

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
ADVANCE PRACTICE REGISTERED NURSING
(APRN) ADVISORY COMMITTEE
MEETING MINUTES**

DATE: December 3, 2020

START TIME: 11:00 a.m.

LOCATION: **NOTE:** Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location was not provided.

The Board of Registered Nursing's (BRN) Advance Practice Registered Nursing (APRN) Advisory Committee will hold a public meeting via a teleconference platform.

Thursday, December 3, 2020 - 11:00 AM - 2:00 PM

1.0 Call to Order/Roll Call/Establishment of a Quorum
Mitchell Erickson called the meeting to order at ____ of 10 Members present. Quorum established at ____am.

MEMBERS: Jane Perlas, NP
Charlotte Gullap-Moore, DNP, MSN, ANP-BC
Janette Wackerly
Karyn Karp, CRNA - Vice Chair
Mitchell Erickson, NP - Chair
Sandra Bordi, CRNA
Garret Chan, CNS
Danielle Blum, CNM
Elissa Brown, CNS
Ruth Rosenblum, NP
Hilary Reyes, CNM

BRN STAFF: Loretta Melby, MSN, RN, BRN Executive Officer
Reza Pejuhesh, DCA Legal Attorney
Janette Wackerly, RN, SNEC

2.0 General Instructions provided for the Format of a Teleconference Call

3.0 Review and Vote on Whether to Approve Previous Meeting's Minutes

3.1 August 27, 2020

DISCUSSION: **Elissa Brown:** Expressed concerns over her statement(s) reflected in Section 4 of the previous meeting minutes.

Garrett Chan: Expressed that the minutes appear not to be thoroughly complete.

Mitchel Erickson: Expressed his agreement and advises that BRN staff revise a specific section reviewed.

Charlotte Gullap-Moore: Advised that the minutes be reviewed for purposes of re-proofing.

Reza Pejuhesh: Advised the members to review the minutes during this section of the meeting so staff can make the appropriate corrections.

Elissa Brown: Offered to make a motion to defer the minutes.

Mitch Erickson: Offered to submit Elissa Brown's motion to the Committee.

Loretta Melby: Inquired about whether the Chair received the minutes in prior to the meeting.

Mitchel Erickson: Informed the Executive Officer he received them.

Loretta Melby: Clarified her question to gain further information.

Mitchel Erickson: Informed her that he was not certain when he actually received them.

Loretta Melby: Inquired about providing a contact person for their input on reviewing minutes.

Mitchel Erickson: Offered to be the contact person for review and possible input on revisions made when reviewing the minutes.

Loretta Melby: Clarified with Reza Pejuhesh about the Bagley-Keene Act as it relates to contacting members.

Reza Pejuhesh: Requested clarification as it relates to contacting members for the purpose of making additional edits.

Mitchel Erickson: Stated that there are three (3) individual Committee members have identified areas for edits.

Reza Pejuhesh: Stated the proper guidelines on how to communicate with the members for the purposes of revising the minutes.

Mitchel Erickson: Expressed to have state the altered motion of Elissa Brown.

Elissa Brown: Offered to let the Chair state the amended motion for the vote.

Mitchel Erickson: Stated the motion for minutes to be reviewed, edited and re-presented at the next subsequent meeting.

MOTION: **Mitchel Erickson:** The meeting minutes of August 27, 2020 will be reviewed, edited and re-presented at the next subsequent APRN Advisory Committee meeting with Committee members submitting their edits to the Chair.

SECOND: **Karyn Karp**

PUBLIC COMMENT FOR AGENDA ITEM 3.0: No Public Comment

	ME	CGM	DB	EB	GC	HR	JP	KK	RR	SB
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
KEY: YES: Y NO: N ABSTAIN: A ABSENT FOR VOTE: AB										

4.0 Discussion and Possible Action: Review of the term length for APRN Advisory Committee members, voting procedures for the Committee Chair and Vice Chair positions, and restating the mission, vision, and mandate of the Committee.

