



PROGRESS REPORT ON THE IMPLEMENTATION OF THE
COMPREHENSIVE CONTINUING EDUCATION PLAN
FOR APPROVING AND DISAPPROVING
CONTINUING EDUCATION OPPORTUNITIES

JANUARY 1, 2020

Board Members

Michael Deangelo Jackson, MSN, RN, CEN, MICN, Nurse Educator Member
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Donna Gerber, Public Member, Vice President

State of California

Gavin Newsom, Governor
Alexis Podesta, Secretary, Business, Consumer Services and Housing Agency

Board of Registered Nursing

1747 N. Market Blvd., Suite 150
Sacramento, CA 95834-1924
(916) 322-3350

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Mission

The California Board of Registered Nursing (BRN) protects and advocates for the health and safety of the public by ensuring the highest quality of registered nurses in the State of California.

Vision

The California Board of Registered Nursing's mission is to be the country's premier board of nursing, protecting patient advocacy, consumers, and high-quality nursing education.

Values

Consumer Protection
Customer Service
Effectiveness
Integrity
Trust

Strategic Plan 2018-2021 Goal 3: Continuing Education

- Increase RN renewal auditing percentages for increased consumer protection.
- Establish a regular schedule of continuing education (CE) provider audits to take place for increased consumer protection and comply with the 5-year audit requirement.
- Evaluate the quality of existing CE credits being issued by providers by topic to monitor relevancy to the nursing profession.
- Identify and advocate for additional staffing needs in technology, Nursing Education Consultant, and other areas to meet the auditing goals.
- Support subcommittee's efforts to work with staff and Board members to analyze and plan the program and provide the required report to the legislature in 2019 and 2020.
- Evaluate need for a designated CE unit within the staff organization of the Board. If established, monitor the designated CE unit for consistency, knowledge, and meeting audit goals.
- Explore options for the Board to become a CE provider for information that can only be provided by the BRN such as how discipline occurs; how to access the Intervention Program, understanding the Nursing Practice Act, scope of practice, consequences of violating the act, and substance abuse and impairment

(Refer to Addendum A for complete Strategic Plan 2018-2021)

Purpose of the Report

The purpose of this report is to provide an update to the appropriate legislative committees on the progress of the implementation of the continuing education plan to approve or disapprove continuing education activities. This report submission is in response to Senate Bill 799 Chapter 520 authored by Senator Jerry Hill, approved by Governor, Edmund Gerald Brown Jr., on October 5, 2017. The bill reads in part that the California Board of Registered Nursing is to:

(2) By January 1, 2020, report to the appropriate legislative committees on its progress implementing this plan.

Continuing Education Plan Background

Senate Bill 799 Chapter 520 authored by Senator Jerry Hill, approved by Governor, Edmund Gerald Brown Jr., on October 5, 2017. The bill reads in part that the California Board of Registered Nursing was to:

(1) By January 1, 2019, deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities.

On or about January 1, 2019, the Board of Registered Nursing (BRN) delivered a report to the legislative policy committees detailing a comprehensive continuing education plan for approving and disapproving continuing education opportunities. The plan provided background information such as the rules and regulations that give the California Board of Registered Nursing the authority to approve, disapprove, and audit Continuing Education Providers. The plan included proposed changes to the process for initial and continuing approval of Continuing Education Providers. Additionally, the plan provided a proposal for the Board to hire Content Evaluators to assist in the process of approving and disapproving Continuing Education Providers based on proposed regulatory authority. Also, in the plan was a proposed process for continuing approval and auditing of Continuing Education Providers. As part of the plan, a proposal to establish a Continuing Education and Assessment & Research Unit including preliminary staffing needs, technology requirements, proposed fees, and regulatory changes were included.

Progress: Implementation of the Continuing Education Plan

The following information details the progress made to implement the comprehensive continuing education plan to approve and disapprove continuing education opportunities.

During this past year, 2019, Board staff in coordination with the Executive Officer have worked on the implementation of the continuing education plan to approve and disapprove continuing education opportunities offered by Board approved continuing education providers and prospective providers.

Board staff met monthly to allow staff to provide status reports on the progress of the implementation of the continuing education plan.

Board staff developed a strategic mapping for the proposed complex platform necessary to support the implementation and sustainability of the plan. Staff have been working with Office of Information Services (OIS) to develop the technological platform. This platform is necessary to collect and analyze data to inform the Board and the consumers on continuing education matters. This is an ongoing project.

