



# Nursing Practice Committee Meeting Supplemental Materials

BRN Nursing Practice Committee | January 22, 2025

# Nursing Practice Committee

## January 22, 2025

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## Agenda Item 3.0

**Review and vote on whether to approve previous meeting's minutes**

BRN Nursing Practice Committee | January 22, 2025

**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF REGISTERED NURSING  
NURSING PRACTICE COMMITTEE  
MEETING MINUTES**

**DRAFT**

**Date:** October 17, 2024

**9:06 a.m.**                    **Start Time:** 9:06 a.m.

**Location:** **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not being provided.

**The Board of Registered Nursing held a public meeting via a teleconference platform.**

**Thursday, October 17, 2024 - BRN Nursing Practice Committee Meeting**

**9:06 a.m.**                    **7.0**                    **Call to Order/Roll Call/Establishment of a Quorum**

Nilu Patel, Chairperson, called the meeting to order at: 9:06 a.m. All members present. Quorum established at 9:07 a.m.

**Committee Members:** Nilu Patel, Vice President - Chairperson  
Dolores Trujillo, RN  
Jovita Dominguez, BSN, RN  
Vicki Granowitz

**BRN Staff:** Loretta (Lori) Melby, RN, MSN – Executive Officer  
McCaulie Feusahrens, Chief of Licensing Division – Staff Liaison

**9:08 a.m.**                    **7.1**                    **Public Comment for Items Not on the Agenda; Items for Future Agendas**

*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 & 11125.7, subd. (a).)*

**Public Comment for  
Agenda Item 7.1:** No Public Requests for Comments

9:11 a.m.

7.2

**Review and vote on whether to approve previous meeting minutes:**

7.2.1 April 18, 2024

**Committee Discussion:** No comments or questions.

**Motion: Nilu Patel** Motion to Accept NPC Meeting Minutes from April 18, 2024, and allow BRN Staff to make non-substantive changes to correct name misspellings and/or typos that may be discovered in the document.

**Second: Vicki Granowitz**

**Public Comment for Agenda Item 7.2.1:** No Public Requests for Comments

**Vote:**

	<b>NP</b>	<b>DL</b>	<b>JD</b>	<b>VG</b>
Vote:	Y	Y	Y	Y
<u>Key:</u> Yes: Y   No: N   Abstain: A   Absent for Vote: AB				

Motion Passed

9:13 a.m.

7.3

**Information Only:** Advisory Committee Updates

- Nurse Practitioner Advisory Committee (NPAC)
- Nurse-Midwifery Advisory Committee (NMAC)
- Clinical Nurse Specialist Advisory Committee (CNSAC)
- Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)
- Nursing Education and Workforce Advisory Committee (NEWAC)

**Committee Discussion:** Nilu Patel asked about SB 1451 and the doctor title if there was any input or amendment made.

Loretta Melby said there were no changes made and the bill will be discussed at the next board meeting.

**Public Comment for Agenda Item 7.3:** No Public Requests for Comments

9:24 a.m.

7.4

**Discussion and possible action:** Regarding the NPAC and NMAC recommendations on proposed draft regulatory language to amend the Recommended Guidelines for Disciplinary Orders and Conditions of Probation

**Committee**

**Discussion:** No comments or questions.

**Motion:** **Vicki Granowitz** Motion to Approve action on the NPAC and NMAC recommendations on proposed draft regulatory language to amend the Recommended Guidelines for Disciplinary Orders and Conditions of Probation.

**Second:** **Dolores Trujillo**

**Public Comment for Agenda Item 7.4:** Nurse Mary – She made a copy of all the agenda items and didn't get a copy of this particular item where there will be changes to the probation program. And asked if someone could direct her to where she can get a copy of this.

Loretta Melby said it's on the website and she will screenshare to show where it is.

Nurse Mary said she will go back to the web to get it and thanked Loretta Melby.

