

## **BOARD OF REGISTERED NURSING INITIAL STATEMENT OF REASONS**

**Hearing Date:** July 11, 2016

**Subject Matter of Proposed Regulations:** Credit for Military Education/Experience

**Sections Affected:** Amend Sections 1418, 1424, 1426, 1430  
Adopt Sections 1423.1, 1423.2

### **Introduction:**

The Board of Registered Nursing (“Board” or “BRN”) has statutory authority to approve and regulate prelicensure nursing programs in California. Accordingly, the Board adopted the education regulations found in Article 3, California Code of Regulations, Title 16, Division 14, to interpret, implement, and make specific Business and Professions Code, Article 4, “Nursing Schools.” The primary purpose of the amendments is to comply with SB 466, which requires the Board to adopt regulations requiring schools to have a process to evaluate and grant credit for military education and experience.

SB 466 (Hill, Chapter 489, Statutes of 2015), approved by the Governor and filed with the Secretary of State on October 4, 2015, includes expanded requirements of registered nursing education programs specific to awarding student applicants credit in the field of nursing for military education and experience, internet posting of such information, and adoption of relevant regulations by the Board. This proposal would implement SB 466. Specific regulatory language is necessary to ensure clarity so that the nursing education programs understand and the BRN can enforce the requirements.

### **Specific Changes and Factual Basis/Rationale:**

Section 2786.1 is added to the Business and Professions Code, which includes requirements that the Board deny the application for approval and revoke the approval given to any school of nursing that does not give student applicants credit in the field of nursing for military education and experience by the use of challenge examinations or other methods of evaluation; adopt regulations by January 1, 2017, require schools to have a process to evaluate and grant credit for military education and experience; design regulations to require all schools provide clinical instruction in all phases of the educational process, except as necessary to accommodate military education and experience as specified in Section 2786.1; and post on its Internet Web site information related to the acceptance of military coursework and experience at each approved school. Existing regulation does not address these requirements.

Persons with applicable military education and experience who wish to become a Registered Nurse will have an effective process to have credit evaluated and applied toward completion of prelicensure nursing education and/or establishing licensure eligibility, and information regarding this opportunity will be readily available.

**Section 1418:** This amendment clarifies the process for a military applicant with relevant education and experience to obtain equivalency credit from any board-approved registered

nursing program and be evaluated for licensure eligibility by the BRN. Thus, this change clarifies regulatory language regarding licensure application evaluation of equivalent armed services training and ensures the BRN process for licensure eligibility consideration of applicable education and experience acquired during military service.

**Sections 1423.1 and 1423.2:** SB 466 added BPC section 2786.1(a) to (c). These two sections are added to interpret the new law. These two sections identify and clarify the board decisions on grounds for board approval or revocation of approval.

**Sections 1423.1(a) to (d):** These new sections are added to identify conditions for the Board to deny approval from a new program or remove board approval from a previously approved nursing program.

**Section 1423.1(a)(1) to (3):** This new section and subsections clarify the requirements pursuant to BPC 2786.1 for each board-approved nursing program to have the policy and procedures established for a method to evaluate and grant academic credit for previous education, including military education and experience.

**Section 1423.1(b):** This new section is added pursuant to BPC 2786.1 and requires that each board-approved nursing program must ensure opportunity through challenge exam or other means for applicants with military education and experience to obtain evaluation of their experience for equivalent academic credit. This section has been added as a condition of board-approval and will ensure implementation of the policy and procedures each time a review of a nursing program for approval is conducted by the BRN.

**Section 1423.1(c):** This new section is added to clarify and formalize the board practice for condition of denial or removal of board approval pursuant to BPC 2736.6. Board has required each nursing program to provide a curriculum option for a Licensed Vocational Nurse to take additional 30 semester units (45 quarter units) and meet the licensure eligibility.

**Section 1423.1(d):** This new section is added to clarify conditions that demonstrate deficient progress by the nursing program, which will lead to board action to remove board approval.

**Section 1423.1(d)(1):** This new section is added to identify when the Board removes approval from previously approved nursing program. When a school has areas of non-compliance of Board rules and regulations, usually one year of time is allowed for a school to come in compliance. The school is placed on “Deferred Action to Continue Approval” status during this time and progress of the school is monitored. When a school is making satisfactory progress during the first Deferred Action period, and additional time is needed, the deferred status period may be extended for a second year. Any extended time beyond two years needs evaluation. This new section clarifies the timeframe before which the board may remove approval from deferred status.

**Section 1423.1(d)(2) and (3):** These new sections are added to clarify specific noncompliance findings that results in removal of board approval from board-approved nursing program.

**1423.2:** This new sections clarify conditions for board's actions for denial or revocation of approval when a prelicensure nursing program does not comply with regulatory requirements including granting of credit for applicable military education and experience.

**Section 1424(3):** This new addition to Section 1424 defines the requirement of nursing programs for providing information regarding policies and procedures to grant credit for military education and acquired knowledge through such methods as challenge examinations, evaluation and other methods. The section additionally specifies how this information will be made available on the website.

**Section 1426(d)(1):** This addition to Section 1426(d) clarifies that a student's applicable military education and experience can be considered when evaluating how they meet a prelicensure nursing program curriculum theory and clinical practice requirements.

**Section 1430:** The amendment to this section adds language to ensure military education and experience are considered by approved nursing programs as part of the process for being awarded previous education credit.

## **BENEFITS**

Persons with applicable military education and experience who wish to become a Registered Nurse will have an effective process to have credit evaluated and applied toward completion of prelicensure nursing education and/or establishing licensure eligibility, and information regarding this opportunity will be readily available.

## **Underlying Data:**

Technical, theoretical or empirical studies or reports relied upon: None.

## **Business Impact:**

This regulation may a significant adverse economic impact on businesses (schools). Schools will have to change processes in order to comply with the proposed regulation that will allow the applicants to receive credit for applicable military education and experience. These changes should be all procedural changes and should not affect the schools monetarily.

## **Economic Impact Assessment:**

The proposal will create jobs within the State of California in order to comply with reviewing school's policies and practices regarding granting credit for military education and experiences at least once every 5 years to ensure consistency in evaluation and application across schools. The Board also anticipates that California Universities and California State schools will not have to create jobs within the State of California because schools already have personnel in place as a part of the college and nursing department structure to evaluate transcripts for transfer credit, although it might increase workload volume, the impact would be minimal; the proposal will not eliminate jobs within California as schools will still need staff in order to review applications; The proposed regulations will not create businesses as there are already approved schools for students in order to obtain a prelicensure degree for the RN license; The proposed regulation will not eliminate existing businesses within the state as there is a need for schools in order to give students educations in order to become a registered nurses; The proposed regulation will not affect the expansion of businesses currently doing business within the State of California as there

are already schools approved for prelicensure of a RN license. There is a process that schools must complete in order to be an approved school by the BRN; The proposed regulations will not have a significant impact to the health and welfare of California residents, worker safety or to the state's environment.

**Specific Technologies or Equipment:**

This regulation does not mandate the use of specific technologies or equipment.

**Consideration of Alternatives:**

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because this conflicts with SB 466.
2. Adopt the regulation. The Board determined that this alternative is the most feasible because the proposed regulatory changes comply with SB 466 and would require schools to have a process to evaluate and grant credit for military education and experience. The Board was required by SB 466 to promulgate regulations, these proposed regulations fulfill that requirement.