DISCUSSION: **Elissa Brown:** Expressed that what was conducted during the Inaugural meeting is still sufficient relating to the terms of strategies and goals.

Jane Perlas: Asked if this Agenda item presented may have some affiliation with the new bill AB 890 and its establishment of a new upcoming board.

Mitchel Erickson: Stated that the intention is to periodically review the established mandate set by the BRN. Stated that he continued to review the terms of each member with the goal to establish a process about a member resigning prior to their term expiring and explained the merit behind the Chair and Vice-Chair positions established.

Charlotte Gullap-Moore: Had connection issued so rejoined the line and agreed that the members should move forward with the advisement.

Elissa Brown: Expressed her opinion that the members should remain with the motion that was established during the previous meeting.

Reza Pejuhesh: Clarified the Chair’s intent with the other Advisory Committee members and advised that no motion will need to be made if you do not change anything.

Mitch Erickson: Stated his motion to begin the final vote for chair and vice chair positions annually at the last annual meeting of the calendar year starting in 2021.

Reza Pejuhesh: Agreed that the statement made by the Chair is appropriate.

Mitchel Erickson: Asked the members to take the opportunity to express if changes needed to be made prior to the vote.

Jane Perlas: Recommended that the members wait for Committee member, Charlotte Gullap-Moore to re-join the meeting for her decision.

Mitchel Erickson: Commented that Charlotte was in agreement and stated his vote: The Committee begin the end of the calendar year voting process of the Chair and Vice-Chair positions of the APRN Committee starting in 2021.

Charlotte Gullap-Moore: Re-joined the meeting and agreed with the majority of the Committee members.

MOTION: **Mitchel Erickson:** The Committee begin the end of the calendar year voting process of the Chair and Vice-Chair positions of the APRN Committee starting in 2021.

SECOND: **Elissa Brown**

PUBLIC COMMENT FOR AGENDA ITEM 4.0: No Public Comment

	ME	CGM	DB	EB	GC	HR	JP	KK	RR	SB
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
KEY: YES: Y NO: N ABSTAIN: A ABSENT FOR VOTE: AB										

5.0 Discussion and Possible Action: Designated members of the APRN Advisory Committee will review their recommendations concerning APRN practice advisories on the BRN website.

DISCUSSION: Elissa Brown: Expressed her concerns in the guidelines and recommends that nurse-midwives should be included in the language, as it will increase access to care for patients in the State of California.

Charlotte Gullap-Moore: Started to comment; however, had technical difficulties and was disconnected.

Reza Pejuhesh: Asked Charlotte to repeat her comment, due to technical difficulties.

Charlotte Gullap-Moore: Informed the members that not all of APRNs can order home health services as it only applies to Nurse Practitioners (NPs).

Danielle Blum: Expressed her concern that the bill is not inclusive of Certified Nurse Midwives (CNMs) and they are not able to make home health orders. She advised that the language be broader and be inclusive CNMs.

Charlotte Gullap-Moore: Stated that the CARES Act authorizes NPs to order home health care services for Medi-Care patients. She stated that it identified NPs. She expressed that the language should be all inclusive, currently beneath the CARES Act.

Mitchel Erickson: Agreed and added to Charlotte's statement to include Clinical Nurse Specialists (CNSs) and NPA's.

Danielle Blum: Stated that the CARES Act does not address ordering nor language of Medi-Care. She asked Legal Counsel if broadening the language was a legal issue as the goal is to provide equal access to provide the best care for patients.

Reza Pejuhesh: Stated that although he is not an expert on the CARES Act and how it works in with other authorities, when it comes to advisories, need to be clear about what regulations in the form of advisories and guidelines you want the BRN to impose.

Danielle Blum: Asked if a waiver can be requested.

Mitchel Erickson: Stated that the topic of requesting a waiver would be a separate agenda item topic, as what Danielle Blum was inquiring about was related to the Emergency Medi-Cal regulations.

Elissa Brown: Agreed that the language written seemed to be disorganized.

Mitchel Erickson: Agreed that a lot of the language about licensees seemed to be related to the CARES Act.

