

TITLE 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (hereinafter referred to as “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Board of Registered Nursing
1747 N. Market Blvd.
Topaz Room (Room #190)
Sacramento, CA 95834**

**April 23, 2018
9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 23, 2018. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code (Code), and to implement, interpret or make specific Sections 163.5, 2746.53, 2786.5, 2815, 2815.1, 2815.5, 2815.7, 2816, 2830.7, 2831, 2833, 2836.3 and 2838.2 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1417.

Existing laws authorize the Board to charge fees for initial licensure and certification applications; temporary licenses; interim permits; license and certificate renewals; delinquent renewals; and returned checks. The Board is a self-supporting, special fund agency that generates its revenues from licensing fees. In 1991, the Board set fees at the minimum level of the range established statute. In 2010, the Board raised its fees for the first time in nearly 20 years in order to support the Board and enhance its enforcement functions. Fee increases are necessary for the preservation of public health and safety, and general welfare of the citizens of California. Without increasing fees, the Board would be forced to shut down all but the most critical operational and enforcement activities. Failure to adequately regulate nurses will lead to public harm as consumers may be treated by individuals who are incompetent or grossly negligent. Funds insolvency will also create a barrier for licensure for those nurses seeking employment. These delays would ultimately reduce the number of nurses in the workforce, and the revenue the Board collects. SB 1039 (2016) added statutory language for the Board in

reference to fees. The Board is proposing to increase fees as detailed in the table on pages 2-3. The fee increases apply to renewal of licenses and certificates that expire after the effective date of the regulations, and to all other fees on the effective date of the regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:

The increases in fees are necessary to enable the Board to more effectively protect consumers and effectively support the Board’s functions.

FEES	EXISTING	PROPOSED
RN Interim Permit Fee	\$50	\$100
Application Fee for Licensure by Examination for a California Graduate from an Approved California School	\$150	\$300
Application Fee for Licensure by Examination from a Graduate in Another State, District or Territory of the United States	\$150	\$350
Application Fee for Licensure by Examination by an International Graduate	\$150	\$750
Application Fee for Repeat Examination	\$150	\$250
Temporary License Fee	\$50	\$100
Application Fee for Endorsement by a Registered Nurse in Another State, District or Territory of the United States	\$100	\$350
Application Fee for Endorsement by an International RN	\$100	\$750
Biennial Registered Nurse Renewal Fee**	\$150	\$180
+ Assessment for RN Education Fund	\$10	\$10
RN Delinquent Renewal Fee	\$75	\$90
Application Fee for Reinstatement of Lapsed License	N/A	\$350
Temporary Nurse Practitioner Certification Fee	\$50	\$150
Nurse Practitioner Certification Application Fee	\$150	\$500
Biennial Nurse Practitioner Renewal Fee	N/A	\$150
Nurse Practitioner Delinquent Renewal Fee	N/A	\$75
Application Fee for Certified Nurse Practitioner Furnishing	\$50	\$400
Biennial Certified Nurse Practitioner Furnishing Renewal Fee***	\$30	\$150
+ Assessment for RN Education Fund	\$12	\$12
Nurse Practitioner Furnishing Delinquent Renewal Fee	\$15	\$75
Temporary Nurse-Midwife Certification Fee	\$50	\$150
Nurse-Midwife Certification Application Fee	\$150	\$500
Fee for Application for Nurse-Midwife Equivalency Examination*	\$200	\$200
Biennial Nurse-Midwife Certification Renewal Fee	\$100	\$150
Nurse-Midwife Delinquent Renewal Fee	\$50	\$75
Application Fee for Certified Nurse-Midwife Furnishing	\$50	\$400
Biennial Certified Nurse-Midwife Furnishing Renewal Fee****	\$30	\$150
+ Assessment for RN Education Fund	\$12	\$12
Certified Nurse-Midwife Furnishing Delinquent Renewal Fee	\$15	\$75
Temporary Nurse Anesthetists Certification Fee	\$50	\$150
Nurse Anesthetists Certification Application Fee	\$150	\$500
Biennial Nurse Anesthetists Certification Renewal Fee	\$100	\$150

