



Board Meeting Packet

Materials to the Board Meeting Agenda

BRN Board Meeting | April 20, 2023

BRN Board Meeting
April 20, 2023

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Agenda Item 2.0

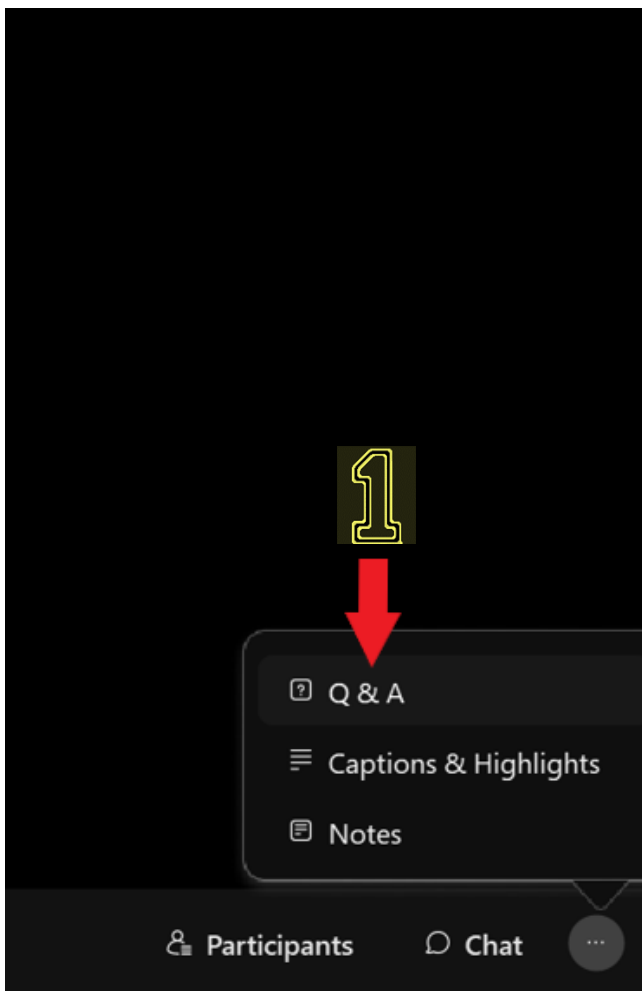
General Instructions for the Format of a Teleconference Call

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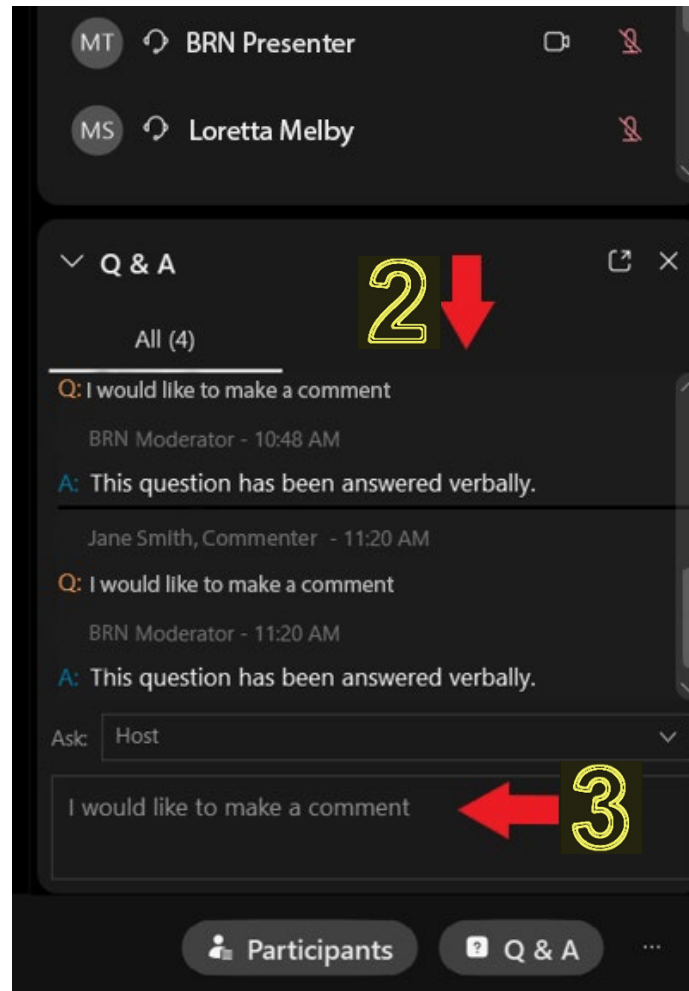
Participating During a Public Comment Period

If you would like to make a public comment:

1. Click on the 'Q & A' button at the lower right of your WebEx session (you may need to click the three dots (...) to find this option).



