



Agenda Item 10.0

Report of the Legislative Committee

BRN Board Meeting | February 16-17, 2022

February 16-17, 2022 BRN Board Meeting Legislative Committee

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Agenda Item 10.1

Legislative Update and Discussion of Bills Relevant to the Board of Registered Nursing (Board) from the 2021-2022 Legislative Session

BRN Board Meeting | February 16-17, 2022

BOARD OF REGISTERED NURSING
Legislative Committee
Agenda Item Summary

AGENDA ITEM: 10.1
DATE: February 16-17, 2022

ACTION REQUESTED: Legislative Update

REQUESTED BY: Dolores Trujillo, RN, Chairperson

BACKGROUND: Presentation of bills for the Board to review, including the following new or amended bills for consideration of a position and vote:

Direct Impact: AB 646 (Low), AB 1604 (Holden), AB 1733 (Quirk), and SB 889 (Ochoa Bogh)

Indirect Impact: AB 1120 (Irwin)

NEXT STEPS: Continued tracking and analysis of Board relevant bills

2022 Legislative Calendar

California Legislative Process

FINANCIAL IMPLICATIONS, IF ANY: Typically, only for direct impact bills, if any, as reflected by the proposed legislation and contained in bill analysis (available upon request).

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2021-2022 Legislative Session

BRN Bills of Interest: Summaries

(Click on bill title for link to the text; Bill information/status as of February 10, 2022)

Direct Impact Bills

AB 225 (Gray), Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

Expands the eligibility for a temporary license to a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other-than-dishonorable conditions as well as for a veteran within 120 months of separation from active duty under similar conditions who was a resident of California prior to entering military service.

Board Position: Watch (two-year bill)

Status: In Senate Committee on Business, Professions and Economic Development.

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

Requires the DCA director to establish a program to provide mental health services to specified frontline health care licensees treating patients with COVID-19.

Makes mental health services available to BRN licensees who provide or have provided direct care healthcare services to COVID-19 patients. It also requires notification to licensees by the BRN and solicitation of applications from licensees.

Board Position: Support (two-year bill)

Status: In Senate Committee on Appropriations, Suspense File.

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

Requires a professional licensing board to update or remove information posted on its online license search system about a revoked license within 90 days of receiving an expungement order related to the conviction as specified. It also requires the board to charge a fee of \$25 to cover the reasonable regulatory cost.

Board Position: Watch (two-year bill)

Status: Amended on January 25, 2022; Passed Assembly Floor on January 31, 2022; Currently in Senate.

AB 852 (Wood), Nurse Practitioners: Scope of Practice: Practice Without Standardized Procedures

Adds the new category of nurse practitioners (NPs) who are authorized to practice independently starting January 1, 2023, to provisions of law that include physician and surgeons and other relevant health care licensees; corrects a drafting error related to the conditions when an independent NP must refer to a physician and surgeon; adds the new independent NPs to pharmacy definitions for prescribers; and makes other technical and clarifying changes.

Board Position: Support (two-year bill)

Status: In Senate Committee on Business, Professions and Economic Development.

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

Prohibits a general acute care hospital (GACH) from limiting a worker providing direct patient care from exercising independent clinical judgment, as specified; authorizes a worker who provides direct patient care at a GACH to override health information technology and clinical practice guidelines, as specified; and prohibits a GACH from retaliating against a worker providing direct patient care for overriding health information technology and clinical practice guidelines.

Board Position: Support (two-year bill)

Status: In Senate Inactive File.

AB 1102 (Low), Telephone Medical Advice Services

Clarifies that a telephone medical advice service is required to ensure that all health care professionals providing telephone medical advice services from an out-of-state location are operating as consistent with the laws governing their licenses, in addition to their respective scopes of practice. It, also, clarifies that a telephone medical advice service is required to comply with directions and requests for information made by the respective in-state healing arts licensing boards.

Board Position: Watch (two-year bill)

Status: In Senate Inactive File.

AB 1498 (Low), Members of Boards Within the Department of Consumer Affairs: Per Diem

Existing law states that each member of a board under the jurisdiction of the Department of Consumer Affairs shall receive a per diem of one hundred dollars for each day spent in the discharge of official duties. This bill requires "each day" to be defined as either the accumulation of eight hours that the member spent in the discharge of official duties or a day on which the member performed any official duty.

Board Position: Not applicable (dead bill)

Status: Two-year bill that failed to advance out of the house of origin on or before January 31, 2022; Inactive Bill - Died.

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

Same as AB 105 (Holden), which was vetoed by Governor Newsom in October, 2021, with the recommendation that the bill costs be considered through the annual state budget process.

It modifies certain state civil service employment processes, including those related to job announcements, examinations and classifications; requires state boards and commissions that have at least one volunteer member to have at least one member from an underrepresented community; makes changes to departmental upward mobility programs; and adds a new demographic category for data collection by state agencies, among other provisions.

Board Position: Being Presented to the Board for the First Time (new bill)

Status: In Assembly Committee on Public Employment and Retirement.

AB 1733 (Quirk), State Bodies: Open Meetings

In the manner elaborated in the text of this bill, it requires all open meetings to be held by teleconference, allows for use of teleconference in closed sessions, and removes existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public.

Board Position: Being Presented to the Board for the First Time (new bill)

Status: Introduced January 31, 2022; not currently assigned to a committee.