Nurse Anesthetists Certification Delinquent Renewal Fee	\$50	\$75
Temporary Clinical Nurse Specialist Fee	N/A	\$30
Clinical Nurse Specialist Application Fee	\$150	\$500
Biennial Clinical Nurse Specialist Renewal Fee	\$100	\$150
Clinical Nurse Specialist Delinquent Renewal Fee	\$50	\$75
Temporary Public Health Nurse Fee	\$50	\$150
Public Health Nurse Application Fee	\$150	\$500
Biennial Public Health Nurse Renewal Fee	N/A	\$125
Psychiatric/Mental Health Nurse Application Fee	N/A	\$350
Application Fee for Continuing Education Provider Approval	\$300	\$750
Biennial Continuing Education Provider Renewal Fee	\$300	\$750
Continuing Education Provider Renewal Delinquent Fee	\$150	\$375
Application Fee for an Institution of Higher Education or a Private Postsecondary School of Nursing Approval	\$5,000	\$40,000
Fee for Continuing Approval of a Nursing Program Established After January 1, 2013	\$3,500	\$15,000
Fee for Authorizing of a Substantive Change to an Approval of a School of Nursing	\$500	\$2,500
Duplicate License Fee*	\$50	\$50
Duplicate Wall Certification Fee	\$30	\$60
Copy of NCLEX-RN Results	\$10	\$60
Certified Copy of a School Transcript*	\$50	\$50
Fee for Processing Endorsement Papers to Other States*	\$100	\$100
Confirmation of License Certification	\$2	\$20
Penalty Fee for Dishonored Check*	\$30	\$30

*There were no fee increases for the marked fees. They are included here so that fee amounts in regulation match fee amounts in statute.

**Due to the fee increase, registered nurses will pay \$190 at the time of license renewal. The fee includes a \$10 assessment for the RN Education Fund. The RN renewal fee was set at \$180 in statute effective 1/1/2017 and these regulations are only updating regulation to match statute.

***With the proposed fee increase, certified nurse practitioners furnishing will pay \$162 at the time of license renewal. The fee includes a \$12 assessment for the Controlled Utilization Review and Evaluation System Fee.

****With the proposed fee increase, certified nurse-midwife furnishing will pay \$162 at the time of license renewal. The fee includes a \$12 assessment for the Controlled Utilization Review and Evaluation System Fee.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATION:

During the process of developing these regulations and amendments, the Board of Registered Nursing has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None

Business Impact: These regulations will not have a significant adverse economic impact on businesses, they should only have a minimal impact on continuing education providers and schools. Any financial impact on the businesses should be absorbed through the offset costs of tuition or course fees. These regulations will not affect the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by enabling the Board to be more effective in protecting them and effectively supporting the Board's functions. These proposed regulations will allow the Board to remain solvent and run the Enforcement program as needed. Without being properly funded, it could lead to nurses who would otherwise be going through the discipline process to remain practicing with unrestricted licenses, which could result in public harm.

The proposed regulations will not benefit the environment or worker's safety because the proposed regulations are being set to update the fees to what is in statute range for the Board.

Cost Impact on Representative Private Person or Business:

The proposed fee increases affect individuals and some small businesses. The affected individuals are the applicants for RN license, applicants for advanced practice certificates, registered nurses renewing their licenses and registered nurses renewing their Board-issued certificates. The affected small businesses are continuing education providers approved nursing schools. The affected small businesses are also the continuing education provider applications. The remaining fee increases are penalties or fees for non-automatic particular services that licensees or applicants may request. The cost impact on the individual varies dependent on the type of application, i.e., initial certification, renewal of a license, or renewal of certificate. The Board estimates revenues will increase approximately \$22,011,000 annually from the fee increases set by the proposed regulation. The increased revenue will be used to support the Board's functions.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations affect small business by the increasing fees of the continuing education provider application, continuing application provider renewal, application for an institution of higher education or a private postsecondary school of nursing approval, continuing approval of a nursing program and for authorizing of a substantive change to an approval of a school of nursing. Any financial impact on the businesses should be absorbed through the offset costs of tuition or course fees.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be

more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.rn.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Dean Fairbanks
Address:	1747 N. Market Blvd., Suite 150 Sacramento, CA 95834
Telephone No.:	916-574-7684
Fax No.:	916-574-7700
E-Mail Address:	dean.fairbanks@dca.ca.gov

The backup contact person is:

Name:	Ronnie Whitaker
Address:	1747 N. Market Blvd., Suite 150 Sacramento, CA 95834
Telephone No.:	916-574-8257
Fax No.:	916-574-7700
E-Mail Address:	Ronnie.whitaker@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rn.ca.gov.