

# BOARD OF REGISTERED NURSING FINAL STATEMENT OF REASONS

**Hearing Dates:** April 23, 2018

**Subject Matter of Proposed Regulations:** Fee Increase

Amend Sections: 1417

## Updated Information

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the position of the Board of Registered Nursing (Board) regarding the amendment of the above section. Modifications have been made to the regulatory proposal, and the information contained therein is updated as follows:

- The public hearing was held on April 23, 2018. It was necessary to move the location of the public hearing to 1625 N. Market Blvd., Suite N-220, Sacramento, CA due to construction in the Board's building. The location of the hearing is across a parking lot from the originally noticed hearing location, a short walk from the noticed location. Additionally, signs were prominently posted in both locations, directing the public to the updated location next door.
- The Notice of Proposed Action (NOPA) contains two errors to the fee schedule. These errors were identified only on the NOPA. The Proposed Language and Initial Statement of Reasons are correct.
- On page 2 of the NOPA, within the fee schedule, the **Biennial Certified Nurse Practitioner Furnishing Renewal Fee** includes the "+ Assessment for RN Education Fund" fee of \$12. This should include the "+ Controlled Utilization Review and Evaluation System Fee" of \$12.
- On page 2 of the NOPA, within the fee schedule, the **Biennial Certified Nurse-Midwife Furnishing Renewal Fee** includes the "+ Assessment for RN Education Fund" fee of \$12. This should include the "+ Controlled Utilization Review and Evaluation System Fee" of \$12.

## Local Mandate

A mandate is not imposed on local agencies or school districts.

## Small Business Impact

This regulation will not have a significant adverse economic impact on small businesses. There will be a minimal impact on continuing education providers and schools. The Financial impact on these businesses should be absorbed through the offset costs of tuition or course fees. There were no substantive comments received during the public comment period from any continuing education providers and schools.

## Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to

the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The only alternative to this proposal is to not amend the section, which would cause the Board to become insolvent and unable to provide the functions necessary to ensure public protection through licensure and enforcement of the Nursing Practice Act and the Board's regulations.

### **Objections or Recommendations/Responses**

#### 45-Day Public Comment Period

During the 45-day public comment period from March 9, 2018 to April 23, 2018, the Board received two comments. The comments were provided in the meeting materials for the May 9-10, 2018 Board meeting and were reviewed and considered by the Board.

#### **Comment #1: Sarah L. Flores, MSN, RN, NE-C, Biola University**

The question is specific to the renewal application fee for the PHN License. The commenter stated that historically, as a BSN, PHN, there has not been the need to apply for renewal nor pay a fee for maintaining the PHN certification. The commenter asked whether the renewal application/fee would be instituted for new licenses forward only, or would it also be instituted for those with existing PHN certificates. The commenter also asked if the Board would "grandfather in" current PHNs.

**Response:** Reject the comment. The Board did not previously collect a fee for the renewal of a public health nurse certification. But pursuant to B&P Code section 2816, the Board must establish the fee to be paid upon the application for renewal of the public health nurse certification at between \$125 and \$500. The proposed regulation sets the fee to the statutory minimum of \$125. The PHN renewal fee will be required for all nurses holding PHN certification.

#### **Comment #2: Public Health Nurses, Community Health Nurses, and Allies**

The commenter stated that the community of nurses in practice, education and research as well as nursing students oppose the fee increase for the Public Health Nurse (PHN) from \$150 to \$500. The commenter stated that the action will likely shift new nurse graduates' career trajectories away from Public Health, further exacerbating PHN recruitment challenges across local health departments.

The commenter further noted that the minimum amount of \$500 selected for both PHNs and Nurse Practitioners (NP), should not be the same because the evaluation criteria and scope of practice are so different, including salary ranges. The PHN renewal fee does not make sense, according to the commenter, as there are no additional recertification requirements once a nurse has proven that he/she completed the initial coursework and clinical experience.

**Response:** Reject the comment. Pursuant to B&P Code section 2816, the proposed regulation sets the fee for a Public Health Nurse Certification Application to the statutory minimum of \$500. The proposed regulation also sets the PHN renewal fee to the statutory minimum of \$125. The PHN renewal fee will be required for all nurses holding PHN certification.