



Nurse Practitioner Advisory Committee Meeting

SUPPLEMENTAL MATERIALS

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

Table of Contents

<u>2.0 General Instructions for the Format of a Teleconference Meeting</u>	3
<u>3.0 Review and vote on whether to approve previous meetings' minutes</u>	5
<u>5.0 Discussion and Possible Action: Establishment of meeting dates for 2022.</u>	11
<u>6.0 Discussion and Possible Action: Regarding naming conventions for Nurse Practitioners (NP) practicing pursuant to standardized procedures and pursuant to Business and Professions Code (BPC) sections 2837.103 and 2837.104.</u>	14
<u>7.0 Discussion and Possible Action: Regarding the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP, pursuant to BPC section 2837.102, subdivision (a).</u>	16
<u>8.0 Discussion and Possible Action: Regarding fee analysis to determine value of initial application fee pursuant to BPC section 2837.104, subdivision (b)(2), and possible amendment of California Code of Regulations (CCR), title 16, section 1417, and amendment of proposed draft regulatory language of CCR, title 16, section 1482.4.</u>	18
<u>9.0 Information Only: Update from the Department of Consumer Affairs, Office of Professional Examination Services (OPES), regarding occupational analysis mandated under BPC section 2837.105.</u>	22
<u>10.0 Information Only: Regarding updates on regulatory package to implement Assembly Bill (AB) 890 (Reg. Sess. 2019-2020).</u>	24



Agenda Item 2.0

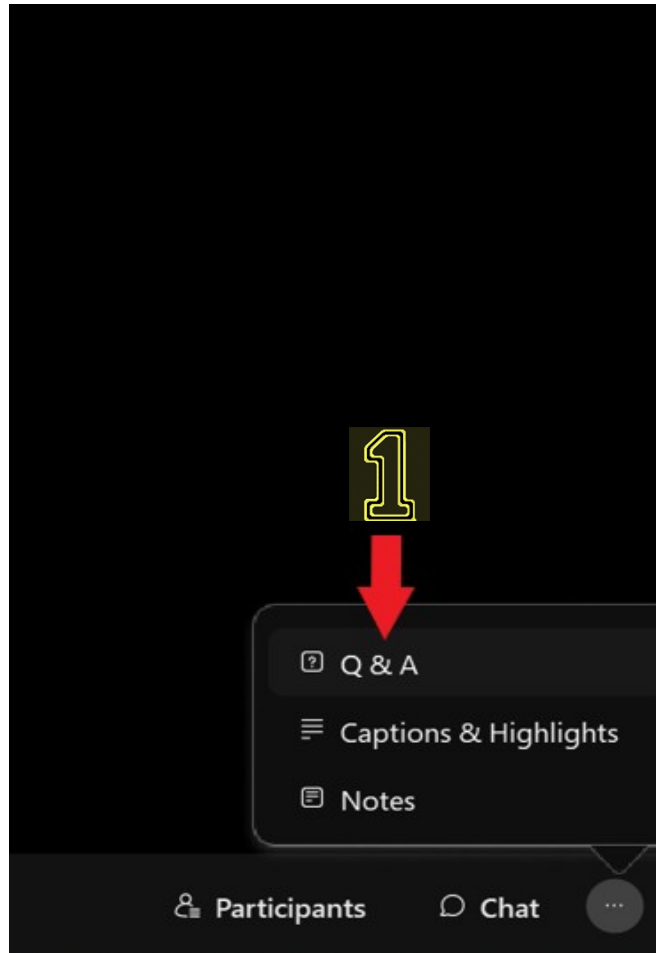
General Instructions for the Format of a Teleconference Meeting

