



Agenda Item 4.0

Report on Legislation

BRN Board Meeting | March 20, 2025

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BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 4.0
DATE: March 20, 2025

ACTION REQUESTED: Legislative Update

REQUESTED BY: Dolores Trujillo, RN, Chairperson

BACKGROUND: Discussion of recently introduced bills in the first year of the 2025-2026 Legislative Session.

Opportunity for Board members to discuss and take a position through vote, if desired.

NEXT STEPS: Communicate Board positions to the Legislature, if applicable.

Continue tracking and analysis of BRN related bills during first year of 2025-2026 Legislative Session.

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BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 667](#)
AUTHOR: Assemblymember Solache
BILL DATE: February 14, 2025 – Introduced
SUBJECT: Professions and vocations: license examinations: interpreters

SUMMARY

This bill would require the California Department of Public Health (CDPH) and boards under the jurisdiction of the Department of Consumer Affairs (DCA) to permit an applicant who cannot read, speak, or write in English to use an interpreter, at no cost to the applicant, to interpret the English verbal and oral portions of the license or certification examination if the applicant meets all other requirements for licensure.

BACKGROUND

National Council Licensure Examination

The National Council Licensure Examination (NCLEX) is a nationwide examination for the licensing of nurses in the United States, Canada, and Australia. It is developed and owned by the National Council of State Boards of Nursing (NCSBN). NCSBN is responsible for administering these examinations on behalf of its member boards, which consist of the boards of nursing in the 50 states, the District of Columbia, and four U.S. territories, American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands. NCSBN currently contracts with Pearson Vue to offer the NCLEX nationwide using their network of Pearson Professional Centers.

The NCLEX is provided in a computerized adaptive testing (CAT) format. CAT is a form of computer-administered test in which the next item or set of items selected to be administered depends on the correctness of the test taker's responses to the most recent items administered

The NCLEX consists of multiple-choice questions, questions that require choosing all the correct answers from a list of options, putting a number of steps in the correct sequence, or identifying a correct area on a picture. Some of these alternative format questions ask information about a chart, graph, or audio clip. The questions can also use pictures as the answer choices instead of words.

NCLEX Translation

The NCLEX is currently only offered in English or in French for certain provinces in Canada. Below is the process that NCSBN underwent to translate the NCLEX to French when it was adopted by Canada. It is assumed that any future translations of the NCLEX to additional languages would undergo a similar process.

The NCLEX utilizes the International Test Commission Guidelines as a framework for exam translation. The NCLEX translation process maintains a three-tiered approach,

item translation, independent review, and in-field item analysis. This process is created using the Five Step Model below. Only approved items move forward in each next step.

Step 1: To begin, only approved NCLEX items which have passed the rigorous NCLEX Item Development process are selected for translation.

Step 2: A review panel of Canadian nurses is gathered to further review the selected items for accuracy, currency and entry-level appropriateness.

Step 3: An approved vendor with reputable expertise in exam translation is selected. The vendor translates approved items from English to the Canadian French. For the purpose of translation consistency, a Lexicon is used and is continually updated during the process. Efforts are placed to ensure items reflect the language and cultural understanding of the intended examinee.

Step 4: A panel of three to six Canadian nurses with Canadian French-English proficiency is selected to perform further review. These practicing nurses in Francophone speaking organizations review the translated items using various methods. The focus of the NCLEX Translation Review Panel is assessment of the language and contextual principles to ensure the translation is equivalent to the original item.

Step 5: Translated items used during NCLEX administration are regularly monitored for changes in item analysis data. After receiving adequate data, the items are subjected to Differential Item Functioning analysis. This analysis and subsequent review seeks to detect items with unintended bias to the candidate population.

The translation registered nurses are required to meet the below qualifications:

- Current, valid, unencumbered registered nurse registration in the Canadian jurisdiction where you practice and employed in the Regulatory Board jurisdictions in Canada using NCLEX;
- A registered nurse;
- Bilingual; French as a primary language and fluent in English;
- Employed as an RN for at least two years, practicing in a setting where they are required to speak both English and Canadian French;
- Knowledgeable of the current scope and practice of nursing, including entry level practice; and
- Currently employed in practice and working directly with nurses who have entered nursing practice during the past 12 months.

