education in the same general location authorized to grant an associate of arts, baccalaureate, or higher degree to students successfully completing the nursing program;
 - (4) Evidence of availability of clinical placements for students of the proposed program;
 - (5) Plans for administrative and faculty recruitment to staff the proposed program.
- (c) The board's designee shall review the self-study, conduct a site visit of the proposed program, and submit a written report to the board that contains findings as to whether the application and supporting documentation for the proposed program comply with the requirements set forth in (a)(4).
- (d) The board shall consider the application along with the written report and may thereafter grant or deny approval or defer action on the application. The board's decision is based on the applicant's demonstration that it meets the requirements of sections 1424 through 1432 and sections 2786.6(a) and (b) of the code.

NOTE:

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code.

Reference: Section 2786 and 2786.6, Business and Professions Code.

§ 1432. Changes to an Approved Program.

* * *

(b) An approved nursing program shall not make a substantive change without prior board approval. These changes include:

* * *

(3) Addition of a new campus or location. The approved nursing program applying for a new campus or location and the board will follow the process defined in the board's document entitled "Instructions for Institutions Seeking Approval of a New Prelicensure Registered Nursing Program or Addition of a New Campus or Location to a Currently Approved Nursing Program," (EDP-I-01 Rev ~~10/22~~ 9/23), which is incorporated in section 1421.

* * *

Authority cited: Sections 2715, 2786 and 2788, Business and Professions Code.
Reference: Sections 2715, 2786 and 2788, Business and Professions Code.



BOARD OF REGISTERED NURSING

PO BOX 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | TTY (800) 326-2297 | www.rn.ca.gov



**INSTRUCTIONS FOR INSTITUTIONS SEEKING APPROVAL OF NEW
PRELICENSURE REGISTERED NURSING PROGRAM OR ADDITION OF
A NEW CAMPUS OR LOCATION FOR A CURRENTLY APPROVED
NURSING PROGRAM**

**(Business and Professions Code Section 2786;
California Code of Regulations Sections 1421, 1422, and 1423)
(Effective ~~10/21/10~~)**

PURPOSE

These Instructions specify the requirements and process for an institution seeking approval of a new prelicensure registered nursing program (program applicant) pursuant to Business and Professions Code (B&PCBPC) section 2786 or seeking to add a new campus or location for a currently approved nursing program pursuant to Title 16, section 1432(b)(3) of the California Code of Regulations (CCR). ~~The~~ This document is incorporated by reference in CCR section 1421.

STEPS IN THE APPROVAL PROCESS

In accordance with B&PCBPC section 2786(a), the program applicant must be an institution of higher education or affiliated with an institution of higher education (hereafter referred to as affiliated institution). Affiliated institutions must make an agreement with an institution of higher education in California in the same general location, i.e., within 50 miles, to grant degrees to students who complete the registered nursing program. Such written agreement must be made prior to seeking approval from the Board. A copy of this agreement must be submitted with the feasibility study, described in Step 2.

The institution of higher education offering the program or the institution of higher education granting the degree for the new affiliated institution must have the authority to grant an associate of arts degree or baccalaureate or higher degree to individuals who graduate from the nursing program. *An institution that wishes to start a new program must meet this requirement prior to submission of an application.*

STEP 1 – Submit a Letter of Intent:

Submit a letter of intent to the Board of Registered Nursing (BRN) at least one year in advance of the anticipated date for admission of students. The letter must specify the name of the institution seeking approval; contact person; type of nursing program, e.g., associate degree, baccalaureate degree, entry-level master's, etc., and its location; and proposed start date. The letter is to be addressed to:

Executive Officer
Board of Registered Nursing
P.O. Box 944210
Sacramento, CA 94244-2100

The Board will acknowledge receipt of the letter of intent.