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

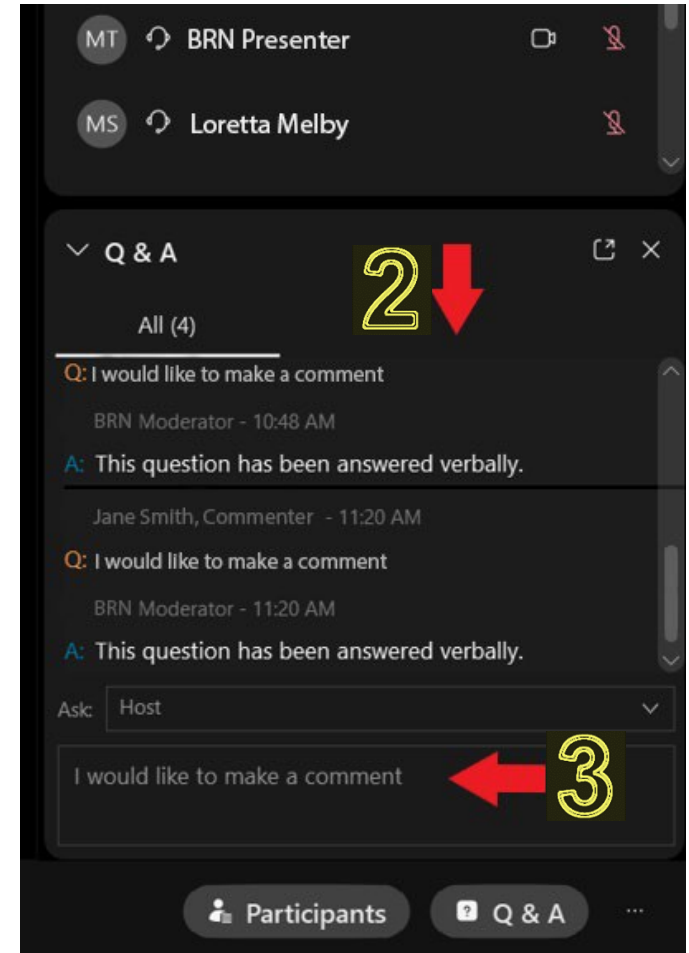
Participating During a Public Comment Period

If you would like to make a public comment:

1. Click on the 'Q & A' button at the lower right of your WebEx session (you may need to click the three dots (...) to find this option).



2. The 'Q & A' panel will appear.



3. In the 'Q & A' panel, type "I would like to make a comment". You will be identified by the name or moniker you used to join the WebEx session, your line will be opened (**click the 'Unmute me' button**), and you will have **two (2) minutes** to provide comment. Every effort is made to take comments in the order which they are requested.

NOTE: Please submit a new request for each agenda item on which you would like to comment.



Agenda Item 3.0

Review and vote on whether to approve previous meeting's minutes

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

**CALIFORNIA BOARD OF REGISTERED NURSING
NURSE PRACTITIONER ADVISORY COMMITTEE
MEETING MINUTES**

DRAFT

DATE: November 16, 2021

START TIME: 1:33 pm

LOCATION: **NOTE:** A physical meeting location was not provided pursuant to the provisions of Government Code section 11133.

1:33 pm

1.0

Call to Order/Roll Call/Establishment of a Quorum

Samantha Gambles Farr – Chair, called the meeting to order at 1:33 pm. All members present, except for Betha Schnelle. Betha Schnelle arrived later during the meeting. Quorum established at 1:34 pm.

**Nurse Practitioner
Advisory
Committee
Members:**

Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, NFA - Chair
Edward Ray, MD, FACS - Vice Chair
Andrea Espinosa, MD
Jan Johnson Griffin - MSN, APRN
Kevin Maxwell, PhD, DNP, FNP-BC, RN
Sally Pham, MSN, RN, FNP-BC
Betha Schnelle, MBA, MPH

**BRN Staff
Representatives:**

Loretta Melby, RN, MSN, Executive Officer

1:35 pm

3.0

Review and vote on whether to approve previous meetings' minutes

3.1 August 31, 2021

3.2 September 21, 2021

Discussion:

Samantha Gambles Farr introduced the agenda item and opened for discussion.

Edward Ray: Asked for a correction to the “hours” and it should be changed to 6 years.

Motion: **Edward Ray:** Motioned to accept the previous meeting minutes, for August 31, 2021 and September 21, 2021, with said corrections.

Second: **Sally Pham**

**Public Comment for
Agenda Item 3.0:**

Katrina Reyes, California Family of Physicians: Expressed concerns over how the public comments are reflected within these meetings. Further expressed concerns over the entire process and integrity of this process.