REASON FOR THE BILL

Pending additional information from the author's office.

ANALYSIS

The bill would establish requirements for both CPDH and boards under DCA. This analysis is focused on the requirements the bill would establish for boards under DCA.

The bill would establish the following definitions:

- Board - any board under the jurisdiction of DCA, as specified in [Business and Professions Code Section 101](#).
- Interpreter - an individual who satisfies all the following conditions:
 - Is fluent in English and in the preferred language of the applicant.
 - Has not acted as an interpreter for the examination within the year preceding the date of the examination.
 - Is not licensed and has not been issued the license for which the applicant is taking the examination.
 - Is not a current or former student in an educational program for the license for which the applicant is taking the examination.
 - Is not a current or former student in an apprenticeship or training program for the license for which the applicant is taking the examination.
 - Is not a current or former owner or employee of a school for the license for which the applicant is taking the examination.

The bill would require each board, beginning July 1, 2026, to do all the following:

- Permit an applicant who cannot read, speak, or write in English to use an interpreter, at no cost to the applicant, to interpret the English verbal and oral portions of a state-administered or contracted license examination to their preferred language, provided the applicant meets all other requirements for licensure.
- Post on the board's internet website that an applicant may use an interpreter to interpret a license examination if the applicant cannot read, speak, or write in English, provided the applicant meets all other competency requirements for licensure. This notice shall be posted in English, Spanish, Farsi, Hindi, Chinese, Cantonese, Mandarin, Korean, Vietnamese, Tagalog, and Arabic.
- Include an additional section in a license application that asks an applicant to identify their preferred written, spoken, and signed languages.

The bill would require each board, beginning July 1, 2027, to conduct an annual review of the language preferences of applicants for licensure that is collected from license applications.

The bill would require each board, beginning January 1, 2029, to annually report to the Senate Business, Professions, and Economic Development and the Assembly Business and Professions Committees on language preference data collected from license applications.

The bill would sunset its provisions on January 1, 2033.

Additional Considerations

As was outlined in the background section, the Board does not oversee development or delivery of the NCLEX exam. It is a national test that is developed and owned by NCSBN who then contracts with Pearson Vue to deliver the test at their professional centers throughout the country.

Additionally, the bill prohibits an interpreter from having the same license the applicant is testing to receive. This means the interpreter cannot be an RN or nursing student. While this likely intended to ensure fairness, the terminology and phrases used in the practice of nursing are often quite technical. For non-nurses, the pronunciation and translation of complex nursing terminology is likely to pose challenges and could result in the applicant receiving a less accurate or less equitable testing experience.

FISCAL IMPACT

To Be Determined.

SUPPORT

None on record.

OPPOSITION

None on record.

FULL BOARD POSITION

To Be Determined.

BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 742](#)
AUTHOR: Assemblymember Elhawary
BILL DATE: March 13, 2025 – Amend
SUBJECT: Department of Consumer Affairs: licensing: applicants who are descendants of slaves.

SUMMARY

This bill would require boards under the Department of Consumer Affairs (DCA) to prioritize applicants seeking licensure who are descendants of American slaves, once a process to certify descendants of American slaves is established.

BACKGROUND

Current law requires all boards within DCA to expedite the licensure process for the following individuals:

- An applicant that has served as an active-duty member of the Armed Forces of the United States and was honorably discharged.
- An applicant that is an active-duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program.
- An applicant that is married to, or in a domestic partnership or other legal union with, an active-duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active-duty military orders.
- An applicant that has been admitted to the United States as a refugee, has been granted asylum, or has a special immigrant visa.

Current law also requires the Medical Board of California, the Osteopathic Medical Board of California, the Board of Registered Nursing, and the Physician Assistant Board to expedite the licensure process of an applicant who can demonstrate that they intend to provide abortions within the scope of practice of their license.

California Reparations Report

In 2020, the Legislature enacted [AB 3121 \(Weber, Chapter 319, Statutes of 2020\)](#), which established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States.