**Vote:**

	<b>NP</b>	<b>DL</b>	<b>JD</b>	<b>VG</b>
Vote:	Y	Y	Y	Y
<u>Key:</u> Yes: Y   No: N   Abstain: A   Absent for Vote: AB				

Motion Passed

9:32 a.m.

7.5

**Information only:** Updates to the BRN website including the additions of webpages for each Advanced Practice Registered Nurse profession.

**Committee Discussion:** Vicki Granowitz spoke about the email that all members received as a good example of how the process should work. A provider reached out with a problem and the board members contacted Loretta Melby and it was resolved within 24 hours.

Loretta Melby appreciated the comment and said the information was on the website and is why they're hoping to add more information to the website to be able to resolve issues quickly.

Nilu Patel thanked Loretta Melby for showing the committee all the information on the website for the four advance practice specialties and where it is located. She said there were no new laws to CRNA as well as the other advance practice specialties and appreciates that being highlighted.

Loretta Melby said there are no new CRNA or CNS laws but there have been new laws for NPs and NMWs. Staff will continue to update the web with implementation plans and FAQs.

Nilu Patel appreciated the clarification as it is a very important point.

**Public Comment for  
Agenda Item 7.5: No Public Requests for Comments**

**9:47 a.m.**

**7.6**

**Adjourn**

➤ Nilu Patel, Chairperson, adjourned the meeting at 9:47 a.m.

**Submitted by:**

**Accepted by:**

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

**Nilu Patel, Vice President**  
Chairperson  
California Board of Registered Nursing



## Agenda Item 4.0

### **Information only: Advisory committee updates**

BRN Nursing Practice Committee | January 22, 2025



**BOARD OF REGISTERED NURSING**  
**Nursing Practice Committee Meeting**  
**Agenda Item Summary**

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**AGENDA ITEM: 4.0**  
**DATE: January 22, 2025**

**ACTION REQUESTED:**      **Information only:** Advisory committee updates

- Nurse Practitioner Advisory Committee (NPAC)
- Nurse-Midwifery Advisory Committee (NMAC)
- Clinical Nurse Specialist Advisory Committee (CNSAC)
- Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)
- Nursing Education and Workforce Advisory Committee (NEWAC)

**REQUESTED BY:**              Loretta Melby, RN, MSN  
Executive Officer

**BACKGROUND:**

Loretta Melby, Executive Officer, will provide updates on the activities of the advisory committees.

**RESOURCES:**

**NEXT STEPS:**

**FISCAL IMPACT, IF ANY:**              None

**PERSON(S) TO CONTACT:**              McCaulie Feusahrens  
Chief of the Licensing Division  
California Board of Registered Nursing  
[Mccaulie.feusahrens@dca.ca.gov](mailto:Mccaulie.feusahrens@dca.ca.gov)



## Agenda Item 5.0

**Discussion and possible action: Proposed legislation regarding Penal Code section 236.15, subdivision (p)**

BRN Nursing Practice Committee | January 22, 2025

**BOARD OF REGISTERED NURSING**  
**Nursing Practice Committee Meeting**  
**Agenda Item Summary**

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**AGENDA ITEM: 5.0**  
**DATE: January 22, 2025**

**ACTION REQUESTED:**      **Discussion and possible action:** Proposed legislation regarding Penal Code section 236.15, subdivision (p)

**REQUESTED BY:**            Loretta Melby, RN, MSN  
Executive Officer

**BACKGROUND:**

Signed into law in 2021, [AB 124 \(Kamlager\), Chapter 695, Statutes of 2021](#) amended [Penal Code Section 236.15](#) to require 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. The law also expanded the affirmative defense of coercion for human trafficking victims and extended it and vacatur relief to victims of intimate partner violence and sexual violence.

The purpose of AB 124 was to allow the courts to consider the full context of an incident, in particular whether the impact of intimate partner violence or sexual violence indicates that the person lacked the requisite criminal intent for a conviction. Studies have shown that survivors of sexual violence, intimate partner violence, and other severe forms of trauma are more likely to be incarcerated.

