

BOARD OF REGISTERED NURSING

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING

Title 16, California Code of Regulations (CCR) Division 14, Article 2 Coursework Exemptions for Out-of-State Applicants § 1410.5

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (Board) is proposing to take the action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Tuesday, April 4, 2023, by 5:00 p.m.**

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

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

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Section(s) 2715, 2786, and 2786.6 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC Sections 2732.1, 2736, 2761, and 2786, the Board is considering adopting Section 1410.5 of Article 2, Division 14, of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW:

Existing state law requires that a Registered Nurse (RN) applying for endorsement into California must meet the education requirements outlined in Title 16 CCR Section 1426. The requirement in 16 CCR 1426(c)(3) requires successful completion of nursing-related natural science courses such as anatomy, physiology, and microbiology - each with a laboratory component. If an applicant has not completed the laboratory component for any of the natural science courses, then their application is deemed deficient, and they are not able to receive a license until that deficiency is cleared.

The laboratory component of California's natural science course requirements has been a long-time barrier for applicants seeking licensure by endorsement into California. This is due in part to the fact that several other states do not have the same nursing-related natural science laboratory requirement for their nursing education and licensure requirements. Consequently, individuals in those states can become licensed and practice as an RN without completing a lab along with their anatomy, physiology, and microbiology courses. The laboratory component requirement has caused long delays for endorsement applicants as those applicants must go back to school to clear these deficiencies before they can become licensed and begin work.

This additionally affects the issuance of advanced practice registered nurses (APRN) certifications for certified nurse-midwives, nurse practitioners, registered nurse anesthetists, clinical nurse specialists, since APRNs cannot be recognized to practice in California without being first licensed as an RN.

The Board proposes the following changes:

Add CCR Title 16 Section 1410.5 - Coursework Exemptions for Out-of-State Applicants

The proposal would provide that an out of state applicant licensed in another jurisdiction who has been practicing in good standing for at least 2 years will not need to retake any anatomy, physiology, or microbiology courses that include a laboratory component, if their endorsement application includes proof of successful completion of anatomy, physiology, and microbiology coursework, with or without a laboratory component, as part of their nursing education preparation.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed exemption will streamline the endorsement process by removing an educational barrier frequently encountered by out of state nurses who want to become licensed as an RN and/or an APRN in California. This will help California to recruit and maintain a larger pool of qualified nurses from across the country, thereby increasing access to care. The change will also reduce administrative workload for the Board's licensing staff.

DETERMINATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies: None.

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

Costs/Savings in Federal Funding to the state: None.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None.

Business Impact:

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

The proposed regulation would impact out-of-state applicants who wish to become licensed as individual RNs in California. Therefore, it would not have an adverse impact on businesses.

Business Reporting Requirements:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that there will be no increased costs for small businesses with the proposed regulations because businesses are not seeking RN licenses by endorsement.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

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

The proposed regulation will not result in additional costs to California licensees or RNs who are already licensed in other states who wish to become licensed in California. Rather, it will streamline the current endorsement process by removing an existing barrier.

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

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

- Eliminating a barrier to entry for out of state nursing professionals seeking to become licensed in California, which will help California recruit and maintain a larger pool of qualified nurses from across the country, thereby increasing California residents' access to care.
- Reducing the time required for endorsement applicants to become licensed in California and enabling them joining the workforce faster, which will help California recruit and maintain a larger pool of qualified nurses from across the country, thereby increasing California residents' access to care.

The proposed amendments will not affect worker safety and the environment because this regulation does not relate to worker safety and the environment.

CONSIDERATION OF ALTERNATIVES

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

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at any scheduled hearing or during the written comment period to the Contact Person below.

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

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

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

CONTACT PERSONS

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

Name: Marissa Clark
Address: Board of Registered Nursing
1747 N. Market Blvd., Suite 150
Sacramento, CA 95834
Telephone No.: 916-574-7438
Fax No.: 916-574-7700
E-Mail Address: brn.regulations@dca.ca.gov

The backup contact person is:

Name: Ras Siddiqui
Address: Board of Registered Nursing
1747 N. Market Blvd., Suite 150
Sacramento, CA 95834
Telephone No.: 916-574-7922

Fax No.: 916-574-7700
E-Mail Address: brn.regulations@dca.ca.gov