The Task Force was given responsibility for studying and developing reparation proposals for African Americans as a result of slavery and numerous subsequent forms of discrimination based on race. The Task Force was then required to recommend appropriate remedies in consideration of its findings, which were submitted as a report to the Legislature on June 29, 2023. The [California Reparations Report](#), drafted with staff assistance from the California Department of Justice, totals over a thousand pages

and provides a comprehensive history of the numerous past injustices and persistent inequalities and discriminatory practices.

Chapter 10 of the Task Force’s report, titled “Stolen Labor and Hindered Opportunity,” addresses how African Americans have historically been excluded from occupational licenses. As discussed in the report, “state licensure systems worked in parallel to exclusion by unions and professional societies in a way that has been described by scholars as “particularly effective” in excluding Black workers from skilled, higher paid jobs. White craft unions implemented unfair tests, conducted exclusively by white examiners to exclude qualified Black workers.”

Race & Ethnicity of California’s Health Workforce

According to the Department of Healthcare Access and Information, below is a race & ethnicity breakdown for California’s RN workforce.

- 39.5% White, Non-Hispanic
- 33.1% Asian, Non-Hispanic
- 16.5% Hispanic, Any Race
- 5.0% Black, Non-Hispanic
- 3.0% Multiracial, Non-Hispanic
- 1.4% Other Race, Non-Hispanic
- 1.2% Pacific Islander, Non-Hispanic
- 0.2% American Indian, Non-Hispanic

Note: The above data represents a custom tabulation of survey responses from licenses in active status on July 1st, 2023.

[Senate Bill 518 \(Weber Pierson\) Descendants of enslaved persons: reparations](#)

SB 518, also introduced this legislative session, would establish the Bureau for Descendants of American Slavery. The bill would require the bureau, as part of its duties, to determine how an individual’s status as a descendant would be confirmed. The bill would also require proof of an individual’s descendant status to be a qualifying criterion for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the bureau to be comprised of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division.

REASON FOR THE BILL

According to the author, by prioritizing descendants of slaves when applying for licenses the bill aims to increase the number of applicants as well as those who can obtain licensure in various businesses and professions where descendants of slaves have often been overlooked and underrepresented. In addition, AB 742 will ensure that these applicants are not subjected to an arbitrary waiting period, allowing them to begin practicing with their license much sooner. This is one small step in righting the wrongs of the past.

ANALYSIS

The bill would require each board within DCA to prioritize applicants seeking licensure who are descendants of American slaves.

This requirement would only become operative once the following two actions occur:

1. Senate Bill 518 (Weber Pierson) in the 2025–26 Regular Session is enacted, establishing the Bureau for Descendants of American Slavery.
2. The Bureau for Descendants of American Slavery establishes a certification process for the descendants of American Slaves.

The bill would remain in effect for four years from the date on which its provisions become operative, or until January 1, 2032, whichever is earlier, and then be repealed.

Additional Considerations

The Board took a Support, If Amended position on a somewhat similar bill last year, [[AB 2862 \(Gipson\)](#)] since the previous bill did not specify how eligibility for the prioritization would be determined.

The Board requested the bill be amended to clarify of what type of documentation, if any, would be required for an applicant to receive priority. The Board also requested the bill be amended to change the term “prioritize” to “expedite” to align with existing licensing processes.

FISCAL IMPACT

To Be Determined.

SUPPORT

- California Legislative Black Caucus

OPPOSITION

None on File.

BOARD POSITION

To Be Determined.

BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 938](#)
AUTHOR: Assemblymember Bonta
BILL DATE: February 19, 2025 – Introduced
SUBJECT: Criminal procedure: sentencing

SUMMARY

The bill would allow a person who was arrested or convicted of any offense, rather than just a nonviolent offense, while they were a victim of human trafficking, intimate partner violence, or sexual violence, to petition the court, under penalty of perjury, for vacatur relief.

BACKGROUND

[SB 823 \(Block\), Chapter 650, Statutes of 2016](#)

Added Penal Code Section 236.14 which requires courts to consider, upon a petition for relief, whether to vacate arrests and convictions that were the direct result of the person arrested or convicted being a victim of human trafficking.

[AB 124 \(Kamlager\), Chapter 695, Statutes of 2021](#)

Added Penal Code Section 236.15 which requires courts to consider, upon a petition for relief, whether to vacate arrests and convictions that were the direct result of the person arrested or convicted being a victim of intimate partner violence or sexual violence.

