

## **BOARD OF REGISTERED NURSING INITIAL STATEMENT OF REASONS**

**Hearing Date:** September 19, 2016

**Subject Matter of Proposed Regulations:** Advanced Practice Registered Nurses

**Sections Affected:** Amend Sections: 1480, 1481, 1482, 1483, 1484  
Adopt Sections: 1483.1, 1483.2, 1486

**Introduction:** The Board of Registered Nursing's (Board) highest priority is consumer protection. Nurse practitioners are highly regulated professionals who are bound by an ethical code of conduct, a complex network of overlapping regulations tied to their specific practice facility, as well as licensure and professional certification standards that require these professionals to achieve and maintain a minimum level of competency that promotes quality of care and patient safety. The current standards for nurse practitioners must be amended to be consistent with current laws and practices.

The proposed regulation change makes the standards for nurse practitioners consistent with current law and updates and clarifies the terms for nurse practitioners. By updating these regulations, it ensures that nurse practitioners will have the proper training to be better prepared to protect consumers.

**Background:**

The regulations were last amended between 1979-1986, and the Board is proposing amending numerous sections and adding three (3) new sections. The primary purpose of the amendments is to ensure that Board-approved nurse practitioner programs meet minimum education standards and prepare students who have the requisite knowledge, skills and abilities to practice safely and competently at an advanced level upon completion of the program.

The Board held pre-notice discussions for interested parties meetings on August 6, 2015, September 3, 2015, October 8, 2015, November 5, 2015, January 14, 2016 and February 11, 2016 to get input on drafting the proposed regulations for nurse practitioners. The Board received numerous letters of support of the regulation change and need for national certification in a nurse practitioner category/population.

**Specific Changes and Factual Basis/Rationale:**

Since the last update to the standards for nurse practitioners, there have been changes to policies, procedures and practices that must be reflected in the standards for nurse practitioners. The Board has identified areas in need of technical changes to improve clarity of the standards for nurse practitioners. The Board has also identified changes necessary to improve consumer protection. The Board is proposing some additional non-substantive changes as well.

The summary of changes to the standards for nurse practitioners and the reasons therefore are as follows:

#### Amend 1480 – Definitions

Existing law sets forth definitions relating to nurse practitioners. The Board is proposing regulations that will add and update definitions in these regulations. The purpose of the amendment is to update and add definitions for clarification. There are currently only 4 definitions in this section, the proposed regulations will have 19 definitions.

#### Amend 1481 – Categories of Nurse Practitioners

Existing law sets forth requirements for registered nurses who have met the requirements of Section 1482 of the Business and Professions Code (Code) to hold out as a nurse practitioner that would allow the registered nurse to place the letters “R.N., N.P.” after their name along with identifying categories of specialization. The Board is proposing regulations that will identify the different types of categories for nurse practitioners.

#### Amend 1482 – Requirements for Holding Out as a Nurse Practitioner

Existing law sets forth the requirements for holding oneself out as a nurse practitioner. Existing regulations do not have an avenue for graduates who have completed a nurse practitioner education program in a foreign country. These proposed regulations further specify the requirements for holding oneself out as a nurse practitioner, and also make it possible for an applicant with foreign country education to obtain a certificate as a nurse practitioner. The Board is proposing to update these requirements to keep up with current practices. This section is necessary for consumer protection to ensure that nurse practitioners are properly trained.

#### Amend 1483 – Evaluation of Credentials

Existing law states that there is an application for evaluation of a registered nurse’s qualification to hold out as a nurse practitioner. Existing law also states that the board shall notify the applicant in writing if the application is complete and accept it filing or that the application is deficient and what specific information is required. It also specifies the timeline for this process. Existing regulations do not specify the submission of information that an applicant should submit to the Board. The proposed regulation specifies the application form and submission of information for the applicant to be qualified as a Certified Nurse Practitioner. The proposed regulation also states that if a student graduates from a board-approved nurse practitioner education program, they shall be considered a graduate of a nationally accredited program if the program held national nursing accreditation at the time the graduate completed the program. The graduate would still be eligible to apply for nurse practitioner certification with the board regardless of the program’s national nursing accreditation status at the time of submission of the application. This section is necessary for clarification on what information needs to be submitted for the nurse practitioner application to the board.

#### Adopt 1483.1 – Requirements for Nurse Practitioner Education Programs in California

Existing law sets forth the requirements for education for prelicensure programs based in California.

Existing regulations do not set forth the requirements for Advanced Practice Registered Nurses (APRN-NP) education programs based in California.

The Board is proposing regulations that will set forth requirements for APRN-NP Education Programs based in California.

