



Agenda Item 10.0

Report on Legislation

BRN Board Meeting | August 24 - 25, 2023

Legislative Committee
August 24 - 25, 2023

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BRN Board Meeting | August 24 - 25, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 10.0
DATE: August 24 & 25, 2023

ACTION REQUESTED: Legislative Update

REQUESTED BY: Dolores Trujillo, RN, Chairperson

BACKGROUND: Presentation of recently introduced or amended bills in 2023-2024 Legislative Session.

Opportunity for Board members to discuss and take a position through vote, if desired.

NEXT STEPS: Continue tracking and analysis of BRN related bills during 2023-2024 Legislative Session.

FINANCIAL IMPLICATIONS, IF ANY: Dependent on the proposed legislation and contained in the bill analysis, if applicable.

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BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 1695](#)
AUTHOR: Assemblymember Gipson
BILL DATE: July 5, 2023 - Amended
SUBJECT: Career technical education: Nursing Pathway Pilot Program
SPONSOR: United Nurses Associations of California/Union of Health Care Professionals

SUMMARY

This bill would, subject to an appropriation of one-time funds, establish the Nursing Pathway Pilot Program in high schools to create pathways toward associate degrees in nursing at California Community Colleges (CCC).

RECENT AMENDMENTS

- Requires the Superintendent of Public Instruction to consult with the Board of Registered Nursing in the development of the competitive application process to ensure alignment with California’s Nursing Practice Act.
- Requires the Board of Registered Nursing to review and approve any nursing course curriculum provided as a part of the pilot program to ensure alignment with California’s Nursing Practice Act.

BACKGROUND

Career Technical Education

Career Technical Education (CTE) is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. California has a wide variety of CTE programs that are supported by both federal and state funds. Three of the main K-12 CTE programs include CTE Incentive Grants (CTEIG), K-12 Strong Workforce Program (SWP), and Golden State Pathways Program (GSPP).

CTE Incentive Grants

The CTEIGs are allocated on a competitive basis and the funds are disbursed based on a formula that considers the size of the CTE program. Priority is given in eight different categories, including whether the program is in a rural area and whether it already uses other CTE funding, such as federal grants. The program requires a \$2 local match for every \$1 in state funding.

K-12 Strong Workforce Program

The K-12 SWP is allocated to regional consortia based on a formula considering grades 7 through 12 attendance and regional workforce needs. Each consortium, in turn, awards grants to school districts, charter schools, and county offices of education on a competitive basis. The program requires that grantees partner with a community college

to develop CTE opportunities and career pathways. The program also requires a \$2 local match for every \$1 in state funding.

Golden State Pathways Program

The purpose of the GSPP is to provide local educational agencies (LEA) with the resources to promote pathways in high-wage, high-skill, high-growth areas, including technology, health care, education, and climate-related fields that allow pupils to advance seamlessly from high school to college and career and provide the workforce needed for economic growth. The two funding opportunities for the GSPP are

- Consortium Development And Planning Grants – these are intended to support collaborative planning between a grant recipient and their program partners in the development of high-quality college and career pathways opportunities.
- Implementation Grants - these are intended to support a grant recipient's ability to offer participating pupils' high-quality college and career pathways opportunities.

Dual Enrollment

Dual enrollment allows high school students to take college level courses that may count toward both a high school diploma and a college degree. Dual enrollment has various models but the two most widely used in California are traditional dual enrollment and College and Career Access Pathways (CCAP). Traditional dual enrollment typically consists of individual high school students taking college-level courses on a community colleges campus. CCAP, on the other hand, allows cohorts of high school students to take college-level classes on a high school campus.

REASON FOR THE BILL

According to the author, California is facing a nursing shortage crisis, and we must address it at the root. This pilot program proposal is not a short-term band-aid, it is a long-term solution. We must train and retain more nurses here in California to help stop this ever-widening chasm of demand.

The author goes on to state that, this pilot program will be one tool in our belt to address this crisis, and it will empower our youth to fast-track their careers. Nurses are a vital part of the healthcare team, and healthcare systems fall apart without them, so it is crucial to shoring up our supply before this crisis reaches a critical tipping point.

ANALYSIS

This bill would establish the Nursing Pathway Pilot Program, subject to an appropriation of one-time funds in the annual Budget Act or another statute.

The bill would require the Superintendent of Public Instruction (SPI) to allocate funding for the development of career pathways toward an associate degree in nursing at any CCC at school sites that serve pupils in grades 9 to 12.

The funds would be allocated to pilot LEAs on the basis of an equal amount per average daily attendance (ADA) based on 2022-2023 figures.