If the court grants a petition under [Penal Code Section 236.14](#) or [Penal Code Section 236.15](#), the conviction is dismissed and deemed never to have occurred. Additionally, the records of the crime are sealed, destroyed, and cannot be distributed to a licensing board.

[AB 479 \(Tangipa\) Criminal procedure: vacatur relief](#)

The Board is sponsoring a related piece of legislation this session. It would require a licensee that petitions for relief under Penal Code Section 236.14 to serve the petition and supporting documentation on the applicable licensing entity and would give the licensing entity 45 days to respond to the petition for relief.

REASON FOR THE BILL

Pending additional information from author's office.

ANALYSIS

[Penal Code Section 236.14 – Human Trafficking](#)

Current law states that if a person was arrested for or convicted of any nonviolent an offense committed while they were a victim of human trafficking, including, but not limited to, prostitution, the person may petition the court for vacatur relief of their convictions, arrests, and adjudications.

- The bill would expand this provision to apply to any offense, rather than just nonviolent offenses.

Current law states that the petitioner shall establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of human trafficking that demonstrates that the person lacked the requisite intent to commit the offense and shall therefore vacate the conviction as invalid due to legal defect at the time of the arrest or conviction.

- The bill would amend this provision to instead require the petitioner to establish, by clear and convincing evidence, that the arrest or conviction was the result of being a victim of human trafficking, rather than the direct result.

Current law states that a petitioner shall not be relieved of any financial restitution order that directly benefits the victim of a nonviolent crime unless it has already been paid. With the exception of restitution, the collection of fines imposed as a result of a nonviolent offense that is the subject of the petition shall be stayed while the petition is pending.

- The bill would strike the above provision and replace it with the following provisions:
 - The collection of restitution, fines, and fees imposed as a result of an offense that is the subject of the petition shall be stayed while the petition is pending.
 - If the petition is granted, unpaid restitution, fines, and fees shall be vacated.

Current law requires that if the court issues an order of vacatur, the court shall also order all the following agencies to seal and destroy their records:

- Any law enforcement agency having jurisdiction over the offense.
 - The Department of Justice.
 - Any law enforcement agency that arrested the petitioner.
 - Any law enforcement agency that participated in the arrest of the petitioner.
 - Any law enforcement agency that has taken action or maintains records related to or because of the offense, including, but not limited to, departments a department of probation, rehabilitation, corrections, and or parole.
- The bill would add a provision requiring the court to file the final court order granting the petition as confidential, if requested by the petitioner.

Current law states that a petition shall be made and heard at any time after the person has ceased to be a victim of human trafficking or at any time after the petitioner has sought services for being a victim of human trafficking, whichever occurs later, subject to reasonable concerns for the safety of the petitioner, family members of the petitioner, or other victims of human trafficking who may be jeopardized by the bringing of the application or for other reasons. The right to petition for relief does not expire with the

passage of time and may be made at any time after the time specified in this subdivision. A court shall not refuse to hear a petition that was properly made on the basis of the petitioner's outstanding fines and or the petitioner's failure to meet the conditions of probation.

- The bill would amend this provision to instead state that a petition shall be made and heard at any time. The right to petition for relief does not expire with the passage of time. A court shall not refuse to hear a petition that was properly made on the basis of the petitioner's outstanding fines, fees, or restitution, or the petitioner's failure to meet the conditions of probation.

Penal Code Section 236.15 – Intimate Partner Violence or Sexual Violence

Current law states that if a person was arrested for or convicted of any nonviolent an offense committed while the person was a victim of intimate partner violence or sexual violence, the person may petition the court for vacatur relief of their convictions, arrests, and adjudications.

- The bill would expand this provision to apply to any offense, rather than just nonviolent offenses.

Current law states that the petitioner shall establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of intimate partner violence or sexual violence that demonstrates that the person lacked the requisite intent to commit the offense and shall therefore vacate the conviction as invalid due to legal defect at the time of the arrest or conviction.

- The bill would amend this provision to instead require the petitioner to establish, by clear and convincing evidence, that the arrest or conviction was the result of being a victim of human trafficking, rather than the direct result.