Loretta Melby: Explained that the public may always submit their comments to the Board and all meetings are recorded and posted on the website.

Stephanie Dittmer, MD: Expressed similar concerns as the prior commenter on how the public comments are reflected and the integrity of this process.

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	Y	Y	Y	Y	AB
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

1:45 pm

4.0

Public comment for items not on the agenda; items for future agendas.

Public Comment for Agenda Item 4.0:

No public comment

1:47 pm

5.0

Discussion and Possible Action: Regarding the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a Nurse Practitioner (NP).

Discussion:

Samantha Gambles Farr opened the agenda item and introduced Shannon Johnson, Enforcement Division Chief.

Edward Ray: Asked if the rules and regulations should be amended to deal more with NPs.

Shannon Johnson: Explained that the guidelines will be updated for NPs, and all new laws/regulations will be taken into consideration.

Kevin Maxwell: Asked what role NPAC would have when it comes to these recommendations.

Shannon Johnson: NPAC would have to wait and see what role they have in this regulatory process.

Loretta Melby: Explained that the process will follow what NMAC is doing with the midwife cases.

Andrea Espinosa: Expressed concerns regarding the guideline revision process and whether NPAC could participate in revisions.

Reza Pejuhesh: Explained that the statute states NPAC shall provide recommendations to the Board when the Board is deciding disciplinary action regarding NPs.

Loretta Melby: Further explained that the Certified Nurse-Midwife (CNM) sections are a regulatory update and must go through that process. The same would occur for the NPAC.

Edward Ray: Stated that he has questions regarding disciplinary actions and phrasing regarding nurses and has concerns over a vague set of rules and regulations as to why NPs, RNs, CNMs, etc. are all under a large umbrella.

Shannon Johnson: Provided some examples to help clarify, i.e., practicing medicine without a license could be an RN practicing without a NP certification.

Motion: **Samantha Gambles Farr:** Motioned to adopt the current disciplinary guidelines. With discussion for NPAC to be involved and make recommendations, as it relates to NPs, as well as, evaluate which category of cases NPAC reviews in the future.

Second: **Kevin Maxwell**

Public Comment for Agenda Item 5.0:

Stephanie Dittmer, MD: Explained that there is a deficit within the NP disciplinary actions regulatory process. Expressed concerns over medical malpractice, the decrease in supervision over nursing practice, and standards of care.

Dr. Cynthia Jovanov: Expressed concerns with the discussions related to NPAC moving forward in disciplining NPs.

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

3:10 pm

6.0

Discussion and Possible Action: Regarding the draft regulatory language pertaining to implementation of Assembly Bill 890 (Reg. Sess. 2019-2020) (amending California Code of Regulations, title 16 , sections 1480 (Definitions) and 1481 (Categories of Nurse Practitioners), and adding sections 1482.3 (Requirements for Certification as a “103” Nurse Practitioner), 1482.4 (Requirements for Certification as a “104” Nurse Practitioner), 1485.3 (Scope of Practice for 103 Nurse Practitioners), 1485.4 (Scope of Practice for Independent Nurse Practitioner (104)) and Attestation to Address the Minimum Standards to Transition to Practice Independently as outlined in Business and Professions Code (BPC) sections 2837.101, subdivision (c), 2837.103, and 2837.104).

Discussion: Loretta Melby opened the agenda item and presented information, regarding regulatory language and introduced Heather Cline Hoganson, DCA Legal Regulations Unit.

Edward Ray: Expressed concerns over not having the correct language in the sections related to mentorship. Further explained that there is nothing in the regulatory language regarding referrals that are made to physicians within sections 2837.103 and 2837.104.

Heather Cline Hoganson: Explained that the term “mentorship” is difficult to mandate in practice settings.

Motion: Andrea Espinosa: Motioned to have one (1) year of Transition to Practice before moving onto 103.

Second: No second was made.

Public Comment for Agenda Item 6.0: Katrina Reyes, California Academy of Family Physicians: Suggested NPAC not to take a formal position on this agenda item at this time.

Stephanie Dittmer, MD: Expressed concerns over the standard of practice for NPs.

Margaret Parsons: Expressed concerns regarding out-patient care and mentorship.

