

BOARD OF REGISTERED NURSING
Advanced Practice Registered Nursing
Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 6.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion Only:** BRN staff will discuss the administrative process for implementation of chaptered legislation, including the creation of advisory committees to the BRN under AB 890 and SB 1237, and possibilities for the future role of the APRN Advisory Committee.

REQUESTED BY: Mitchel Erickson, NP
 Chair of APRN Advisory Committee
 Garrett Chan, NP, CNS

BACKGROUND:

BRN staff to discuss the Administrative Procedure Act and other legal and administrative requirements to implement above-referenced legislation, including establishment of statutorily mandated advisory committees.

AB 890 (Wood), Chapter 265, Statutes of 2020, adds Business and Professions Code section 2837.102(a)-(b), to state the following:

- (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.
- (b) The committee shall consist of four qualified nurse practitioners, two physicians and surgeons with demonstrated experience working with nurse practitioners, and one public member.

The APRN Committee will discuss the concept of the Nurse Practitioner Advisory Committee and what the next steps are in constituting the Advisory Committee.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: Janette Wackerly, MBA, BSN, RN
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Agenda Item 7.0

Discussion and Possible Action: APRN Advisory Committee will discuss the Physician Ownership and Referral Act of 1993 (PORA) in relation to Assembly Bill (AB) 890 (Reg. Sess. 2019-2020) for nurse practitioners and Senate Bill (SB) 1237 (Reg. Sess. 2019-2020) for certified nurse-midwives.

BRN Advanced Practice Registered Nursing Advisory Committee Meeting | December 3, 2020

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AGENDA ITEM: 7.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion and Possible Action:** APRN Advisory Committee will discuss the Physician Ownership and Referral Act of 1993 (PORA) in relation to Assembly Bill (AB) 890 (Reg. Sess. 2019-2020) for nurse practitioners and Senate Bill (SB) 1237 (Reg. Sess. 2019-2020) for certified nurse-midwives.

REQUESTED BY: Garrett Chan, NP, CNS

BACKGROUND:

AB 890 (Wood), Chapter 265, Statutes of 2020, and SB 1237 (Dodd), Chapter 88, Statutes of 2020, amend Business and Professions Code section 650.01 et seq. to state that nurse practitioners and certified nurse-midwives are prohibited from referring a person for laboratory, diagnostic nuclear medicine, radiation oncology, physical therapy, physical rehabilitation, psychometric testing, home infusion therapy, or diagnostic imaging goods and services if the licensee or an immediate family member has a “financial interest” in the entity receiving the referral, unless a statutory exception is available. This law is also commonly referred to as PORA, the Physician Ownership and Referral Act.

The APRN Advisory Committee will discuss PORA in light of AB 890 for nurse practitioners and SB 1237 for certified nurse-midwives.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

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Agenda Item 8.0

Discussion and Possible Action: APRN Advisory Committee will discuss reporting to the BRN under Business and Professions Code section 805.

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AGENDA ITEM: 8.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion and Possible Action:** APRN Advisory Committee will discuss reporting to the BRN under Business and Professions Code section 805.

REQUESTED BY: Garrett Chan, NP, CNS

BACKGROUND:

AB 890 (Wood), Chapter 265, Statutes of 2020, amends Business and Professions Code section 805 to state that nurse practitioners must be reported to the BRN if a medical staff takes action against a nurse practitioner as a result of peer review. Currently, physician assistants are also included in 805 reporting.

The APRN Committee will discuss 805 reporting and next steps.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY:

None

PERSON(S) TO CONTACT:

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Agenda Item 9.0

Discussion and Possible Action: APRN Advisory Committee will discuss nurse practitioner “transition to practice,” as that term is used in AB 890.

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Agenda Item 10.0

Discussion and Possible Action: APRN Advisory Committee will discuss the possible requirement under AB 890 of a supplemental exam.

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AGENDA ITEM: 10.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion and Possible Action:** APRN Advisory Committee will discuss the possible requirement under AB 890 of a supplemental exam.

