

BOARD OF REGISTERED NURSING INITIAL STATEMENT OF REASONS

Hearing Date: None Scheduled

Subject Matter of Proposed Regulations: License Renewal – Reporting of Traffic Violations

Section Affected: Amend Section 1419(c)

Specific Purpose of Amendment:

At the time of biennial license renewal, registered nurses must report conviction of any violation of the law, except traffic infractions under \$300 not involving alcohol, dangerous drugs, or a controlled substance, which has occurred since his or her last license renewal. The proposed amendment will increase the level of reportable traffic infraction fines from \$300 to \$1000.

The proposed amendment will address the issue of renewal applicants being required to report traffic infractions that do not constitute grounds for license discipline. Raising the fine level will benefit the renewal applicants who have traffic violations less than \$1000; they will no longer be required to submit information to the Board. Board effectiveness and efficiency will be enhanced due to the decrease in the number of renewals requiring special handling. Most importantly, consumer protection, the Board's primary function, will be enhanced due to staff being able to focus on other critical enforcement-related activities, including ongoing backlogs.

Factual Basis/Rationale

In May 2009, the Board adopted several regulations to strengthen its enforcement program and to better protect consumers. Business and Professions Code Section 2761(f) specifies that conviction of a felony or of any act substantially related to the qualifications, functions, and duties of a registered nurse is unprofessional conduct and grounds for license discipline by the Board. Section 1419(c) was adopted and requires registered nurses to disclose at the time of biennial license renewal whether, since the last renewal, he or she has been convicted of any violation of the law, except for traffic infractions under \$300 not involving alcohol, dangerous drugs, or a controlled substance. The purpose of the mandatory reporting requirement is to identify registered nurse renewal applicants who have been convicted of a violation/crime, since the last license renewal that would be grounds for license discipline. However, because of the low fine reporting threshold, registered nurses are having to report traffic infractions such as such as illegal turns, texting while driving, and running a red light, that are not grounds for license discipline.

The current reporting requirement places an unnecessary burden on the registered nurse. Although renewal of the license is not delayed when violations are reported, the registered nurse is required to expend time compiling information. If the registered nurse has a reportable violation, he or she is required to provide specific information including:

1. A detailed written explanation describing the circumstances and events that led to the arrest and conviction(s)

2. Certified documents relating to the arrest, such as police report, complaint, citation, or ticket.
3. Certified court documents
4. Related mitigating evidence or evidence of rehabilitation.

Board Enforcement Program staff processes and reviews all the information submitted by renewal applicants, including the traffic-violation related information.

As previously stated, the benefit of raising the fine level is threefold: 1) decreases burden for license renewal applicants, who will no longer be required to report traffic violations that would not be grounds for license discipline, 2) increases Board effectiveness and efficiency by decreasing the number of renewals requiring special handling, and 3) enhances consumer protection by permitting staff to focus on other enforcement-related activities, including ongoing backlogs.

Underlying Data

Technical, theoretical or empirical studies, reports, or documents relied upon (if any): None

Economic Impact

This regulatory proposal will affect registered nurse license renewal applicants and will not: create or eliminate jobs within the State of California; create new business or eliminate existing businesses within the State of California; or affect the expansion of businesses currently doing business within the State of California. Furthermore, because the proposed regulation only affects registered nurse renewal applicants, it does not affect the health and welfare of California residents, does not affect worker safety, or affect the state's environment.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the fact that the regulation will only impact registered nurses renewing their licenses.

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.