

DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. BOARD OF REGISTERED NURSING**

**PROPOSED REGULATORY LANGUAGE**

**CONTINUING EDUCATION COURSES – EXPERIMENTAL  
PROCEDURES AND IMPLICIT BIAS (AB 241)**

**Order of Adoption**

**Amend sections 1450 and 1456 of Article 5 of Division 14 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1450. Definitions.**

(a) For purposes of this Article:

(1a) "Continuing Education" means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, in service education, institutes, seminars, workshops, extension studies, and independent/home study programs undertaken by registered nurses for relicensure. These learning experiences are meant to enhance the knowledge of the registered nurse in the practice of nursing in direct and indirect patient care.

(2b) "Course" means a systematic learning experience, at least one hour in length, which deals with and is designed for the acquisition of knowledge, skills, and information in direct and indirect patient care.

(3c) "Content Relevant to the Practice of Nursing" means content related to the development and maintenance of current competency in the delivery of nursing care as specified in Section 1456.

(d) "Experimental medical procedure or treatment" means the management and care of a patient involving any of the following:

(1) research approved by an Institutional Review Board as defined in Title 21, Code of Federal Regulations, Section 56.102 (hereby incorporated by reference as of August 8, 2022) involving a clinical trial or human subject as those terms are defined in Title 45, Code of Federal Regulations, Section 46.102 (hereby incorporated by reference as of August 8, 2022);

(2) for drugs, biological products, or devices, the treatment will be considered experimental if the United States Food and Drug Administration approved the drug, biological product, or device for use, but the drug, biological product, or device is used for a purpose other than that for which it was approved; or

(3) any treatment or procedure for which peer-reviewed scientific journals or studies show that the procedure or treatment is the subject of on-going clinical trials.

- (4e) "Independent/Home Study Courses" means continuing education courses offered for individual study by an approved provider.
- (5f) "Hour" means at least fifty (50) minutes of participation in an organized learning experience;
- (6g) "Approved Providers" means those individuals, partnerships, corporations, associations, organizations, organized health care systems, educational institutions, or governmental agencies offering continuing education as approved by the Board.
- (h) "Implicit bias" means the attitudes or internalized stereotypes that affect our perceptions, actions, and decisions in an unconscious manner. Implicit bias often contributes to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics.
- (i) "Direct patient care" means the provision of health care services directly to individuals being treated for or suspected of having physical or mental illnesses. Direct patient care includes preventative care.

Note:

Authority cited: Sections 2715, ~~and~~ 2736.5, and 2811.5, Business and Professions Code.

Reference: Section 2811.45, Business and Professions Code.

## § 1456. Continuing Education Courses.

- (a) The content of all courses of continuing education must be relevant to the practice of nursing and must:
- (a1) ~~b~~Be related to the scientific knowledge and/or technical skills required for the practice of nursing, or
- (b2) ~~b~~Be related to direct and/or indirect patient/client care.
- (c3) ~~Learning experiences are expected to e~~Enhance the knowledge of the Registered Nurse at a level above that required for licensure. Courses related to the scientific knowledge for the practice of nursing include basic and advanced courses in the physical, social, and behavioral sciences, as well as advanced nursing in general or specialty areas. Content which includes the application of scientific knowledge to patient care in addition to advanced nursing courses may include courses in related areas, i.e., human sexuality; death, dying, and grief; foreign languages (conversational); therapeutic interpersonal relationship skills; pharmacology; generally accepted experimental medical procedures or treatments; and those related to specialty areas of nursing practice. Courses in nursing administration, management, education, research, or other functional areas of nursing relating to indirect patient/client care would be acceptable.

Courses which deal with self-improvement, changes in attitude, financial gain, and those courses designed for lay people are not acceptable for meeting requirements for license renewal.

(4) Contain curriculum that includes the understanding of implicit bias pursuant to Section 2736.5 of the code, unless the course is dedicated solely to research or other issues that does not include a direct patient care component.

(b) For the purposes of this section, “generally accepted experimental medical procedures or treatments” means:

(1) the efficacy of the procedure(s) or treatment(s) is supported by at least two peer-reviewed, publicly available scientific journals or studies, or is published in medical and/or scientific literature, and

(2) there is no clear and convincing contradictory evidence presented in a major peer reviewed medical journal that the treatment or procedure is not safe and effective.

Note:

Authority cited: Sections 2715, 2736.5, and 2811.5, Business and Professions Code.

Reference: Sections 2736.5 and 2811.5, Business and Professions Code.