Content Evaluators

As mentioned in the comprehensive plan, the Board envisioned the use of content evaluators. Content evaluators would be considered subject matter experts in a specific area relevant to the practice of the Registered Nurse. Content evaluators were envisioned to be offered per diem opportunities to approve or disapprove continuing education opportunities based on specific criteria to approve or disapprove course content and instructor qualifications. Content evaluators must meet specific qualifications to be considered for this opportunity. The content evaluator was to be modeled after the already established Expert Practice Consultant used by the Enforcement Division. Expert Practice Consultants provide services to the Enforcement Division where they review enforcement cases as needed on a per diem basis. Board staff met with the Enforcement Division staff to determine the requirements to onboard the content evaluators for the Continuing Education Unit and to support the continuing education process. Board staff discussed the specific needs to support the content evaluators in addition to marketing strategies to recruit qualified content evaluators.

With the signage of Assembly Bill 5 by the Governor, processes of evaluating and implementing this new law are in progress, and Board staff will adjust the plan accordingly. As a result, the Board will use current staff; specifically, the Supervising Nursing Education Consultant (SNEC) and Nursing Education Consultant (NEC) to evaluate, approve, or disapprove continuing education opportunities.

Legislative Bills Specific to Implementation of the Continuing Education Plan

Assembly Bill 5

Assembly Bill 5, Gonzalez. Worker status: employees and independent contractors, requires the Board staff to adjust the plan as content evaluators are considered employees and not independent contractors. AB 5 was signed by Governor Newsom on September 18, 2019 and Chaptered 296 as an act to amend Section 3351 of, and to add Section 2750.3 to, the Labor Code, and to amend Sections 606.5 and 621 of the Unemployment Insurance Code, relating to employment, and making an appropriation therefor.

Assembly Bill 241

AB 241, introduced by Assembly Member Kamlager-Dove, January 18, 2019, Implicit bias: continuing education: requirements. This bill would require the Board of Registered Nursing, by January 1, 2022, to adopt regulations requiring all continuing education courses for its licensees to contain curriculum that includes specified instruction in the understanding of implicit bias in treatment. Beginning January 1, 2023, the bill would require continuing education providers to comply with these provisions and would require the board to audit education providers for compliance with these provisions, as specified. On 10/02/19 the bill was approved by the Governor and Chaptered by the Secretary of State – Chapter 417, Statutes of 2019.

In response to Assembly Bill 241 pending legislation, specific language on implicit bias was added to the proposed regulations as follows:

16 CCR 1450 Definitions

“Implicit bias” means the attitudes or internalized stereotypes that affect nurses’ perceptions, actions, and decisions in an unconscious manner, that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual orientation, age, disability, and other characteristics that contribute to health disparities.

16 CCR 1451.2 Continuing Education

All continuing education courses shall address at least one or in combination of the following:

- (1) Examples of how implicit bias affects perceptions and treatment decisions of Registered nurses leading to health disparities in health outcomes.
- (2) Strategies to address how unintended biases in decision making may contribute to health care disparities by shaping behavior and producing differences in medical treatment along lines of race, ethnicity, gender identity, sexual orientation, age, socioeconomic status, or other characteristics.

Proposed Regulations for Continuing Education and Continuing Education Providers

As mentioned in the continuing education plan, the regulations for continuing education and continuing education providers are more than 30 years old. Board staff have reviewed each of the current regulations in the Nursing Practice Act 16 CCR 1450-1459.1. Board staff has written, reviewed, and revised the proposed regulations. The draft of the proposed regulations was submitted to legal counsel for review. The continuing education plan is to present the proposed draft regulations in 2020 to the Education & Licensing Committee to recommend to the full Board approval of the proposed regulations for continuing education and continuing education providers. After the ELC recommendation is determined, the proposed regulations will be sent to the full Board for their vote. Subsequent to the Board's decision, the proposed regulations will then follow the rulemaking process.

The Board is promulgating a separate rulemaking that will add the following proposed language:

For the purposes of this section, the content of a course is not relevant to the practice of nursing if it relates to an experimental medical procedure or treatment, unless the efficacy of the procedure or treatment is supported by two peer-reviewed, publicly available, scientific journals or studies, published in medical and scientific literature, and the procedure or treatment is generally accepted as effective by the medical community.

A medical procedure or treatment is experimental if it relates to a drug that the United States Food and Drug Administration approved, but the drug is used for a purpose other than that for which it was approved. A medical procedure or treatment is also experimental if a peer-reviewed scientific journals or studies show that the procedure or treatment is the subject of on-going clinical trials or under study.

This rulemaking is currently under review by the Department of Consumer Affairs.

