



Agenda Item 10.0

Report of the Legislative Committee

BRN Board Meeting | November 14-15, 2022

Legislative Committee
November 14-15, 2022

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Agenda Item 10.0

Legislative Update and Discussion of Bills Relevant to the Board from the 2021-2022 Legislative Session

BRN Board Meeting | November 14-15, 2022

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 10.0
DATE: November 14-15, 2022

ACTION REQUESTED: Legislative Update

REQUESTED BY: Dolores Trujillo, RN, Chairperson

BACKGROUND: 2022 Legislative Session Overview

NEXT STEPS: 2023 Legislative Session Preparation

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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2022 Legislative Session

BRN Bills of Interest: End of Session Overview

(Click on bill title for link to the text)

SIGNED BY GOVERNOR

1. [AB 657 \(Cooper\), Healing arts: expedited licensure process: applicants providing abortion services](#)

This bill would require the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process of an applicant who can demonstrate that they intend to provide abortions within their scope of practice.

Board Position: Support

2. [AB 852 \(Wood\), Health Care Practitioners: Electronic Prescriptions: Nurse Practitioner Scope of Practice: Practice Without Standardized Procedures](#)

The bill prohibits a pharmacy, pharmacist, or other practitioner from refusing to dispense or furnish an e-prescription solely because the prescription was not submitted via, or is not compatible with, their proprietary software unless the software that fails to meet industry standards, federal and state laws or privacy requirements. The bill also expands the list of exceptions to the e-prescription requirement to include, but are not limited to, a prescriber who registers with the California State Board of Pharmacy that they meet one or more of the following criteria:

- Their practice is located in the area of an emergency or disaster declared by a federal, state, or local government.
- They issue 100 or fewer prescriptions per calendar year.
- They are unable to issue electronic data transmission prescriptions due to circumstances beyond their control.

Board Position: Support

3. [AB 1120 \(Irwin\), Clinical Laboratories: Blood Withdrawal](#)

This bill authorizes a certified phlebotomy technician to collect blood through a peripheral venous catheter under specified conditions, including that the blood collection is performed using a device approved by the United States Food and Drug Administration.

Board Position: Oppose

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

This bill would modify state civil service examination and appointment practices for the purpose of increasing diversity of applicant pools on employment lists.

The bill would also require all state departments to provide a report to the California Department of Human Resources (CalHR) that demonstrates the department's progress towards meeting its upward mobility goals. The upward mobility goals may include race, gender, LGBTQ, and disability status as factors to the extent permissible under law.

Board Position: Support

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

This bill authorizes a trained employee volunteer to administer emergency anti-seizure medication to a pupil upon the request of the parent, requires the development of state standards for the training, and requires the parent to provide specified information to the local educational agencies, including a seizure action plan.

Board Position: Support

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

This bill exempts resource family parents who meet certain requirements, such as having active and unrestricted licensure as a health care professional, as provided, from resource family approval first aid training requirements. This bill also exempts resource family parents who have a certificate of completion for Basic Life Support for health care professionals, or Pediatric Advanced Life Support, or a higher standard of training that certifies CPR, from RFA CPR training requirements.

Board Position: Support

7. AB 2107 (Flora), Department of Consumer Affairs

This bill would authorize a person licensed as a clinical genetic molecular biologist scientist to use molecular biology techniques to perform a clinical laboratory test or examination for the detection of any disease affecting humans.

Board Position: Watch

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

This bill makes it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon the person's use of cannabis off the job and away from the workplace or, with prescribed exceptions, upon an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids.

Board Position: Support

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

This bill prohibits the Medical Board of California, the Osteopathic Medical Board, the Board of Registered Nursing, and the Physician Assistant Board from suspending or revoking the certificate, or denying an application for licensure, of a physician and surgeon, nurse practitioner, certified nurse-midwife, or physician assistant solely for performing an abortion in accordance with existing California law. This bill would also prohibit these boards from imposing such discipline on the licensees if they are disciplined or convicted in another state in which they are licensed or certified solely for performing abortions in that state.

