



Agenda Item 4.0

**Review and Vote on Whether to Approve
Previous Meeting Minutes**

BRN Board Meeting | August 17, 2022

BRN Board Meeting
Approval of Past Meeting Minutes
August 17, 2022

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STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BRN BOARD MEETING
MEETING MINUTES

DRAFT

DATE: May 18, 2022

9:11 am **START TIME:** 09:11 a.m.

LOCATION: 1747 N. Market Blvd.
HQ-2 Hearing Room, Ste. 186
Sacramento, CA 95834

Rady Children’s Hospital
Executive Office Building
7960 Birmingham Drive, Room 1406
San Diego, CA 92123

The Board of Registered Nursing held a public meeting both in-person and via a teleconference platform.

May 18, 2022 - 9:00 am - 5:00pm BRN Board Meeting

9:11 am **1.0** Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 09:11 am. All members present, except for Imelda Ceja-Butkiewicz and Susan Naranjo. Quorum established at 9:12 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Imelda Ceja Butkiewicz
Jovita Dominguez, BSN, RN
Susan Naranjo
Elizabeth (Betty) Woods, RN, FNP, MSN
Patricia “Tricia” Wynne, Esq.

Absent Members: Imelda Ceja-Butkiewicz
Susan Naranjo

BRN Staff
Representatives: Loretta (Lori) Melby, RN, MSN – Executive Officer (EO)
Mary Ann McCarthy, EdD, MSN, RN, PHN – Supervising Nursing Education Consultant

Marissa Clark – Chief of Legislation
Reza Pejuhesh – DCA Legal Attorney

9:16 am

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Note: The Board may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code, Sections 11125 and 11125.7(a)).

Public Comment for Agenda Item 3.0:

Annette Rousseau, RN: Shared information on COVID-19 and vaccinations.

President Trujillo reordered the agenda to take Item 6.5

9:21 am

6.5 Presentation on the Role and scope of the RN in Aesthetic Medicine

Presented by: Lori Haney, RN

Discussion: Dolores Trujillo asked what training and education is needed to inject the meds. Lori Haney said this is a good question and it's the wild west. The regulations need to be tightened up to be able to verify someone's training.

Loretta Melby said this was a presentation requested by Elizabeth Woods for NP practice and asked if she has any questions.

Elizabeth Woods said this was a good presentation with information she hoped to hear and does not have any questions.

Public Comment for Agenda Item 6.5:

No public comment.

*** President Trujillo reordered the agenda to take items 7.1 & 7.2***

10:07 am

7.1 Nurse Practitioner Advisory Committee (NPAC) updates – Information only

Presented by: Samantha Gambles-Farr, Chair of NPAC

Discussion: Elizabeth Woods asked when the next meeting is and what items the committee would be taking up. Samantha Gambles-Farr said the next meeting is in August. Gambles-Farr also said she expects to discuss OPES and funding needs incurred by BRN

related to NPs. It also depends on where the regulation package is and that there could be additional language changes.

Elizabeth Woods asked about the regulations.

Samantha Gambles-Farr stated she thought they were ready, and this is why they were being brought to the board. She said the regulation changes need to be made soon since SB 890 goes into effect in January 2023.

Reza Pejuhesh stated the regulations will be brought up later in the meeting and provided some additional process details.

**Public Comment for
Agenda Item 7.1:**

No public comment.

10:20 am

**7.2 Nurse-Midwifery Advisory Committee (NMAC) updates –
Information only**

Presented by Loretta Melby, BRN EO

Discussion: No comments or questions from the board.

**Public Comment for
Agenda Item 7.2:**

No public comment.

10:24 am

4.0 Approval of Minutes

- February 16, 2022
- March 24, 2022

DISCUSSION: No comments or questions from the board.

MOTION: Dolores Trujillo: Motion to accept the meeting minutes for both meetings.

SECOND: Elizabeth Woods

**Public Comment for
Agenda Item 4.0:**

No public comment.

4.0 VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

10:27 am

5.0 BRN future priorities and proposals for review and possible action

**5.1 Consideration of public comments, discussion, and possible adoption of modified proposed regulatory text to amend California Code of Regulations, title 16, section 1450 (Definitions) and section 1456 (Continuing Education Courses)
Presented by: Heather Hoganson, DCA Regulations Counsel**

DISCUSSION: No questions or comments from the Board.

Reza Pejuhesh made clarifying comments about the regulatory process and written comments from the Hospital Association and Heartbeat International. BRN is required to respond to the comments and this information is included in the materials. If the comments and changes are acceptable then a motion is needed.

Elizabeth Woods asked what Heartbeat International is.

Reza Pejuhesh said they are an advocacy organization for pro-life policy and an approved BRN CE provider. He said the course is about abortion pill reversal.

Public Comment for Agenda Item 5.1:

No public comment.

MOTION: Dolores Trujillo: Motion to approve the responses to comments as discussed at this meeting; approve the proposed modified regulatory changes to amend sections 1450 and 1456 of Title 16 of the California Code of Regulations to read as shown in the board materials; to notice the proposed text for a 15-day comment period; and if after the 15-day public comment period, no relevant adverse comments have been received; adopt the proposed regulations as noticed; and authorize the Executive Officer to submit the rulemaking package to the Director of the Department of Consumer Affairs, to the Business, Consumer Services, and Housing Agency, and then to the Office of Administrative Law for review, making any technical or non-substantive changes needed to the proposed regulation to complete the rulemaking process.

SECOND: Patricia Wynne

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
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	Y	Y	AB	Y	AB	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

10:41 am

**5.2 Discussion and possible adoption of proposed regulatory text to add California Code of Regulations, title 16, section 1410.5, regarding course requirements in natural sciences (anatomy, physiology, and microbiology courses with a laboratory component) for endorsement applicants
Presented by: Heather Hoganson**

DISCUSSION: Elizabeth Woods asked Heather Hoganson to explain the two-year requirement.

Heather Hoganson explained that a RN licensed in another jurisdiction for more than two years in good standing without discipline would not have to retake a course that is missing a lab component to obtain a license in California.

Reza Pejuhesh provided additional information to help try to clarify the information.

Patricia Wynne appreciated the presentation and asked how many other states require the lab component as part of licensing that we're going to grandfather into California.

Loretta Melby said there are no specific statistics, but the BRN is reaching out to get additional information. She gave an example about Arizona applicants being denied licensure for this reason. She said there's a research project on this and will provide a presentation at an upcoming meeting when completed.

Elizabeth Woods asked why it is important to continue to have the lab requirement in California. Loretta Melby said the nursing programs spoke up to say they thought it was imperative to keep the lab requirement to see the cultures grow and learn how antibiotics work and understand nosocomial infections and their science programs support the nursing programs.

Elizabeth Woods said you can get a license if you're educated in another state without the lab component, but you're still required to have it in California.

Mary Fagan spoke up to provide an example of a NP coming from Virginia who has been practicing for 15 years and is now

required to take a microbiology course is ridiculous. She said maybe it does not need to be a requirement in California. It makes no sense to have someone who has demonstrated they can perform successfully as a nurse to go back to school. She stated support for this action.

**Public Comment for
Agenda Item 5.2:**

Kathy Hughes, RN, SEIU: Stated that they've been involved in this topic for many years and recognizes the pressure from the legislature and other stakeholders regarding the endorsement licensure process. Their concern has always been creating a two-tiered system of care in California where new grads and all existing RNs have lab components and out of state nurses do not. She said this seems to be like a compact state agreement, but not quite. She is concerned with the rationale behind choosing two years is a bit concerning as this is not a great amount of time.

MOTION: Dolores Trujillo: Motion to approve the proposed regulatory changes to add section 1410.5 to Title 16 of the California Code of Regulations to read as shown in the Board materials; direct the Executive Officer to take all steps necessary to initiate the rulemaking process, includes submission of text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package; notice the proposed text for a 45-day comment period; and if, after the 45-day public comment period, no hearing is requested and no adverse comments have been received; adopt the proposed regulations as noticed; and authorize the Executive Officer to submit the rulemaking package to the Office of Administrative Law, making any technical or non-substantive changes needed to the proposed regulation to complete the rulemaking process.

SECOND: Mary Fagan

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

11:06 am

5.3 Consideration of public comments, discussion, and possible adoption of modified proposed regulatory

**text to amend California Code of Regulations, title 16,
section 1426 (Required Curriculum)**

Presented by: Heather Hoganson

DISCUSSION: Dolores Trujillo asked if the total amount of hours would be amended to 500.

Heather Hoganson said it would be a minimum of 500 direct patient care clinical hours with a minimum of 30 hours in supervised direct patient care dedicated to each nursing area specified in the current subdivision D.

