

BOARD OF REGISTERED NURSING
Board Meeting
Agenda Item Summary

AGENDA ITEM: 3.0

DATE: March 7, 2017

ACTION REQUESTED: Regulatory Proposal to Modify California Code of Regulations, Article 3, Section 1423.2, Denial or Revocation of Approval of a Nursing Program

REQUESTED BY: Joseph Morris, PhD, MSN, RN
Executive Officer

BACKGROUND:

The regulatory proposal amending Title 16, CCR sections 1418, 1423.1, 1423.2, 1424, 1426, and 1430, for implementation of SB 466 expanded requirements of registered nursing education programs, was the subject of a 45-Day Notice comment period culminating on July 11, 2016 when a public hearing was held. There was no public testimony at the hearing. During the comment period two organizations submitted comments. The comments were responded to by staff after approved at the September 2016 board meeting. Staff submitted the regulatory package to DCA for review and approval prior to sending package to the Office of Administrative Law to complete the regulatory process.

Upon additional review by DCA Legal counsels, it was suggested the BRN remove the language in California Code of Regulations section 1423.2(a)(3), (a)(4) and (c) regarding “close the program” as this language is not included in any other statute or regulation.

The revised language is attached and staff requests approval to go out for a 15-day comment period and to continue the rulemaking process.

NEXT STEPS: Proceed per direction of the Board.

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BOARD OF REGISTERED NURSING

MODIFIED TEXT

Proposed amendments are shown by single underline for new text and single ~~strikeout~~ for deleted text.

Modified text to the originally proposed language are shown by red double underline for new text and by ~~red double strikeout~~ for deleted text.

~~1418. Criteria for Evaluation of Equivalent Armed Services Training and Experience~~

Eligibility for licensure of applicants who have Military Education and Experience

An applicant who presents with relevant military education and experience, and who presents documentation from a board-approved registered prelicensure nursing program of equivalency credit evaluation that provides evidence of meeting the minimum standards for competency set forth in Section 1443.5 and the minimum education requirements of licensure listed pursuant to Sections 1426(c)(1) to (3), utilizing challenge examination or other evaluative methods, will be considered to meet the education requirements for licensure.

~~A military applicant who has met the qualifications set forth in Section 2736.5 of the Code and who has completed a course of instruction that provided the knowledge and skills necessary to function in accordance with the minimum standards for competency set forth in Section 1443.5 and that contained the theoretical content and clinical experience specified in Section 1426(c)(1) through (e)(7) is determined to have completed the course of instruction prescribed by the Board for licensure.~~

Note: Authority cited: Section 2715, Business and Professions Code. Reference: ~~Section 2736.5, Business and Professions Code.~~ Section 2786.1(a), (b), and (c).

HISTORY: 1. New section filed 10-28-76; effective thirtieth day thereafter (Register 76, No. 44). 2. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39). 3. Repealer and new section filed 3-9-2000; operative 4-8-2000 (Register 2000, No. 10).

1423.1 Grounds for denial or removal of board approval.

The board shall deny approval and shall remove approval of a prelicensure nursing program that:

- (a) Fails to provide evidence of granting credit, in the field of nursing, for previous education, including military education and experience, through an established policy and procedure, to evaluate and grant credit.
 - (1) Each prelicensure program shall have a policy and procedures that describe the process to award credits for specific course(s), including the prior military education and experience, through challenge examinations or other methods of evaluation for meeting academic credits and licensure requirements.
 - (2) Each program shall make information regarding evaluation of and granting credit in the field of nursing for previous education, including military education and experience, for purpose of establishing equivalency or granting credit, available to applicants in published documents, such as college catalog or student handbook and online, so that it is available to the public and to the board.
 - (3) Each program shall maintain a record that shows applicants and results of transferred/challenged credits, including applicants who applied for transfer of military education and experience.
- (b) Fails to provide opportunity for applicants with military education and experience for the purpose of obtaining evaluation for equivalent academic credit through challenge examination or other method of evaluation.
- (c) Discriminates against an applicant solely on the grounds that an applicant is seeking to fulfill the units of nursing required by Section 2736.6.
- (d) Fails to demonstrate continuous improvement to correct deficient findings, including but not limited to the following:
 - (1) Deferred Action to Continue Approval status lasting longer than two years;
 - (2) Inconsistent pattern of noncompliance findings between regularly scheduled continuing approval school visit cycle.
 - (3) Repeated findings of the same noncompliance from one approval evaluation visit to the next scheduled approval visit.

