

**TITLE 16. California Board of Registered Nursing
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled.

Subject Matter of Proposed Regulations: Independent Practitioner Supervision in Disciplinary Guidelines

Section(s) Affected: Section 1444.5 of Title 16, California Code of Regulations¹

Background and Statement of the Problem:

The Board of Registered Nursing's (Board) mission is to protect the health, safety, and wellbeing of the public through fair and consistent application of the statutes and regulations governing nursing practice and education in California. Pursuant to Business and Professions Code (BPC) section 2700 *et seq.*, the Board licenses registered nurses, (RN), and certifies advanced practice registered nurses (APRN), which include nurse-midwives (NM), nurse practitioners (NP), registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and public health nurses (PHN). As of April 1, 2025, there were 542,896 active RNs, 42,766 active NPs and 1461 active CNMs in California.

As part of its mission of public protection, the Board is also charged with regulating all RNs and APRNs in California. This includes investigating complaints and taking disciplinary action against licensees, when deemed appropriate by the Board and the Attorney General's Office. If an Administrative Law Judge determines that a licensee was in violation of the California's Nursing Practice Act (NPA) but has demonstrated a capacity to practice safe nursing, then a stayed revocation order with probation is recommended. Probation allows a licensee to practice as an RN, under certain restrictions, for a set period of time.

Existing regulation at CCR Section 1444.5 incorporates by reference the Board's [Recommended Guidelines for Disciplinary Orders and Conditions of Probation](#). This document, commonly referred to as the "DGs", outlines recommended penalties and probationary terms for violations of the NPA.

In disciplinary matters where probation has been imposed, conditions are established to protect the public from potential harm and establish a mechanism to monitor the rehabilitation progress of a probationer. Probationary conditions are divided into two categories: Standard and Optional. There are 13 standard probation conditions that appear in all probation orders and 7 optional probation conditions that may be applied based on the nature and circumstances of the violation.

¹ Unless otherwise noted, all references to the CCR hereafter are to Title 16.

Standard Probation Condition 8 outlines the various levels of supervision that may be required when a licensee is placed on probation. This condition was originally written to apply to RNs who are already required to work under the supervision of a physician, dentist, podiatrist, or clinical psychologist in their daily practice.

However, statutory changes over the last several years have provided some APRNs (mainly NPs and CNMs) with the authority to practice without direct physician supervision and outside of typical group healthcare setting.

The first was [Assembly Bill 890 \(Wood, Chapter 265, Statutes of 2020\)](#), which created two new categories of NPs that can practice without standardized procedures or physician supervision. These new categories of NPs are:

- 103 NP - Works under the provisions outlined in BPC Section 2837.103. This NP must work in a group setting with at least one physician and surgeon.
- 104 NP - Works under the provisions outlined in BPC Section 2837.104. This NP may work independently within the population focus of their National Certification.

The second was [Senate Bill 1237 \(Dodd, Chapter 88, Statutes of 2020\)](#), which removed the requirement for a NM to practice midwifery according to standardized procedures or protocols with a physician. NMs can provide care in the hospital or in any out-of-hospital setting.

Consequently, Standard Probation Condition 8 needs to be updated to account for the new scenario in which an APRN who is practicing independently is placed on probation and required to have some level of supervision during their probationary period. Absent this update, these APRNs would be forced to cease practicing independently while on probation.

The proposed text adds a sub section to Standard Probation Condition 8 that outlines supervision requirements for a licensee that is practicing in an independent setting when they are placed on probation. It would address details such as supervisor qualifications, level of supervision, timeline expectations, and reporting requirements.

The proposed text was presented to the Board's Nurse Midwife Advisory Committee (NMAC) and Nurse Practitioner Advisory Committee (NPAC) at their meetings on September 24, 2024. Both advisory committees voted to approve the proposed text and move it forward to the Board's Nursing Practice Subcommittee.

The proposed text was then presented to the Board's Nursing Practice Subcommittee at their meeting on October 17, 2024. The Subcommittee voted to approve the proposed text and move it forward to the Full Board.