Cynthia Jovanov: Expressed concerns regarding Section 1482.3(b) within the drafted language.

All commenters were in consensus regarding the vague verbiage within the regulatory process and the statutes and laws that are in place.

2nd Motion: Edward Ray: Motioned to have NPAC concerns regarding the regulations be moved to the next Board meeting.

2nd Second: Samantha Gambles-Farr

Vote:

	SG	ER	AE	JJG	KM	SP	BS
Vote	Y	Y	N	Y	Y	Y	AB
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

7.0 Discussion and Possible Action: Establishment of meeting dates for 2022.

Discussion: Due to time, this agenda item was moved to the next meeting.

4:57 pm 8.0

Adjournment

Samantha Gambles Farr, Chair, adjourned the meeting at 4:57 pm.

Submitted by:

Accepted by:

McCaulie Feusahrens

Chief of Licensing
Licensing Division
California Board of Registered Nursing

**Samantha Gambles Farr, RN, MSN,
FNP-C, CCRN, RNFA**

Chair
Nurse Practitioner Advisory Committee

Loretta Melby, MSN, RN

Executive Officer
California Board of Registered Nursing



Agenda Item 5.0

Discussion and Possible Action: Establishment of meeting dates for 2022.

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 5.0
DATE: February 8, 2022

ACTION REQUESTED: **Discussion and Possible Action:** Establishment of meeting dates for 2022.

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

The NPAC will review and vote on the future meeting schedule for 2022 and coordinate with the BRN Board's meeting schedule. The Committee Chair will provide committee members with the submission schedule for agenda items that is subject to BRN legal and administrative approval and submission deadlines.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov

Board, Committee, and Advisory Committee Meetings in 2022

JANUARY 13, 2022	Committee Meetings Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
FEBRUARY 8, 2022 Teleconference	NPAC Meeting & NMAC Meeting
FEBRUARY 16-17, 2022	Board Meeting
MARCH 24, 2022	APRN Advisory Committee Meeting
APRIL 14, 2022	NEWAC Meeting (Tentative)
APRIL 21, 2022	Committee Meetings Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
May 10, 2022 Teleconference	NPAC Meeting & NMAC Meeting
MAY 18-19, 2022	Board Meeting
JUNE 23, 2022	Committee Meetings Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
JULY 2022	No Scheduled Advisory Committee Meetings
AUGUST 9, 2022 Teleconference	NPAC Meeting & NMAC Meeting
AUGUST 17-18, 2022	Board Meeting
SEPTEMBER 22, 2022	APRN Advisory Committee Meeting
OCTOBER 13, 2022	NEWAC Meeting (Tentative)
OCTOBER 20, 2022	Committee Meetings Nursing Practice Committee Education/Licensing Committee Enforcement/Intervention Committee Legislative Committee
NOVEMBER 15, 2022 Teleconference	NPAC Meeting & NMAC Meeting
NOVEMBER 16-17, 2022	Board Meeting



Agenda Item 6.0

Discussion and Possible Action: Regarding naming conventions for Nurse Practitioners (NP) practicing pursuant to standardized procedures and pursuant to Business and Professions Code (BPC) sections 2837.103 and 2837.104

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 6.0

DATE: February 8, 2022

ACTION REQUESTED: **Discussion and Possible Action:** Regarding naming conventions for Nurse Practitioners (NP) practicing pursuant to standardized procedures and pursuant to Business and Professions Code (BPC) sections 2837.103 and 2837.104

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

To ensure the public understands the different levels of practicing NPs, the NPAC members will discuss naming conventions for NPs practicing pursuant to standardized procedures and pursuant to BPC sections 2837.103 and 2837.104.

The following recommendations for NP naming conventions have been made to the BRN:

- 103 Nurse Practitioner – Group Setting (NP-GS)
- 103 Nurse Practitioner – Independent Health Care Facility (NP-IHCF)
- 104 Nurse Practitioner – Independent Private Practice (NP-IPP)

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 7.0

Discussion and Possible Action: Regarding the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP, pursuant to BPC section 2837.102, subdivision (a).

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 7.0
DATE: February 8, 2022

ACTION REQUESTED: **Discussion and Possible Action:** Regarding the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP, pursuant to BPC section 2837.102, subdivision (a).

