

**State of California
Office of Administrative Law**

In re:
Board of Registered Nursing

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 1482.3, 1482.4, 1487

Amend sections: 1480, 1481

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

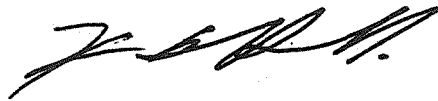
OAL Matter Number: 2022-1206-06

OAL Matter Type: Regular (S)

This rulemaking action by the Board of Registered Nursing adopts and amends regulations relating to categories and scope of practice for nurse practitioners as set forth in Business and Professions Code sections 2837.103 and 2837.104.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: December 23, 2022



Kevin D. Hull
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Daisy Gonzales, Interim
Chancellor

Copy: Marissa Clark

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-0906-02	REGULATORY ACTION NUMBER 2022-1206-065	EMERGENCY NUMBER S
-------------------------	---	--	------------------------------

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW 2022 DEC 6 PM3:26	NOTICE REGULATIONS
---	-----------------------

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 23 2022

1:49 pm

AGENCY WITH RULEMAKING AUTHORITY Board of Registered Nursing	AGENCY FILE NUMBER (if any)
--	------------------------------------

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE (AB 890) Categories of Nurse Practitioners...		TITLE(S) 16	FIRST SECTION AFFECTED 1480	2. REQUESTED PUBLICATION DATE September 16, 2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional) 916-574-7700
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022, 3T-Z	PUBLICATION DATE 9/16/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Categories of Nurse Practitioners and Scope of Practice	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1482.3, 1482.4, and 1487
	AMEND 1480, 1481
TITLE(S) 16	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) January 1, 2023

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs			

7. CONTACT PERSON Marissa Clark	TELEPHONE NUMBER 916-574-7438	FAX NUMBER (Optional) 916-574-7700	E-MAIL ADDRESS (Optional) Marissa.Clark@dca.ca.gov
------------------------------------	----------------------------------	---------------------------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Loretta Melby</i>	DATE Nov 16, 2022
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, Executive Officer, Board of Registered Nursing	

For use by Office of Administrative Law (OAL) only

ENDORSED - APPROVED

DEC 23 2022

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. BOARD OF REGISTERED NURSING

Order of Adoption

CATEGORIES AND SCOPE OF PRACTICE OF NURSE
PRACTITIONERS (AB 890)

Amend the heading of Article 8 of Division 14 of Title 16 of the California Code of Regulations to read as follows:

ARTICLE 8. ~~STANDARDS FOR NURSE PRACTITIONERS~~

Amend sections 1480 and 1481 of, and add sections 1482.3, 1482.4, and 1487 to, Title 16 of the California Code of Regulations to read as follows:

§ 1480. Definitions

(k) ~~reserved~~ "Group setting" means one of the settings or organizations set forth in Section 2837.103(a)(2) of the code in which one or more physicians and surgeons practice with a nurse practitioner without standardized procedures.

Note: Authority cited: Sections 2715, 2725 and 2836, Business and Professions Code. Reference: Sections 2725.5, 2834, 2835.5, ~~and 2836.1, and 2837.103~~, Business and Professions Code.

§ 1481. Categories and Scope of Practice of Nurse Practitioners.

(a) Categories of nurse practitioners include:

- (1) Family/individual across the lifespan;
- (2) Adult-gerontology, primary care or acute care;
- (3) Neonatal;
- (4) Pediatrics, primary care or acute care;
- (5) Women's health/gender-related;
- (6) Psychiatric-Mental Health across the lifespan.

(b) Nurse Practitioners who have met the additional training and experience requirements can apply to the Board for an expanded scope of practice, and work without standardized procedures, under these two categories:

- (1) A nurse practitioner practicing pursuant to Section 2837.103 of the code may perform the functions listed in Section 2387.103(c) of the code without standardized procedures only in a group setting and in the category listed in

subdivision (a) of this regulation in which the applicant is certified as a nurse practitioner pursuant to Section 2837.103 of the code.