Lastly, the proposed text was presented to the full Board at their meeting on November 20-21, 2024. The full Board voted to approve the proposed text and directed Board staff

to commence the formal rulemaking process, and authorized the Executive Officer to make any non-substantive or technical changes to the package.

Anticipated benefits from this regulatory action:

This regulatory action will further public protection for California consumers by ensuring the Board has a mechanism to impose necessary restrictions on and monitor the rehabilitation progress of a licensee on probation that practices independently.

This regulatory proposal helps the Board align regulation with current statute.

It will also maintain access to care by providing a pathway for licensees that practice independently and who are placed on probation to be able to continue providing care, with the appropriate oversight, rather than cease independent practice all together to comply with the current supervision standards.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Amend § 1444.5. Disciplinary Guidelines

Proposed Text:

“Recommended Guidelines for Disciplinary Orders and Conditions of Probation” (10/02 Revised) (*OAL insert effective date here*), which are hereby incorporated by reference.

Purpose:

The Board proposes to update the revision date of the “Recommended Guidelines for Disciplinary Orders and Conditions of Probation” document to reflect the effective date of the proposed changes, upon OAL approval.

Rationale:

The document’s current revision date of 10/02 needs to be updated to ensure the regulation is referencing the most current version of the document.

2. Amend *Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8.*

Proposed Text:

Respondent shall practice only under the direct supervision of a registered nurse, ~~in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved~~ advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist, as defined by Section 1316.5 of the Health and Safety Code that is in good standing [i.e. no disciplinary action within the last five (5) years] with the applicable professional state licensing agency and otherwise meets the requirements of this section.

Purpose:

The Board proposes to update who can provide direct supervision to a respondent that is on probation. This includes removing reference to a registered nurse and replacing it with reference to an advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist.

The Board proposes to expand upon the criteria a supervising practitioner must meet. This includes further defining the term “in good standing” by indicating that term means not having a disciplinary action within the last five years from the applicable state licensing agency and otherwise meeting the requirements of the section.

Rationale:

It is necessary to amend the regulation to update who can provide direct supervision to ensure that the supervisor must have a scope of practice that is equal to or larger than the respondent on probation. For example, a APRN has a larger scope of practice than a RN. Therefore, an APRN cannot be supervised by an RN while on probation. This is to ensure that the supervisor is trained and competent in the level of care that the respondent will be providing, to best protect the health of the public. The identification of a physician, dentist, podiatrist, or clinical psychologist aligns with the professions that can legally supervise an RN as outlined in BPC Section 2725(b)(2).

Expanding upon the criteria a supervising practitioner must meet is necessary to ensure the supervisor has a recent record of safe and competent practice and can guide the respondent in providing safe and competent care during their probation. The change also aligns with the supervisorial criteria established in other disciplinary or alternative to discipline guidelines. For example, the standards established for the worksite monitors that provide job oversight to licensees with substance abuse issues as outlined in the statutorily mandated [Uniform Standards Regarding Substance-Abusing Healing Arts Licensee](#), Uniform Standards 7 and 13.

The addition of the phrase “from the applicable professional state licensing agency” is necessary because the expanded list of supervisors includes healthcare practitioners that are regulated by boards other than the BRN (e.g. Medical Board for physician and surgeons, Dental Board for dentists, etc.). Lastly, it makes clear that the supervisor must also meet criteria established elsewhere within the section.

3. Amend *Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 1, Page 21)*

Proposed Text:

(e) Independent Practice Setting -If the Respondent is certified by the Board as an advanced practice registered nurse and has a scope of practice to provide patient care without standardized procedures in an independent practice setting, the Board shall require the respondent, during probation, to have a Board-approved advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist who have agreed to provide supervision

of the Respondent according to their plan(s) of supervision. The Respondent shall not resume practice until the Board provides written approval of the proposed supervisor(s) and plan(s) of supervision in accordance with this subsection.