STEP 2 –Submit Feasibility Study

Submit a feasibility study to the BRN documenting the need for the program and the program applicant's ability to develop, implement, and sustain a viable prelicensure registered nursing program. The feasibility study shall include the following:

- a) Description of the institution and the institution's experience providing nursing or other health-related educational programs. The description must include:
 - 1-) History, organizational structure and programs (attach an organization chart), funding sources
 - 2-) Accreditation status and history, (i.e., date of initial accreditation, denials, revocations, warnings) for the institution and any programs offered by the institution
 - 3-) Type of nursing or other health-related programs including number: of students currently enrolled and graduates by program type; passage rate on any required certification or licensing examination for the past five years (as applicable); and status of the program with any state, regional, or federal agency
 - 4-) If the applicant does not have a nursing program or other health-related programs, provide a statement related to the processes and resources it will utilize to start and sustain a prelicensure registered nursing program.
- b) Geographic area (community) served by the institution and a description of the community and its population.
- c) Description of the type of program being proposed (e.g., associate, baccalaureate, entry-level master's, etc.), the intended start date, projected size of the first class and enrollment projection for the first five years, and method for determining the projected enrollment.
- d) Information on the applicant pool and sustainability of enrollment for the proposed new prelicensure registered nursing program. Include data on existing nursing programs preparing students for licensure (vocational, associate, baccalaureate, or entry level master's) within a 50-mile radius. Include a statement on plans for promoting the proposed program.
- e) Description of proposed provisions for required subject matter and support areas, including faculty and resources. The proposed program must be at least two academic years, not less than 58 semester or 87 quarter units, and must include *all course areas* specified in CCR 1426. Consult CCR section 1426, Required Curriculum, for required subject matter. Support areas include such items as the library, skills learning lab, computer labs, simulation labs, and tutorial and counseling services.
- f) Budget projection that demonstrates initial and sustainable budgetary provisions for a full enrollment of the initial cohort. The projected budget demonstrates building of reserves to sustain the proposed program.
- g) Evidence of availability of clinical placements for students of the proposed program. Include a list of the clinical facilities that may be utilized for learning experiences and a description of any plans for future addition or expansion of health facilities. Provide a completed "Facility Verification Form" (Last page of EDP-I-01 Rev 40-229-23) for each health care facility that has agreed to provide clinical placement for students of the proposed program. When available, verification shall include the accommodations specifying shift and days.

Note: Clinical placements of the new program must take into consideration the impact on the use of the clinical facility by existing prelicensure registered nursing programs and must be coordinated with any process for clinical placement, such as consortium for regional planning. Include a description of your collaboration and coordination efforts with any existing registered nursing programs and any regional planning consortium.

Affiliate Program Agreement with Institution of Higher Education

An affiliate program must submit an agreement with an institution of higher education that has authority to grant an associate of arts degree or a baccalaureate or higher degree in nursing to individuals who complete an additional course of study approved by the board. The institution of higher education must be in California and within 50 miles of the nursing program. The agreement must include:

- 1) The type of degree to be conferred by the institution of higher education
- 2) The additional course of study required to obtain the degree
- 3) Process and procedures for nursing program students to enroll in the required courses
- 4) Approximate cost and timeframe for students to complete the requirements
- 5) Role and responsibility of the nursing program, institution of higher education, and the student
- 6) Resources available to students at the institution of higher education.

The program applicant may include any additional information that it believes might reasonably affect the Board's decision to accept the feasibility study.

STEP 3 – Review of Feasibility Study

It is the responsibility of the program applicant to have staff or a consultant(s) who possess the requisite knowledge and expertise to complete a feasibility study that conforms to the requirements specified in the Instructions. Upon submission of the feasibility study, a BRN staff member will review the study, and will work with the planners of the proposed nursing program to clarify issues. Close communication with BRN staff must be maintained during this time period. The process for initial review usually takes three to four weeks. In the event the initial review time will exceed this time period, BRN staff will notify the program applicant of the approximate time for the initial review. Priority will be given to first-time applicants for program approval.