Mary Fagan asked for some background on where the 500 hours came from.

Loretta Melby said she looked at a survey by NCSBN sent to all state boards showing 500-700 hours as a minimum for all states which was the starting point. Melby said the California State University system does computations that show one semester of education is delivered over 15 weeks. That means that 18 units) of clinical training is 810 hours clinical experiences, which would be above the minimum hours. Regulations currently say 75% of the 810 must be direct patient care which is just over 600 hours. She explained some other computations that would keep the minimum hours within the 500-700 range. Melby also said the nursing programs have been asking for this change for a long time. Melby also looked at Covid causing direct patient care clinical training issues. Melby said 500 was suggested and brought it to stakeholders who said they could absolutely support it.

Dolores Trujillo asked what the break down would be for the 500 hours. The regulations don't specify a number of hours for each patient care area. Because curriculums are not standardized a minimum number of hours was developed for each content area.

Loretta Melby explained the direct patient care number started out as 60 hours, but the stakeholders said it was extremely difficult to achieve, especially with Covid. As a result, the number was dropped to 30 hours which equates to one day a week of six hours clinical for five weeks in a 15-week semester would allow students to be prepared to move through a course successfully to complete the clinical and theory components together.

Jovita Dominguez said she understands the bigger cities struggle with clinical training placement but as a nurse in Salinas Valley

that does not have that struggle, she sees this as an issue for employers when students struggle due to the amount of clinical training obtained.

Loretta Melby said the proposal is for a minimum number of hours, not the maximum. Individual schools can choose to offer more direct patient care. Prior to Covid many schools exceeded the 75% direct clinical patient care. It's imperative that academia and workforce work together to help ensure students are competent to practice when they obtain a license.

Patricia Wynne sees that this is a starting point and will hear more from the public as we go forward with the regulation.

Dolores Trujillo asks for public comment prior to a motion being made.

Dolores Trujillo inquired about what the public was saying about leaving it up to the school to determine how the 500 hours would be required in curriculum. Trujillo asked how would the board guarantee that there is the right amount in geriatrics or OB/pediatrics as an example.

Loretta Melby said that if it is not delineated in the NPA then it can't be enforced. This is why the 30-hour minimum was added to address it. Melby said a conversation could be had with Modesto Junior College's 27-hour geriatric issue. Med/surg and geriatrics could be looked at as a possible combo since many patients in med/surg are typically elderly. (Back to public comment)

**Public Comment for
Agenda Item 5.3:**

Kelly Butler, Modesto Junior College: stated she appreciates setting a minimum hour's requirement for direct patient care, but this presents a problem for their program to get 30 hours in all five content areas. She said they would have to make a curriculum change because they have 27 hours in geriatrics unless there is a creative way to include some med/surg time.

Lynette Apen, Dean of Evergreen Valley College and president of Northern Region of COADN: She supports the 500-hour minimum. She echoes her colleague but would like the board to consider reducing the hours to 20 hours in the specialty areas or only setting the 500-hour minimum to allow the programs to establish the specialty direct patient care hours.

Dr. Daniel G. Ortiz, Jr. is part of the CA Simulation Alliance: Appreciates the support for 50% simulation especially in light of

the last two years. He would like to provide an overview, assistance and guidance to help identify the 50% simulation. He would like to have a simulation standard as well.

Robyn Nelson, Dean of nursing for CNI college and board member at large for CACN: She is grateful for the consideration and that this information is moving forward. She also would like to have a simulation standard. She thanks the board for looking at the options and flexibility.

Kathy Hughes: appreciates setting minimum hours versus percentages. She does not think standards need to be continuously lowered regarding simulation. She sees there is still some questions about 30 hours and will do some research but appreciates the proposed minimum standard of hours.

Saskia Kim, CNA, unable to comment due to IT issues.

Miyo Minato: Suggested it's important to set up minimum requirements, but it sounds like the numbers might need to be looked at more carefully. When the regulations were initially developed many years ago it was found that simulation was 25% at the time which was a new teaching strategy. When the simulation study was done it was found that it is now 50% to give sufficient or adequate clinical time. Her opinion is that the numbers presented now may be premature and more discussion might be needed to address the concerns of the parties. She said the board may want to table this to get more input and make concrete regulatory language change to address the concerns about how the 500 hours came about.

Victoria Bermudez, CNA: is concerned with the proposal for 30 hours of direct patient care which is a significant decrease from the current regulation. She provided information from the Society of Pediatric Nurses who have expressed grave concerns with this change. There is concern with the competency of registered nurses. Concern with simulation versus direct patient care. CNA agrees with Society of Pediatric Nurses recommendation for 61-80 hours in pediatric direct patient care. (Statement read)

Dr. Brenda Chan: asked if this change will also change the minimum 18-unit requirement for theory and clinical? Loretta Melby said this does not change the unit requirements. This would specify the minimum direct patient care hours and allow the academic institutions to complete the remaining hours in

another modality which could include simulation if resources allow.

Saskia Kim, CNA, tried to make public comment but continued to have IT issues. She contacted Loretta Melby to say Victoria Bermudez made the comments she planned to say.

MOTION: Dolores Trujillo: Motion to approve the proposed regulatory changes to amend section 1426 of Title 16 of the California Code of Regulations to read as shown in the Board materials. Direct the Executive Officer to take all steps necessary to initiate the rulemaking process including submission of text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; Authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package; Notice the proposed text for a 45-day comment period; and if, after the 45-day public comment period, no hearing is requested and no adverse comments have been received; Adopt the proposed regulations as noticed; and Authorize the Executive Officer to submit the rulemaking package to the Office of Administrative Law, making any technical or non-substantive changes needed to the proposed regulation to complete the rulemaking process.

SECOND: Jovita Dominguez

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

****Reorder the agenda to item 6.4****

11:55 am

6.4 Registered Nursing Fund Condition / Budget Education Presented by Suzanne Balkis, DCA Budget Office

Discussion: Patricia Wynne asked if there was anything significantly different than was anticipated or anything the board should pay attention to.

Suzanne Balkis said she did not see anything different except revenue is a bit different than prior years.

Mary Fagan asked about the projections and revenue going forward.

Suzanne Balkis said the data is based on the Governor's budget which must be used.

Public Comment for

Agenda Item 6.4: No public comment.

Recess: *Dolores Trujillo, President called the meeting to recess.*

➤ *Time: 12:01 pm.*

Reconvene: *Dolores Trujillo, President called the meeting to order at 1:15pm, Quorum established at 1:16pm, five members present: Dolores Trujillo, Mary Fagan, Jovita Dominguez, Elizabeth Woods, and Patricia Wynne***

1:16 pm

**5.4 Discussion and possible adoption of modified proposed regulatory text pertaining to implementation of Assembly Bill 890 (Reg. Sess. 2019-2020), amending California Code of Regulations, title 16, sections 1480 (Definitions) and 1481 (Categories of Nurse Practitioners), and adding sections 1482.3 (Requirements for Certification as a Nurse Practitioner Pursuant to Business and Professions Code Sections 2837.103), 1482.4 (Requirements for Certification as a Nurse Practitioner Pursuant to Business and Professions Code Section 2837.104) and 1487 (Notice to Consumers)
Presented by: Heather Hoganson**

DISCUSSION: Mary Fagan asked a question about page 27 in the materials, for a NP to go from 103 to 104, saying the transition to practice is to be completed in California. She asked if there would be a time when someone could endorse into California as a 104.

Heather Hoganson said this was discussed at NPAC. Practitioners would practice in California as a 103 under the California laws before being authorized to practice as a 104.

Mary Fagan asked if someone could endorse as a 103.

Loretta Melby said the language is in alignment with the statute.

Melby stated that she thinks the language will be changed by the legislature with a cleanup bill.

Mary Fagan asked about applicants resubmitting all the documentation they originally submitted at the time of the NP certification. She wants to eliminate extra work if the information is the same.

Loretta Melby agreed saying name, birthdate, and social security would not change. She too is interested in streamlining the process as much as possible. The plan is to build an electronic portal for this process. She also said an exam may be required after OPES completes their process.

Mary Fagan said the RN and NP numbers will not change either.

Loretta Melby said it is necessary to ensure the applicant holds a valid RN license before any additional certifications can be issued and must be linked together in the program's back office.

**Public Comment for
Agenda Item 5.4:**

Catrina Reyes: spoke about referrals and consultations are conducted when necessary to ensure comprehensive and continuous care is provided to achieve patient outcomes and health equity.