Continuing Education Provider Application

Board staff created a new continuing education provider application. The application will require the prospective provider, for instance, to conduct a needs assessment, to include a summary of the course content, and to provide references used to develop the course.

Operations and Fees

Board staff is working with a contracted vendor to assess the work required to approve individual courses and instructors as well as conduct the required audits of the continuing education provider and to align the appropriate fees. Board staff met with the vendor and completed the mapping of the initial approval, continuing approval, and the audit process on 12/19/19. The results of the fee audit will be available in early 2020.

Continuing Education Unit

Positions were approved in 2019 Budget Change Proposal (BCP) for approval of a Supervising Nursing Education Consultant (SNEC) as well the Nursing Education Consultant (NEC) to staff the proposed Continuing Education and Assessment & Research Unit. The SNEC will be responsible for the oversight required to fully implement the continuing education plan. The Executive Officer along with Board staff have developed duty statements and plan to recruit to fill these positions.

Summary

The Executive Officer along with the Board staff have worked on the implementation of the plan to approve or disapprove continuing education activities as required by the legislature. The Board staff have drafted proposed regulations and with a vendor to review the continuing education process and implementation. Board staff have monitored legislative activities which may influence the timeline to fully implement the plan as well as the rulemaking process for regulatory change. Board staff have created a new continuing education provider application. Board staff will continue to monitor the needs for technology to successfully implement and sustain the continuing education plan while working closely with OIS.

The California Board of Registered Nursing mission is to protect and advocate for the health and safety of the public by ensuring the highest quality of registered nurses in the State of California. The Board and Board staff goal is to fully implement the continuing education plan overtime as required.



Strategic Plan 2018-2021

Adopted: April 12, 2018

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MEMBERS OF THE CALIFORNIA BOARD OF REGISTERED NURSING

Trande Phillips, RN, President

Donna Gerber, Vice President

Barbara Yaroslavsky

Cynthia Cipres Klein, BSN, RN

Elizabeth Woods, RN, FNP, MSN

Imelda Ceja-Butkiewicz

Michael Deangelo Jackson, MSN, RN, CEN, MICN

Pilar De La Cruz-Reyes, MSN, RN

Edmund G. Brown, Jr., Governor

Alexis Podesta, Secretary, Business Consumer Services and Housing Agency

Dean Grafilo, Director, Department of Consumer Affairs

Joseph Morris, PhD, MSN, RN, Executive Officer, California Board of Registered Nursing

MESSAGE FROM THE PRESIDENT



I am proud to present the 2018 Strategic Plan for the Board of Registered Nursing.

The strategic planning process of the California State Board of Registered Nursing is a joint effort of Board members, Board staff, and the public to identify key issues and create action plans for addressing those issues in the coming years.

The Board will focus on achieving the goals set out in our strategic plan through the work of the four policy committees: Education and Licensing, Legislative, Intervention and Discipline, and Nursing Practice, and regularly scheduled

Board Meetings. Continuous monitoring of the strategic plan in relationship to all actions and objectives of the Board keeps us focused on our progression.

The Board represents the public interest by ensuring that Registered Nurses are patient and public advocates in all settings. The Board strives to meet the identified goals and objectives of the strategic plan to serve the public safety needs of the consumers and licensees throughout the State of California. Licensees and the public can rely upon the Board to uphold California's high nursing education standards as well as patient advocacy through licensure under the Nursing Practice Act.

Trande Phillips, RN, President

ABOUT THE BOARD

The Board of Registered Nursing (BRN) is a state governmental agency established by law to protect the public by regulating the practice of registered nurses. The BRN has been responsible for implementation and enforcement of the Nursing Practice Act: the laws related to nursing education, licensure, practice, and discipline. The Nursing Practice Act created a nine-member Board which serves as the BRN decision-making body.

The nine-member Board is composed of four members of the public and five registered nurses. The five registered nurses include two direct-patient care nurses, an advanced practice nurse, a nurse administrator, and a nurse educator. Seven of the members are appointed by the Governor and two of the public members are appointed by the Legislature. Each member serves a four-year term and can be re-appointed, although the member cannot serve more than two consecutive terms.

The BRN performs a variety of activities in its mission to protect consumers. The BRN sets and enforces educational standards for nursing programs which prepare individuals to become licensed as registered nurses. There are over 140 prelicensure nursing programs and over 50 advanced practice programs which have been approved because they meet BRN educational standards.

Applications are evaluated to determine whether the applicant meets all licensure requirements. Registered Nursing licenses are issued to applicants who meet the licensing requirements. The license must be renewed every two years. Currently, there are over 430,000 registered nurses in California providing healthcare services in a variety of settings. The BRN issues certificates to eligible public health nurses, nurse practitioners, nurse anesthetists, nurse midwives, and clinical nurse specialists. The BRN also maintains a list of eligible psychiatric/mental health nurse specialists.

