

DEPARTMENT OF CONSUMER AFFAIRS
Title 16, Division 14, Article 8, Section 1484
California Code of Regulations (CCR)
Board of Registered Nursing

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Nurse Practitioner Education, § 1484

NOTICE IS HEREBY GIVEN that the **Board of Registered Nursing** (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action. Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Monday, December 27, 2021**, or must be received by the Board at the hearing, should one be scheduled.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2715, 2835.7, and 2836 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 2835, 2835.5, 2835.7, 2836, 2836.1, 2836.2, 2836.3, and 2837, the Board is considering amending section 1484 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Pursuant to Business and Professions Code (BPC) section 2700 *et seq.*, the Board of Registered Nursing (Board) licenses registered nurses, and certifies advanced practice

nurses, which include certified nurse-midwives, nurse practitioners, registered nurse anesthetists, clinical nurse specialists, and public health nurses. In addition to licensing and certification, the Board establishes accreditation requirements for California nursing schools and reviews nursing school criteria (“prelicensure”); receives and investigates complaints against its licensees; and takes disciplinary action as appropriate. As of 2020, the Board licenses over 450,000 RNs and certifies approximately 97,000 advanced practice nurses.

BPC section 2715 authorizes the Board to amend or adopt regulations in accordance with the Administrative Procedure Act that may be reasonably necessary to enable it to carry into effect the Nursing Practice Act (Act). Section(s) 2835 and 2835.7 of the Business and Professions Code (BPC) authorize the Board to standardize procedures for licensing nurse practitioners. BPC section 2835.5 sets forth the requirements for an applicant to qualify or certify as a nurse practitioner, including the requirement that an applicant satisfactorily complete a nurse practitioner program approved by the Board.

Existing regulation at Section 1484 of Title 16 of the California Code of Regulations (CCR) sets forth the Board’s minimum requirements for nurse practitioner curriculum, including at subdivision (h)(5), the minimum number of required clinical hours of supervised direct patient care (500 clinical hours) “as specified in current nurse practitioner standards.”

Stakeholders, including applicants and educational institutions, have contacted the Board regarding whether the existing minimum 500-hour requirement would be in conflict with other requirements in regulation and expressed confusion regarding whether the educational program’s length could exceed 500 hours and still meet the Board’s curriculum requirements.

To address stakeholder confusion, the Board proposes the following amendments to section 1484:

- (a) This proposal would add language to Section 1484, subsection (h)(5) that the program shall meet “and may exceed” the minimum of 500 clinical hours of supervised direct patient care experiences; and,
- (b) Add a comma to subdivision (h)(5) and new text that such specifies that current nurse practitioner standards are “described in this section.”

Anticipated Benefits of Proposal

This proposal will eliminate stakeholder confusion regarding the Board’s interpretation of its existing regulations regarding the educational program curriculum requirements for Nurse Practitioners, and benefit the general health and safety of all Californians by

making education requirements for Nurse Practitioners (who care for Californians) less confusing.

Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither duplicative, inconsistent, nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

The Board has made the following initial determinations:

FISCAL IMPACT ESTIMATES

The proposed regulations do not result in a fiscal impact to the state in the form of federal funding or any cost or savings to any state agency because this addition in language is a clarification of current law and Board-acceptable practice. As a result, the Board does not anticipate any additional workload or costs to implement the regulations.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS:

This regulatory proposal will not:

- Create or eliminate jobs or businesses within the State of California because the regulations make explicit the Board's long-standing interpretation of its existing regulation that 500 clinical hours of supervised direct patient care for nurse practitioners is a minimum education requirement that may be exceeded.
- Affect the expansion of businesses currently doing business within the State of California, as the proposed regulations only state the Board's existing interpretation of an existing regulation.
- Affect the state's environment because it is not related to any environmental issues.
- Affect worker safety because this regulation does not relate to worker safety.

This regulation proposal will benefit the general health and welfare of California residents by:

- Eliminating stakeholder confusion regarding the Board's interpretation of its existing regulation regarding the education requirement for Nurse Practitioners.
- Making regulatory language consistent with authorizing statutes.
- Making education of Nurse Practitioners (who care for Californians) less confusing.

BUSINESS IMPACT

The Board has made the 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. This initial determination is based on the following facts.

There is no significant statewide adverse economic impact directly affecting business with this regulation proposal. There are currently approximately 27,600 Certified Nurse Practitioners (CNPs) in California. The proposed regulation encourages increased program transparency and oversight integrity and makes explicit the Board's longstanding interpretation of its existing regulation regarding educational qualifications for CNPs in California. This proposal would not change the Board's existing interpretation. Therefore, this proposal would not result in any further economic impact to business.

Impact on Jobs / Businesses

The Board has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses, or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California because this regulation change is meant to clarify any confusion that may arise on the minimum number of hours of direct patient care required. However, this proposal would not change the minimum requirements in existing regulation for educational programs for nurse practitioners, but rather clarify the Board's existing interpretation of its own regulations. Therefore, this proposal would not result in any further economic impact to jobs or businesses.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses because this proposal would not change the minimum requirements in existing regulation for educational programs for nurse practitioners, but rather clarify the

Board's existing interpretation of its own regulations. Therefore, this proposal would not result in any further economic impact to small businesses.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Effect on Housing Costs: None

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations during the written comment period or the hearing if one is scheduled, as specified above.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 150, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those

persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Evon Lenerd Tapps, Assistant Executive Officer
Address: California Board of Registered Nursing
[1747 North Market Blvd., Suite 150](#)
[Sacramento, CA 95834](#)
Telephone No.: 916-574-7610
Fax No.: 916-574-7700
E-Mail Address: Evon.Lenerd@DCA.CA.Gov

The backup contact person is:

Name: Ras Siddiqui
Address: California Board of Registered Nursing
[1747 North Market Blvd., Suite 150](#)
[Sacramento, CA 95834](#)
Telephone No.: 916-574-7922
Fax No.: 916-574-7700
E-Mail Address: ras.siddiqui@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at <https://www.rn.ca.gov/regulations/proposed.shtml>.