Purpose:

The Board proposes to add a new subsection for respondents practicing in an independent setting when they are placed on probation. It establishes that these respondents must have a Board-approved advanced practice registered nurse, physician, dentist, podiatrist, or clinical psychologist who have agreed to provide supervision of the Respondent according to their plan(s) of supervision.

It also establishes that a respondent shall not resume practice until the Board provides written approval of the proposed supervisor(s) and plan(s) of supervision.

Rationale:

It is necessary to account for the recent scope of practice expansion for certain APRNs. APRNs can now work in independent settings which present different scenarios than standard RNs who have supervision already built into their day-to-day work. It also includes list of professionals that can provide supervision for probationary purposes to an APRN working in independent setting.

It is necessary for the Board ensure that the respondent's proposed supervisor and proposed plan of supervision meets all the requirements set forth in this section prior to being implemented to protect the public from potential harm. The Board has authority to stop a licensee from practicing through the Nurse Practice Act.

4. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 2, Page 22)

Proposed Text:

Within sixty (60) calendar days of the effective date of the Decision and Order, Respondent shall submit to the Board in writing by email to the address listed on this Board's website, for its prior approval, the name and qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent would be supervised in accordance with this subsection. The plan for supervision shall describe how the supervisor(s) and supervisee will meet the requirements of this subsection, including duration, type of supervision and access to all patient records. The request shall include each proposed supervisor's license number and license type, and a description of how they meet the criteria for Board approval provided below.

Purpose:

The Board proposes to add language requiring the respondent, within sixty (60) calendar days of the effective date of the Decision and Order, to submit to the Board in writing by email to the address listed on this Board's website, for its prior approval, the name and

qualifications of one or more proposed supervisors and a plan for each such supervisor by which Respondent would be supervised in accordance with this subsection.

The Board also proposes to add language requiring the plan for supervision to describe how the supervisor(s) and supervisee will meet the requirements of this subsection, including duration, type of supervision and access to all patient records. The request shall include each proposed supervisor's license number and license type, and a description of how they meet the criteria for Board approval provided below.

Rationale:

The first change is necessary to establish the time frame in which respondents must submit information on their proposed supervisor and plan of supervision to the Board. The requirement to submit via email allows for immediate transmission of the information versus snail mail which takes longer for the Board to receive and process, potentially delaying the respondent's return to work. In the Board's experience, 60 days is an appropriate amount of time for a Respondent to find a proposed supervisor and draft a plan.

The second change is necessary to ensure the respondent clearly and thoroughly articulates how their proposed supervisor and plan of supervision meets the requirements set forth by the Board for each. The requirement for each proposed supervisor's license number and type allows the Board to verify their license meets the eligibility criteria of being "in good standing" to properly monitor the Respondent and to protect the public from potential harm.

5. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 3, Page 22)

Proposed Text:

The supervisor shall meet the following criteria to be approved:

1. Has not been subject to any disciplinary action by their licensing Board within the last five (5) years. For the purposes of this section "disciplinary action" shall mean revocation, suspension, probation, public reprimand or reproof or any other form of license restriction imposed on a license. An administrative citation and fine does not constitute discipline and, therefore, in and of itself is not a reason to deny an individual as a supervisor.
2. Does not have a current or prior financial, personal, business, or professional relationship with Respondent.

Purpose:

The Board proposes to add language that establishes the criteria that a respondent's proposed supervisor must meet to be approved by the Board.

The first criteria requires that the supervisor has not had any disciplinary action on their license within the last 5 years and defines what types of violations are considered a disciplinary action.

The second criteria requires that the respondent not have a current or prior financial, personal, business, or professional relationship with their proposed supervisor.

Rationale:

The establishment of clear criteria is necessary to ensure that all Board approved supervisors meet the same minimum qualifications.

The first criterion is necessary to ensure that the supervisor has a recent record of safe and competent practice and can guide the respondent in providing safe and competent care during their probation. The five-year timeline also aligns with the supervisory criteria established in other disciplinary or alternative to discipline guidelines such as the Uniform Standards Regarding Substance-Abusing Healing Arts Licensee.