REQUESTED BY: Garrett Chan, NP, CNS

BACKGROUND:

AB 890 (Wood), Chapter 265, Statutes of 2020, adds Business and Professions Code section 2837.103(a)(1)(A), 2837.105(a)(1), and 2837.105(a)(2) to state that the Board may require a supplemental exam after an assessment of an occupational analysis performed in collaboration with the Office of Professional Examination Services:

2837.103(a)(1)(A): Passed a national nurse practitioner board certification examination and, if applicable, any supplemental examination developed pursuant to paragraph (3) of subdivision (a) of Section 2837.105.

2837.105(a)(1): The board shall request the department's Office of Professional Examination Services, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision.

2837.105(a)(2): The board, together with the Office of Professional Examination Services, shall assess the alignment of the competencies tested in the national nurse practitioner certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103 with the occupational analysis performed according to paragraph (1).

The APRN Advisory Committee will discuss the possible supplemental exam and next steps.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

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Agenda Item 11.0

Discussion and Possible Action: APRN Advisory Committee will discuss the Board's recognition of national nurse practitioner certifying bodies, in connection with Business and Professions Code section 2837.103, subdivision (a)(1)(B), as added by AB 890.

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AGENDA ITEM: 11.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion and Possible Action:** APRN Advisory Committee will discuss the Board’s recognition of national nurse practitioner certifying bodies, in connection with Business and Professions Code section 2837.103, subdivision (a)(1)(B), as added by AB 890.

REQUESTED BY: Garrett Chan, NP, CNS

BACKGROUND:

AB 890 (Wood), Chapter 265, Statutes of 2020, adds Business and Professions Code section 2837.103(a)(1)(B) to state the following:

Section 2837.103(a)(1): Notwithstanding any other law, a nurse practitioner may perform the functions specified in subdivision (c) pursuant to that subdivision, in a setting or organization specified in paragraph (2) pursuant to that paragraph, if the nurse practitioner has successfully satisfied the following requirements: ...

(B) Holds a certification as a nurse practitioner from a national certifying body accredited by the National Commission for Certifying Agencies or the American Board of Nursing Specialties and recognized by the board.

Section 2837.104(b)(1)(A) also incorporates the above requirement by reference.

The APRN Committee will discuss the concept of the BRN national board certification recognition in light of California Code of Regulations, title 16, sections 1480(q) and 1482(a)(2), and any further action, if necessary.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

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Agenda Item 12.0

Discussion and Possible Action: APRN Advisory Committee will discuss the requirement of years of practice in good standing for nurse practitioners who hold a Doctorate of Nursing Practice (DNP) degree, as specified in Business and Professions Code section 2837.104, subdivision (b)(1)(C), as added by AB 890.

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AGENDA ITEM: 12.0
DATE: December 3, 2020

ACTION REQUESTED: **Discussion and Possible Action:** APRN Advisory Committee will discuss the requirement of years of practice in “good standing” for nurse practitioners who hold a Doctorate of Nursing Practice (DNP) degree, as specified in Business and Professions Code section 2837.104, subdivision (b)(1)(c), as added by AB 890.

REQUESTED BY: Garrett Chan, NP, CNS

BACKGROUND:

AB 890 (Wood), Chapter 265, Statutes of 2020, added Business and Professions Code section 2837.104(b)(1)(C) to state the following:

The board shall issue a certificate to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings and organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103, if the nurse practitioner satisfies all of the following requirements: ...

(C) Has practiced as a nurse practitioner in good standing for at least three years, not inclusive of the transition to practice required pursuant to subparagraph (D) of paragraph (1) of subdivision (a) of Section 2837.103. The board may, at its discretion, lower this requirement for a nurse practitioner holding a Doctor of Nursing Practice degree (DNP) based on practice experience gained in the course of doctoral education experience.

The APRN Advisory Committee will discuss the process of lowering this requirement for “104 NPs” with a DNP.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

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