



Agenda Item 10.0

Report on Legislation

BRN Board Meeting | November 15-16, 2023

Legislative Committee
November 15-16, 2023

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Legislative Update

BRN Board Meeting | November 15-16, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 10.1

DATE: November 15 & 16, 2023

ACTION REQUESTED: Legislative Update

REQUESTED BY: Dolores Trujillo, RN, Chairperson

BACKGROUND: Overview of bills that the Board of Registered Nursing took a position on during the first year of the 2023-2024 Legislative Session.

NEXT STEPS: Continue tracking and analysis of Board of Registered related bills during second year of 2023-2024 Legislative Session.

FINANCIAL IMPLICATIONS, IF ANY: Not Applicable.

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BOARD OF REGISTERED NURSING 2023 LEGISLATIVE OVERVIEW

Below is a list of the bills that the Board of Registered Nursing took a position on during the first year of the 2023-2024 Legislative Session.

Signed By The Governor

1. [AB 269 \(Berman\) Public health: COVID-19 testing and dispensing sites](#)

The bill authorizes a person to perform an analysis of samples to test the virus that causes COVID-19, in a clinical laboratory or a city, county, or city and county public health laboratory if they meet certain requirements. The bill also authorizes an entity contracted with and approved by the California Department of Public Health to operate a designated COVID-19 testing and dispensing site to acquire, dispense, and store COVID-19 oral therapeutics at or from a designated site, until January 1, 2024.

BOARD POSITION - WATCH

2. [AB 633 \(Patterson\) Nursing: licensure: retired licenses](#)

The bill requires the Board of Registered Nursing to establish a retired license category for registered nurses (RN) who meet certain criteria. The bill prohibits a retired RN from engaging in any activity that requires an active RN or advanced practice RN license but authorizes them to provide nursing services to the public, free of charge in any public health program created by federal, state, or local law or administered by a federal, state, county, or local government entity under adequate supervision.

BOARD POSITION – SUPPORT

3. [AB 883 \(Mathis\) Business licenses: United States Department of Defense SkillBridge program](#)

The bill requires a licensing program within the Department of Consumer Affairs, after July 1, 2024, to expedite the initial licensure process for an applicant who provides evidence that they are an active-duty member of a regular component of the US Armed Forces and enrolled in the Department of Defense SkillBridge program.

BOARD POSITION – SUPPORT

4. [AB 1007 \(Ortega\) Occupational safety and health standards: plume](#)

The bill requires the Division of Occupational Safety and Health to, by December 1, 2026, submit to the Occupational Safety and Health Standards Board a proposed regulation requiring a health facility to evacuate or remove plume using plume-scavenging systems in all settings that employ techniques that involve the creation of

plume. It also requires the Occupational Safety and Health Standards Board to consider the proposed regulation for adoption by June 1, 2027.

BOARD POSITION – SUPPORT

5. [AB 1283 \(Chen\) Pupil health: emergency stock albuterol inhalers](#)

The bill authorizes a local educational agency, county offices of education, and charter schools to make emergency stock albuterol inhalers available at school sites and allows school nurses or trained personnel who have volunteered to administer them. The bill also requires the Superintendent of Public Instruction to establish minimum standards of training for the administration of stock albuterol inhalers and to review those standards at least every 5 years.

BOARD POSITION – SUPPORT

6. [AB 1651 \(Sanchez\) Pupil health: emergency medical care: epinephrine auto-injectors](#)

The bill requires a local education agency, county office of education, and charter schools to store epinephrine auto-injectors and written materials on how to use them in an accessible location upon the need for emergency use. The bill also extends the definition of “volunteer” and “trained personnel” to state that holders of an Activity Supervisor Clearance Certificate can administer an emergency epinephrine auto-injector.

BOARD POSITION – SUPPORT

7. [AB 1707 \(Pacheco\) Health professionals and facilities: adverse actions based on another state’s law](#)

The bill protects licensed health care professionals, clinics, and health facilities from being denied a license or subjected to discipline on the basis of a civil judgment, criminal conviction, or disciplinary action imposed by another state based solely on the application of a law that interferes with a person's right to receive sensitive services that would be lawful in California.

BOARD POSITION – SUPPORT

8. [1722 \(Dahle\) Pupil health: credentialed school nurses, registered nurses, and licensed vocational nurses](#)

The bill authorizes, until January 1, 2029, a local educational agency to employ a licensed vocational nurse who is supervised by a credentialed school nurse employed by a different local education agency.

BOARD POSITION - WATCH

9. [SB 234 \(Portantino\) Opioid antagonists: stadiums, concert venues, and amusement parks](#)

The bill requires stadiums, concert venues, and amusement parks to maintain unexpired doses of an opioid antagonist on its premises and ensure that at least two employees are aware of the location. The bill also provides indemnification.

BOARD POSITION – SUPPORT

10. [SB 345 \(Skinner\) Health care services: legally protected health care activities](#)

The bill establishes various safeguards against the enforcement of other states' laws that prohibit, criminalize, sanction, authorize civil liability against, or otherwise interfere with a person, healthcare provider, or other entity in California that offers reproductive health care services or gender-affirming health care services.

BOARD POSITION – SUPPORT

11. [SB 372 \(Menjivar\) Department of Consumer Affairs: licensee and registrant records: name and gender changes](#)

The bill requires a board under the Department of Consumer Affairs to replace references to a licensee's former name or gender on their license and on the online license verification system, upon request when the licensee's name has been changed due to a court-ordered change in gender or under circumstances that resulted in participation in state's address confidentiality program.