Joey Cachuela, CMA: believes the physician referral should be reinserted into the regulations because the rationale for deleting the plan does not reflect the regulations. He said it was notable and concerning that this was not brought up during last week's NPAC meeting. He urges the BRN to reinstate the referral plan language into the regulations to ensure referrals are conducted in a coordinated and safe manner for all patients.

Alejandro Solis: appreciates the changes that were made but also wants the written plan of referral to be included since this will hurt the most vulnerable populations.

A request was made in the WebEX chat to read the new amendment again about the modifications. Heather Hoganson read the amended language about the certification agency.

Reza Pejuhesh provided additional information and context from the discussion held at NPAC including a great deal of public comment that was considered. He asked for Heather Hoganson to assist with this discussion. She said there was considerable

discussion and a substantial separate motion made regarding this change. Reza Pejuhesh said he did not recall any CMA comment during the NPAC meeting. The members were referred to the orange box and highlighted language in the materials. Heather Hoganson spoke about the language only being included for 104 because the statute only addresses section 104 and not 103.

MOTION: Dolores Trujillo: Motion to approve the proposed regulatory changes to amend sections 1480 and 1481 of, and add sections 1482.3, 1482.4, and 1487 to, Title 16 of the California Code of Regulations to read as shown in the Board materials with the following modifications as discussed in this meeting: in 1482(a)(12) and 1482.4(a)(12) refer to the Accreditation Board for Specialty Nursing Certification instead of the American Board of Nursing Specialties; direct the Executive Officer to take all steps necessary to initiate the rulemaking process, including submission of text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; authorize the Executive Officer to make any technical or non-substantive changes to the rulemaking package; notice the proposed text for a 45-day comment period; and if, after the 45-day public comment period, no hearing is requested and no adverse comments have been received; adopt the proposed regulations as noticed; and authorize the Executive Officer to submit the rulemaking package to the Office of Administrative Law, making any technical or non-substantive changes needed to the proposed regulation to complete the rulemaking process.

SECOND: Patricia Wynne

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:51 pm

6.0 Report of the Administrative Committee

Presented by: Dolores Trujillo, RN – President, California Board of Registered Nursing

6.1 Executive Officer Report

Presented by: Loretta Melby, MSN, RN, BRN Executive Officer

DISCUSSION: No board comments or questions.

Public Comment for

Agenda Item 6.1: No public comment.

1:58 pm

6.2 Board Strategic Plan 2022 to 2025 (no presentation, information in materials)

DISCUSSION: Mary Fagan asked what process will be used to show progress towards achieving the goals.

Loretta Melby said updates will be provided at each meeting. Annual updates will be provided for previous Strategic Plans as requested by Imelda Ceja-Butkiewicz.

Public Comment for

Agenda Item 6.2: No public comment.

2:01 pm

6.3 Enlighten Licensing Project Update

Presented by: Loretta Melby, MSN, RN, BRN Executive Officer

DISCUSSION: Dolores Trujillo commended the staff for their work.

Mary Fagan echoed Dolores Trujillo's comments and asked if NCSBN is looking to change the exam vendor since they are unable to make some of the recommended best practice changes.

Loretta Melby said PearsonVUE is looking to change the exam beginning next year called NextGen so NCSBN is not looking for a new vendor. NCSBN is aware that other states are interested in some of these changes and are open to discussion. She said our Strategic Plan includes a large section about licensing and customer service. She is positive that most of the strategic plan goals and objectives will be met once the identified items are implemented.

Public Comment for

Agenda Item 6.3: No public comment.

2:21 pm

7.0 Report of the Nursing Practice Committee

Presented by: Elizabeth Woods, RN, FPN, MSN, Chair

*** Agenda previously re-ordered***

2:21 pm

7.3 Discussion and possible action regarding the composition of the Advance Practice Registered Nursing (APRN) Advisory Committee
Presented by: Loretta Melby

DISCUSSION: No board comments or questions.

Public Comment for Agenda Item 7.3: No public comment.

MOTION: **Dolores Trujillo:** Motion to approve the changes to the composition of the APRN Advisory Committee.

SECOND: **Patricia Wynne**

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

2:27 pm

7.4 Discussion and possible action regarding review and approval of the charters for the Nursing Practice Committee, Nurse Practitioner Advisory Committee, Nurse-Midwifery Advisory Committee, Nursing Education and Workforce Advisory Committee, and APRN Advisory Committee

DISCUSSION: Mary Fagan asked about the composition of the committee and who made the recommendations. She said there are two workforce members and some overrepresented areas. Loretta Melby said this was previously brought before the board last year as a separate agenda as well as the practice committee. Both voted on and accepted the makeup of the committee. The board put out a call to action to recruit members while some of the members were from the previous committee composition. Mary Fagan said there are very few workforce members, and she does not see that they will be able to accomplish the goal. Loretta Melby said this committee was reduced from 29 members to 15 and 10 of the positions are filled. The changes were just completed at the November 2021 board meeting. Mary Fagan said she missed that meeting.

Patricia Wynne said Member Fagan raised an interesting question and asked what will happen if a year from now it is realized the working group isn't addressing the kind of workforce

work component. Wynne assumes staff will report out information – then the public would have a chance to look at it.

Loretta Melby said this committee follows the same structure as NPAC and the chair of the committee can present at board meetings. Melby said this committee is not in statute and the sunset bill is looking at this committee. The next step is to develop the charter to follow the same structure as all other committees. 3 education, 3 bedside, 3 union, 3 employers, 2 data, 1 public.

**Public Comment for
Agenda Item 7.4:**

No public comment.

MOTION: Dolores Trujillo: Motion to approve charters for the Nursing Practice Committee, Nurse Practitioner Advisory Committee, Nurse-Midwifery Advisory Committee, Nursing Education and Workforce Advisory Committee, and APRN Advisory Committee.

SECOND: Elizabeth Woods

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	N	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

***Break from 2:47 to 2:55 ***

2:56 pm

**8.0 Report of the Education/Licensing Committee (ELC)
Presented by: Jovita Dominguez, BSN, RN, Chair**

8.1 Discussion and possible action regarding ELC recommendations on consent agenda items

8.1.1 Discussion and possible action regarding Board approval of ELC recommendation to approve minor curriculum revisions, acknowledge program progress reports (16 CCR § 1426), and accept clinical facility approvals (16 CCR § 1427) (consent)

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

DISCUSSION: Loretta Melby led Holy Names University discussion for information only. Supplemental information was supplied two weeks ago regarding a \$50 million debt and possible closure. She said there was a miscommunication from the nursing program director. The debt is a bond that was due prior to the pandemic. They have voluntarily stopped accepting new enrollments and will present a teach out plan at the next board meeting. A special board meeting may be scheduled in June to address this issue since a cohort was scheduled to begin on Monday at Holy Names. Samuel Merritt is willing to accept the Holy Names cohort if the board approves a one-time enrollment increase of 15.

Dolores Trujillo is concerned with the Holy Names cohort students who are unable to start. Loretta Melby again explained the one-time enrollment increase at Samuel Merritt to accommodate the Holy Names students.

Elizabeth Woods asked about the money paid by the Holy Names students for the program. Loretta Melby said the students did not start yet and will work with Samuel Merritt to transfer any financial aid and no additional out of pocket expenses. Elizabeth Woods asked about the cohort after the current one and Loretta Melby said there are no other cohorts approved to start at Holy Names. Mary Ann McCarthy said they only admit once a year.

Patricia Wynne asked if this has happened in the past or is this something new. Loretta Melby said this has happened multiple times before and provided examples. She said the deans and directors work together whenever schools are in crisis.

Dolores Trujillo asked about the letter from the president of Holy Names, Dr. Mike Groener. She is concerned with the characterization by the president that the nursing program dean is unable to draw her own conclusions without his approval. Loretta Melby said the president is on the line and can ask him questions.

Dr. Mike Groener asked to speak. He said the school is experiencing financial challenges as many others are because of the pandemic. He said that the dean is responsible to report to the board, but she should not take it upon herself to provide information that is very different than the facts based on attendance at a few meetings. The school is not in danger of imminent closure.

Reza Pejuhesh asked for clarification before the vote due to the conflicting financial information provided regarding this program.

Loretta Melby asked for the CFO, Jeanine Hawk to provide a response.

Jeanine Hawk said there is no financial crisis related to debt. The debt is from 2019 and is being paid. This is a line of credit for bank loans, bonded debt, various forms of debt to support capital improvements, etc. The lines of credit were converted to bonded debt to make improvements in student housing and other improvements and generate operating funds. This is not new debt, and they are not in default. A budget was just approved on Tuesday for a full year by their board of directors. The pause of the program is not related to the financial condition of the university but to the staffing issues.