(2) A nurse practitioner practicing pursuant to Section 2837.104 of the code may perform the functions listed in section 2387.104(c) of the code without standardized procedures, inside or outside of a group setting, only in the category listed in in subdivision (a) of this regulation in which the applicant is certified as a nurse practitioner pursuant to Section 2837.104 of the code.

(bc) A registered nurse who has been certified by the Board as a nurse practitioner may use the title, "advanced practice registered nurse" and/or "certified nurse practitioner" and may place the letters APRN-CNP after ~~his or her~~ their name or in combination with other letters or words that identify the category.

Note: Authority cited: Sections 2715 and 2836, Business and Professions Code.
Reference: Sections 2834, 2835.5, 2836, 2836.1, ~~and~~ 2837, 2837.103, and 2837.104
Business and Professions Code.

§ 1482.3 Requirements for a Nurse Practitioner Certification Pursuant to Business and Professions Code Section 2837.103.

- (a) To obtain certification as a nurse practitioner pursuant to Section 2837.103 of the code, an applicant shall hold a valid and active certification as a nurse practitioner in California and submit a completed application that includes the following:
- (1) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)).
 - (2) Other name(s) applicant has used or has been known by.
 - (3) Applicant's physical address.
 - (4) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address.
 - (5) Email address, if any.
 - (6) Applicant's telephone number.
 - (7) Applicant's Social Security Number or Individual Taxpayer Identification Number.
 - (8) Applicant's birthdate (month, day, and year).
 - (9) California registered nurse license number issued by the Board.
 - (10) California nurse practitioner certification number issued by the Board.

- (11) Date of passage of the Board's national nurse practitioner board certification examination. Verification of this passage shall be provided directly to the Board by the organization that administered the examination.
- (12) Proof of holding a certification as a nurse practitioner by a national certification organization accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification (ABSNC) as a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code. Verification of this certification shall be provided directly to the Board by the issuing organization.
- (13) Proof of completion of a transition to practice by submitting to the Board one or more attestations of a physician or surgeon, a nurse practitioner practicing pursuant to Section 2837.103 of the code, or a nurse practitioner practicing pursuant to Section 2837.104 of the code. Any physician or surgeon, a nurse practitioner practicing pursuant to Section 2837.103 of the code, or a nurse practitioner practicing pursuant to Section 2837.104 of the code submitting an attestation must specialize in the same specialty area or category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code and must not have a familial or financial relationship with the applicant.
- (A) For purposes of this subdivision, "transition to practice" means 4600 hours or three full-time equivalent years of clinical practice experience and mentorship that are all of the following:
- (i) Completed in California.
 - (ii) Completed within five years prior to the date the applicant applies for certification as a nurse practitioner pursuant to Section 2837.103 of the code.
 - (iii) Completed after certification by the Board of Registered Nursing as a nurse practitioner.
 - (iv) Completed in direct patient care in the role of a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code.
- (B) For purposes of this subdivision "financial interest" shall have the same meaning as in Section 650.01(b)(2) of the code, and "familial" shall include the members of "immediate family" as used in Section 650.01(b)(3) of the code.
- (14) A statement signed under penalty of perjury by the applicant that all statements made in the application are true and correct.

Note: Authority cited: Section 2715, Business and Professions Code.
Reference: Sections 29.5, 30, 494.5, 2837.101, and 2837.103, Business and Professions Code.

§ 1482.4 Requirements for a Nurse Practitioner Certification Pursuant to Business and Professions Code Section 2837.104.

(a) To obtain certification as a nurse practitioner pursuant to Section 2837.104 of the code, an applicant must hold a valid and active certification as a nurse practitioner pursuant to Section 2837.103 of the code and submit a completed application with all of the following information:

(1) Applicant's full legal name ((Last Name) (First Name) (Middle Name) and/or (Suffix)),

(2) Other name(s) applicant has used or has been known by,

(3) Applicant's physical address,

(4) Applicant's mailing address, if different than the applicant's physical address. The mailing address may be a post office box number or other alternate address,

(5) Email address, if any,

(6) Applicant's telephone number,

(7) Applicant's Social Security Number or Individual Taxpayer Identification Number,

(8) Applicant's birthdate (month, day, and year),

(9) California registered nurse license number issued by the Board,

(10) California nurse practitioner certification number issued by the Board,

(11) Date of passage of the Board's national nurse practitioner Board certification examination. Verification of this passage shall be provided directly to the Board by the organization that administered the examination.

