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News Release

February 23, 2006
FOR IMMEDIATE RELEASE

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Board of Registered Nursing Prevails in Excelsior College Court Decision

(Court of Appeal of the State of California, C047824, (Super.Ct.No. 03CS01817))

SACRAMENTO – The California Board of Registered Nursing prevailed today in a state Court of Appeal decision upholding the BRN’s position that Excelsior College graduates, like other out-of-state school graduates, must fulfill all California licensing requirements, including supervised clinical practice, in order to qualify for licensure as a registered nurse in California.

Ruth Ann Terry, BRN Executive Officer, stated, “This decision is of critical importance to the quality and safety of RN practice in California. It affirms the Board’s position that there is nothing more basic to safe nursing practice than ensuring that students learn hands-on skills through sufficient hours of supervised clinical practice in patient settings.”

Documents filed with the court by Excelsior College describe the college as a distance learning program based in New York. The California Court of Appeal decision states, “As opposed to California’s 810 hours of supervised clinical practice in a variety of settings with various patients, Excelsior’s students simply take the weekend CPNE.” The court explains the CPNE (Clinical Performance Nursing Examination) is “a weekend course, administered over two and one-half days, with a limited number of patients involving only two areas of nursing.”

The litigation background is as follows. Excelsior College sued the BRN in December 2003 after the BRN ruled that, in order to be eligible for examination and licensure in California, Excelsior College graduates enrolled on or after December 6, 2003, like all other out-of-state school graduates must meet the legal requirements for licensure in California, including the requirement of supervised clinical practice concurrent with theory. Excelsior’s lawsuit consisted of a petition for writ of mandate and a complaint for declaratory and injunctive relief. The BRN filed a demurrer, and after briefing and oral argument, the trial court ruled in the BRN’s favor and sustained the demurrer. Excelsior filed an appeal in September 2004. Following briefing and oral argument, the Court of Appeal issued its decision in the matter on February 23, 2006.

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The Court of Appeal acknowledges "... the numerous attempts by the Board to assist Excelsior with developing strategies for coming into compliance with California's requirements. Excelsior chose not to do so." It further states, "As a practical matter, graduates from out-of-state programs can be ...assured of licensure in California as long as their schools meet the minimum California requirements."

Ruth Ann Terry welcomed the court's recognition that "The primary purpose of the Board is to protect the public," and that "In clinical practice, students learn the vital hands-on skills that are at the heart of nursing practice."

Executive Officer Terry elaborated, "Distance education plays a key role in the education of today's nurse. The Board is fully supportive of innovative learning methods and stands ready to work with all programs to expand the capacity of nursing education to help alleviate the nursing shortage. That said, we will not compromise standards for the care of California patients. We believe that quality education and expansion of education capacity are fully compatible."

On a related note, in August 2005 the National Council of State Boards of Nursing adopted a position paper that recommends "nursing education programs shall include clinical experiences with actual patients" and "should be supervised by qualified faculty." The NCSBN stated, "Because the mission of the boards of nursing is to protect the public, the boards asked for guidance with evaluating prelicensure programs that do not provide experiences with actual patients." NCSBN is the organization of all of the state boards of nursing. The position paper can be found at http://www.ncsbn.org/pdfs/Final_Clinical_Instr_Pre_Nsg_programs.pdf.

(Interested readers can click [here](#) to review the entire court decision.)

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