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

The NPAC members will discuss the procedures for NPAC to provide recommendations or guidance on care when the Board is considering disciplinary action against a NP. For example, will NPAC be involved in reviewing specific cases or types of cases and will these only be 2837.103 and 2837.104 related cases?

RESOURCES:

BRN Disciplinary Guidelines: <https://www.rn.ca.gov/pdfs/enforcement/discguide.pdf>

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 8.0

Discussion and Possible Action: Regarding fee analysis to determine value of initial application fee pursuant to BPC section 2837.104, subdivision (b)(2), and possible amendment of California Code of Regulations (CCR), title 16, section 1417, and amendment of proposed draft regulatory language of CCR, title 16, section 1482.4.

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 8.0

DATE: February 8, 2022

ACTION REQUESTED: **Discussion and Possible Action:** Regarding fee analysis to determine value of initial application fee pursuant to BPC section 2837.104, subdivision (b)(2), and possible amendment of California Code of Regulations (CCR), title 16, section 1417, and amendment of proposed draft regulatory language of CCR, title 16, section 1482.4.

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

AB 890 required the Board to issue a certificate to a Nurse Practitioner (NP) who meets additional specified education and experience requirements and authorized the Board to charge a fee for the cost of issuing the certificate. BPC 2837.104(b)(2) authorizes the Board to charge a fee in an amount sufficient to cover the reasonable regulatory cost of issuing the certificate to a 104 NP; however, this authorization was not provided in the text in AB 890 to charge a fee for the 103 NP. The Board will need to establish in regulation a fee under BPC 2837.104(b)(2) and request statutory authority to establish the same fee for the issuance of a certificate for the 103 NP certificate.

An update on the fee development will be provided and the NPAC members may discuss the information presented.

RESOURCES:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=2837.104.

BPC Section 2837.104 (emphasis added):

(a) Beginning January 1, 2023, notwithstanding any other law, the following apply to a nurse practitioner who holds an active certification issued by the board pursuant to subdivision (b):

(1) The nurse practitioner may perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings or organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103.

(2) Subject to subdivision (f) and any applicable conflict of interest policies of the bylaws, the nurse practitioner shall be eligible for membership of an organized medical staff.

(3) Subject to subdivision (f) and any applicable conflict of interest policies of the bylaws, a nurse practitioner member may vote at meetings of the department to which nurse practitioners are assigned.

(b) (1) The board shall issue a certificate to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision outside of the settings and organizations specified under subparagraphs (A) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 2837.103, if the nurse practitioner satisfies all of the following requirements:

(A) The nurse practitioner meets all of the requirements specified in paragraph (1) of subdivision (a) of Section 2837.103.

(B) Holds a valid and active license as a registered nurse in California and a master's degree in nursing or in a clinical field related to nursing or a doctoral degree in nursing.

(C) Has practiced as a nurse practitioner in good standing for at least three years, not inclusive of the transition to practice required pursuant to subparagraph (D) of paragraph (1) of subdivision (a) of Section 2837.103. The board may, at its discretion, lower this requirement for a nurse practitioner holding a Doctorate of Nursing Practice degree (DNP) based on practice experience gained in the course of doctoral education experience.

(2) The board may charge a fee in an amount sufficient to cover the reasonable regulatory cost of issuing the certificate.

(c) A nurse practitioner authorized to practice pursuant to this section shall comply with all of the following:

(1) The nurse practitioner, consistent with applicable standards of care, shall not practice beyond the scope of their clinical and professional education and training, including specific areas of concentration and shall only practice within the limits of their knowledge and experience and national certification.

(2) The nurse practitioner shall consult and collaborate with other healing arts providers based on the clinical condition of the patient to whom health care is provided. Physician consultation shall be obtained as specified in the individual protocols and under the following circumstances:

(A) Emergent conditions requiring prompt medical intervention after initial stabilizing care has been started.

(B) Acute decompensation of patient situation.

(C) Problem which is not resolving as anticipated.

(D) History, physical, or lab findings inconsistent with the clinical perspective.

(E) Upon request of patient.