Reza Pejuhesh said he's never heard of a program taking a pause due to staffing issues. Loretta Melby said the Dean and Associate Dean had submitted their resignations but recently have agreed to stay on. Another Associate Dean has also been hired to help along with a possible OB instructor. They agreed to teach out the last cohort.

Elizabeth Woods said she is not comfortable approving this based on the discussions and information provided in the meeting materials.

Loretta Melby said the materials do not seem to address all the issues going on. She said the board may want to hear from Dr. Pamela Stanley, Program Director. Dolores Trujillo said she would like to hear from Dr. Stanley.

Jeanine Hawk said Dr. Stanley misheard the information related to the debt.

Dr. Stanley said she is not going to speak to the financial issues since she is not the CFO or president since she has a different perspective. She can speak to the staffing piece. She said faculty are looking for other positions due to financial instability of the organization. She will remain as the content expert for OB. She agreed to come back to ensure the seniors will be able to graduate with no disruption to their education. She did not feel it appropriate to bring in a new cohort during this time of transition.

Mary Ann McCarthy said this is an acceptance of the report being submitted not about the content of the report. Reza Pejuhesh went on to clarify that it makes no difference whether the board

approves the acceptance or not. Mary Ann McCarthy asked if a vote is necessary. Reza Pejuhesh said maybe not.

Reza Pejuhesh is still unclear about the situation with Holy Names based on the written and verbal information provided at the meeting today.

Loretta Melby said this issue should have been brought to the board in 2019 when it was new debt, but it wasn't so there's room for improvement. She said this information was shared with the Bureau for Private Post-Secondary Education who also shared this information with Department of Education. She said the academic institutions should have policies to address these types of issues. The nursing program directors and faculty are responsible for reporting these types of issues to the board which may be different from any other programs operating at the university/school. It is not uncommon to receive contact from nursing Program Directors when the Deans or Presidents do not understand how the nursing programs operate.

Dr. Michael Groener spoke about the situation saying they did not refinance \$50 million dollars of debt. They refinanced \$19 million dollars and the balance of the money is being used to make capital improvements and investments in the institution for its long-term financial sustainability. They have been operating under a strategic business plan for over 4.5 years. This information has been reported to the campus community. He understands that not all people take in information the same way and if there is not an underlying financial understanding then some things can be misinterpreted. Mary Ann McCarthy asked Dr. Groener to speak to a presentation at a 2019 board meeting. He said an update was provided that includes faculty, financial sustainability, the long-term strategic business plan.

Public Comment for

Agenda Item 8.1.1: No public comment.

MOTION: **Jovita Dominguez:** Motion to accept ELC recommendations for 8.1.1 with the exception of Holy Names (Dolores Trujillo wants discussion on this item). (Jovita Dominguez abstains from Hartnell College due to her being employed there)

SECOND: **Dolores Trujillo**

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
------	----	----	------	----	----	----	----

	Y	Y	AB	Y*	AB	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

*JD abstains from Hartnell College

Motion Passed

Additional Motion for Holy Names: **Jovita Dominguez:** Motion to accept the progress report from Holy Names University.

Additional Second: Patricia Wynne

Public Comment for the 2nd Motion: No public comment.

Vote: No Vote

3rd Motion for Holy Names: **Jovita Dominguez:** Motion for no action on Holy Names.

3rd Second: **Elizabeth Woods**

Public Comment for the 3rd Motion: No public comment.

Vote:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	N	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

4:04 pm

8.1.2 Discussion and possible action regarding Board approval of ELC recommendations to grant:

Continuing approval of prelicensure nursing programs (BPC § 2788; 16 CCR §§ 1421 & 423) (consent)

- Butte College Associate Degree Nursing Program
- College of Marin Associate Degree Nursing Program
- Los Angeles Pierce College Associate Degree Nursing Program
- Los Angeles Valley College Associate Degree Nursing Program
- Pacific Union Associate Degree Nursing Program
- Pasadena City College Associate Degree Nursing Program

Approval of prelicensure nursing program unit adjustment or other changes (16 CCR §§ 1426 & 1432) (substantive change) (no enrollment increase) (consent)

University of California Davis Betty Irene Moore School of Nursing Entry Level Master’s Nursing Degree Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

DISCUSSION: No board comment or questions.

Public Comment for Agenda Item 8.1.2:

No public comment.

MOTION: **Jovita Dominguez:** Motion to accept ELC recommendation to grant continuing approval of prelicensure nursing programs and approval of a prelicensure nursing program unit adjustment, substantive change with no enrollment increase.

SECOND: **Patricia Wynne**

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:08 pm

8.2 Discussion and possible action regarding ELC recommendations

8.2.1 Discussion and possible action regarding Board approval of ELC recommendation to accept program progress report (16 CCR § 1423)

East Los Angeles College Associate Degree Nursing Program

8.2.2 Discussion and possible action regarding Board approval of ELC recommendation to defer action on continuing approval with progress report to NEC in six months or other action for an approved prelicensure nursing program (BPC § 2788; 16 CCR §§ 1421 & 1423)

Rio Hondo Associate Degree Nursing Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

8.2.3 Discussion and possible action regarding Board approval of ELC recommendation to defer action on continuing approval, return to ELC/Board in nine months or other action for an approved prelicensure nursing program (BPC § 2788; 16 CCR §§ 1421 & 1423) with pass rate below 75% for first time candidates for two consecutive academic years (16 CCR § 1431)

Carrington College Associate Degree Nursing Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

8.2.4 Discussion and possible action regarding Board approval of ELC recommendation to accept substantive changes to an approved program (closure of program, with possibility of re-opening in the next five years as a substantive change) (16 CCR §§ 1426 & 1432)

College of the Siskiyous Associate Degree Nursing Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

8.2.5 Discussion and possible action regarding Board approval of ELC recommendation to accept substantive changes to an approved program, addition of a new campus or location, with enrollment pattern of 40 additional students every fall (160 students at one campus, 40 students at other; 200 total students annually for both campuses) campus, 40 students at other; 200 total students annually for both campuses) (16 CCR §§ 1426 & 1432)

San Diego State University Baccalaureate Degree Nursing Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

8.2.6 Discussion and possible action regarding Board approval of ELC recommendation to accept substantive changes to an approved program, addition of a new campus or location, with

enrollment pattern of 45 students three times per year on new campus (16 CCR §§ 1426 & 1432)
 Marsha Fuerst School of Nursing Associate Degree Program

ELC vote: Jovita Dominguez – Yes; Mary Fagan – Yes; Susan Naranjo – Yes; Patricia Wynne – Yes

DISCUSSION: No board comments or questions about items 8.2.1 through 8.2.6.
Public Comment for Agenda Item 8.2.1 –

8.2.6: No public comment.

MOTION: Jovita Dominguez: Motion to accept ELC recommendations for 8.2.1 through 8.2.6.

SECOND: Patricia Wynne

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Due to the date of the ELC meeting having been changed from April to March, the following programs were not on the ELC agenda in March 2022.

4:12 pm

8.3 Discussion and possible action regarding clinical practice experience required for nurse practitioner students enrolled in non-California based nurse practitioner education programs (16 CCR § 1486) (consent) (not presented to the ELC)

(See meeting materials for list of schools)

- Colorado Technical University
- Creighton University
- George Washington University
- Harding University
- Loyola University New Orleans
- Norwich University
- Ohio University
- Spring Arbor University
- The College of St. Scholastica
- University of Arkansas
- University of Cincinnati
- University of Colorado at Aurora
- University of Nebraska Medical Center

University of Providence
 Vanderbilt
 Wegmans School of Nursing at St. John Fisher College

DISCUSSION: No board comments or questions.
Public Comment for Agenda Item 8.3: No public comment.

MOTION: **Jovita Dominguez:** Motion to approve clinical practice experience required for nurse practitioner students enrolled in non-California based nurse practitioner education programs

SECOND: **Elizabeth Woods**

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:16 pm

8.4 Discussion and possible action regarding acceptance of substantive changes to an approved program (present) (enrollment increase) (16 CCR §§ 1426 & 1432) (not presented to the ELC)

4:16 pm

8.4.1 American Career College Associate Degree

DISCUSSION: Patricia Wynne worries about an oversaturation and would like to hear from the program representatives. Julie France said the increase in students because they are sponsored by Ultimate through a grant and will be employed when they complete the program. Mary Ann McCarthy said the NECs ensure the programs meet the regulatory requirements before bringing the programs to the board. Patricia Wynne thanked Mary Ann McCarthy.

Public Comment for Agenda Item 8.4.1:

Flor asks the board to approve the enrollment increase as she is a LVN that wishes to work with Spanish speakers and homeless population. She is a Dreamer who emigrated to the US with her mother from El Salvador when she was 12.