SB 889 (Ochoa Bogh), Nurse Anesthetists

Allows a nurse anesthetist to administer general anesthesia or deep sedation to dental patients if the nurse anesthetist receives a permit from the Dental Board of California. It requires that a nurse anesthetist, in order to administer deep sedation or general anesthesia, apply to the board and provide, among other things, evidence that the nurse anesthetist has met specified educational requirements. It authorizes the board to require an onsite inspection and evaluation prior to the issuance or renewal of a permit and would require that a nurse anesthetist who fails that inspection and evaluation have their permit suspended, as specified. It, also, authorizes a nurse anesthetist to apply to the board for an endorsement to perform general anesthesia or deep sedation on a child under 7 years of age.

This bill requires a nurse anesthetist that is providing general anesthesia or deep sedation in a dental office to do so in accordance with the provisions of the Dental Practice Act that govern the use of general anesthesia or deep sedation in a dental office and in accordance with specified provisions of the Nursing Practice Act.

Board Position: Being Presented to the Board for the First Time (new bill)

Status: Introduced January 31, 2022; In Business, Profession and Economic Development.

Indirect Impact Bills

AB 99 (Irwin), Statewide Longitudinal Data System: California Cradle-To-Career Data System: Governance and Support

This bill codifies certain recommendations of the California Cradle-to-Career Data System workgroup's first legislative report, which describes the planning process and recommendations for phase one of creating an integrated data system to link student-level information from early childhood to the workforce.

Board Position: Watch (two-year bill)

Status: In Senate Committee on Education.

AB 102 (Holden), Pupil Attendance at Community Colleges: College and Career Access Pathways Partnerships: County Offices of Education

Authorizes county offices of education (COE) to enter into College and Career Access Pathways (CCAP) partnerships with the governing board of California Community College (CCC) districts, removes two sunset dates related to CCAP partnerships.

Board Position: Support (two-year bill)

Status: Amended on January 3, 2022; In Senate.

AB 285 (Holden), State Department of Education: State School Nurse Consultant

This bill requires, as an urgency measure, the California Department of Education (CDE) to appoint a state school nurse consultant to work with local educational agencies and school nurses to promote school nursing and school health programs. The bill also requires the consultant to collaborate with the California Department of Public Health, the Department of Health Care Services, the Governor's Office of Emergency Services and the Board of Registered Nursing and submit an annual report to the Governor and Legislature with information about their activities and recommendations for school nurse and school health programs.

Board Position: Oppose (two-year bill)

Status: Two-year bill that failed to advance out of the house of origin on or before January 31, 2022; Inactive Bill - Died.

AB 1040 (Muratsuchi), Community Colleges: Ethnic Studies

This bill requires each community college district to: (A) commencing with the 2022– 23 academic year, offer courses in ethnic studies at each of its campuses; and (B) commencing with the 2024– 25 academic year, require the completion of at least one course in ethnic studies of at least three units as a requirement for a student to obtain an associate degree. Also, requires the Legislative Analyst's Office to conduct a study on the number of ethnic studies courses the California State University (CSU) accepted from the community college districts to satisfy the ethnic studies course graduation requirement.

Board Position: Support (two-year bill)

Status: In Senate Committee on Education.

AB 1105 (Rodriguez), Hospital Workers: COVID-19 Testing

This bill requires general acute care hospital employers to develop and implement a program to offer COVID-19 screening testing for health care personnel, as defined. Also, requires general acute care hospital employers to test patients for COVID-19 prior to being admitted, with specified conditions and exceptions.

Board Position: Support (two-year bill)

Status: In Senate Committee on Appropriations, Suspense File.

AB 1120 (Irwin), Clinical Laboratories: Blood Withdrawal

This bill expands the scope of practice of certified phlebotomists to include the collection of blood through a peripheral venous catheter using blood collection devices approved by the United States Food and Drug Administration, as specified.

Board Position: Oppose (two-year bill)
Status: Amended on January 3, 2022; In Senate.

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

Creates rebuttable presumptions that infectious disease, COVID-19, cancer, musculoskeletal injury, post-traumatic stress disorder or respiratory disease are occupational injuries for a direct patient care worker employed in an acute care hospital and are therefore eligible for workers' compensation benefits.

Board Position: Support (two-year bill)
Status: Amended on January 25, 2022; Passed Senate on January 31, 2022; Currently in Assembly.

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

Requires the Office of Statewide Health Planning and Development (OSHPD) to include students and professionals with training in geriatrics in the office's administration of health professions workforce programs. This bill would provide access to loan repayment programs to nurse practitioners and certified nurse midwives practicing as geriatric professionals in underserved areas.

Board Position: Support (two-year bill)
Status: In Assembly Committee on Appropriations, Suspense File.

SB 637 (Newman), Health Facility Reporting: Staffing

Requires hospitals to report weekly during a statewide health-related state of emergency, and monthly at all other times, information, including but not limited to, staffing, staffing shortages, bed counts, and patient census, and layoffs and furloughs, to CDPH on a form and schedule determined by CDPH. Requires CDPH to publicly post the information. Also, requires hospitals to report weekly during a statewide health-related state of emergency, and monthly at all other times (no emergency declaration), until January 1, 2025, or the end of the declared COVID-19 emergency, whichever comes first, specified information regarding COVID-19-positive staff. Requires a licensed health facility to post any approval granted by CDPH for program flexibility immediately adjacent to the health facility's posted license, and on the facility's internet website.

Board Position: Support (two-year bill)
Status: In Assembly Inactive File.

SB 731 (Durazo), Criminal Records: Relief

Permits additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks. Expands automatic arrest record and conviction relief to additional felony offenses, as specified. Expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies, as specified.

Board Position: Watch (two-year bill)
Status: On Assembly Floor under a Motion to Reconsider.