2. The 'Q & A' panel will appear.



3. In the 'Q & A' panel, type "I would like to make a comment". You will be identified by the name or moniker you used to join the WebEx session, your line will be opened (click the 'Unmute me' button), and you will have **2 minutes** to provide comment. Every effort is made to take comments in the order which they are requested.

NOTE: Please submit a new request for each agenda item on which you would like to comment.



Agenda Item 5.0

Discussion and Possible Action: on the Consideration of Public Comments on Proposed Regulatory Text to Amend CCR, Title 16, Section 1410.5, Regarding Course Requirements in Natural Sciences (anatomy, physiology, and microbiology courses with a laboratory component) for endorsement applicants

BRN Board Meeting | April 20, 2023

BOARD OF REGISTERED NURSING
Agenda Item Summary

AGENDA ITEM: 5.0
DATE: April 20, 2023

ACTION REQUESTED: Discussion and Possible Action on the consideration of public comments on proposed regulatory text to amend CCR, title 16, section 1410.5, regarding course requirements in natural sciences (anatomy, physiology, and microbiology courses with a laboratory component) for endorsement applicants.

REQUESTED BY: Loretta Melby RN, MSN
Executive Officer, California Board of Registered Nursing

BACKGROUND:

Existing state law requires that a Registered Nurse (RN) applying for endorsement into California must meet the education requirements outlined in California Code of Regulations, Title 16 (16 CCR), Section 1426(c)(3) requires successful completion of nursing related natural science courses such as anatomy, physiology, and microbiology - each with a laboratory component. If an applicant has not completed the laboratory component for any of the natural science courses, then their application is deemed deficient, and they are not able to receive a license until that deficiency is cleared.

The laboratory component of California's natural science course requirements has been a long-time barrier for certain applicants seeking licensure by endorsement into California. This is due in part to the fact that several other states do not have the same nursing-related natural science laboratory requirement for their nursing education and licensure requirements. Individuals in those states can become licensed and practice as an RN without completing a lab along with their anatomy, physiology, and microbiology courses. The laboratory requirement has caused long delays for endorsement applicants that cannot readily demonstrate compliance either because they did not complete a separate lab component, or because they completed a separate lab component but that is not clearly delineated on their transcripts. Those applicants must either obtain additional documentation from their school or they must go back to school to clear these deficiencies.

At the August 2022 board meeting, board members approved proposed regulatory text that provides that an out-of-state applicant licensed in another jurisdiction who has been practicing in good standing for at least two years will not need to retake any anatomy, physiology, or microbiology courses that include a laboratory component, if their endorsement application includes proof of successful completion of anatomy, physiology, and microbiology coursework, with or without a laboratory component, as part of their nursing education preparation.

The Board delegated authority to the Executive Officer to prepare the rulemaking file. Following review and approval by the Director of the Department of Consumer Affairs and the Secretary of the Business, Consumer Services, and Housing Agency, the proposed regulations were noticed on February 16, 2023, for a 45-Day public comment period that concluded on April 4, 2023. The rulemaking package is available on the Board website: [Coursework Exemptions for Out-of-State Applicants](#).

The Board received four comments during the comment period. The Board did not receive any requests for a public hearing. Board staff are now asking for your consideration of the comments and approval of the proposed responses to public comments received.

PUBLIC COMMENTS AND PROPOSED RESPONSES:

Below are the summarized comments the Board received regarding the proposed text during the 45-day public comment period, followed by Board staff's proposed responses. The Board may choose to adopt or modify the below proposed responses or suggest alternative responses.