Diana respectfully requests the board approve the temporary increase for ACC. She attended a CSU, but the waitlist is too long and competition was extensive and lengthy. She took a semester off and then attended a community college to complete her pre-requisites. Her goal is to work in emergency medicine.

MOTION: Jovita Dominguez: Motion to Recommend Acceptance

SECOND: Mary Fagan

VOTE:

	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:25 pm

8.4.2 Angeles College Baccalaureate Degree Nursing Program

DISCUSSION: Mary Fagan asked if there is any more recent data. Mary Ann McCarthy said there is no more current data that can be used by the BRN.

Mary Fagan said this makes it difficult to make a decision.

Loretta Melby said she's been in contact with UCSF who is having difficulty with the data, and they are formatting and getting it ready to publish on the website.

Dr. Sasha Rarang said the data they provided is from 2021. They have the resources, this is a one-time increase, and can provide a quality education for their students.

Dolores Trujillo asked whether any cohort has graduated from their program yet. Dr. Rarang said no cohort has graduated yet. Dolores Trujillo is asking why they are asking for an enrollment increase. Dolores Trujillo asks about the unnamed hospital that is seeking nurses from overseas.

Patricia Wynne asked Mary Ann McCarthy about the guaranteed clinical placements which the program said is true. Mary Ann McCarthy said the program submits the EDP-P-18 which shows any clinical placement does not displace other students.

Jovita Dominguez points to Dolores Trujillo's comment about no cohort graduating from this program. Mary Ann McCarthy says there is no NCLEX data or attrition or retention information to show for this program. The regulations only say they must show the program can support adding students. Loretta Melby provided additional clarifying information.

**Public Comment for
Agenda Item 8.4.2:**

No public comment.

MOTION: Jovita Dominguez: Motion to Approve

SECOND: Dolores Trujillo

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	N	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:45 pm

8.4.3 Pacific Union College Associate Degree Nursing Program

DISCUSSION: No board comments or questions.
Public Comment for Agenda Item 8.4.3: No public comment.

MOTION: Jovita Dominguez: Motion to Accept

SECOND: Patricia Wynne

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:50 pm

8.5 NCLEX Update (Information Only)

DISCUSSION: No board comments or questions.

4:51 pm

8.6 Licensing Unit Update (Information Only)

DISCUSSION: No board comments or questions.

Public Comment for Agenda Item 8.5 and

8.6: No public comment.

Meeting recessed at 4:55 pm, and will continue on May 19, 2022

May 19, 2022 – BRN Board Meeting

9:05 am

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:05 am. All members present, except for Imelda Ceja-Butkiewicz and Susan Naranjo. Quorum established at 9:06 am.

9:07 am

9.0 Report of the Enforcement/Intervention Committee
Presented by: Dolores Trujillo

9:07 am

9.1 Overview of the Enforcement Division and Investigation Unit
Presented by: Shannon Johnson, BRN Enforcement Chief

9.1.1 Information only: Enforcement and Investigations update

DISCUSSION: Mary Fagan asked about the impact of so many vacant IEC members

Shannon Johnson said they're looking at the impact. It may not be possible to have a quorum which would result in cancelling a meeting. The meeting participants attend virtually so a specific location is not as important as it used to be. They are looking at shuttering one or two committees that have very low participant levels.

Public Comment for

Agenda Item 9.1: No public comment.

9:16 am

9.2 Discussion and possible action regarding appointment of Intervention Evaluation Committee (IEC) members

Name	Title	IEC Location	Appointment Type	Term Expiration
Lisa Martinez, RN	Nurse Member	2, Fairfield	Reappointment	June 30, 2026
Diane Alvy, RN	Nurse Member	3, LA	Reappointment	June 30, 2026
Dianne Souza, PM	Public Member	10, San Diego	Reappointment	June 30, 2026
Grace Murphy, RN	Nurse Member	3, LA	Reappointment	June 30, 2026

DISCUSSION: No board comments or questions.
Public Comment for Agenda Item 9.2: No public comment.

MOTION: **Elizabeth Woods:** Motion to approve the IEC reappointments.

SECOND: **Dolores Trujillo**

VOTE:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

5-minute break

9:20 am

10.0 Report of the Legislative Committee
Presented by: Dolores Trujillo, RN, Chair

9:30 am

10.1 Legislative update and discussion of bills relevant to the Board from the 2021-2022 legislative session

DIRECT IMPACT BILLS

AB 852 (Wood), Health care practitioners:
 electronic prescriptions: nurse practitioner scope
 of practice: practice without standardized
 procedures

Discussion: Reza Pejuhesh, Dolores Trujillo, Mary Fagan, and Loretta Melby discussed how to handle votes and public comment for the legislative bills.

Public Comment AB 852: No public comment.

Motion: Dolores Trujillo to Support the bill.

Second: Elizabeth Woods

Vote:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

AB 1662 (Gipson), Licensing Boards:
Disqualification from Licensure: Criminal
Conviction

Discussion: Patricia Wynne asked if the BRN had been in contact with the author's office and what they're trying to accomplish right now under the existing procedures. Loretta Melby said there is no pre-review process. This is a DCA wide bill. DCA is in contact with the author. BRN is not doing this process.

Mary Fagan asked if there was any guidance on the BRN website. Loretta Melby said there is information on the website but no way for an applicant to get a decision without staff reviewing all information to make a determination. Dolores Trujillo said there is more information in the materials.

Reza Pejuhesh asked if the board submitted a letter of opposition previously. Dolores Trujillo said the board did. Loretta Melby said a new one could be sent since there is new language. Reza Pejuhesh asked if there is enough information to include in a letter to help the author's office? Loretta Melby provided information about the review process.

Mary Fagan said she's concerned about the additional workload for staff. Loretta Melby said fiscal impact information was submitted to request staff. She said they reached out to UCSF for data.

Patricia Wynne said she would be more concerned if this was only for BRN but because it's for all board's she's less inclined to give a point-by-point analysis.

Mary Fagan asked if we knew the positions of the other boards. Loretta Melby said she thought most had a position of oppose. She said she thinks there may be new amendments before the bill has to move to the other house in June. If the board has another meeting in June, then this bill can be addressed.

Reza Pejuhesh said he looked information up and Dental Hygiene and Professional Engineers, Land Surveyors & Geologists have taken an oppose position. Reza Pejuhesh said he doesn't see any new areas of concern since the recent amendment addresses some of the previous areas of concern. Loretta Melby said she agrees with Reza Pejuhesh. Reza

Pejuhesh read information from the above board's opposition positions.

Public Comment AB No public comment.

1662:

Motion: Dolores Trujillo: Motion to Oppose the bill.

Second: Jovita Dominguez

Vote:	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

AB 1711 (Seyarto), Privacy: Breach

Discussion: No board comments or questions.

Public Comment AB No public comment.

1711:

Motion: Dolores Trujillo to Watch the bill.

Second: Jovita Dominguez

Vote:	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

AB 2626 (Calderon), Medical Board of California:
Licensee Discipline: Abortion

Discussion:

Patricia Wynne stated that she is inclined to support but asked if the board has revoked a license based on something like this or is this political.

Loretta Melby provided information and context for disciplinary action.

Marissa Clark, Chief of Legislative Affairs added that the amendment is an urgency clause to take effect immediately.

Public Comment AB

2626: No public comment.

Motion: **Elizabeth Woods:** Motion to Support this bill.

Second: **Dolores Trujillo**

Vote:	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

AB 2684 (Committee on Business and Professions), Nursing

Discussion: Dolores Trujillo said there are more areas to work on and would be willing to look at a support if amended position rather than watch.

Elizabeth Woods asked about the first paragraph of the bill. Loretta Melby said this was a placeholder bill and does not provide an extension for the board yet. Elizabeth Woods asked about the “non-substantive” changes. Loretta Melby explained simple/minor statutory language changes in the bill. Marissa provided additional context about what non-substantive changes mean.

Patricia Wynne would like to take a strong position of support if amended on this bill and explain what provisions will not work for the board. Loretta Melby said she’s working with the author’s office on language changes.

Public Comment AB

2684: No public comment.

Motion: **Dolores Trujillo:** Motioned to Support if Amended.

Second: **Patricia Wynne**

Vote:	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y

Key: Yes: Y | No: N | Abstain: A | Absent for Vote: AB

Motion Passed

INDIRECT IMPACT BILLS

AB 2055 (Low), Controlled Substances: CURES Database

Discussion: Mary Fagan asked if the Department of Justice in this bill is state or federal. Loretta Melby said it is the state’s DOJ.

Patricia Wynne asked if there are problems at DOJ. Loretta Melby doesn’t know if there was a problem, but this overlapped with Pharmacy Board, and they agree with the decision.