The second criterion is necessary to ensure there is no potential conflict of interest between the respondent and the proposed supervisor that could impact the supervisor's ability to provide fair and unbiased oversight.

Both criteria also align with the standards established for the worksite monitors that provide job oversight to licensees with substance abuse issues as outlined in the [Uniform Standards Regarding Substance-Abusing Healing Arts Licensee](#), Uniform Standards 7 and 13.

6. Amend *Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 4, Page 22)*

Proposed Text:

The Board shall advise Respondent within thirty (30) calendar days whether the proposed supervisor and plan of supervision are approved. Respondent shall not practice nursing until receiving approval by the Board of Respondent's choice of a supervisor and plan of supervision.

Purpose:

The Board proposes to add language that requires the Board to respond to the respondent's proposed supervisor and plan for supervision within thirty (30) calendar days whether the information submitted is approved. This timeline expectation would be communicated to the respondent in the orientation that Board staff provide to every licensee that is placed on probation. The language also establishes that the respondent may not resume the practice of nursing until their supervisor and plan for supervision has been approved by the Board.

Rationale:

This is necessary to provide a clear timeline as to when the respondent will hear back from the Board regarding its approval, and 30 days is an appropriate amount of time for review based on the Board's prior experience. It also clarifies that the respondent may not resume practicing until an approval is received from the Board. This is necessary for public protection by ensuring that the appropriate oversight and processes are in place prior to the respondent providing care to patients.

7. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 5, Page 22)

Proposed Text:

The plan of supervision shall be either [(*direct and require the physical presence of the supervising provider in the office during the time direct patient care is provided.*.)], or [*general and not require the physical presence of the supervising provider during the time direct patient care is provided but does require an occasional random check of the work performed on the patient as well as quarterly monitoring visits at the office or place of practice*]). Additionally, the supervisor shall have full and random access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

Purpose:

The Board proposes to add language that would require the plan of supervision to specify the level and frequency of supervision that must be provided when direct patient care is provided by the respondent.

The Board also proposes to add language that would ensure the supervisor has access to the respondent's patient records for the purposes of evaluation and identification of concerns or deficiencies.

Rationale:

The first change is necessary so that the level and frequency of supervision can be modified based on the practice setting and reason for the respondent's probationary order. For example, a different level of supervision may be appropriate if the respondent received a DUI [driving under the influence conviction] versus if the respondent caused significant patient harm.

The proposed supervisory options differ from the minimum, moderate, maximum selection outlined elsewhere in the section due the fact that an independent practice setting is structured differently than the standard work setting a registered nurse would likely be working in. For example, many independent practice settings do not have set work shifts or separate patient care areas like are in many acute care health facilities.

The second change is necessary for public protection by ensuring the supervisor can effectively monitor the care bring provided to the respondent's patients and have the ability to provide feedback or direction if areas of concerns or deficiencies are identified.

8. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 6, Page 22)

Proposed Text:

Each supervisor shall submit written reports to the Board, on the time frame established in the respondent's plan of supervision, that verify that supervision has taken place as required and include an evaluation of Respondent's performance. Respondent shall complete any required consent forms or Release of Information authorizing the supervisor to communicate with the Board. It shall be Respondent's responsibility to ensure that the required reports are filed in a timely manner as outlined in the Respondent's plan of supervision. Failure to file the required reports in a timely fashion within the time frames specified by the Board shall be a violation of probation.

Purpose:

The Board proposes to add language requiring a respondent's supervisor to submit routine written reports to the Board that verify the required supervision took place and an evaluation of the respondent's performance. To facilitate this requirement, the language also explains that the respondent must complete any required consent forms or Release of Information that authorize the supervisor to communicate with the Board.

The Board also proposes to add language establishing that it is ultimately the respondent's responsibility to ensure the required supervision reports are filed in a timely manner and that failure to do so will be considered a violation of the respondent's probation.