Note: Authority cited: Sections 2786, 2786.1, 2788, Business and Professions Code.

1423.2 Denial or revocation of approval of a nursing program.

- (a) Upon sufficient evidence of noncompliance and lack of demonstrated corrective actions to remove noncompliance, the board may take actions to:
 - (1) Deny approval of a nursing program; or

- (2) Revoke approval from a nursing program; or
- (3) Place a nursing program on a warning status with intent to revoke approval ~~and close the program~~; or
- (4) ~~Close a program~~ Revoke approval when a program has been on a warning status for one year and the program fails to show substantive corrective changes.

(b) The board shall provide specific requirements for correction of noncompliance findings and a return date for review of the program's approval status.

(c) The board shall place a school on a warning status with intent to withdraw approval when a nursing program shows conditions pursuant to Section 1423.1(d).

(d) The board may immediately revoke approval ~~and close a nursing program~~ in situations that require immediate action, including but not limited to the loss of school's accreditation or lack of effective nursing program leadership.

Note: Authority cited: Sections 2786, 2786.1, 2788, Business and Professions Code.

1424. Administration and Organization of the Nursing Program

(a) There shall be a written statement of philosophy and objectives that serves as a basis for curriculum structure. Such statement shall take into consideration the individual difference of students, including their cultural and ethnic background, learning styles, goals, and support systems. It shall also take into consideration the concepts of nursing and man in terms of nursing activities, the environment, the health-illness continuum, and relevant knowledge from related disciplines.

(b) The policies and procedures by which the program is administered shall be in writing, shall reflect the philosophy and objectives of the program, and shall be available to all students.

(1) The nursing program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

(2) The program shall have a procedure for resolving student grievances.

(3) The program shall have policies and procedures that demonstrate consistent granting of credit for military education and acquired knowledge by providing opportunity to obtain credit by the following methods, including but not limited to the listed methods:

(a) the use of challenge examinations; or

(b) the use of evaluative methods to validate achievement of course objectives and competencies.

(4) The program shall make available the policies and procedures, including the acceptance of military coursework and experience, on the school's website, in a manner that allows access to the information via the board's posted list of approved Registered Nursing Programs.

(c) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program, between the program and other administrative segments of the institution with which it is affiliated, and between the program, the institution and clinical agencies.

(d) The program shall have sufficient resources, including faculty, library, staff and support services, physical space and equipment, including technology, to achieve the program's objectives.

(e) The director and the assistant director shall dedicate sufficient time for the administration of the program.

(f) The program shall have a board-approved assistant director who is knowledgeable and current regarding the program and the policies and procedures by which it is administered, and who is delegated the authority to perform the director's duties in the director's absence.

(g) Faculty members shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program.

(h) The faculty shall be adequate in type and number to develop and implement the program approved by the board, and shall include at least one qualified instructor in each of the areas of nursing required by section 1426(d) who will be the content expert in that area. Nursing faculty members whose teaching responsibilities include subject matter directly related to the practice of nursing shall be clinically competent in the areas to which they are assigned.

(i) When a non-faculty individual participates in the instruction and supervision of students obtaining clinical experience, his or her responsibilities shall be described in writing and kept on file by the nursing program.

(j) The assistant director shall function under the supervision of the director. Instructors shall function under the supervision of the director or the assistant director. Assistant instructors and clinical teaching assistants shall function under the supervision of an instructor.

(k) The student/teacher ratio in the clinical setting shall be based on the following criteria:

- (1) Acuity of patient needs;
- (2) Objectives of the learning experience;
- (3) Class level of the students;
- (4) Geographic placement of students;
- (5) Teaching methods; and

(6) Requirements established by the clinical agency.

Note: Authority cited: Sections 2715, 2786, 2786.1 and 2786.6, Business and Professions Code.

Reference: Sections 2786-2788, Business and Professions Code.