If a nurse violates the Nursing Practice Act, the BRN may take disciplinary action against the nurse's license. Grounds for discipline focus on behaviors that place patients at risk of harm and can occur on or off a worksite. The disciplinary action is dependent on the nature and severity of the violation and what is necessary to protect the public. The disciplinary action becomes a part of the RN's file and is accessible to the public.

The BRN's Intervention Program is a voluntary alternative to the discipline process for nurses whose practice may be impaired due to chemical dependency or mental illness. This confidential Program protects the public while enabling the nurse to access treatment and be rehabilitated.

The BRN is committed to successfully achieving its mission to protect California's health care consumers and promote quality nursing care.

STRATEGIC GOALS

1 *LICENSING*

2 *ENFORCEMENT*

3 *CONTINUING EDUCATION*

4 *EDUCATIONAL OVERSIGHT*

5 *LAWS AND REGULATIONS*

6 *ORGANIZATIONAL DEVELOPMENT*

7 *COMMUNICATION AND PUBLIC EDUCATION*

Mission, Vision, and Values

Mission

The California Board of Registered Nursing protects and advocates for the health and safety of the public by ensuring the highest quality of registered nurses in the State of California.

Vision

The country's premier board of nursing, protecting patient advocacy, consumers, and high quality nursing education.

Values

*Consumer Protection
Customer Service
Effectiveness
Integrity
Trust*

GOAL 1: LICENSING

➤ *The Board promotes licensing standards to protect consumers and allow access to the profession.*

- 1.1 Identify and advocate for additional staffing in technology, call center, and other areas to more efficiently process license matters and provide adequate feedback to applicants and others.
- 1.2 Provide and use additional technology and supplemental resources to better inform stakeholders and licensees regarding the application process and approval timelines.
- 1.3 Improve communication with licensees and stakeholders regarding the renewal and fingerprinting processes.

GOAL 2: ENFORCEMENT

➤ *The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of nursing.*

- 2.1 Develop and implement presentations delivered in person or by web/video by staff and/or Board members to better communicate with stakeholders regarding licensing and disciplinary matters.
- 2.2 Partner with stakeholders to improve outreach, education, training and communication to licensees regarding the enforcement process.
- 2.3 Identify and advocate for additional staffing to meet timeline goals for processing complaints.
- 2.4 Involve nursing education consultants earlier during the enforcement process in order to use nursing expertise in assessing a complaint.
- 2.5 Update the BRN discipline procedures to be understandable, communicate the seriousness and specific guidelines with which substance abuse is disciplined, and emphasize the need for RNs to have, read and understand the Nursing Practice Act especially regarding the duty to be a patient advocate and to follow the Act regarding scope of practice in all patient care settings.
- 2.6 Participate in the study due January 1, 2019 pursuant to SB 799 regarding how complaints are reported to the BRN.
- 2.7 Increase awareness of intervention program and behavioral health in order to assist those who have substance abuse and impairment issues to get them back to the workforce sooner and protect the public.
- 2.8 Verify terms and conditions of probation orders have been completed and obtain confirmation that rehabilitation has been accomplished to expedite the early termination process for appropriate petitioners.

- 2.9 Implement processes to shorten the cycle times from investigation to resolution of cases with special focus on prioritized critical cases to minimize patient harm and enhance consumer protection. This may include working with DOI and the AG's offices to shorten their time lines.

- 2.10 Review the timelines to reduce term limits for tolled probationers for surrender to resolve the tolled term expeditiously.

GOAL 3: CONTINUING EDUCATION

➤ *The Board establishes continuing education standards to ensure excellence in practice and promote public safety.*

- 3.1 Increase RN renewal auditing percentages for increased consumer protection.
- 3.2 Establish a regular schedule of continuing education (CE) provider audits to take place for increased consumer protection and comply with the 5 year audit requirement.
- 3.3 Evaluate the quality of existing CE credits being issued by providers by topic to monitor relevancy to the nursing profession.
- 3.4 Identify and advocate for additional staffing needs in technology, Nursing Education Consultant, and other areas to meet the auditing goals.
- 3.5 Support subcommittee's efforts to work with staff and Board members to analyze and plan the program and provide the required report to the legislature in 2019 and 2020.
- 3.6 Evaluate need for a designated CE unit within the staff organization of the Board. If established, monitor the designated CE unit for consistency, knowledge, and meeting audit goals.
- 3.7 Explore options for the Board to become a CE provider for information that can only be provided by the BRN such as how discipline occurs; how to access the Intervention Program, understanding the Nursing Practice Act, scope of practice, consequences of violating the act, and substance abuse and impairment.