Rationale:

The first change is necessary because it ensures the Board receives routine reports from the supervisor that communicate whether the respondent is progressing appropriately and practicing safely. This feedback loop allows the Board to make changes to the supervision plan, as needed. The change also ensures the supervisor has the necessary permission to share all relevant information regarding the respondent with the Board.

The second change is necessary to clarify who holds the responsibility for ensuring their reports are submitted to the Board in a timely manner and what the consequences are if it is not completed.

This is necessary to clarify who holds the responsibility for submission of reports to the Board as well as the consequences if they are not provided timely manner.

9. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 7, Page 22)

Proposed Text:

If the supervisor is no longer available, Respondent shall notify the Board in writing by email within seventy-two (72) hours of the date the supervisor is no longer available. Within five (5) calendar days of the date the supervisor is no longer available, Respondent shall submit in writing by email to the Board or its designee for its prior approval, the name and qualifications of one or more proposed new supervisor(s) and a plan for supervision by each supervisor as specified in this subsection. Respondent shall not practice until a new supervisor has been approved by the Board. If Respondent fails to submit a proposed new supervisor and plan for supervision as required or fails to cease practice in accordance with this section when there is no supervisor approved by the Board or its designee, this shall constitute a violation of probation.

Purpose:

The Board proposes to add language establishing the timeframe and method by which a respondent must notify the Board if their supervisor is no longer available as well as the timeframe and method by which the respondent must submit information on a new proposed supervisor and plan for supervision to the Board.

The Board also proposes to add language requiring the respondent to cease practice until a new supervisor and plan of supervision has been approved by the Board and makes clear that any violation of these provisions will be considered a violation of the respondent's probation.

Rationale:

The first change is necessary to ensure there is an expeditious timeframe for the respondent to inform the Board of any potential gap in supervision and to provide alternative supervisory options to fill that gap.

The second change is necessary to ensure that a respondent cannot practice without adequate supervision for public protection purposes. It also establishes the consequences of not informing the Board of a gap in supervision and/or submitting a new proposed supervisor and plan of supervision within the designated timeframes.

10. Amend *Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 8, Page 22)*

Proposed Text:

All costs of the supervision shall be borne by Respondent*

Purpose:

The Board proposes to add language to clarify the respondent is responsible for bearing all costs related to their supervision during probation.

*This sentence was removed from the previous paragraph and placed as a standalone provision for reasons of structure per Section 100 (a)(4). As part of their motion to

approve the proposed text, the Board members delegated the ability to make non substantive changes to the language to the Executive Officer.

Rationale:

The change is necessary to make the respondent aware that they are responsible for all costs associated with complying with the supervision requirements established by the Board as part of their probation. It is necessary to ensure that the costs for respondent's supervision are borne by respondent, who is the person responsible for the conduct at issue in their case, and who bears the burden of proving they are rehabilitated in order for them to continue to retain the license issued by the Board.

10. Amend Recommended Guidelines For Disciplinary Orders and Conditions of Probation, Standard Probation Condition 8 - Addition of Subsection e (Paragraph 9, Page 22)

Proposed Text:

RATIONALE: This allows the Board to require appropriate supervision and/or collaboration, to monitor the respondent's registered or advanced practice nursing competency and thus protect consumer safety. The level of supervision or need for advanced practice collaboration will be determined by the Board at probation meetings.

Purpose:

The Board proposes to remove language that delegates decisions related to the level or need of supervision or collaboration to be made by the Board at probation meetings.

The text is being deleted due to the addition of the new subsection 8(e) which covers advanced practice.

Rationale:

The change is necessary to provide more clarity and transparency for Board licensees. The current and proposed guidelines set forth in this section will be used to determine a respondent's level of supervision or need for advanced practice collaboration.