The following action will be taken:

- 1) If BRN staff determines that the feasibility study is complete and complies with requirements specified in these Instructions, staff will submit the feasibility study to the Education / Licensing Committee (ELC). (Step 4).
- 2) If the feasibility study is deemed incomplete, staff will notify the program applicant, in writing, of any deficiencies and a date for submission of a completed feasibility study. If BRN staff deems the revised feasibility study is complete, it will be submitted to the ELC (Step 4).
- 3) If staff deems the revised feasibility study incomplete, it will be returned to the program with a written notice of the deficiencies, and will not be submitted to the ELC. The ELC and Board will be notified, at a regularly scheduled meeting, of the name of the program applicant, the return of the feasibility study, and the deficiencies that resulted in the feasibility study being returned. If the applicant still wishes to start a prelicensure registered nursing program, the applicant must restart the process at Step 1.
- 4) If the revised feasibility study is returned because it is incomplete and the applicant still wishes to seek approval of a prelicensure registered nursing program, the applicant must restart at Step 1. The Letter of Intent must include a statement summarizing the BRN

staff's reason(s) for not accepting the prior revised feasibility study and subsequent corrective action the applicant has taken.

STEP 4 – Education/Licensing Committee Recommendation on the Feasibility Study

When the feasibility study is deemed complete, it will be submitted to the Board's Education / Licensing Committee for discussion and action at a regularly scheduled meeting. The meeting is open to the public, and there are opportunities for public comment. The BRN will notify the program applicant of the ELC meeting date at which the Committee will discuss and take action on the feasibility study. A representative of the program must be present at the ELC meeting to respond to any questions from the Committee regarding the feasibility study. The ELC will recommend to the Board the acceptance or non-acceptance of the feasibility study, or may defer action on the study to permit the institution time to provide additional information at a subsequent ELC meeting. If the ELC defers action, the program applicant will be notified in writing within ten (10) days of the deferred action, reason(s) for the deferral, and date for submission of any additional information and/or documents. The ELC considers the following criteria in determining its recommendation to the Board:

- 1) Evidence of applicant's ability to initiate and maintain a prelicensure registered nursing program.
- 2) Evidence of initial and sustainable budgetary provisions for the proposed program.
- 3) Institution of higher authority to grant an associate of arts, baccalaureate, or higher degree.
- 4) For affiliated institutions, the agreement with an institution of higher education within 50 miles to grant an associate of arts degree or baccalaureate or higher degree to students completing the nursing program.
- 5) Evidence of availability of clinical placements for students of the proposed program.
- 6) Plans for administrative and faculty recruitment to staff the proposed program.

STEP 5 - Board Action on the Feasibility Study

The ELC's recommendation on the feasibility study will be submitted for Board discussion and action at a regularly scheduled Board meeting. The Board meeting is also open to the public, with opportunities for public comment. The Board may accept or not accept the study, or may defer action on the study to provide the program applicant with an opportunity to provide additional information. The Board considers the criteria specified in Step 4 in rendering its decision.

The following action will be taken:

- 1) Within ten (10) days after the Board decision on the feasibility study, the Board will notify the program applicant in writing of its decision.
- 2) If the feasibility study is accepted, the program applicant may proceed to Step 6.
- 3) If the feasibility study is not accepted, the Board notice will include the basis for its decision.
- 4) If action on the feasibility study is deferred, the notice shall specify what additional information and/or documents are needed from the program applicant in order for the feasibility study to be deemed complete and a due date for submission of the materials. The revised feasibility study will be considered at regularly scheduled ELC and Board meetings after the due date for submission of materials. If the revised feasibility study is not accepted, the Board will notify the applicant in writing within ten (10) days; the notice will include the basis for the Board's decision.
- 5) An applicant whose initial or revised feasibility study is not accepted, and who still wishes to seek approval of a prelicensure registered nursing program must restart with Step 1. The Letter of Intent must include a statement summarizing the Board's reason(s) for not

accepting the prior feasibility study and subsequent corrective action the applicant has taken.