Pilot LEA Selection

Pilot LEAs would be selected through a competitive application process in which they demonstrate their ability to provide all the following:

- Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils in the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles;
- The ability for pupils to earn credits towards an associate degree in nursing program at any CCC;
- The inclusion of a signed statement of support from a CCC.

The bill would require the Superintendent to consult with the Board of Registered Nursing in the development of the competitive application process to ensure alignment with California's Nursing Practice Act.

Allowable Activities

If chosen, a pilot LEA would be able to use the funds for all the following:

- Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils on the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles.
- Instructional materials aligned to the applicable science curriculum framework adopted by the State Board of Education and addressing the nursing profession;
- Age-appropriate hands-on instruction in hospitals, clinics, or other health care facilities

Community Colleges

The CCC Board of Governors would be required to adopt policies to implement the following provisions:

- A student enrolled in a pilot program must earn credits toward an associate degree in nursing at any CCC. Those credits are required to be applied upon the student's successful admission to the nursing program.
- Subject to the establishment of additional capacity in community college nursing programs above and beyond the level in place for the 2024-2025 academic year, a student who completes a pilot program must be granted preferential enrollment status toward an associate degree in any CCC.

The bill would require the Board of Registered Nursing to review and approve any nursing course curriculum provided as a part of the pilot program to ensure alignment with California's Nursing Practice Act.

Key Dates

The bill contains the following deadlines:

- LEAs must be selected by July 1, 2024.
- Funds may be encumbered through Fiscal Year 2026-27.
- Department of Education submits a report to the Legislature by January 1, 2028.
- Pilot program sunsets on January 1, 2032.

Additional Considerations

At the May meeting, Board members took a Support, If Amended position with a request that the bill include involvement from the Board of Registered Nursing. This is to ensure that the pilot programs are developed in a manner that considers public protection and the requirements of California's Nursing Practice Act.

Board staff connected with the author's office and the bill sponsors, both of which agreed to the Board's request. The current version of the bill includes the Board's requested amendments.

FISCAL IMPACT

None anticipated.

SUPPORT

- United Nurses Associations of California/Union of Health Care Professionals
- American Federation of State, County, and Municipal Employees
- California Hospital Association
- California School Nurses Organization
- California Workforce Association
- Los Angeles County Office of Education

OPPOSITION

None on File.

LEGISLATIVE COMMITTEE POSITION

Not Applicable.

BOARD POSITION

The Board took a SUPPORT, IF AMENDED position on the 4/18 version at the May Board meeting.

BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Senate Bill 544](#)
AUTHOR: Senator Laird
BILL DATE: April 27, 2023 – Amended
SUBJECT: Bagley-Keene Open Meeting Act: teleconferencing.
SPONSOR: California Commission on Aging

SUMMARY

This bill amends the Bagley-Keene Open Meeting Act (Bagley-Keene) to remove certain teleconference requirements, while ensuring remote public access to state body meetings via audio, online platforms, or physical attendance. This bill also requires procedures for accommodating individuals with disabilities and mandates disclosure of other individuals present with a member at a remote location.

RECENT AMENDMENTS

- Requires a state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting.
- Prohibits the notice and agenda from disclosing information regarding any remote location from which a member is participating.
- States that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.
- Requires a state body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.
- Requires a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

BACKGROUND

Bagley-Keene Opening Meeting Act of 1967

Bagley-Keene originated as a response to growing concerns about transparency and public involvement in the decision-making process of state agencies. Bagley-Keene aimed to ensure that state boards, commissions, and agencies conduct their business openly and transparently, allowing the public to be informed and participate in the decision-making process.

Bagley-Keene generally requires state bodies to conduct their meetings openly and make them accessible to the public. The law also requires state bodies to provide advance notice of their meetings and agendas and to allow public comments on matters under consideration. The act includes certain exceptions, such as closed sessions for

discussing personnel issues or pending litigation, to protect the privacy and legal interests of individuals and the state. The act applies to state bodies, which include boards, commissions, committees, councils, and any other public agencies created by state statute or executive order, with some exceptions.

COVID-19 and Executive Order N-29-20.

In order to practice social distancing, facilitate remote work, and protect the population against the COVID-19 pandemic, Executive Order (EO) N-29-20 authorized a state body to hold public meetings via teleconferencing. The EO required public meetings be accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in the Bagley-Keene and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting were temporarily waived.

In particular, the following otherwise applicable requirements were waived:

- State and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- Each teleconference location be accessible to the public.
- Members of the public may address the body at each teleconference conference location.
- State and local bodies post agendas at all teleconference locations.
- At least one member of the state body be physically present at the location specified in the notice of the meeting.
- During teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The EO provided that state bodies holding a meeting via teleconferencing and allowing members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with specified notice and accessibilities requirements, would have satisfied any Bagley-Keene requirement that the body allow members of the public to attend the meeting and offer public comment.