HISTORY 1. Amendment of subsections (b) and (g) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

2. Amendment filed 9-21-2010; operative 10-21-2010 (Register 2010, No. 39).

1426. Required Curriculum

(a) The curriculum of a nursing program shall be that set forth in this section, and shall be approved by the board. Any revised curriculum shall be approved by the board prior to its implementation.

(b) The curriculum shall reflect a unifying theme, which includes the nursing process as defined by the faculty, and shall be designed so that a student who completes the program will have the knowledge, skills, and abilities necessary to function in accordance with the registered nurse scope of practice as defined in code section 2725, and to meet minimum competency standards of a registered nurse.

(c) The curriculum shall consist of not less than fifty-eight (58) semester units, or eighty-seven (87) quarter units, which shall include at least the following number of units in the specified course areas:

(1) Art and science of nursing, thirty-six (36) semester units or fifty-four (54) quarter units, of which eighteen (18) semester or twenty-seven (27) quarter units will be in theory and eighteen (18) semester or twenty-seven (27) quarter units will be in clinical practice.

(2) Communication skills, six (6) semester or nine (9) quarter units. Communication skills shall include principles of oral, written, and group communication.

(3) Related natural sciences (anatomy, physiology, and microbiology courses with labs), behavioral and social sciences, sixteen (16) semester or twenty-four (24) quarter units.

(d) Theory and clinical practice shall be concurrent in the following nursing areas: geriatrics, medical-surgical, mental health/psychiatric nursing, obstetrics, and pediatrics. Instructional outcomes will focus on delivering safe, therapeutic, effective, patient-centered care; practicing evidence-based practice; working as part of interdisciplinary teams; focusing on quality improvement; and using information technology. Instructional content shall include, but is not limited to, the following: critical thinking, personal hygiene, patient protection and safety, pain management, human sexuality,

client abuse, cultural diversity, nutrition (including therapeutic aspects), pharmacology, patient advocacy, legal, social and ethical aspects of nursing, and nursing leadership and management.

(1) Theory and clinical practice requirements of the curriculum will be adjusted in recognition of military education and experiences of the student, when applicable, through an individualized instructional plan that results in meeting the same course objectives and competency standards.

(e) The following shall be integrated throughout the entire nursing curriculum:

(1) The nursing process;

(2) Basic intervention skills in preventive, remedial, supportive, and rehabilitative nursing;

(3) Physical, behavioral, and social aspects of human development from birth through all age levels;

(4) Knowledge and skills required to develop collegial relationships with health care providers from other disciplines;

(5) Communication skills including principles of oral, written, and group communications;

(6) Natural science, including human anatomy, physiology, and microbiology; and

(7) Related behavioral and social sciences with emphasis on societal and cultural patterns, human development, and behavior relevant to health-illness.

(f) The program shall have tools to evaluate a student's academic progress, performance, and clinical learning experiences that are directly related to course objectives.

(g) The course of instruction shall be presented in semester or quarter units or the equivalent under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit. With the exception of an initial nursing course that teaches basic nursing skills in a skills lab, 75% of clinical hours in a course must be in direct patient care in an area specified in section 1426(d) in a board-approved clinical setting.

Note: Authority cited: Sections 2715, 2786.1 and 2786.6, Business and Professions Cod. Reference: Sections 2785-2788, Business and Professions Code.

HISTORY: 1. Amendment of subsection (d) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

2. Amendment of section heading and section filed 9-21-2010; operative 10-21- 2010 (Register 2010, No. 39).

1430. Previous Education Credit

An approved nursing program shall have a process for a student to obtain credit for previous education or for other acquired knowledge in the field of nursing, including military education and experience, through equivalence, challenge examinations, or other methods of evaluation. The program shall make the information available in published documents, such as college catalog or student handbook, and online.

Note: Authority cited: Sections 2715, 2786.1(a) and 2786.6, Business and Professions Code.

Reference: Sections 2736 and 2786.6, Business and Professions Code.

HISTORY: 1. Renumbering of former section 1430 to new section 1432 and new section 1430 filed 9-21-2010; operative 10-21-2010 (Register 2010, No. 39).