Current law states that a petitioner shall not be relieved of any financial restitution order that directly benefits the victim of a nonviolent crime unless it has already been paid. With the exception of restitution, the collection of fines imposed as a result of a nonviolent offense that is the subject of the petition shall be stayed while the petition is pending.

- The bill would strike the above provision and replace it with the following provisions:
 - The collection of restitution, fines, and fees imposed as a result of an offense that is the subject of the petition shall be stayed while the petition is pending.
 - If the petition is granted, unpaid restitution, fines, and fees shall be vacated.

Current law states if the court issues an order the court shall also order the law enforcement agency having jurisdiction over the offense, the Department of Justice, and

any law enforcement agency that arrested the petitioner or participated in the arrest of the petitioner to seal their records of the arrest and the court order to seal and destroy the records within three years from the date of the arrest or within one year after the court order is granted, whichever occurs later and thereafter to destroy their records of the arrest and the court order to seal and destroy those records. The court shall provide the petitioner a copy of any court order concerning the destruction of the arrest records.

- The bill would strike that provision and replace it with the following language:
 - If the court issues an order, the court shall also order all of the following agencies to seal and destroy their records:
 - Any law enforcement agency having jurisdiction over the offense.
 - The Department of Justice.
 - Any law enforcement agency that arrested the petitioner.
 - Any law enforcement agency that participated in the arrest of the petitioner.
 - Any law enforcement agency that has taken action or maintains records related to or because of the offense, including, but not limited to, a department of probation, rehabilitation, corrections, or parole.
 - Any government agency described above shall seal its records of arrest and the court order to seal and destroy the records within one year from the date of arrest or within 90 days after the court order is granted, whichever occurs later. The agency shall thereafter destroy their records of the arrest and court order to seal and destroy those records within one year of the date of the court order.
 - If requested by the petitioner, the court shall file as confidential the final court order granting the petition.
 - The court shall provide the petitioner a certified copy of any court order concerning the sealing and destruction of the arrest records. The court shall provide the petitioner and petitioner's counsel a copy of any form that the court submits to any agency, including the Department of Justice, related to the sealing and destruction of the arrest records.
 - The Department of Justice shall notify the petitioner and the petitioner's counsel that the department has complied with the order to seal the arrest records by the applicable deadline.

Current law states that a petition shall be made and heard within a reasonable time after the person has ceased to be a victim of intimate partner violence or sexual violence or within a reasonable time after the petitioner has sought services for being a victim of intimate partner violence or sexual violence, whichever occurs later, subject to reasonable concerns for the safety of the petitioner, family members of the petitioner, or

other victims of intimate partner violence or sexual violence who may be jeopardized by the bringing of the application or for other reasons.

- The bill would strike this provision and replace it a provision that states a petition shall be made and heard at any time. The right to petition for relief does not expire with the passage of time. A court shall not refuse to hear a petition that was properly made on the basis of the petitioner’s outstanding fines, fees, or restitution, or the petitioner’s failure to meet the conditions of probation.

Penal Code Section 236.23 & Penal Code Section 236.24

Current law creates an affirmative defense against a charge of a crime that the person was coerced to commit the offense as a direct result of being a victim of human trafficking, intimate partner violence, or sexual violence at the time of the offense and when the person had reasonable fear of harm. Current law prohibits this defense from being used with respect to a violent felony.

- The bill would allow the defense to be used with respect to a violent felony.

Additional Considerations

As indicated in the background, if a petition is granted under either Penal Code Section 236.14 or Penal Code Section 236.15 the records of the crime are sealed, destroyed. They cannot be distributed to a licensing board, such as the BRN, and therefore cannot be used to pursue discipline against the individual’s license.

FISCAL IMPACT

To Be Determined.

SUPPORT

None on record.

OPPOSITION

None on record.

FULL BOARD POSITION

To Be Determined.

BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 985](#)
AUTHOR: Assemblymember Ahrens
BILL DATE: February 20, 2025 – Introduce
SUBJECT: Health care practitioners: titles: name tags

SUMMARY

This bill would make it unlawful for a person to use the title “doctor” or the letters or prefix “Dr.” on their name tag unless authorized by law.

