

## **TITLE 16. BOARD OF REGISTERED NURSING**

**ADDENDUM TO 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.  
Sapphire Room (Room #285)  
Sacramento, CA 95834**

**December 11, 2015  
9:00 a.m.**

### **REASONS FOR AMENDED NOTICE:**

- Due to a technical error, the original Notice was not mailed out to interested parties and the Board is re-noticing this proposed regulation in order to comply with Government Code Section 11346.5.
- The original language was incompletely noticed on or about August 7, 2015.
- The public hearing was held on September 21, 2015.
- Minor changes were made to the language based on public comments received between August 7, and September 21, 2015 and the Board conducted a 15 day comment period for the new language beginning October 8 and ending October 23, 2015.
- No additional public comments were received during the 15 day comment period.
- The hearing scheduled for December 11, 2015 is for the amended language approved by the Board and considered during the recent 15 day comment period.

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 December 11, 2015. 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 Section 2725.4 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**

#### **Add Sections 1463.5 and 1485.5**

Existing laws require a nurse practitioner, certified nurse-midwife, or physician assistant to complete training, as specified, and to comply with standardized procedures or protocols, as

specified, in order to perform an abortion by aspiration techniques, and would indefinitely authorize a nurse practitioner, certified nurse-midwife, or physician assistant who completed a specified training program and achieved clinical competency to continue to perform abortions by aspiration techniques. The Board is proposing regulations to establish protocols in order to perform an abortion by aspiration techniques pursuant to Business and Professions Code Section 2253 and 2725.4.

**ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:**

The benefit of these regulations is that nurse practitioners and certified nurse midwives will have pathways available to them to achieve competency in aspiration abortions after January 1, 2016, something they are allowed by statute to do. Without these regulations, they will not have any mechanism to do so.

**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: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including 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 may have an impact on the creation of jobs as it allows nurse practitioners and certified nurse midwives to perform abortion by aspiration techniques. New businesses may be created in order to give courses or classes to nurse practitioners and certified nurse midwives in order to perform abortion by aspiration techniques. The Board has determined that this regulation will not have any impact on 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 nurse practitioners and certified nurse-midwives to be properly trained in order to safely perform abortion by aspiration techniques.

Cost Impact on Representative Private Person or Business:

The proposed regulations may affect some nurse practitioners or certified nurse-midwives. They may incur costs from a school program or course, a course provided by a Board-approved continuing education provider, or from a course offered by a state or national health care professional or accreditation organization in order to learn how to perform abortions by aspiration techniques. Small businesses that would like to become continuing education

providers for the Board may have a cost impact in the form of an application fee, which is \$200. There is also an ongoing biennial renewal fee of \$200 in order to keep the continuing education provider license current.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations may affect small businesses.

### **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 of 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](http://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:	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:	<a href="mailto:ronnie.whitaker@dca.ca.gov">ronnie.whitaker@dca.ca.gov</a>

The backup contact person is:

Name:	Alcidia Valim
Address:	1747 N. Market Blvd., Suite 150 Sacramento, CA 95834
Telephone No.:	916-574-7684

Fax No.: 916-574-7700  
E-Mail Address: [alcidia.valim@dca.ca.gov](mailto:alcidia.valim@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.rn.ca.gov](http://www.rn.ca.gov).