A. Email received February 16, 2023, from Commenter 1

Comment A-1

Summary of Comment:

The commenter requested that the Board maintain the current laboratory requirements. The commenter expressed concerns about further lowering standards for nursing students and what that could mean for the quality of care.

Response to Comment:

The Board has reviewed and considered the comment and declines to make any amendments to the proposed text based thereon.

As described on page 4 of the Initial Statement of Reasons, the proposed regulatory text establishes specific criteria that must be met to receive the proposed exemption. This is to ensure that the applicant has the necessary education and training to practice safely. If a nurse has successfully completed all other educational requirements, including the theory component of these subject areas, and has been practicing in good standing for at least two years in another state, then they have exhibited that they are a safe practitioner and therefore the academic preparation can be deemed equivalent to the minimum requirements of the Board for licensure as outlined in Business and Professions Code Section 2736.

Once a nurse has proven themselves competent through successful practice, the issue of whether an anatomy class in nursing school a laboratory component had is less significant.

B. Email received on February 23, 2023, from Commenter 2

Comment B-1

Summary of Comment:

The commenter indicated support of this proposed regulatory change. The commenter stated they are an endorsement applicant whose application has been delayed because the microbiology course they took over ten years ago combined the lecture and laboratory components in to one class, but that was not made clear in their transcripts or the course description.

Response to Comment:

The Board acknowledges the comment and appreciates the support; no text changes are deemed necessary in response to this comment.

C. Email received on April 4, 2023, from Commenter 3

Comment C-1

Summary of Comment:

The commenter indicated strong support of this proposed regulatory change. The commenter stated they are an endorsement applicant whose application has been delayed because although the science courses they took over twenty years ago included laboratory components, that fact is not clearly delineated on their transcripts and the course syllabus is no longer available.

Response to Comment:

The Board acknowledges the comment and appreciates the support; no text changes are deemed necessary in response to this comment.

D. Email received on April 4, 2023, from Commenter 4

Comment D-1

Summary of Comment:

The commenter indicated strong support of this proposed regulatory change. The commenter stated they learned about the current requirement through their healthcare provider who shared it had been a barrier to them hiring a qualified nurse practitioner because the NP's application was not approved due to lab work not being listed on their transcript.

Response to Comment:

The Board acknowledges the comment and appreciates the support; no text changes are deemed necessary in response to this comment.

NEXT STEPS:

Approve the proposed responses to public

comments with any edits deemed necessary or suggest alternative responses. Direct staff to take all steps necessary to complete the rulemaking process, authorize the Executive Officer to make any technical or non-substantive changes to the proposed regulation, and adopt the proposed regulation either as described in the proposed text or with any potential amendments, if no relevant, adverse comments are received within a modified text comment period.

FISCAL IMPACT, IF ANY:

Staff estimates that there will be no fiscal impact to the Board.

PERSON TO CONTACT:

Marissa Clark
Chief of Legislative Affairs
California Board of Registered Nursing
Email: Marissa.Clark@dca.ca.gov

-----Original Message-----

From: [REDACTED]
Sent: Thursday, February 16, 2023 7:21 PM
To: Clark, Marissa@DCA <[REDACTED]>
Subject: Proposed lessening of educational requirement

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Its good to have lab, i had lab with all my courses, all of them , micro was the best we swabbed everything and grew Nasty cultures In chemistry we burned phosphorus and magnesium, a&p we dissected a hog and i wouldnt have passed bones if i didnt study in bone lab.

I diagnosed another student with strep after swabbing her throat making a slide and finding cocci in chains 🧑🏻

Ive met some poor performing nurses, that should probably be in different roles that remain in good standing but arent worth ummmntheir stuff....

Theyve streamlined school already so much alot of students havnt even done one IV , and are scared to pass the threshold of a pt room, just lack of hand on experience , their rushed through online courses all theoretical , and zero real hands on anything. I would ask the board to keep their standards high. Dont let every nurse in there is a small percent that really do the profession a disservice right now, as far as accountability , ethics , education, bedside and took the chaos of the pandemic to show they dont give a bleep, but yo! Ive been traveling the state for what 6 years now traveling and california is the best state to work in , with laws, mandates, ratios and god thank you mandatory breaks and lunches , before i took my first assignment last year jan 2022 i probably had not gone to Lunch in 5 years and whats a break. Averaged 6:1 ratio in the ED almost everywhere as bad as 10:1 in new york or new jersey, that was bad .