Reza Pejuhesh read some language from the bill analysis saying California is only one of four states where the PDMP (Prescription Drug Monitoring Program) is housed within a law enforcement agency.

Dolores Trujillo made a motion to watch. Elizabeth Woods asked what they would be watching for? Loretta Melby said a position of support is appropriate. Dolores Trujillo changed her motion from watch to support. Jovita Dominguez seconded the motion.

Public Comment AB No public comment.

2055:

Motion: **Dolores Trujillo:** Motion to Support the bill.

Second: **Jovita Dominguez**

Vote:	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

AB 2107 (Flora), Clinical Laboratory Testing

Discussion: Mary Fagan asked if we know what position other boards have taken? Loretta Melby is having IT issues and asked Reza Pejuhesh if he could assist. He said he does not see any board

position. He read some language from private agencies who have submitted statements.

Mary Fagan said we may want to watch this bill instead of support right now. Dolores Trujillo said she agrees with Mary Fagan.

Public Comment AB 2107: No public comment.

Motion: Dolores Trujillo: Motion to Watch the bill.

Second: Elizabeth Woods

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

AB 2790 (Wicks), Reporting of Crimes: Mandated Reporters

Discussion: Mary Fagan said she thinks the board should oppose this bill because it puts patients at risk.

Elizabeth Woods said this has to do with health care and gets the person out of the house so the victim may not get killed.

Patricia Wynne said women’s groups worked very hard in the 1980’s to get this passed to protect victims and seems this is going the wrong direction.

Public Comment AB 2790: No public comment.

Motion: Mary Fagan: Motion to Oppose the bill.

Second: Dolores Trujillo

Vote:

Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

SB 962 (Jones), Healing Arts: Clinical Laboratory
Technology: Moderate-Complexity Laboratories

Discussion: Mary Fagan asked what position other boards have taken. Loretta Melby said she could not find any oppose or support positions. Reza Pejuhesh said there are a few positions of support including the Respiratory Care Board.

Public Comment SB

962: No public comment.

Motion: Mary Fagan: Motion to Watch the bill.

Second: Dolores Trujillo

Vote:	DT	MF	IC-B	JD	SN	EW	PW
Vote	Y	Y	AB	Y	AB	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

SB 1334 (Bradford), Meal and Rest Periods:
Hospital Employees

Discussion: Dolores Trujillo said she's inclined to support this bill and Mary Fagan agreed. Patricia Wynne asked if this aligns with what hospitals do for nurses and Mary Fagan said this is what they do in her hospital. Mary Fagan said one piece of the bill would exempt employees covered by a valid collective bargaining agreement and asked if this applies to public and private

It was clarified that the bill sets a baseline and exempts current Collective Bargaining Agreements that provide additional supports.

Public Comment SB

1334: Saskia Kim, CNA: Stated that CNA is the sponsor of this bill. This bill applies to public sector employees. She said that if private employees have collective bargaining agreements with same provisions they are exempted. The language was included to address potential contract legal issues.

No public comment.

Motion: Dolores Trujillo: Motion to Support the bill.

Second: Mary Fagan

Vote: Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	Y	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

SB 1475 (Glazer), Blood Banks: Collection

DISCUSSION: Loretta Melby: Updated members that no huge changes in the amendments; it still allows RN's to not be physically present and can participate through telehealth methods. Off-site changes need to be addressed.

Tricia Wynne: Requested that she would like to continue holding the opposed position on this bill.

Mary Fagan: Included that this Bill inhibits RN's to not be available for an immediate need.

Dolores Trujillo: Shared that if she were a blood donor, I would be concerned.

Public Comment SB

1475: Saskia Kim, CNA: Thanked the board for their continued opposition. The recent amendments do not change CNA's position.

No other public comments.

Motion: Dolores Trujillo: Motion to Oppose the bill.

Second: Patricia Wynne

Vote: Vote	DT	MF	IC-B	JD	SN	EW	PW
	Y	N	AB	Y	AB	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

CLOSED SESSION

Disciplinary matters

The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

11:27 am

11.0

Pending litigation

The Board convened in closed session pursuant to Government Code section 11126, subdivision (e), to discuss pending litigation: *William Leroy Sabatini vs. California Board of Registered Nursing*, Superior Court of California, San Diego County, case no. 37-2021-00030061-CU-WM-CTL

11.1

Disciplinary matters

The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

11.2

3:51 pm

12.0 **Adjournment**

Submitted by:

Accepted by:

Loretta Melby
Executive Officer
California Board of Registered Nursing

Dolores Trujillo
President
California Board of Registered Nursing

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING
MINUTES**

DRAFT

Date: June 23, 2022

9:03 am

Start Time: 9:03 a.m.

Location: 1747 N. Market Blvd.
Hearing Room, Ste. 186
Sacramento, CA 95834

Rady Children's Hospital
Executive Office Building
7960 Birmingham Drive, Room 1406
San Diego, CA 92123

The Board of Registered Nursing (Board) held a public meeting both in-person and via a teleconference platform.

June 23, 2022 - 9:00 am BRN Board Meeting

9:03 am

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:03 am. All members present, with the exception of Susan Naranjo. Quorum was established at 9:05 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Elizabeth (Betty) Woods, RN, FNP, MSN
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Susan Naranjo
Roi David Lollar

Absent Member: Susan Naranjo

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:07 am

3.0

Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for Agenda Item 3.0:

No public comment.

9:10 am

4.0

Discussion and Possible Action Regarding Appointment by Board President of Committee Members and/or Chairs, and Approval by the Board.

Board Discussion: Dolores Trujillo appointed Roi David Lollar to the Enforcement/Intervention Committee and the Legislative Committee. Member Lollar accepted both nominations.

Motion: **Dolores Trujillo:** Motion to approve the Committee appointments

Second: **Elizabeth Woods**

Public Comment for Agenda Item 4.0:

Jeanette Carbello: Asked if the public needs to make application to the committee to sit on the Board. Reza Pejuhesh stated that Board Members are appointed by the Governor and the Legislature.

Loretta Melby: Added that there is an application on the Governor's website and clarified that Committee Members are appointed Board members.

Members of the public may serve on Board advisory committees.

4.0 Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	A
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Additional Committee

Nomination(s): Dolores Trujillo appointed Patricia Wynne as chair of the Enforcement and Intervention Committee. Member Wynne accepted the nomination.

Motion: **Dolores Trujillo:** Motion to approve the Chair appointment

Second: **Elizabeth Woods**

**Public Comment for
Additional
Nomination:**

No public comment.

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:20 am

5.0

Discussion and Possible Action regarding review and approval of the corrected charters for the Nursing Practice Committee, Nurse Practitioner Advisory Committee, Nurse-Midwifery Advisory Committee, and APRN Advisory Committee.

Board Discussion: Dolores Trujillo introduced this agenda item. Loretta Melby made a correction to the agenda item asking to only include or take new language for the APRN Advisory Committee charter.

**Public Comment for
Agenda Item 5.0:**

No public comment.

Motion: **Dolores Trujillo:** Motion to approve the corrected charter for the APRN Advisory Committee

Second: **Patricia Wynne**

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:24 am

6.0

Discussion and Possible Action Regarding Revisions to Previously Board-Approved Proposed Regulatory Text to Amend California Code of Regulations, Title 16, Section 1427 (Clinical Facilities).

Presented by Heather Hoganson, DCA Regulatory Attorney

Board Discussion: No board discussion.

**Public Comment for
Agenda Item 6.0:**

Alice Montenegro, Golden West College, Associate Dean: Requested BRN staff be considerate about the number of times changes are made due to limited staff.

Hannah Lee: Asked for clarification regarding the separation of the sections and the limited comment period.

Heather Hoganson explained that these proposed regulations already had a full comment period.

Motion: Dolores Trujillo: Motion to adopt proposed modified text for 16 CCR 1427 as noticed; direct staff to take all steps necessary to complete the rulemaking process, including filing the final rulemaking package with the Office of Administrative Law; authorize the Executive Officer to make any non-substantive changes to the proposed regulations necessary to complete the rulemaking process.

Second: Jovita Dominguez

Vote:

Vote	DT	MF	EW	JD	PW	SN	DL
	Y	Y	Y	Y	Y	AB	A
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:31 am

7.0

Discussion and Possible Action Regarding Voluntary Pause of BSN and FNP Programs at Holy Names University.

Presented by Mary Anne McCarthy, SNEC

Board Discussion: Elizabeth Woods asked if her understanding that none of the students will lose any credit and will be moved as quickly as possible to another program is correct.