If the court grants a petition under Penal Code Section 236.15, the conviction is dismissed and deemed never to have occurred. Additionally, the records of the crime are sealed and destroyed and cannot be distributed to a licensing board like the BRN for purposes of license discipline.

The policy intent of AB 124 is admirable, however, a recent case involving a Board licensee highlighted a presumably unintended consequence of this statutory change and the need to consider a legislative update to section 236.15. Last year a licensee was convicted of possessing a substantial amount of child pornography. As a result, the Board filed an accusation to revoke their license.

While the Board was awaiting a hearing before the administrative court regarding the accusation, the licensee petitioned the trial court to vacate their conviction under Penal Code Section 236.15. The Board was not made aware of the petition and was not able to provide the trial court with any input prior to its ruling on the petition. The trial court ultimately granted the petition to vacate the conviction, which prohibited the Board from using the conviction as a basis for discipline in the administrative court.

The Board does not want to interfere with or override the discretion that AB 124 provides the courts. Rather, if a licensee is found guilty of a crime that is substantially related to their professional practice, the licensing body should be made aware if a petition to vacate the crime under Penal Code Section 236.15 is filed, and subsequently given an opportunity to be heard by the trial court before it issues a final decision. In many cases, the trial court may still conclude that the best interest of justice would be served by a vacatur, notwithstanding the licensing-related implications.

However, the Board wants to ensure the court has all necessary and relevant information prior to making its ruling.

Consequently, Board staff are proposing an amendment to Penal Code Section 236.15 that would require a petitioner to give notice of any petition filed under that section to the petitioner's licensing body. The proposal would allow the applicable licensing body an opportunity to be heard on the petition, prior to a decision being issued, if the crime is substantially related to the practice of the licensee.

**NEXT STEPS:**

Motion to approve legislative proposal and direct BRN staff to move forward with pursuing legislation in the first year of the 2025-2026 legislative session.

**PERSON(S) TO CONTACT:**

Marissa Clark  
Chief of Legislative Affairs  
[Marissa.Clark@dca.ca.gov](mailto:Marissa.Clark@dca.ca.gov)  
916-574-7438

## **Proposed amendments to Penal Code section 236.15**

Section 236.15 of the Penal Code is amended to read:

**236.15.** (a) If a person was arrested for or convicted of any nonviolent 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 under this section. 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. Upon this showing and, as applicable, finding that it is in the best interest of justice as described in paragraph (3) of subdivision (g), the court shall find 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.

(b) The petition for relief shall be submitted under penalty of perjury and shall describe all of the available grounds and evidence that the petitioner was a victim of intimate partner violence or sexual violence and the arrest or conviction of a nonviolent offense was the direct result of being a victim of intimate partner violence or sexual violence.

(c) The petition for relief and supporting documentation shall be served on the state or local prosecutorial agency that obtained the conviction for which vacatur is sought or with jurisdiction over charging decisions with regard to the arrest. If the petitioner holds a license, the petition and supporting documentation shall also be served on the applicable licensing entity. The state or local prosecutorial agency, and any applicable licensing entity, shall have 45 days from the date of receipt of service to respond to the petition for relief.

(d) If opposition to the petition is not filed by the applicable state or local prosecutorial agency, or by an applicable licensing entity, the court shall deem the petition unopposed and may grant the petition.

(e) The court may, with the agreement of the petitioner and all of the involved state or local prosecutorial agencies, consolidate into one hearing a petition with multiple convictions from different jurisdictions.

(f) If the petition is opposed or if the court otherwise deems it necessary, the court shall schedule a hearing on the petition. The hearing may consist of the following:

(1) Testimony by the petitioner, which may be required in support of the petition.

(2) Evidence and supporting documentation in support of the petition.

(3) Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction, and any applicable licensing entity.

(g) After considering the totality of the evidence presented, the court may vacate the conviction and expunge the arrests and issue an order if it finds all of the following:

(1) That the petitioner was a victim of intimate partner violence or sexual violence at the time of the alleged commission of the qualifying crime.