BACKGROUND

[Business and Profession Code Section 2054](#)

Any person who uses in any sign, business card, or letterhead, or, in an advertisement, the words “doctor” or “physician,” the letters or prefix “Dr.,” the initials “M.D.” or “D.O.,” or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that the person is entitled to practice hereunder, or who represents or holds themselves out as a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

No person shall use the words “doctor” or “physician,” the letters or prefix “Dr.,” the initials “M.D.” or “D.O.,” or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that person is a licensed “M.D.” or “D.O.”

REASON FOR THE BILL

The author’s office indicated that this is a spot bill.

ANALYSIS

Current law states that a health care practitioner shall disclose, while working, his or her name and practitioner’s license status, as granted by this state, on a name tag in at least 18-point type. A health care practitioner in a practice or an office, whose license is prominently displayed, may opt to not wear a name tag.

Current law states if a health care practitioner or a licensed clinical social worker is working in a psychiatric setting or in a setting that is not licensed by the state, the employing entity or agency shall have the discretion to make an exception from the name tag requirement for individual safety or therapeutic concerns.

Current law states in the interest of public safety and consumer awareness, it shall be unlawful for any person to use the title “nurse” in reference to himself or herself and in

any capacity, except for an individual who is a registered nurse or a licensed vocational nurse, or as otherwise provided in Section 2800. Aa certified nurse assistant from using his or her title.

The bill would further establish that it is unlawful for a person to use the title “doctor” or the letters or prefix “Dr.” on their name tag unless authorized to use that term pursuant to [Business and Professions Code Section 2054](#) or any other law.

Additional Considerations

After the agenda was posted, Board staff learned this is currently a spot bill. A spot bill is a placeholder bill introduced before the deadline, allowing lawmakers to formally submit a bill even if the full text isn't ready, with the intention of amending it later with substantive content.

Given this information, the Board may choose to not take a position at this time and wait until additional amendments are made. The Board may also choose to still take a position based on the current language in the off chance it does not end up getting amended and continues moving through the process.

FISCAL IMPACT

None.

SUPPORT

None on File.

OPPOSITION

None on File.

BOARD POSITION

To Be Determined.

BOARD OF REGISTERED NURSING BILL ANALYSIS

BILL NUMBER: [Assembly Bill 1082](#)
AUTHOR: Assemblymember Flora
BILL DATE: February 20, 2025 – Introduced
SUBJECT: Nursing: students in out-of-state nursing programs
SPONSOR: Nightingale Education Group

SUMMARY

This bill would authorize a nursing student who is a California resident enrolled in a prelicensure distance education nursing program based at an out-of-state private postsecondary educational institution to render nursing services, under the supervision of a licensed registered nurse, for the purpose of gaining experience in a clinical setting.

BACKGROUND

Program Approval

Nursing program approval is a required process that is carried out by the public Board of Nursing (BON) in each state. The BONs evaluate programs from a state perspective, to see if they meet the specifications of the state's Nursing Practice Act (NPA) for the purpose of protecting both the students and the public.

Every state has its own NPA that sets the framework for how nurses are prepared and able to practice within that state. This includes different standards and rules related to nursing education, nursing discipline, and nursing scope of practice. Consequently, without BON approval, there is no way to ensure that the education students are receiving complies with that state's laws and regulations.

For these reasons, state law currently states that a nursing student can only provide nursing services if they are enrolled in a California Board approved nursing program. The Board provides initial vetting and ongoing oversight to California nursing programs through its program approval process to ensure that they comply the laws set by the California Legislature related to nursing education and scope of practice.

There is nothing in the NPA that prohibits out of state nursing programs from requesting and receiving the same Board approval provided to in state schools. Obtaining Board approval would allow for an out of state program to have their students conduct their clinicals in California.

Program Accreditation

Nursing program accreditation is a voluntary process in which a private, nonprofit organization evaluates a nursing program from a national perspective to see if they meet certain standards of the profession. While there can be overlap between the two roles, national accrediting agencies have a distinctly different mission and focus than the BON in each state, as highlighted in the following chart from the National Council on State Boards of Nursing: [Approval vs Accreditation](#).