Danielle Blum: Stated that the language written seemed to contain a lot of limitations where it is to include all APRNs.

Mitchel Erickson: Agreed with Danielle Blum's statement.

Hilary Reyes: Stated that when she spoke with the health policy staff at the California Nurse Midwife Association, they stated that there would have to be some kind of amendment on the Federal level or the State level.

Mitchel Erickson: Requested the involvement of the BRN regarding implementing a waiver, as it would improve access to care.

Hilary Reyes: Expressed how important certifying that Medi-Cal will cover and agreed to second the motion.

Reza Pejuhesh: Suggested that the BRN can start the process of requesting a waiver through the Emergency Authority of the Governor's Executive Order.

Mitchel Erickson: Asked if the waiver can be requested through the current Governor's Declaration that currently exist.

Reza Pejuhesh: Explained the process and suggested that this request may not fit in the scope of this Advisory Committee, however; requesting a waiver can be handled offline with BRN staff.

Mitchel Erickson: Agreed that the agenda item being discussed is what the Committee intends to request. He referred to the two (2) letters attached in the materials. He stated that the CNMs pursue this issue at the Federal level as the APRN Advisory Committee cannot override Federal regulations. He also requested that the BRN create a different avenue to permit dealing with this issue separately as this particular agenda item is specific to how the APRN Advisory Committee wants to advise licensees and the public on how to put this in practice.

Charlotte Gullap-Moore: Reiterated the purpose of this discussion is to create language that APRNs in the community to explain what they can and cannot do in terms of ordering home health care services. She agreed to the statement(s) of Committee member Elissa Brown but wanted to clarify that instead of using the term APRNs to specify CNSs and NPs.

Reza Pejuhesh: Asked for the Committee to draft language and staff, as well as himself, will review, based on the discussion being presented.

Mitchel Erickson: Explained that the language is very comprehensive and if BRN staff can review the created draft prepared by the APRN Advisory Committee.

Reza Pejuhesh: Agreed, as it would be helpful to have some citations clarified.

Elissa Brown: Directed the committee to review the Federal Legislation for future reference.

Garrett Chan: Expressed that any future recommendations be presented as a final draft see the draft language to actually review, discussion, and vote.

Elissa Brown: Stated that she believed that the intention was to have it finalized.

Mitchel Erickson: Asked members Charlotte Gullap-Moore and Elissa Brown to draft Advisory language that references federal legislation, then forward it to DCA legal counsel or APRN Chair for review.

Charlotte Gullap-Moore: Agreed to review the content presented in the material pages and return it back to the Chair.

Mitchel Erickson: Stated that no motion for a vote is required to finalize advisory language.

Elissa Brown: Offered to participate in collaborating with Charlotte Gullap-Moore for reviewing those citations.

Danielle Blum: Expressed her appreciation to the Committee members for their collaborative effort.

Mitchel Erickson: Expressed his appreciation to the California Nurse Midwifery Association for identifying the problem and pursuing this at their national organizational level and to bring influence on CNS regulations for noting the official omissions.

Jane Perlas: Asked about the time allocation or distribution that NPs spend on the front lines.

Mitchel Erickson: Asked if her question was pertaining to the CARES Act.

Jane Perlas: Agreed but clarified her statement to relates to the CNSs ability to bill Medi-Cal.

Mitchel Erickson: Clarified that it is relating to the ability to order and re-order CNM home health care devices.

Jane Perlas: Confirmed and explained that her reason is because NPs are working on the front-lines due to COVID-19. She inquired about language pertaining to that aspect.

Mitchel Erickson: Answered her question by responding no.

MOTION: No Action Taken

**PUBLIC
COMMENT
FOR AGENDA
ITEM 5.0:**

1. Kathleen Belzer: Expressed her appreciation for the discussion and requested that the assistance of the BRN to influence policy in extending the waiver that currently exist. She also requested that CNMs be included into the documentation, as 80% of CNMs are also NPs.