(3) The nurse practitioner shall establish a plan for referral of complex medical cases and emergencies to a physician and surgeon or other appropriate healing arts providers. The nurse practitioner shall have an identified referral plan specific to the practice area, that includes specific referral criteria. The referral plan shall address the following:

(A) Whenever situations arise which go beyond the competence, scope of practice, or experience of the nurse practitioner.

(B) Whenever patient conditions fail to respond to the management plan as anticipated.

(C) Any patient with acute decomposition or rare condition.

(D) Any patient conditions that do not fit the commonly accepted diagnostic pattern for a disease or disorder.

(E) All emergency situations after initial stabilizing care has been started.

(d) A nurse practitioner shall verbally inform all new patients in a language understandable to the patient that a nurse practitioner is not a physician and surgeon. For purposes of Spanish language speakers, the nurse practitioner shall use the standardized phrase "enfermera especializada."

(e) A nurse practitioner shall post a notice in a conspicuous location accessible to public view that the nurse practitioner is regulated by the Board of Registered Nursing. The notice shall include the board's telephone number and internet website where the nurse practitioner's license may be checked and complaints against the nurse practitioner may be made.

(f) A nurse practitioner practicing pursuant to this section shall maintain professional liability insurance appropriate for the practice setting.

(g) For purposes of this section, corporations and other artificial legal entities shall have no professional rights, privileges, or powers.

(h) Subdivision (g) shall not apply to a nurse practitioner if either of the following apply:

(1) The certificate issued pursuant to this section is inactive, surrendered, revoked, or otherwise restricted by the board.

(2) The nurse practitioner is employed pursuant to the exemptions under Section 2401.

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 9.0

Information Only: Update from the Department of Consumer Affairs, Office of Professional Examination Services (OPES), regarding occupational analysis mandated under BPC section 2837.105.

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 9.0
DATE: February 8, 2022

ACTION REQUESTED: **Information Only:** Update from the Department of Consumer Affairs, Office of Professional Examination Services (OPES), regarding occupational analysis mandated under BPC section 2837.105.

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

The OPES will provide updates on the occupational analysis (OA) pursuant to BPC Section 2837.105 and the NPAC may discuss the information presented.

RESOURCES:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=2837.105.

BPC Section 2837.105:

- (a)(1) The board shall request the department's Office of Professional Examination Services, or an equivalent organization, to perform an occupational analysis of nurse practitioners performing the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision.
 - (2) The board, together with the Office of Professional Examination Services, shall assess the alignment of the competencies tested in the national nurse practitioner certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103 with the occupational analysis performed according to paragraph (1).
 - (3) The occupational analysis shall be completed by January 1, 2023.
 - (4) If the assessment performed according to paragraph (2) identifies additional competencies necessary to perform the functions specified in subdivision (c) of Section 2837.103 pursuant to that subdivision that are not sufficiently validated by the national nurse practitioner board certification examination required by subparagraph (A) of paragraph (1) of subdivision (a) of Section 2837.103, the board shall identify and develop a supplemental exam that properly validates identified competencies.
- (b) The examination process shall be regularly reviewed pursuant to Section 139.

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
California Board of Registered Nursing
mccaulie.feusahrens@dca.ca.gov



Agenda Item 10.0

Information Only: Regarding updates on regulatory package to implement Assembly Bill (AB) 890 (Reg. Sess. 2019-2020).

Nurse Practitioner Advisory Committee (NPAC) Meeting | February 8, 2022

BOARD OF REGISTERED NURSING
Nurse Practitioner Advisory Committee Meeting
Agenda Item Summary

AGENDA ITEM: 10.0
DATE: February 8, 2022

ACTION REQUESTED: **Information Only:** Regarding updates on regulatory package to implement Assembly Bill (AB) 890 (Reg. Sess. 2019-2020).

REQUESTED BY: Samantha Gambles Farr, RN, MSN, FNP-C, CCRN, RNFA
NPAC Chair

BACKGROUND:

An update on the regulatory package will be provided and the NPAC members may discuss the information presented.

RESOURCES:

NEXT STEPS:

FISCAL IMPACT, IF ANY: None

PERSON(S) TO CONTACT: McCaulie Feusahrens
Chief of the Licensing Division
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