Accreditation Oversight

The US Department of Education is currently charged with recognizing accrediting agencies. The Secretary recognizes accrediting agencies to ensure that these agencies are, for the purposes of the Higher Education Act of 1965 or for other Federal purposes, reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. At the federal level, the President of the United States has indicated his plan to abolish the US Department of Education. If that occurs, the Department's role of recognizing accrediting agencies would disappear as well, leaving accrediting bodies without any type of formal oversight.

REASON FOR THE BILL

According to the sponsor, the bill recognizes that for many California residents, distance nursing education is the best, or only, option for pursuing a nursing degree. By amending the Nurse Practice Act to allow California residents enrolled in accredited distance nursing education programs to participate in clinical rotations at California facilities, the Legislature will allow these California residents to complete their online nursing education while simultaneously participating in their required hands-on training in their local communities, providing them much-needed experience and exposure to California healthcare systems and removing the need for costly out-of-state travel.

ANALYSIS

According to [Business and Professions Code Section 2729](#), a student may render nursing services if those services are incidental to the course of study of one of the following:

- a) A student enrolled in a board-approved prelicensure program or school of nursing.
- b) A nurse licensed in another state or country taking a board-approved continuing education course or a post licensure course.

This bill would amend that section to add the following provision:

- c) A student who is a resident of the state and enrolled in a prelicensure distance education nursing program based at an out-of-state private postsecondary educational institution for the purpose of gaining clinical experience in a clinical setting that meets all the following criteria:
 - The program is accredited by a programmatic accreditation entity recognized by the United States Department of Education.
 - The board does not otherwise approve the program.
 - The student placement does not impact any students already assigned to the agency or facility.
 - The program does not make payments to any clinical agency or facility in exchange for clinical experience placements for students enrolled in a nursing program offered by or affiliated with the institution or private postsecondary school of nursing.
 - The program qualifies graduates for California licensure.

- The program maintains minimum faculty to student ratios required of Board-approved programs for in-person clinical experiences.
- The program pays a one-time fee of \$100 to the Board for each student who participates in clinical experience placements in the state.

The bill states that a student shall be supervised in person by a registered nurse licensed by the Board while rendering nursing services.

The bill also states that a clinical agency or facility shall not schedule a clinical experience placement with an out-of-state private postsecondary educational institution if the placement is needed to fulfill the clinical experience requirements of an in-state student enrolled in a board-approved nursing program.

Lastly, the bill defines an out-of-state private postsecondary educational institution as a private entity without a physical presence in this state that offers distance education to California students for an institutional charge, regardless of whether the institution has affiliated institutions or institutional locations in California.

Additional Considerations

The Board Opposed very similar legislation in 2023 [[AB 1292 \(Flora, 2023\)](#)] and 2024 [[AB 2578 \(Flora, 2024\)](#)].

Board members previously expressed concerns about the bills' exacerbating existing clinical impaction problems. The bill sponsor alone has thousands of California residents enrolled in their nursing programs. Given that that is only one of numerous out of state programs that would be eligible to have their students conduct clinical placements in California under this bill, the potential for further clinical impaction and displacement is significant.

The bill states that a clinical agency or facility cannot schedule a clinical experience placement with an out-of-state private postsecondary educational institution if the placement is needed to fulfill the clinical experience requirements of an in-state student enrolled in a board-approved nursing program. However, the Board does not have any jurisdiction over health facilities and would not be able to enforce this provision.

There are various reasons why a California resident may choose to enroll in an out of state private distance education program, including a more flexible schedule that better accommodates their and their family's unique needs. However, residents also may choose to enroll in out of state nursing programs because they are unable to get into their local nursing programs in a timely fashion due to long wait lists. One of the key contributors to these long wait lists is the limited supply of clinical placements.

Allowing out of state nursing programs to grow and utilize clinical placements in California without going through the same upfront Board approval process that our in-state nursing programs must go through creates an unfair advantage and impedes the ability of in-state programs to grow and reduce those same waitlists.

FISCAL IMPACT

The Board estimates additional staffing would be needed to review the out of state nursing programs to ensure they meet California's licensure requirements, as outlined in the bill. The Board also estimates additional staffing would be needed to receive and process the \$100 payments outlined in the bill since payment on per student basis does not align with the Board's existing procedures.

SUPPORT

- Nightingale Education Group

OPPOSITION

- None on File

BOARD POSITION

To Be Determined.