BOARD POSITION – SUPPORT

12. [SB 544 \(Laird\) Bagley-Keene Open Meeting Act: teleconferencing](#)

The bill revises and repeals, until January 1, 2026, certain requirements under the Bagley-Keene Open Meeting Act. Among other changes, the bill requires a quorum of members of the state body to be physically present in the same location for a meeting of the full state body. Any additional members of the state body, in excess of a quorum, may attend and participate in the meeting from a remote location that does not need to be accessible to the public. Certain exceptions to the physical quorum requirement apply for members with disabilities and for meetings of subcommittees or advisory committees.

BOARD POSITION – SUPPORT

13. [SB 667 \(Dodd\) Healing arts: pregnancy and childbirth](#)

The bill clarifies a certified nurse midwife's (CNM) authority to treat and provide care for common gynecologic conditions; permits a CNM to admit or discharge a patient if a CNM has privileges at a general acute care hospital, clarifies that a CNM is a practitioner for purposes of certifying disability; and includes a CNM as a laboratory director for purposes of performing specified laboratory tests, among other technical changes.

BOARD POSITION – SUPPORT, IF AMENDED

14. [SB 887 \(Committee on Business, Professions and Economic Development\)](#)
[Consumer Affairs](#)

The bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs.

Vetoed By The Governor

1. [AB 1057 \(Weber\) California Home Visiting Program](#)

The bill would have codified the existing California Home Visiting Program (CHVP) and require the California Department of Public Health (CDPH) to allocate funds to participating Local Health Departments to implement the CHVP using any federally approved home visiting model. The bill would have also required CDPH to submit a report to the Legislature every two years on performance outcomes.

BOARD POSITION – SUPPORT

Veto Message

To the Members of the California State Assembly: I am returning Assembly Bill I 057 without my signature. This bill would codify the existing California Home Visiting Program (CHVP) and require the California Department of Public Health (CDPH) to allocate funds to participating Local Health Departments to implement the CHVP using any federally approved home visiting model. CDPH would be required to submit a report to the Legislature every two years on performance outcomes. I support the author's goal to improve maternal, child, and infant health outcomes, and cultivate strong families and communities. For this reason, I am instructing CDPH to ensure there is collaboration with home visiting partners, local health directors, local health officers, and other affected stakeholders to meet local CHVP needs.

However, this bill creates new General Fund costs that are not included in the budget, as well as cost pressures if the CHVP approves additional home visiting models outside of the annual budget process. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year,

however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure. For these reasons, I cannot sign this bill.

Sincerely, Gavin Newsom

2. [AB 1063 \(Gabriel\) Nurse-to-patient staffing ratios: annual report](#)

The bill requires the California Department of Public Health to conduct an annual review of its enforcement of the nurse-to-patient ratio regulations and submit a report to the Legislature on its findings.

BOARD POSITION – WATCH

Veto Message

To the Members of the California State Assembly: I am returning Assembly Bill 1063 without my signature. This bill would require the California Department of Public Health (CDPH) to annually review its enforcement of hospital nurse-to-patient ratio regulations and submit a public report with its findings to the Legislature beginning January 1, 2025. The bill would also require CDPH to hold a public hearing at least every two years to receive input from nurses and other stakeholders regarding the efficacy of the department's enforcement. I agree it is important to ensure nurse-to-patient staffing ratios are enforced properly for patient safety and maintaining the nursing workforce.

However, much of the information this bill seeks to document is already publicly available. Further, this Administration prioritizes ongoing and open engagement with stakeholders. A biennial, public hearing is unnecessary for the state to receive input and make changes. I am directing CDPH to continue actively consulting with nurses and their representative labor groups to identify additional opportunities to increase transparency and communication. Further, I have asked CDPH to update their hospital citations tracking system to include a category specific to nurse-to-patient ratio violations, and to publish this on the Center for Health Care Quality's State Enforcement Tracking Dashboard. For these reasons, I cannot sign this bill.

Sincerely, Gavin Newsom

Two Year Bills

1. [AB 19 \(Patterson\) Pupil health: opioid antagonists.](#)

Board Position – Support

Location – Senate Appropriations

2. [AB 689 \(Carrillo\) Community colleges: enrollment and registration: Incumbent health care workers](#)

Board Position – Support
Location – Senate Appropriations

3. [AB 747 \(McCarty\) Business: unlawful employee contracts and requirements](#)

Board Position – Support
Location – Assembly Floor

4. [AB 765 \(Wood\) Physicians and surgeons: medical specialty titles](#)

Board Position – Watch
Location – Assembly Appropriations

5. [AB 977 \(Rodriguez\) Emergency departments: assault and battery](#)

Board Position – Support, If Amended
Location – Assembly Public Safety

6. [AB 996 \(Low\) DCA: continuing education: conflict-of-interest policy](#)

Board Position – Support
Location – Senate Floor

7. [AB 1001 \(Haney\) Health facilities: behavioral health response](#)

Board Position – Support
Location – Senate Health

8. [AB 1028 \(McKinnor\) Reporting of crimes: mandated reporters](#)

Board Position – Oppose
Location – Senate Appropriations

9. [AB 1156 \(Bonta\) Workers' compensation: hospital employees](#)

Board Position – Watch
Location – Assembly Insurance

10. [AB 1292 \(Flora\) Nursing: distance education nursing program students](#)

Board Position – Oppose
Location – Assembly Appropriations

11. [AB 1577 \(Low\) General acute care hospitals: clinical placements: nursing](#)

Board Position – Watch
Location – Senate Health

12. [SB 65 \(Ochoa Bogh\) Behavioral Health Continuum Infrastructure Program](#)

Board Position – Support
Location – Senate Appropriations

13. [SB 472 \(Hurtado\) Pupil health: opioid overdose reversal medication](#)

Board Position – Support, If Amended
Location – Senate Appropriations

14. [SB 636 \(Cortese\) Workers' compensation: utilization review](#)

Board Position – Watch
Location – Assembly Floor