6.0

Discussion Only: BRN staff will discuss the administrative process for implementation of chaptered legislation, including the creation of advisory committees to the BRN under AB 890 and SB 1237, and possibilities for the future role of the APRN Advisory Committee.

DISCUSSION:

Loretta Melby: Mentioned that the public can access the previously recorded BRN Board on the BRN website where you can listen to Thelma Harris' presentation.

Reza Pejuhesh: Explained the legislation implementation process and its major components of the Administrative Procedures Act. He continued to explain the order process, the hearing process and how the rulemaking package is implemented. He summarized how lengthy and detailed the process can be.

Thelma Harris: Explained how lengthy the process is and what happens during each step.

Reza Pejuhesh: Explained that each development may pose additional time, depending upon how many changes are made.

Thelma Harris: Concurred with the statements made by Reza.

Mitchel Erickson: Asked for information regarding the regulatory reasonings of this particular section of Legislation, of establishment an additional Advisory Committee.

Reza Pejuhesh: Asked for the Chair to clarify his question.

Mitchel Erickson: Clarified that he would like What role does these two new forms of Committee stand in the process?

Reza Pejuhesh: Asked if his question in pertaining to the initial state of reasonings set by regulation.

Mitchel Erickson: Concurred and asked about the drafting of the initial state of reasoning in the language.

Thelma Harris: Shared that the language is part of the regulatory package. The new Advisory Committees will provide guidelines and suggestions to the Nursing Practice Committee.

Loretta Melby: Updated the Chair about the ISOR Form and explained that it is completed by BRN legislative staff.

Reza Pejuhesh: Clarified that the agenda item speaks to the administrative process and further explained that there wouldn't be much involvement for the APRN Advisory Committee in the rulemaking process because there is a regulatory attorney who creates the regulation package.

Mitchel Erickson: Clarified that he was trying to identify the communication stream in terms of the new Advisory Committees contributions. Further stated that he anticipated the new Committees to be involved in the concept stage for regulations related to NPs or CNMs.

Garrett Chan: Asked for the BRN to produce a schematic of the BRN's perspective, taking in consideration for APA, and where it interlocks with Advisory Committees, Nursing Practice Committee, and the Board. This will help everyone understand the APA process and the intersection of the various committees in each step of the process.

Reza Pejuhesh: Asked for Loretta to elaborate on intersection and the Nursing Practice Committee.

Garrett Chan: Shared that there is some confusion around the schematic of discipline and asked for clarification of the process around discipline and when a complaint is received by the board.

Loretta Melby: Explained the process of the establishment of a new Committee.

Mitchel Erickson: Recommended members' send any further inquiries to Loretta via e-mail.

MOTION: No Action Taken

**PUBLIC
COMMENT
FOR AGENDA
ITEM 6.0:**

Natalie Diaz, California Primary Care Association: Expressed their advocacy of the AB 890 bill and commented on recommending the BRN would focus on diversity in every aspect of the selection process. (Note: this comment was made after Agenda Item 7.0; however, the commenter stated she did not hear a mention of public comments for Agenda Item 6.0)

7.0 Discussion and Possible Action: APRN Advisory Committee will discuss the Physician Ownership and Referral Act of 1993 (PORA) in relation to Assembly Bill (AB) 890 (Reg. Sess. 2019-2020) for nurse practitioners and Senate Bill (SB) 1237 (Reg. Sess. 2019-2020) for certified nurse-midwives.

DISCUSSION: Mitchel Erickson: Asked Loretta if violations of this law would be under the disciplinary process of the BRN or whether it would be managed separately.

Loretta Melby: Described that it would have to look at this on a case-by-case basis and that it would be handled from our enforcement process that is already in place.

Garrett Chan: Asked if Loretta if she could comment about the process, to help the public understand the PORA, in light of nursing.

Loretta Melby: Offered to be available via e-mail due to time constraints. She explained that a FAQ could be created and posted on the website if a statement is made from that discussion.

Garrett Chan: Shared that would be a great proposal, specifically around PORA or what is appropriate.

Loretta Melby: Requested that the public send their questions about PORA to the BRN.