(12) Proof of holding a certification as a nurse practitioner by a national certification organization accredited by the National Commission for Certifying Agencies or the Accreditation Board for Specialty Nursing Certification (ABSNC) as a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.103 of the code. Verification of this certification shall be provided directly to the Board by the issuing organization.

(13) Proof of completion of a transition to practice by submitting to the Board one or more attestations of a physician or surgeon or a nurse practitioner practicing pursuant to Section 2837.104 of the code. Any physician or surgeon or a nurse practitioner practicing pursuant to Section 2837.104 of the code submitting an attestation must specialize in the same specialty area or category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.104 of the code and must not have a familial or financial relationship with the applicant.

(A) For purposes of this subdivision, "transition to practice" means 4600 hours or three full-time equivalent years of clinical practice experience and mentorship that are all of the following:

(i) Completed in California.

(ii) Completed within five years prior to the date the applicant applies for certification as a nurse practitioner pursuant to Section 2837.104 of the code.

(iii) Completed after certification by the Board of Registered Nursing as a nurse practitioner.

(iv) Completed in direct patient care in the role of a nurse practitioner in the category listed in Section 1481(a) in which the applicant seeks certification as a nurse practitioner pursuant to Section 2837.104 of the code.

(B) For purposes of this subdivision "financial interest" shall have the same meaning as in Section 650.01(b)(2) of the code, and "familial" shall include the members of "immediate family" as used in Section 650.01(b)(3) of the code.

(14) Proof of practice as a nurse practitioner pursuant to Section 2837.103 of the code in good standing for at least three full-time equivalent years or 4600 hours in direct patient care.

(A) For purposes of this subdivision, "practice as a nurse practitioner pursuant to Section 2837.103 of the code in good standing" means practice conducted under a current, active, and unrestricted license. "Unrestricted" means the applicant was not subject to a disciplinary action by the Board, including probation, suspension or public reproof.

(B) For an applicant who holds a Doctorate of Nursing Practice degree (DNP), "practice as a nurse practitioner pursuant Section 2837.103 of the code in good standing" also includes any hours of direct patient care that the applicant provided in the course of their doctoral education so long as the direct patient care is both (i) in the applicant's area of National Certification specified in subdivision (a)(12) and (ii) provided during the doctoral part of the applicant's doctoral education and not credited towards the applicant's master's degree.

(15) A statement signed under penalty of perjury by the applicant that all statements made in the application are true and correct.

(b) Within 90 days of certification by the Board of Registered Nursing, a nurse practitioner practicing pursuant to Section 2837.104 of the code shall have a written protocol for consultation and a written plan for referrals, pursuant to Section 2837.104(c)(2) of the code, and shall make that referral plan available to patients on request. If the written plan calls for referrals to a specific individual, the plan must include that individual's acknowledgment and consent to the referrals.

Note: Authority cited: Section 2715, Business and Professions Code.

Reference: Sections 29.5, 30, 494.5, and 2837.104, Business and Professions Code.

§ 1487 Notice to Consumers.

Except when working in facilities under the Department of Corrections and Rehabilitation, a nurse practitioner engaged in providing healthcare services shall do all of the following:

- (a) Prominently post a notice, in at least 48-point Arial font, in a conspicuous location accessible to public view on the premises where the nurse practitioner provides the healthcare services, containing the following information:

NOTICE

Nurse practitioners are licensed and regulated

by the Board of Registered Nursing

(916) 322-3350

www.rn.ca.gov

- (b) 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 phrases “enfermera especializada” or “enfermero especializado.”

- (c) Advise patients that they have the right to see a physician and surgeon on request and the circumstances under which they must be referred to see a physician and surgeon.

Note: Authority cited: Section 2715, Business and Professions Code.

Reference: Sections 2837.103 and 2837.104, Business and Professions Code.