STEP 6 - Appointment of Program Director

Upon acceptance of the feasibility study, the program applicant shall appoint a director who meets the requirements of CCR section 1425(a).

STEP 7 - Self-Study Report and Site Visit

Upon Board acceptance of the feasibility study, a BRN Nursing Education Consultant (NEC) will be assigned as the BRN liaison for the proposed program. The program director will have responsibility for preparing the self-study for the proposed program and coordinating the site-visit. At least six (6) months prior to the projected date of student enrollment the program applicant must submit to the NEC a self-study that describes how the proposed program plans to comply with all BRN nursing program-related rules and regulations. The attached *Preparing the Self-Study Report for Approval of Prelicensure Nursing Program* (EDP-I-19 Rev 10/22) and *Criteria and Guidelines for Self-Study* (EDP-R-03 Rev 01/09) must be used to compile the self-study.

The NEC will review the report and notify the program director of any deficiencies, issues, or concerns with the self-study. Once the NEC has verified the self-study satisfactorily addresses the applicable rules and regulations, the NEC will schedule an on-site visit. The NEC will visit selected clinical sites the program plans to use as part of the on-site visit. Clinical site visits may be deferred depending on the start date of the proposed program. The NEC will complete a written report of findings.

STEP 8 – ELC and Board Actions related to Approval of the Proposed Program

The NEC's written report is submitted to the Board's ELC for discussion and action at a regularly scheduled Committee meeting. The Committee may recommend that the Board grant or deny approval, or may defer action on the initial program approval to provide the program applicant a specified time period to resolve any problems and to resubmitted to the ELC. A representative of the proposed program must be present at the ELC meeting(s) to respond to any questions from the Committee.

The Board will take action at a regularly scheduled meeting following the ELC meeting. Representatives of the proposed program are encouraged to be present at the Board meeting(s) to respond to any questions. The action the Board may take includes the following:

- 1) Grant initial approval;
- 2) Deny approval;
- 3) Defer action on the approval to permit the program applicant a specified time period to resolve area(s) of non-compliance. After resolution of the area(s) of non-compliance, the proposed program must be submitted for Board action at another regularly scheduled meeting.

Any material misrepresentation of fact by the program applicant in any required information is grounds for not accepting the feasibility study or denial of initial approval.

STEP 9 - Certificate of Approval

A certificate of approval will be issued by the BRN once the Board grants initial approval.

ABANDONMENT OF APPLICATION

A program applicant who does not take any action to complete the application process within one year of submitting a Letter of Intent or receipt of notice of Board action not accepting the program's feasibility study shall be deemed to have abandoned the application.



BOARD OF REGISTERED NURSING
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 Louise R. Bailey, MEd, RN, Executive Officer



FACILITY VERIFICATION FORM

The nursing program must verify that clinical facilities offer necessary learning experiences to meet course/clinical objectives. The facility validates that clinical spaces for new students are available and the impact on existing clinical placements of nursing programs was reviewed.

Name of the School:	Name of Director/Designee:
	Telephone Number:
	E-Mail Address:
Name of health care facility:	Name of Director of Nursing/Designee:
Type of health care facility (Acute, OPD, SNF, etc.)	Telephone Number:
Average Daily Census for the agency:	E-Mail Address:
	Address of Facility:

	Medical-Surgical	Obstetrics	Pediatrics	Psych – Mental Health	Geriatrics
Type of units where students can be placed in the health care facility (Place X in the column)					
Average daily census for each area					
Average personnel staffing for the shift for a unit (Include number of RNs, LVNs, CNAs, separately)					
Number of students placed in the unit at any one time.					
<i>Identify shifts and days available for placement of students in the program</i>					

Provide the following information on all other schools utilizing your facility: **Attach additional sheets if needed.**

Schools	Category of students (RN, LVN, CNA, etc.)	Number of students	Days & Hours	Semesters (Fall, Spr.)	Units used

This agency does not have spaces to offer clinical spaces to the new program.

This agency intends to offer clinical placements to this new program.

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Agency Representative completing this form

Date