Board Position: Support

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

This bill is the sunset bill for the Board, which extends the Board's sunset date to January 1, 2027. It also requires the Board to accept specified information from accreditors; extends statutory state-of-emergency waivers for nursing education programs; establishes a 500-hour minimum direct patient care requirement; codifies the Nursing Education Workforce Advisory Committee; prohibits payments for clinical placements; combines furnishing number applications with other advanced practice applications; removes the Governor's authority to remove board members they did not appoint; requires the Board's Executive Officer to create a uniform method for evaluating requests for changes to nursing education programs; and makes other minor and technical changes.

Board Position: Support, If Amended

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

This bill expands automatic arrest record and conviction relief to additional felony offenses. The bill also expands discretionary expungement relief to include felonies where the defendant was sentenced to state prison, rather than just realigned felonies.

Board Position: Watch

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

This bill defines the phrase "called to active duty" to include active duty in the United States Armed Forces and on duty in the California National Guard, for purpose of professional license requirement waivers.

Board Position: Support

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

This bill extends existing meal and rest period rights and remedies available to private sector employees to those who provide direct patient care or support direct patient care

in general acute care hospitals, clinics or public health settings who are directly employed by specified public sector employers.

Board Position: Support

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

This bill expands the training options for Nurse Practitioners and Certified Nurse-Midwives seeking to perform abortions by aspiration techniques.

Board Position: Support

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

Authorizes blood collection at a blood bank when a physician or surgeon is not physically present if the medical director and their medical advisory committee approve and if the employee placed in charge, is a registered nurse. The bill would authorize the registered nurse placed in charge to be physically present or available via telehealth, so long as the method of telehealth used is synchronous. The bill would also require a blood bank to report annually to the department on any adverse donor events requiring emergency medical intervention, including whether a registered nurse was physically present on the premises.

Board Position: Oppose

VETOED BY GOVERNOR

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

This bill states that a direct patient care worker at a general acute care hospital and their collective bargaining representative shall be notified of the implementation of new health information technology, may provide input in such implementation, and is permitted to override it, as specified, without fear of discrimination or retaliation.

Board Position: Support

Veto Message: To the Members of the California State Assembly: I am returning Assembly Bill 858 without my signature. This bill allows healthcare workers to exert their professional judgment, with approval from a primary physician, for purposes of overriding hospital technology or guidelines if it is in the best interest of the patient to do so. This bill also expands labor law protections to prohibit employer retaliation or discrimination against any healthcare worker who requests to override health information technology and clinical practice guidelines or discusses these issues with other employees or supervisors. Per the request of the author and sponsor, I am vetoing this bill.

Sincerely, Gavin Newsom

2. AB 1711 (Seyarto), Privacy: Breach

This bill requires agencies to report data breaches on their website when a person or business operating a system on behalf of an agency is required to disclose a breach of that system.

Board Position: Watch

Veto Message: To the Members of the California State Assembly: I am returning Assembly Bill 1711 without my signature. This bill requires a public agency to post a notice on its website when a person or business operating a system on behalf of that agency is required to issue a security breach notification for that system. Current law requires both private businesses and public agencies to immediately notify individuals impacted by a data breach of the systems they operate, allowing appropriate action to mitigate or prevent financial losses due to fraudulent activity. The stated intent of this bill is to provide additional transparency with respect to data breach notifications provided in the event a contractor operating a system on behalf of an agency is breached.

Requiring public agencies to display every instance of a security breach on its website will highlight vulnerable information technology systems shortly after a breach occurs. This could substantially increase the risk of additional attacks on these systems. The author's objective could be more effectively achieved through other means, such as specifying breach notifications to individuals must come from the agency or requiring notices from a contractor to conspicuously include the agency on behalf of which they are operating. For these reasons, I cannot sign this bill.

Sincerely, Gavin Newsom

**BOARD OF REGISTERED NURSING
BILL ANALYSIS TEMPLATE**

**BILL NUMBER:
AUTHOR:
BILL DATE:
SUBJECT:
SPONSOR:**

SUMMARY

RECENT AMENDMENTS

BACKGROUND

REASON FOR THE BILL

ANALYSIS

FISCAL IMPACT

SUPPORT

OPPOSITION

LEGISLATIVE COMMITTEE POSITION

FULL BOARD POSITION