I appreciate the small things the board has done to give staff nurses a fair and just workplace. And i expected To have my transcript scrutinized and my ground checked extra , because to work for the best or propose to you have to also in turn show your best show your value as the product we are , and the high level of care we give, or what we can offer via our specialty or education.

If you make it too easy not only will you dilute your real talent , the bad, the lazy the poor people of character will flood in here because of the just ratios and high wages , in order to fix the nursing shortage you could cause negative turnout regardless of good intentions. Id rather work short with people i can trust ,than work heavy with staff who arent motivated.

If your going to make it easy to get your endorsement ,why not just join the compact NLC?

COMMENT
A-1

From: [REDACTED]
Sent: Thursday, March 23, 2023 9:07 PM
To: BRN Regulations@DCA <BRN.Regulations@dca.ca.gov>
Subject: section 1410.5 inquiry

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Hello,

I am emailing in regards to the above regulation change. First, I think this is necessary and a great step for the California BON. Second, I would like to know where this regulation is in the approval process and when, if approved, it may take effect. I ask as an out-of-state applicant who took the microbio course 10+ years ago. My course did not have a separated lab class. The lecture and lab took place at once in what looked like a high school chemistry room. As it was many years ago, I do not have an actual description of the course and sent in the current one I found online. I am still waiting to hear back if it will be approved but I am not holding my breath. Hence my email to you. I would love to continue my nursing career in California and am saddened that I may be held back due to a course description.

**COMMENT
B-1**

Any information you can share with me about this matter would be greatly appreciated.

Thank you,

[REDACTED]
RN, BSN

4 April 2023

Marissa Clark

Ras Siddiqui

Board of Registered Nursing

1747 N. Market Blvd., Suite 150

Sacramento, CA 95834

Brn.regulations@dca.ca.gov

Fax: 916-574-7700

Dear Ms. Clark and Mr. Siddiqui,

I am writing to support proposed regulatory action concerning Title 16, California Code of Regulations (CCR) Division 14, Article 2 concerning Coursework Exemptions for Out-of-state Applications 1410.5.

It is my aim to describe my personal experience with the California Board of Nursing for use as an exemplar of how the Board is choosing to deny licensure by endorsement to candidates who have been endorsed as competent and safe in practice by other state boards of nursing and national credentialing bodies.

I am a 56 year old acute care nurse practitioner (ACNP), board certified by the ANCC, and have been in practice without restriction or disciplinary action since April 2012 in the state of Ohio. I work as a solo provider full-time in a large academic cancer hospital in Columbus, Ohio, where I care for 40-50 patients with all forms of acute leukemia and lymphoma overnight.

Antecedent to my advanced practice career, I earned a Bachelor of Science in Nursing from Otterbein University in Westerville, Ohio. I was licensed on 8/14/2002 as a Registered Nurse in the state of Ohio and began my career in nursing as a critical care nurse without any disciplinary action.

Currently I have a multi-state compact RN license.

Nursing was a second career for me. I earned a Bachelor of Arts in Psychology from The Ohio State University in 1994. As such, when I decided to transition from a career in social work to nursing, I needed only to obtain certain science pre-requisite coursework in order to gain entry into my BSN program at Otterbein University (FKA Otterbein College).

As a working adult student, I chose to fulfill the BSN pre-requisites of anatomy, physiology, pathophysiology, microbiology, chemistry and nutrition at a community college, which catered to working adults by provided courses in the evening and some weekend. This coursework was completed in 1998 and 1999.

I provided all three of my college and university transcripts to the Board in an effort to first obtain my RN license by endorsement as a necessary first step in obtaining my NP by endorsement.

Sadly, although my science and biology course work at community college included labs as a requirement, and the course descriptions from the course catalogue specifically denote labs as a

**COMMENT
C-1**

requirement with separate lab fees, there is no separate distinction of the lab component on the official transcript.

In an attempt to satisfy this condition, I did contact the Biological Sciences department at the community college to request syllabi from each course. However, while some of the syllabi were available, others were not. After all, this was over 20 years ago.