This section is necessary for consumer protection to ensure that APRN-NP Education Programs based in California meet the minimum requirements for training and competence of nurse practitioners. The requirements that the APRN-NP Education Program provide evidence to the board that is located in California and is approved by the board is necessary to ensure that the program is located in California and is an approved program by the board. The requirement for providing the board with evidence of ongoing continuing nurse practitioner education program is necessary to ensure that the program is still accredited by a national nursing accreditation body. The requirement to notify the board of changes in the program's institutional and national nursing accreditation status within 30 days is necessary to keep the board informed in case of any changes that may adversely affect applicants or students enrolled in the program.

Adopt 1483.2 – Requirements for Reporting Nurse Practitioner Education Program Changes

Existing law sets forth the requirements for reporting program changes for Board approved prelicensure programs.

Existing regulations do not set forth the requirements for reporting APRN-NP program changes.

The Board is proposing regulations that will set forth requirements for reporting an APRN-NP Education Program change. This section is necessary for consumer protection to ensure that APRN-NP Education Programs keep the Board informed of changes to their program, so that the Board may ensure the programs continue to meet the minimum requirements to be an APRN-NP Education Program.

Amend 1484 – Standards of Education

Existing law sets forth the standards of education for the program of study preparing a nurse practitioner. Existing law set forth the requirements for the purpose, philosophy and objectives of the program. It also sets forth requirements for administration, faculty and curriculum. Existing regulations do not identify the range of specialty and subspecialty nurse practitioner educational tracks or core competencies. Proposed regulations will clarify information about current and emerging nurse practitioner educational pathways leading to specialty and subspecialty preparation. It will set forth the type of place students will be taught. The proposed regulations will further specify the qualifications and requirements for the director of the program, faculty, clinical preceptors and curriculum. This section is necessary for consumer protection to ensure that nurse practitioners students are educated by properly trained programs and staff. The Board is proposing regulations to update these standards of education.

Adopt 1486 – Requirements for Clinical Practice Experience for Nurse Practitioner Students Enrolled in Out-of-State Nurse Practitioner Education Programs

Existing regulations do not set forth requirements for clinical preceptorship or clinical practice for student in out-of-state nurse practitioner education programs. The Board is proposing regulations that will set forth requirements for clinical practice experience for nurse practitioner students enrolled in out of state nurse practitioner education programs. This is necessary to ensure those students who are out-of-state will be educated by an approved program that will be up to the Board's standards.

Benefit: The proposed rulemaking will further define Business and Professions Code section 2836 to make specific requirements for nurse practitioners, the administration of training of nurse practitioners, and the requirements for clinical practice experience for nurse practitioner

students enrolled in out of state APRN-NP Education Programs. The minimum requirements set forth in the proposed regulations are necessary to further the Board's mission of consumer protection by ensuring that nurse practitioners have the proper training and supervision.

### **Necessity For Incorporated By Reference Forms:**

#### Application Requirements for Nurse Practitioner (NP) Certification (rev 5/2014):

The information for military honorable discharge is an option to check for the application. This is necessary as members who have served in active duty of the Armed Force of the United States and were honorably discharged are able to get their application expedited in compliance with Business and Professions Code 115.4.

The information of personal data is necessary in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

The information of RN Licensure/Nurse Practitioner Certification is needed to verify if the person currently holds a RN license. A person cannot have a nurse practitioner certification if they do not have a RN license as stated in section 1484(a). The information to list all states where the applicant hold/held a RN or nurse practitioner license/certificate is necessary to verify if they have or had discipline in a prior state.

The information for RN Education and Nurse Practitioner Education is necessary to verify if the applicant's education comes from a program that meets California's standards in compliance with Business and Professions Code 2736.

The information of Background Information is necessary to verify if the applicant have or had prior convictions or discipline as RN or any health-care related license or certificate in compliance with Business and Professions Code 2761.

The Application Requirements for Nurse Practitioner (NP) Certification form has different methods to apply for a nurse practitioner certification. These methods are either by successful completion of a nurse practitioner program of study which conforms with the Board's educational standards set forth in the California Code of Regulations (CCR) Section 1484, by certification by a national organization/association whose standards are equivalent to those set forth in the CCR Section 1484 or by an equivalency, which is by a RN who has not completed a nurse practitioner program of study which meets the Board's educational standards as set forth in the CCR Section 1484. These methods contain different verifications that need to be submitted along with the Application Requirements for Nurse Practitioner (NP) Certification form.

#### Verification of Nurse Practitioner Academic Program

Section A is personal information that needs to be filled out by the applicant. This personal information is necessary for the Board in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be

disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

Section B is information that needs to be completed by the program director or a representative for the nurse practitioner academic program. This information is necessary in order to verify if the applicant completed the academic program.