Temporary Teleconferencing Extension in 2022.

Senate Bill 189 (Committee on Budget and Fiscal Review, Chapter 48, Statutes of 2022), among other things, provided a temporary statutory extension for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings. The law suspended certain requirements that would typically apply to in-person meetings, such as having a physical location for the public to attend and providing access to all remote teleconference locations until July 1, 2023.

REASON FOR THE BILL

According to the author's office, in response to the COVID-19 pandemic and the widespread shutdown, the Governor signed an executive order to provide flexibility so state boards and commissions could continue to serve Californians remotely and safely. Although meant to be temporary, we saw significant benefits of remote meetings such as increased participation and reduced operating costs to the state.

The author's office goes on to state that, Senate Bill 544 codifies the Governor's Executive Order allowing state boards and commissions the opportunity to continue holding virtual meetings without being required to list the private addresses of each remote member or providing public access to private locations. The additional flexibility and safeguards may also help attract and retain appointees, who provide invaluable perspective. This bill will promote equity and public participation by removing barriers to Californians that experience challenges attending physical meetings, such as people with disabilities, caretakers, seniors, low-income individuals, and those living in rural or different areas of the state.

ANALYSIS

- The bill would require a state body to provide a means by which the public may remotely hear audio of a teleconferenced meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.
- The bill would require the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person to be specified in any notice required by Bagley-Keene.
- The bill would remove the requirement in Bagley-Keene that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location.
- The bill would allow for a staff member of the state body to meet the requirement that at least one member of the state body be physically present at the location specified in the notice of the meeting
- The bill would require a state body holding a meeting through teleconferencing and allowing members of the public to observe and address the meeting telephonically or otherwise electronically, to also do both of the following:
 - Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990, and resolving any doubt whatsoever in favor of accessibility.
 - Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment.

- The bill defines “participate remotely” to mean participation in a meeting at a location other than the physical location designated in the agenda of the meeting.
- The bill clarifies that it does not affect the existing 10-day notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting.
- The bill specifies that members of the public are entitled to exercise their right to directly address the state body during the teleconference meeting without being required to submit public comments prior to the meeting or in writing.
- The bill requires a state body, upon discovering that a means of remote participation has failed during a meeting and cannot be restored, to end or adjourn the meeting.
- The bill requires a member of a state body that is participating remotely to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member.
- The bill defines “remote location” as a a location from which a member of a state body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

FISCAL IMPACT

The Board staff do not anticipate a fiscal impact in terms of additional cost. However, Board staff do anticipate significant cost savings if the Board, Subcommittee, and Advisory Committees are all able to continue meeting remotely.

SUPPORT

- AARP Advisory Council for Source wise
- Agency on Aging \ Area 4
- Alcoholic Beverage Control Appeals Board
- Board of Behavioral Sciences
- California Acupuncture Board
- California Architects Board
- California Board of Accountancy
- California Commission on Aging
- California State Board of Optometry
- California State Board of Pharmacy
- California State Council on Developmental Disabilities
- California Structural Pest Control Board
- Dental Board of California
- Dental Hygiene Board of California
- Board of Barbering and Cosmetology

- Speech-language Pathology and Audiology and Hearing Aid Dispensers Board
- Disability Rights California
- Health Officers Association of California
- Medical Board of California
- Osteopathic Medical Board of California
- Physical Therapy Board of California
- Veterinary Medical Board

OPPOSE

- American Chemistry Council
- American Composites Manufacturers Association
- California Association of Winegrape Growers
- California Manufacturers & Technology Association
- Glass Packaging Institute

OPPOSE UNLESS AMENDED

- ACLU California Action
- California Broadcasters Association
- California Common CAUSE
- California News Publishers Association
- Californians Aware: The Center for Public Forum Rights
- CCNMA: Latino Journalists of California
- First Amendment Coalition
- Howard Jarvis Taxpayers Association
- Institute of Governmental Advocates
- Media Alliance
- National Press Photographers Association
- NLGJA: Association of LGBTQ+ Journalists
- Northern California Society of Professional Journalists
- Orange County Press Club
- Pacific Media Workers Guild (News Guild-Communications Workers of America Local 39521)
- Radio Television Digital News Association
- San Diego Pro Chapter of The Society of Professional Journalists Society of Professional Journalists, Greater Los Angeles Chapter

LEGISLATIVE COMMITTEE POSITION

Not Applicable.

FULL BOARD POSITION

The Board took a SUPPORT, SEEKING AMENDMENTS position on the 3/30 version at the April Board meeting.