Elissa Brown: Asked about why is PORA being discussed now when, at Veteran's Affairs (VA), it was deemed a conflict of interest prior to the bills being passed.

Garrett Chan: Explained how the VA regulations under the Federal guidelines and the prohibitions of the bills. He also inquired about how the BRN is notifying public.

Elissa Brown: Continued to express her confusion about why this agenda topic came about, from an ethic standpoint.

PUBLIC COMMENT FOR AGENDA ITEM 7.0:

No Public Comment

MOTION:

No Action Taken

8.0 Discussion and Possible Action: APRN Advisory Committee will discuss the Physician Ownership and Referral Act of 1993 (PORA) in relation to Assembly Bill (AB) 890 (Reg. Sess. 2019-

2020) for nurse practitioners and Senate Bill (SB) 1237 (Reg. Sess. 2019-2020) for certified nurse-midwives.

DISCUSSION: **Garrett Chan:** Asked how the BRN staff would notify the public of the disciplinary process, regarding when nurse practitioners apply to a certain type of nurse-practitioner.

Loretta Melby: Confirmed that it would be the same process outlined, as discussed in the previous agenda item.

Elissa Brown: Asked for clarification of whether this process was added into AB 890 and would NPs be added.

Garrett Chan: Asked for clarification between a FAQ and an Advisory from the BRN.

Loretta Melby: Differentiated on the difference between a FAQ and a BRN advisory. She explained that an FAQ is something that can be added to the BRN website by looking at current statute/regulation and stated that the BRN currently has FAQs posted for COVID-19 and NCLEX. She further explained that an Advisory is a Board statement which is noticed on a Board Meeting agenda, included in materials, and presented during the meeting to allow for public comment, and the board votes to accept, amend, or reject the Board advisory statement.

Mitchel Erickson: Agreed that the idea of the FAQ would be the right mechanism.

Loretta Melby: Confirmed that BRN staff will make the FAQ available on the BRN's website once the Advisory Committee develops and approves it.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 8.0:
MOTION:**

No Public Comment

No Action Taken

9.0

Discussion and possible Action: APRN Advisory Committee will discuss nurse practitioner "transition to practice," as that term is used in AB 890.

DISCUSSION: **Garrett Chan:** Inquired about the BRN's plan to begin the process around transition-to-practice promulgation to regulation.

Loretta Melby: Updated the Advisory Committee that the BRN has begun the process and provided an update on the current status.

Garrett Chan: Offered to provide expertise while the new Advisory Committees are being established.

Loretta Melby: Explained the current Advisory Committees will remain in place until the new Advisory Committees are established. Also provided updates to the number of applications received and the proposed review process.

Mitchel Erickson: Asked if there were specific recommendations in terms of timeframes and if the BRN anticipates that some of its process would oversee reporting of those hours in practice.

Loretta Melby: Updated the Advisory Committee Members that the Board, Advisory Committees, and BRN staff will create a process and cannot begin to speculate without an assessment.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 9.0:**

No Public Comment

MOTION: No Action Taken

10.0 Discussion and possible Action: APRN Advisory Committee will discuss the possible requirement under AB 890 of a supplemental exam.

DISCUSSION: **Elissa Brown:** Asked about the intent of the supplemental exam, as exams can be costly.

Garrett Chan: Provided information about intent of legislature which wanted to ensure that the scope of practice was conducive of national certification.

Elissa Brown: Confirmed that Garrett identified two areas that are covered by national certification, then inquired about examination.

Garrett Chan: Confirmed that it is applicable and inquired about how the Committee and BRN move forward in this process.

Ruth Rosenblum: Asked about what others have done in this current situation and the precedent in other states.

Garrett Chan: Informed the Advisory Committee members that he does not have the information available but can provide it at a later time.

Ruth Rosenblum: Commented that the direction seems like a slippery slope that may not be in the Advisory Committee's best interest.

Garrett Chan: Clarified that it is in law now.

Ruth Rosenblum: Agreed but stated that it depends on how it is executed.

Mitchel Erickson: Asked if this would be done by the BRN or an outside vendor.