#### Verification of Nurse Practitioner Certification by National Organizational/Association

Section A is personal information that needs to be filled out by the applicant. This personal information is necessary for the Board in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

Section B is information that needs to be completed by the certifying national organization or association. This information is necessary to verify from the national organization or association that the applicant holds a nurse practitioner certification from their organization or association. The organization or association must meet the certification requirements that are equivalent to the Board's standards of nurse practitioner certification.

#### Verification of "Clinical Competency" as a Nurse Practitioner and Verification of "Clinical Experience" as a Nurse Practitioner

Section A is personal information that needs to be filled out by the applicant. This personal information is necessary for the Board in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

Section B needs to be completed by either the evaluating nurse practitioner or physician. The verifying nurse practitioner or physician must be current, clear and have an active license to practice, must be clinically competent in the provision of primary health care and must directly observe the applicant of clinical practice. This is necessary to be used for verification of the applicant's clinical competency in the delivery of primary health care. This is also used to verify that the applicant is clinically competent to practice as a nurse practitioner in accordance with CCR Sections 1480(b) and 1480(c).

#### Application for Temporary Nurse Practitioner (NP) Certification

This part of the application needs to be completed by the applicant. This personal information is necessary for the Board in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the

Civil Code. Academic program information is needed to verify if the applicant is eligible for certification of a nurse practitioner.

Nurse Practitioner Furnishing Number Application (rev 10/2012):

The information for military honorable discharge is an option to check for the application. This is necessary as members who have served in active duty of the Armed Force of the United States and were honorably discharged are able to get their application expedited in compliance with Business and Professions Code 115.4.

**Personal Data Section:**

The information of personal data is necessary in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

Nurse Practitioner Advanced Pharmacology Course section is necessary for the applicant to fill out for verification that they meet the qualifications to have a nurse practitioner furnishing number pursuant to Business and Professions Code 2836.1.

The Nurse Practitioner Furnishing Number Application has a verification component that needs to be submitted along with the application.

The personal information is necessary in order to maintain contact with the person who is applying for the nurse practitioner certification. The information is also necessary as if and when the person should be licensed, their name and address listed with the application will be disclosed to the public upon request in compliance with the Information Practices Act, Section 1798.17 of the Civil Code.

The section to be completed by the director of the nurse practitioner academic program is necessary in order to verify if the applicant completed the academic program.

**Underlying Data:**

Technical, theoretical or empirical studies or reports relied upon:

1. The APRN Consensus Model, defines APRN-NP practice, titles, describes roles and population foci for APRN-NP education and practice. The APRN Consensus Model Regulation: Licensure, Accreditation, Certification and Education published July 8, 2008.
2. A Report of the National Task Force on Quality Nurse Practitioner Education, 2012, Criteria for Evaluation of Nurse Practitioner Programs, 4<sup>th</sup> Edition Washington, DC: National Organization of Nursing Faculties.

**Business Impact:**

These proposed regulations are updating and further clarifying regulations that are already in place to conform to today's standards, therefore, the Board has made an initial determination that

the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Economic Impact Assessment:**

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

- It is not likely to neither create nor eliminate jobs for nurse practitioners and employees of education programs within the State of California. This is based on the fact that these proposed regulations are updating and further clarifying regulations that are already in place.
- It is not likely to create or eliminate businesses within the State of California. This is based on the fact that educational programs will still have requirements to educate nurses; the curriculum will be updated with today's standards. It is likely that educational programs may need additional courses to train registered nurses, but the number of individuals interested in becoming nurse practitioners is not expected to significantly change to anticipate the creation or elimination of new businesses.
- It is not likely to result in the expansion of businesses currently doing business within the State of California. This is based on the fact that these regulations are simply making standards consistent with current law, and there are already numerous approved APRN-NP Education Programs in California.
- It will benefit the health and welfare of California residents, because the regulations will set forth minimum requirements for nurse practitioners and APRN-NP Education Programs to further consumer protection.
- It will not have an impact on worker safety, because the proposed regulations are updating requirements for nurse practitioners that are already in place.
- It will not have an impact on the state's environment, because the regulations will simply set forth minimum requirements for nurse practitioners and APRN-NP Education Programs.

**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. Nurse practitioners would not be educated to the same level as all others who are attending other APRN-NP education programs throughout the United States and could result in harming the public.
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. It

supports the Board's mission of consumer protection by identifying the minimum requirements for nurse practitioners and the minimum requirements for APRN-NP Education Programs.