(2) The arrest or conviction of the crime was a direct result of being a victim of intimate partner violence or sexual violence.

(3) It is in the best interest of justice. If the petitioner holds a license and the offense is substantially related to the qualifications, functions, or duties of a licensee, the court shall consider and make findings regarding impacts on the public health, safety, and welfare in its evaluation pursuant to this paragraph.

(h) An order of vacatur shall do all of the following:

(1) Set forth a finding that the petitioner was a victim of intimate partner violence or sexual violence at the time of the alleged commission of the qualifying crime and therefore lacked the requisite intent to commit the offense.

(2) Set aside the arrest, finding of guilt, or the adjudication and dismiss the accusation or information against the petitioner as invalid due to a legal defect at the time of the arrest or conviction.

(3) Notify the Department of Justice that the petitioner was a victim of intimate partner violence or sexual violence when they committed the crime and of the relief that has been ordered.

(i) Notwithstanding this section, a petitioner shall not be relieved of any financial restitution order that directly benefits the victim of a nonviolent offense unless it has already been paid.

(j) A person who was arrested as, or found to be, a person described in Section 602 of the Welfare and Institutions Code because they committed a qualifying nonviolent offense while they were a victim of intimate partner violence or sexual violence may petition the court for relief under this section. If the petitioner establishes that the arrest or adjudication was the direct result of being a victim of intimate partner violence or sexual violence, the petitioner is entitled to a rebuttable presumption that the requirements for relief have been met.

(k) If the court issues an order as described in subdivision (a) or (j), 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.

(l) A petition pursuant to this section 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 consistent with the purposes of this section.

(m) For the purposes of this section, official documentation of a petitioner's status as a victim of intimate partner violence or sexual violence may be introduced as evidence that their participation in the offense was the result of their status as a victim of intimate partner violence or sexual violence. For the purposes of this subdivision, "official documentation" means any documentation issued by a federal, state, or local agency that tends to show the petitioner's status as a victim of intimate partner violence or sexual violence. Official documentation shall not be required for the issuance of an order described in subdivision (a).

(n) A petitioner, or their attorney, may be excused from appearing in person at a hearing for relief pursuant to this section only if the court finds a compelling reason why the petitioner cannot attend the hearing, in which case the petitioner may appear telephonically, via videoconference, or by other electronic means established by the court.

(o) Notwithstanding any other law, a petitioner who has obtained an order pursuant to this section may lawfully deny or refuse to acknowledge an arrest, conviction, or adjudication that is set aside pursuant to the order.

(p) Notwithstanding any other law, the records of the arrest, conviction, or adjudication shall not be distributed to any state licensing board.

(q) The record of a proceeding related to a petition pursuant to this section that is accessible by the public shall not disclose the petitioner's full name.

(r) A court that grants relief pursuant to this section may take additional action as appropriate under the circumstances to carry out the purposes of this section.

(s) If the court denies the application because the evidence is insufficient to establish grounds for vacatur, the denial may be without prejudice. The court may state the reasons for its denial in writing or on the record that is memorialized by transcription, audiotape, or videotape, and if those reasons are based on curable deficiencies in the application, allow the applicant a reasonable time period to cure the deficiencies upon which the court based the denial.

(t) For the purposes of this section, the following terms apply:

(1) "Nonviolent offense" means any offense not listed in subdivision (c) of Section 667.5.

(2) "Vacate" means that the arrest and any adjudications or convictions suffered by the petitioner are deemed not to have occurred and that all records in the case are sealed and destroyed pursuant to this section. The court shall provide the petitioner with a copy of the orders described in subdivisions (a), (j), and (k), as applicable, and inform the petitioner that they may thereafter state that they were not arrested for the charge, or adjudicated or convicted of the charge, that was vacated.

(3) "License" shall have the same meaning as in section 23.7 of the Business and Professions Code.