Material Relied Upon/Underlying Data

- [Recommended Guidelines for Disciplinary Orders and Conditions of Probation \(10/02\)](#)
- [Assembly Bill \(AB\) 890 \(Wood, Chapter 265, Statutes of 2020\)](#)
- [Senate Bill \(SB\) 1237 \(Dodd, Chapter 88, Statutes of 2020\)](#)
- [Uniform Standards Regarding Substance-Abusing Healing Arts Licensees \(2019\)](#)
- [NMAC Meeting: Agenda, Meeting Materials, Meeting Minutes September 24, 2024, Agenda Item 9.0](#)
- [NPAC Meeting: Agenda, Meeting Materials, Meeting Minutes September 24, 2024, September 2024, Agenda Item 10.0](#)

- [Nursing Practice Committee Meeting: Agenda, Meeting Materials, Meeting Minutes October 17, 2024, Agenda Item 7.4](#)
- [Board Meeting Agenda, Meeting Materials, Meeting Minutes November 20-21, 2024, Agenda Item 7.2](#)
- Probation monitoring workload

Business Impact:

The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other states. This initial determination is based on the following facts/evidence/documents/testimony or other evidence:

The proposed regulation will improve the disciplinary process by clarifying disciplinary decisions, thus enhancing consumer protection. This proposal will not create new businesses nor eliminate existing businesses within the State of California.

This proposed regulation will enable APRNs that practice in an independent setting and are placed on probation to continue their practice at the same scope, albeit under supervision, with minimal interruption.

The Board has made the initial determination that there will be cost impacts that a representative private person would incur in reasonable compliance with the proposed action. These costs will apply to the licensees subject to discipline.

However, because probation monitoring costs vary and because the number of future probationers is unknown, the Board does not have a cost estimate at this time.

Cost of Probation Monitoring per Respondent

Individual licensees participating in the probation program (respondents) for the duration of their three-year probation period will incur varying costs of supervision. This could depend on the nature of their offense which may dictate the kind of supervision necessary (e.g. remote or in person) and its frequency. Some respondents may be able to find a healthcare provider that will monitor them on a voluntary basis (i.e. no cost) while others will need to pay an hourly/weekly/monthly fee for their monitoring.

However, because probation monitoring costs vary and because the number of future probationers is unknown, the Board does not have a cost estimate at this time.

Business Reporting Requirements: The proposed regulations will require a respondent's supervisor to submit written reports to the Board as outlined in their plan of supervision. The responsibility for timely submission of the written reports falls on the respondent.

Effect on Small Business: The proposed regulations will have a positive effect on small businesses by allowing respondents to continue practicing in an independent setting (e.g. maintain their private practice) while they are on probation.

Significant Effect on Housing Costs: None

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it allows current licensees to continue working while on probation.
- It will not create new business or eliminate existing businesses within the State of California because it allows licensees to maintain their existing businesses while on probation.
- It will not affect the expansion of businesses currently doing business within the State of California because a respondent would not be able to expand their practice operations while on probation.
- This regulatory proposal does not affect worker safety because it does not involve worker safety.
- This regulatory proposal does not affect the state's environment because it does not involve the environment.

This regulatory proposal will have the following benefits:

- This regulatory proposal will benefit the health and welfare of California residents by ensuring that licensees practicing in an independent setting that are placed on probation receive an appropriate level of supervision and oversight when providing care to patients.
- This regulatory action will further public protection for California consumers by ensuring the Board has a mechanism to impose necessary restrictions on and monitor the rehabilitation progress of licensees on probation.
- This regulatory action will also maintain access to care by creating a pathway for licensees practicing in independent settings to continue providing care, as appropriate, during their probation.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because without these regulations, impacted licensees would be required to either move back into a group setting or cease practicing all together while on probation.
2. Adopt the regulation. The Board determined that this alternative is the most feasible because the proposed regulatory changes would enhance the Board's ability to protect the public by ensuring proper oversight, while also allowing licensees to continue practicing with the appropriate restrictions.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No reasonable alternative to the regulatory proposal would lessen any adverse impact on small business.

No such alternatives have been proposed, however, the Board welcomes comments from the public.