As a provider, I have placed innumerable central venous catheters, arterial catheters, large bore chest tube, endotracheal tubes and routinely interpret chest and abdominal imaging. I satisfied all institutional credentialing requirements in order to do so safely and competently.

So one might understand that not being granted licensure by endorsement because my transcript from a community college does not specify that I dissected an emaciated cat as part of my comprehensive anatomy final is frustrating and disappointing. What makes this additionally frustrating, is that there is no individual with whom one may speak by phone to discuss these issues. When I have left my number in que for call back, I am immediately met with an automated message that says the cue is full, and then just disconnects me.

The impact of this to me is multifactorial. I am a native of California. I was born in La Jolla. I am unable to return to my home state, where my elderly father resides, because I am unable to work in my field. This is hugely disappointing to my father as well as my siblings, most of whom still reside in the state. Financially, I have spent over \$1000 in application, background check, transcript, certified mail and other miscellaneous fees that will not be refunded.

Despite the fact that all of my undergraduate coursework met the rigors and requirements of not only my BSN program, but my graduate program, the state of Ohio and the national credentialing bodies for these schools of nursing, I am denied licensure by endorsement because I cannot prove that I dissected a cat.

The impact to the state of California is far reaching. In the face of the post COVID nursing shortage, hospitals are eager to employ minimally qualified LVN's who have possible 12 months of education, and traveling nurses, many of whom are new grads, just to maintain minimally safe staffing ratios. Meanwhile what could be argued as overly competent individuals are denied licensure for antiquated requirements that offer no stated rationale for their existence.

I would ask the Board to contemplate what benefit there to patient outcomes in maintaining this requirement as it floods hospitals with minimally educated, minimally trained and minimally experienced nursing staff and providers. Is the cost of malpractice, wrongful death, medical negligence and pain and suffering litigation justified when providers of care such as this elevate the risk for adverse patient outcomes?

I have no optimism that I will be able to return to my home state and work in the profession to which I have dedicated my life. This saddens me, and my family.

I do hope that perhaps my voice will be heard today, and that my impact statement may carry some weight as the Board considers what is best of the residents of California who deserve nothing but the most competent, safe and compassionate care that can be offered.

Thank you for your time and consideration. I can be reached by USPS, email or phone as detailed below, should the Board not be able to locate my existing applications.

[Redacted]

APRN.CNP, ACNP-BC, CCRN

[Redacted]

From: [REDACTED]
Sent: Tuesday, April 4, 2023 3:51 PM
To: BRN Regulations@DCA <BRN.Regulations@dca.ca.gov>
Subject: Nursing Shortage in California

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

Attention: Marissa Clark, Ras Siddiqui

Californian's are acutely aware of the nursing shortage in this state. I am a 79 year old male with numerous health issues including heart disease, diabetes, high blood pressure and other health concerns. Within the last two years I have gone to the emergence room on two occasions. In both instances, I sat in the waiting room for over 12 hours waiting to speak with a Doctor, Registered Nurse or Nurse Practitioner. For these 12 hours, the only staff available were LVN's with virtually no training that could help me. I have spoken to my doctors, especially my cardiologist about this and was told that the State of California has very restrictive rules that make it very difficult to hire qualified, experienced nurses from out of state. This policy is absurd!!! My cariologist is looking for a Nurse Practitioner for his practice and has yet to find one in California and is looking elsewhere.

I moved to California from Houston Texas and was amazed at the quantity and quality of certified doctors, RN's and NP's that I had at my disposal in Houston. After moving here, I am appalled at the quantity/shortage of certified medical professionals available in this state.

I am passionate about this subject and decided to do some in-depth research into the reasons that have caused this shortage. My cardiologist tried to hire a NP recently from out of state and the candidate was rejected. The reason stated was "lab work was not on her transcript." The candidate sent the course syllabus of each course required that clearly states "labs" were part of the course requirement." The board did not recognize this and rejected the candidate. He mentioned that California is amending the regulation regarding lab work – Section 1410.5. I strongly support this amendment and believe if the syllabus states that lab work was performed, it should be recognized.

**COMMENT
D-1**

California should be actively recruiting qualified nursing personnel from across the country. I respectfully request that you change your policies to make this happen so people like me, with major health issues, can get the care they need.

Very truly yours,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]