Mary Ann McCarthy stated that Member Woods was correct and that students will be moved quickly to minimize interruptions to their academic life.

After motion: Dolores Trujillo asked about proposed changes to the Family Nurse Practitioner (FNP) program.

A school representative explained that a minor curriculum change was previously approved by their Nurse Education Consultant (NEC) and there is a cohort that needs one course moved in the

curriculum to benefit students. They also continued that there will be a pause for two enrollments in the program.

**Public Comment for
Agenda Item 7.0:**

No public comment.

Motion: Dolores Trujillo: Motion to accept a voluntary pause of the Baccalaureate of Nursing degree program and the Family Nurse Practitioner program at Holy Names University

Second: Jovita Dominguez

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:42 am

8.0

Discussion and Possible Action Regarding Request from Samuel Merritt University for One-Time Enrollment Increase. Presented by Maryanne McCarthy, SNEC

**Public Comment for
Agenda Item 8.0:**

Dr. Fazia Fazoli president of Chamberlain University: Explained how this is an example of how the programs can work together and commended Samuel Merritt and the BRN Staff for their work.

Motion: Dolores Trujillo: Motion to accept request for one-time enrollment increase of 15 students from Holy Names University Baccalaureate of Nursing degree program in the Fall of 2022 for Samuel Merritt University Baccalaureate Nursing degree program.

Second: Jovita Dominguez

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:48 am

9.0

Legislative update and discussion of bills relevant to the Board from the 2021-2022 legislative session. Presented by Marissa Clark, Chief of Legislative Affairs.

Items were taken out of order. Times when each item was taken are indicated on the left-hand side.

DIRECT IMPACT BILLS

1. **AB 562 (Low)**, Frontline COVID-19 Provider Mental Health Resiliency Act of 2021: Health Care Providers: Mental Health Services

(Not Discussed)

2. **AB 646 (Low)**, Department of Consumer Affairs: Boards: Expunged Convictions

(Not Discussed)

3. **AB 657 (Cooper)**, Healing arts: expedited licensure process: Applicants providing Abortion Services.

11:28 am

Public Comment for

AB 657: No public comment.

Motion: Dolores Trujillo: Motioned to accept

Second: Mary Fagan

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4. **AB 852 (Wood)**, Health care practitioners: electronic prescriptions: nurse practitioner scope of practice: practice without standardized procedures

(Not Discussed)

5. **AB 858 (Jones-Sawyer)**, Employment: Health Information Technology: Clinical Practice Guidelines: Worker Rights

(Not Discussed)

6. **AB 1604 (Holden)**, The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

(Not Discussed)

7. **AB 1662 (Gipson), Licensing Boards: Disqualification from Licensure: Criminal Conviction**

(Not Discussed)

8. **AB 1711 (Seyarto), Privacy: Breach**

(Not Discussed)

9. **AB 2188 (Quirk), Discrimination in Employment: Use of Cannabis**

(Not Discussed)

10. **AB 2626 (Calderon), Medical Board of California: Licensee Discipline: Abortion**

(Not Discussed)

11. **AB 2684 (Committee on Business and Professions), Nursing**

9:49 am

Board Discussion: Marissa Clark presented proposed language that was emailed after 9 pm on June 22, 2022.

Loretta Melby discussed the BRN Sunset proposal. The bill is scheduled to be heard in Senate B&P Committee on June 27, 2022. The language includes many of the items requested by BRN:

- a. Implement minimum 500 direct patient care hour minimum
- b. Eliminate requirement to file separate application for furnishing number
- c. Eliminate fee floors to allow for lower fees in the future

Address concerns of chairs and stakeholders:

- a. Codify NEWAC committee
- b. Reduce duplication of functions between BRN and accreditors
- c. Extend flexibilities relating to clinical sites

Incorporate many AB 852 provisions relating to Nurse Practitioners as that bill now deals with Pharmacy.

Additional 1-offs:

1. Authorize (not mandate) the BRN to approve LVN bridge programs with fewer than two academic years for licensed LVNs.
2. Move the clinical placement language from AB 1015 to the school approval section of the practice act.

Mary Fagan asked when final language will be provided and stated that it is difficult to decide with only proposed language.

Patricia Wynne appreciated the presentation and expressed disappointed that the BRN is not at the table with the legislative staff.

Loretta Melby explained that Legislative staff reached out to her via email yesterday evening to today's meeting and she was able to share the contents of the email with the board.

Elizabeth Woods asked about the levels of education required to train or be faculty in a clinical facility or at the educational institution.

Loretta Melby provided additional clarification.

Elizabeth Woods asked if the nurses with lower levels of education receive any type of credit towards a bachelor's degree? Loretta Melby said that is up to the educational institution. and that the BRN only has jurisdiction over pre-licensure education not post-licensure.

David Lollar asked about the Watch position and some of the previous recommended Support/Oppose positions as to whether a position is needed due to the hearing being held on June 27.

Loretta Melby stated that direction is needed from the Board on how to proceed with the Bill. She stated that the board had been in support of most of the proposed language.

Mary Fagan asked why nursing workforce is not included in the language.

Loretta Melby provided additional information and background.

Patricia Wynne thanked Loretta Melby for the information. She asked what happens if this bill fails. Loretta Melby said the board's work would fall under the Department of Consumer Affairs and the board would most likely become a bureau. The Board Members would sunset, but the work of DCA staff would continue.

Public Comment for

AB 2684:

Dr. Fazia Fazoli, Chamberlain College: Appreciates the board discussion about this bill and the work of the board for the past two years that she's been attending the meetings.

Carol Stanford: Stated that she previously worked for the BRN and appreciates the work of the Board.

Motion: Patricia Wynne: Motion to Support if Amended, except for 2b and 2c in the second section; and asking for the removal of the conceptual language to make it more consistent.

Second: Mary Fagan

Vote:

Vote	DT	MF	EW	JD	PW	SN	DL
	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

**** President Truillo called for a 10-minute break from 11:15 to 11:25 ****

Meeting re-convened at 11:28 am.

12. SB 1237 (Newman), Licenses: Military Service

(Not Discussed)

13. SB 1365 (Jones), Licensing Boards: Procedures

(Not Discussed)

14. SB 1375 (Atkins), Nursing: Nurse Practitioners

11:34 am

Board Discussion: Dolores Trujillo asked when the unprofessional conduct language was added.

Marissa Clark stated the language came in the May 19th amendment.

Patricia Wynne asked if it is common to include conduct as unprofessional conduct. Loretta Melby said this is like language in another bill and that it is included in the Disciplinary Guidelines within BRN's regulations.

Patricia Wynne stated she has familiarity with regulations but wondered about this language statute.

Loretta Melby also said performance of an abortion would not used as a basis for discipline, unprofessional conduct is whether they were negligent.

Public Comment for

SB 1375: No public comment.

Motion: Dolores Trujillo: Motion to Support

Second: **Elizabeth Woods**

Vote:

Vote	DT	MF	EW	JD	PW	SN	DL
	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

15. **SB 1424 (Nielsen)**, Consumer Affairs: The Department of Consumer Affairs

(Not Discussed)

16. **SB 1451 (Borgeas)**, Department of Consumer Affairs

(Not Discussed)

INDIRECT IMPACT BILLS

1. **AB 1105 (Rodriguez)**, Hospital Workers: COVID-19 Testing
(Not Discussed)

2. **AB 1120 (Irwin)**, Clinical Laboratories: Blood Withdrawal

(Not Discussed)

3. **AB 1810 (Levine)**, Pupil Health: Seizure Disorders

(Not Discussed)

4. **AB 1914 (Davies)**, Resource Family Approval: Training

Board Discussion: Dolores Trujillo asked if the bill would exempt CPR training.

Marissa Clark said CPR is exempt.

11:48 am

Public Comment for

AB 1914: No public comment.

Motion: **Mary Fagan:** Motion to Support if Amended

Second: **Patricia Wynne**

Vote:

Vote	DT	MF	EW	JD	PW	SN	DL
	Y	Y	Y	Y	Y	AB	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

5. **AB 1914 (Davies), Resource Family Approval: Training**

(Not Discussed)

6. **AB 2548 (Nazarian), Healthier Homes – Age in Place Nursing Homes**

(Not Discussed)

7. **AB 2790 (Wicks), Reporting of Crimes: Mandated Reporters**

11:53 am

Board Discussion: Patricia Wynne stated she is uncomfortable with this bill even with the amendments. She asked if women’s groups are supporting this bill.

Marissa Clark identified a number of groups that support the bill. Patricia Wynne stated that she hates to roll back something like this and knows how hard women’s groups fought to get these changes.

Loretta Melby said that Forensic Nurses are opposed to this bill. She also said the language does not address gender.