Loretta Melby: Informed the Advisory Committee members that the BRN cannot speculate on the process at this time.

Reza Pejuhesh: Asked for the BRN to unmute Tracy Montez, Chief of the Division of Programs and Policy Review.

Tracy Montez: Explained that she oversees Office of Professional Examination Services (OPES) and reassured that OPES will be working closely with the Board and consulting with subject matter experts that are licensees to provide input. Further informed the Advisory Committee members of the process following testing centers and guidelines.

Mitchel Erickson: Asked if her office or the BRN select the experts and if the process has begun.

Tracy Montez: Explained how OPES will work with BRN to select subject matter experts to avoid any perceived conflicts of interest. Further explained that OPES is in the initial discussions and have not started the process.

Elissa Brown: Expressed that she has the same concerns as Ruth where OPES could go through the process and decide that there is no need for an exam.

Tracy Montez, Deputy Director of DCA: Agreed that it could be possible; however, it would be a recommendation. The goal is to not to over burden students and candidates confident in practice.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 10.0:**

Suzanne Phillips, NP: Provided information of different states that requires exams in a similar process. Looking forward to working with the experts and this Advisory Committee.

MOTION:

No Action Taken

11.0

Discussion and Possible Action: APRN Advisory Committee will discuss the Board's recognition of national nurse practitioner certifying bodies, in connection with Business and Professions Code section 2837.103, subdivision (a)(1)(B), as added by AB 890.

DISCUSSION:

Loretta Melby: Provided an update regarding the certification and re-certification process and how the legislative process is involved.

Garrett Chan: Thanked Loretta and asked about staff representing at the next APRN meeting.

Loretta Melby: Provided the process of Board and Committee and members whom are actively involved with the Bagley-Keene Act.

Garrett Chan: Asked if the presentation is prepared, he can assist.

Loretta Melby: Informed the Advisory Committee that she will look into this.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 11.0:**

No Public Comment

MOTION:

No Action Taken

12.0

Discussion and Possible Action: APRN Advisory Committee will discuss the requirement of years of practice in good standing for nurse practitioners who hold a Doctorate of Nursing Practice (DNP) degree, as specified in Business and Professions Code section 2837.104, subdivision (b)(1)(C), as added by AB 890.

DISCUSSION:

Elissa Brown: Expressed her concerns about the DNP and the NP language, as it not the same for all programs.

Mitchel Erickson: Provided information on the accreditation and qualification process related to competency and experience.

Garrett Chan: Expressed his disagreement with the DNP Program process and asked Ruth to elaborate on this subject matter.

Ruth Rosenblum: Expressed that there may be some confusion and continued to clarify the process.

Mitchel Erickson: Clarified his statement that time does not equal competence and agreed with Ruth's reasonings from her previous statement.

Elissa Brown: Asked if the two types of programs mentioned need to be further considered.

Ruth Rosenblum: Confirmed that it does as it related to hours and competency.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 12.0:**

No Public Comment

13.0 Discussion and Possible Action: APRN Advisory Committee will discuss APRN continuing education and AB 241 (Reg. Sess. 2019-2020).

DISCUSSION: Loretta Melby: Provided an update about the BRN making the public aware of the upcoming Continuing Education (CE) requirements.

Elissa Brown: Thanked the BRN and confirmed that she did receive the email notice from the BRN.

Mitch Erickson: Clarified his statement to add unbiased content in legislation.

Loretta Melby: Explained that an update will be provided at a later time.

**PUBLIC
COMMENT
FOR AGENDA
ITEM 13.0:**

No Public Comment

14.0 Public Comment for Items Not on the Agenda

Note: The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125 and 11125.7, subd. (a).)

**PUBLIC
COMMENT
FOR AGENDA
ITEM 14.0:**

No Public Comment

15.0 Adjournment

Mitchell Erickson, NP – Chair, adjourned the meeting at 2:03 pm.

Submitted by:

Accepted by:

Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Mitchell Erickson, NP
Chair
APRN Advisory Committee