GOAL 4: EDUCATIONAL OVERSIGHT

➤ *The Board advances higher education standards to increase the quality of education and ensure consumer protection.*

- 4.1 Produce a report to the stakeholders regarding the future of nursing programs in California that highlights clinical placement matters, program costs, and access to education.
- 4.2 Review existing models in clinical placements to establish a statewide model of best practices.
- 4.3 Encourage every nursing program to belong to an online clinical placement consortium to provide students with consistent expectations of educational opportunities and access to clinical sites.
- 4.4 Provide leadership within the nursing education communities to ensure that nursing education in California continues to be patient-centered and future focused, with hands-on clinical education in all the necessary clinical areas of acute care and outpatient healthcare settings.
- 4.5 To protect nursing students, review and evaluate the most recent school reports. As well as current student clinical experience, data on each hospital and school in regard to clinical displacements in order to look for solutions that maximize clinical education and student access.
- 4.6 Analyze trends in nursing education, nursing practice and patient advocacy. In addition, look for future areas in need of improving health for the California population.

GOAL 5: LAWS AND REGULATIONS

➤ *The Board ensures that statutes, regulations, policies and procedures strengthen and support their mandate and mission.*

- 5.1 Identify personnel need for hiring a Board legislative position to assist in the promulgation of legislation to amplify the mission of the Board.
- 5.2 Identify personnel need for hiring a Board attorney position to draft regulations, to proactively educate and engage stakeholders and legislators, while maintaining continuity and to protect public safety.
- 5.3 Identify additional staffing needs in technology, call center, and other areas for adding expertise and capacity to accomplish the Board's mission.
- 5.4 Through the legislative position, provide education to staff regarding legislation as well as where to refer stakeholders who may have questions.
- 5.5 Review relevancy of recent laws and regulations to ensure that the BRN remains in line with current consumer needs.
- 5.6 Explore legislative or legal solutions for timely responses to subpoenas for records for public protection and to reduce costs of investigations.

GOAL 6: ORGANIZATIONAL DEVELOPMENT

➤ *The Board builds an excellent organization through proper Board governance, effective leadership and responsible management.*

- 6.1 Improve staff and management development and training to improve customer service internally and externally.
- 6.2 Analyze, evaluate, and procure as needed; additional resources, staff, technology, and training to improve customer service, operations, and communications.
- 6.3 Provide leadership training to managers to expand skills and improve performance.
- 6.4 Evaluate current committee structure to assure that it is meeting current Board's needs for efficiencies and public protection.
- 6.5 Establish periodic, public workshops for Board members during meetings to explain and discuss Board business processes such as the BRN budget.

GOAL 7: COMMUNICATION AND PUBLIC EDUCATION

➤ *The Board informs consumers, licensees and stakeholders about the practice and regulation of the profession.*

- 7.1 Improve communication with licensees and stakeholders to provide education regarding new processes and improvements.
- 7.2 Establish a process to collect email addresses and mobile numbers for text messaging from all licensees for better ability to improve communication.
- 7.3 Develop and implement a communication plan for licensees and consumers to improve communication, awareness, transparency, and keep stakeholders better informed.
- 7.4 Improve visibility of the Board in all geographic regions of the State of California to allow consumers better access to the Board and better communication with the Board.
- 7.5 Develop a specific process the BRN can implement for each licensed RN to acknowledge RN contributions in the State of California.
- 7.6 Identify the need for each outreach coordinator to increase the ethnic diversity of the nursing profession.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit gathered information from the internal and external environments through the following methods:

- Interviews conducted with six members of the Board, the Executive Officer, and four executive managers completed during the month of July 2017 to assess the challenges and opportunities the Board is currently facing or will face in the upcoming years.
- One focus group with Board management staff in July 2017 to identify the strengths and weaknesses of the Board from an internal perspective. Seven Board management staff participated.
- An online survey sent to 154 staff members to identify the strengths and weaknesses of the Board from an internal perspective. Sixty-Two staff members participated.
- An online survey sent to approximately 10,000 external Board stakeholders in July 2017 to identify the strengths and weaknesses of the Board from an external perspective. Five hundred ninety-seven (597) stakeholders completed the survey.

The above information was discussed by the Board and the executive team during a strategic planning session facilitated by SOLID on September 6, 2017. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2018 – 2021 strategic plan.