



Agenda Item 6.2

**Discussion and Possible Adoption of Proposed
Regulatory Text to Modify California Code of
Regulations (CCR), Title 16, Section 1452
Regarding Continuing Education
Requirement Exemptions**

BRN Board Meeting | February 15-16, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 6.2
DATE: February 15-16, 2023

ACTION REQUESTED: Discussion and possible adoption of proposed regulatory text to modify California Code of Regulations (CCR), Title 16, Section 1452 regarding Continuing Education Requirement Exemptions.

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

BACKGROUND: In California, Registered Nurses (RN) are required by law to complete 30 contact hours of continuing education (CE) every two years to maintain an active license. Passage of [Assembly Bill \(AB\) 1407 \(Burke, Chapter 445, Statutes of 2021\)](#) created a mandate for Board licensees to complete one hour of implicit bias training as part of their CE requirement.

Starting January 1, 2023, a licensee still within the first 2 years of holding their license, immediately following their licensure, must complete one hour of direct participation in an implicit bias course offered by a CE provider that has been approved by the Board. The Board completed a regular rulemaking package last year which incorporated the implicit bias requirements outlined above into its CE regulations.

Existing law, as outlined in [Business and Professions Code Section 2811.5\(h\)](#), grants the Board discretion to provide exceptions to continuing education requirements for specified licensees if it wishes to do so. At the November meeting, Board members voted to not provide an exception to the implicit bias training requirement.

Board staff then submitted a rulemaking package to the Office of Administrative Law (OAL) to codify the Board's decision in an expedited manner. The Board submitted the package pursuant to the procedures outlined in CCR, Title 1, Section 100 (Publication of "Changes Without Regulatory Effect"). However, OAL believes this as a discretionary policy decision by the Board and recommended the Board pursue a regular rulemaking package, following the standard

procedure.

The purpose of this agenda item is for Board members to discuss and approve the proposed text that will be submitted to OAL as part of a regular rulemaking package.

The proposed text changes the title of [16 CCR 1452](#) for further clarity, adds a subsection and amends subsection language to enforce the implicit bias requirement and making it a part of licensing law. It also updates the alphabetical order of the subsections. These changes make clear that licensees shall complete this implicit bias requirement within the first two years and may not request an exemption. It also inserts the term “licensee” to replace “an applicant” or “that person” to make clear who is applying and be consistent with other regulations. Lastly, the Authority and Reference section of the regulation are being updated to reflect the requirements set forth in [AB 1407](#).

SUMMARY OF PROPOSED CHANGES

§ 1452

- States that all licensees must complete one hour of implicit bias training within the first two years of licensure.
- Clarifies that the one-time exemption from completing CE requirements in the first two years of licensure does not apply to the implicit bias training requirement.
- Clarifies that the ability to request an ongoing exemption from CE requirements due to a hardship does not apply to the implicit bias training requirement
- Replaces various references with the gender-neutral term “licensee” for clarity and consistency with other regulatory language.

NEXT STEPS:

Adopt the proposed regulatory text for 16 CCR 1452, direct staff to prepare the rulemaking file and proceed with review by the Director of the Department of Consumer Affairs and the Secretary of the Business, Consumer Services, and Housing Agency.

Upon their approvals, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.

If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulatory text as noticed.

FISCAL IMPACT, IF ANY: Staff estimates that there will be no fiscal impact to the Board.

PERSON TO CONTACT: Marissa Clark
Chief of Legislative Affairs
California Board of Registered Nursing
Email: Marissa.Clark@dca.ca.gov

**Department of Consumer Affairs
Board of Registered Nursing**

Title 16, California Code of Regulations, Section 1452

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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1452. ~~Exemption from Continuing Education Requirements;~~ Exemptions.

- (a) All licensees shall complete one hour of implicit bias training specified in section 1456 within the first two years of licensure.
- (ab) Except for the implicit bias training specified in subsection (a), during ~~During~~ the first two years immediately following initial licensure in California or other jurisdictions, licensees shall be exempt from completion of the continuing education requirements specified in Section 1451.
- (bc) Except for the implicit bias training specified in subsection (a), at ~~At~~ the time of making application for renewal, ~~an applicant~~ a licensee may request exemption from continuing education requirements if:
- (1) The licensee is requesting inactive status for the license; or
 - (2) The licensee can show evidence, satisfactory to the Board that
 - (A) the licensee has been employed overseas for a period of one (1) year or more, or a resident overseas for a period of one (1) year or more and currently employed; or
 - (B) the licensee is employed by a Federal Institution or Agency or one of the Military Services (USA), where ~~that person~~ licensee practicing nursing outside of the State of California on a California license, or
 - (C) the licensee has had hardship of one or more years' duration, if
 1. there is a total physical disability for one (1) year or more and verification of readiness or ability to return to work; or
 2. there is a total disability of a member of the immediate family for whom licensee has total responsibility for one (1) year or more.

NOTE: Authority: Section 2715, 2736.5, and 2811.5, Business and Professions Code.
Reference: Section 2736.5, 2811.5, and 2786, Business and Professions Code.