Elizabeth Woods does not see the reason why this should be removed.

Loretta Melby explained that victims would possibly be hesitant to seek health care if the abuser would get reported.

David Lollar asked who this bill is trying to protect. and explained that as a teacher, he is a mandated reporter and is immune once he gives a report to law enforcement.

Marissa Clark read a statement from the California Partnership to End Domestic Violence.

Jovita Dominguez agrees with David Lollar but wants to make it clear that she feels this is going backwards.

Mary Fagan asked the timing of this bill, specifically, where it is in the process and when it would be heard?

Marissa Clark said it is scheduled to be heard in Senate Public Safety on June 28.

Dolores Trujillo asked what could be offered to a patient if she didn't have to report this to law enforcement.

Loretta Melby said medical care would be provided and referral to victims advocate and a social worker.

Public Comment for

AB 2790: Saskia Kim, CNA: Stated that CNA is in support of this bill. This language is intended to modernize California mandatory reporting and that survivors of abuse report mandatory reporting further endangers the victim. There are also immigration issues that come from mandatory reporting.

Motion: Elizabeth Woods: Motion to Oppose

Second: Jovita Dominguez

Vote:

Vote	DT	MF	EW	JD	PW	SN	DL
Vote	Y	A	Y	Y	Y	AB	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

8. **SB 213 (Cortese), Workers' Compensation: Hospital Employees**

(Not Discussed)

9. **SB 441 (Hurtado), Health Care Workforce Training Programs: Geriatric Medicine**

(Not Discussed)

10. **SB 637 (Newman), Health Facility Reporting: Staffing**

(Not Discussed)

11. **SB 731 (Durazo), Criminal Records: Relief**

(Not Discussed)

12. **SB 962 (Jones), Healing Arts: Clinical Laboratory Technology: Moderate Complexity Laboratories**

(Not Discussed)

12:17 pm

13. **SB 1134 (Melendez), Substance Use Disorder Counselors: Allied Behavioral Health Board**

Board Discussion: Patricia Wynne stated that she does not understand why the BRN should take a position on this bill.
Mary Fagan agreed.

Loretta Melby says the BRN does not need to take a position as this is an indirect bill.

No position taken by board.

14. **SB 1334 (Bradford), Meal and Rest Periods: Hospital Employees**

(Not Discussed)

15. **SB 1475 (Glazer), Blood Banks: Collection**

(Not Discussed)

The California Board of Registered Nursing recessed at 12:24pm, and conducted Committee Meetings.

Dolores Trujillo, President, called the meeting to order at: 3:30 pm.
All members present, with the exception of Susan Naranjo.
Quorum was reestablished at 3:30 pm. Meeting went into to Closed Session at 3:31pm.

3:31pm

10.0

Closed Session:

10.1 Disciplinary Matters the Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

4:37 pm

11.0

Adjournment

Dolores Trujillo, President, adjourned the meeting at 4:37 pm.

Submitted by:

Accepted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Dolores Trujillo, RN
President
California Board of Registered Nursing

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING
MINUTES**

DRAFT

Date: July 26, 2022

9:00 am

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not provided.

The Board of Registered Nursing held a public meeting via a teleconference platform.

July 26, 2022 - 9:00 am BRN Board Meeting

9:00 am

1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:00 am. All members present. Quorum was established at 9:02 am.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC – Vice President
Elizabeth (Betty) Woods, RN, FNP, MSN
Jovita Dominguez, BSN, RN
Patricia “Tricia” Wynne, Esq.
Susan Naranjo
Roi David Lollar

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Attorney

9:04 am

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Note: The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code, Sections 11125 and 11125.7(a)).

**Public Comment for
Agenda Item 3.0:**

Scott Casanover: Asked to make comments for item 4.0. and stated he would wait until that agenda item came up.

Mary Adorno, CA Association for Health Services at Home: stated she recently heard information about NPs ordering home health services while having to work under the protocols of a specific entity and wants to know what NPs can do since there is conflicting information posted on CDPH's website.

Board President Dolores Trujillo asked to have this added a future Board Meeting agenda.

4.0 Consideration of public comments, discussion, and possible adoption of modified proposed regulatory text to amend California Code of Regulations, title 16, section 1423 (Approval Requirements) and section 1432 (Changes to an Approved Program)

Presented by: Loretta Melby, EO, and Dani Rogers, DCA Regulations Attorney

Board Discussion: No board discussion before motion made.

Motion: Dolores Trujillo: Motion to approve the responses to comments and the text proposed by staff. Delegates authority to the Executive Officer to finalize the regulatory package, including making any technical or non-substantive changes required.

Second: Patricia Wynne

**Public Comment for
Agenda Item 4.0:**

Scott Casanover, West Coast University: (read a prepared statement) Shared concerns about the 10-day notice for this hearing and that it is being held while the legislature is in recess. Asked if the board has the authority to increase enrollment at a single student level and how that is substantive change. Stated that increasing enrollment by a single student is not reasonable and demonstrates the arbitrary and capricious nature of the board's interpretation of substantive change. The commenter gave the definition from the Merriam Webster dictionary of substantive change which says it involves matters of major or practical importance to all concerned or considerable amount of numbers which a single student is not. A change of 1, 5, or 7 does not meet the dictionary definition of substantive change. He continued further stating that the board argues that any change in enrollment is substantive because the addition of 5 additional students to a

9:09 am

program could displace another school’s clinical rotations. He explained that the board does not need the authority to control enrollments at the single student level to protect clinical rotations from displacement because the board already has the authority in section 1427 that requires every clinical rotation to be approved by the board. The board claims controlling enrollments at the single digit level allows the board to ensure that the nursing program has sufficient resources to operate a sustainable program. The board’s claims are false and common sense leads to the opposite conclusion. The board has authority to regulate many aspects of a nursing program and has regulatory provisions to address violations. There is a nursing shortage in California that impacts the quality and cost of healthcare. It’s contradictory to good public health policy and the state is desperate for qualified nurses. According to the board’s numbers, 100,000 qualified applicants were turned away from nursing programs because the BRN intentionally limited access to nursing programs. He questioned why these regulation changes are proposed weeks ahead of the legislature’s sunset review process. He stated the board should allow the sunset review process to play out before rushing these regulatory changes.

Ron Norby, President, CA Association of Colleges of Nursing: stated clinical placement is a complex issue and the BRN is not up to date on the issues. The issues change regularly and the BRN needs to look at the complexity. The sunset legislation has proposals to deal with the larger issue of clinical placements and the Board should wait for the legislation in the fall. He agrees with the prior speaker and asks that this be tabled until the legislative actions in the sunset bill provides additional guidance to address this issue.

Vote:

	DT	MF	EW	JD	PW	SN	DL
Vote	Y	N	N	Y	Y	Y	N
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Loretta Melby provided information after the vote. She explained that some of the issues brought up by the commenters are true, but 5 students could be 25% increase of a school’s enrollment if they only enroll 20 students, which is a significant amount. She also said that she was surprised by West Coast University bringing this as an issue because they enroll 2,000 students a year and 5 students would be a drop in the bucket for them but for the smaller programs this is a significant issue. She does understand this is a complex

issue and enrollment approval is included in the board's sunset bill. Clinical displacement is one of the many issues the board considers when making evidence-based decisions. Additionally, the board follows the guidelines of program evaluation from the National Council of State Boards of Nursing to identify at risk programs. She gave East Los Angeles College's situation as an example of the complex issues that face a nursing program that the board is monitoring closely. The Board would not be protecting the public if an at risk program was ok'd to increase their enrollment. She discussed another example a potential request for increase of 600 students by another nursing program and the impact it will have on the surrounding community colleges. The board, through the Nursing Education Consultants, is trying to remain neutral in those discussions. The board is fully aware of the complexity of the issues. She is available to answer any questions the board may have about this issue.

Mary Fagan stated concern about the comment regarding the timing of this issue.

Dani Rogers explained that the Board has a year to complete this regulatory package, and this process began in November 2021.

Mary Fagan asked why Board staff didn't incorporate any of the requested changes and make sure they aren't rubber stamping something and this seems suspicious to her.

Loretta Melby said she understands and most of the comments had to do with the fees. There is confusion with the dollar amount charged for substantial changes versus adding another campus. She provided additional information explaining why comments are not incorporated.

Reza Pejuhesh provided information regarding the regulatory process to address public comments.

9:50 am

5.0

Closed Session

5.1 Disciplinary Matters: The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

11:25 am

6.0

Adjournment

Dolores Trujillo, President, adjourned the meeting at 11:27 am.

Submitted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Accepted by:

Dolores Trujillo, RN
President
California Board of Registered Nursing