

**State of California
Office of Administrative Law**

In re:
Board of Registered Nursing

Regulatory Action:

Title 16, California Code of Regulations

Amend section: 1427

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0913-01

OAL Matter Type: Regular Resubmittal (SR)

This action would require nursing programs to report changes in their use of clinical facilities to the board.

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

Date: October 13, 2022



Eric Partington
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Daisy Gonzales, Interim
Chancellor

Copy: Marissa Clark

RESUBMITTAL

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022-0913-01SR	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE 	REGULATIONS
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ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

OCT 13 2022

1:56 PM

OFFICE OF ADMIN. LAW
 2022 SEP 13 AM 11:11

AGENCY WITH RULEMAKING AUTHORITY Board of Registered Nursing	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Prelicensure Nursing Programs - Clinical Facilities	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0330-02S
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1427
	REPEAL
TITLE(S) 16	

3. TYPE OF FILING

<input 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 checked="" 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)
 July 20 - August 4, 2022

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" 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 type="checkbox"/> Effective other (Specify) _____
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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) <u>Kimberly Kirchmeyer, Director, Dept of Consumer Affairs</u>		

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
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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 9/12/2022
TYPED NAME AND TITLE OF SIGNATORY Loretta Melby, Executive Officer	

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ENDORSED APPROVED
OCT 13 2022
 Office of Administrative Law

California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 14. Board of Registered Nursing
Article 3. Prelicensure Nursing Programs

Adopted Text Amending § 1427. **Clinical Facilities.**

- (a) A nursing program shall not utilize any agency or facility for clinical experience without prior approval by the board. Each program must submit evidence that it has complied with the requirements of subdivisions (b), (c), and (d) of this section and the policies outlined by the board.
- (b) A program that utilizes an agency or facility for clinical experience shall maintain written objectives for student learning in such facilities, and shall assign students only to facilities that can provide the experience necessary to meet those objectives.
- (c) Each such program shall maintain written agreements with such facilities and such agreements shall include the following:
- (1) Assurance of the availability and appropriateness of the learning environment in relation to the program's written objectives;
 - (2) Provision for orientation of faculty and students;
 - (3) A specification of the responsibilities and authority of the facility's staff as related to the program and to the educational experience of the students;
 - (4) Assurance that staff is adequate in number and quality to ensure safe and continuous health care services to patients;
 - (5) Provisions for continuing communication between the facility and the program; and
 - (6) A description of the responsibilities of faculty assigned to the facility utilized by the program.
- (d) In selecting a new clinical agency or facility for student placement, the program shall take into consideration the impact that an additional group of students would have on students of other nursing programs already assigned to the agency or facility.
- (e) Each nursing program shall electronically report to the Board any changes made to the program's use of clinical facilities within ninety (90) calendar days of making each change. As used in this section, "changes" include, but are not limited to, changes to the number of students from the program who have been approved for placement at the clinical facility, changes in the annual clinical placement capacity at the clinical facility, and cancellation or alteration of clinical affiliation agreements.

(f) On or about December 1 of each year, the Board shall provide each nursing program with a report containing all clinical facility data the Board has on file for their program. By December 31 of each year, each nursing program shall electronically confirm that the clinical facility data in the Board's report is accurate as of the date of the report or, if necessary, electronically notify the Board of any required corrections or additional changes.

Note: Authority cited: Sections 2715 and 2786, Business and Professions Code.
Reference: Sections 2786-2788 and 2788, Business and Professions Code.