

**Title 16, Division 14, Article 3, section 1427  
Board of Registered Nursing**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING  
Prelicensure Nursing Programs, § 1427**

**California Code of Regulations**

**NOTICE IS HEREBY GIVEN** that the Board of Registered Nursing (hereinafter referred to as “Board”) is proposing to amend California Code of Regulations (CCR), Title 16, Division 14, section 1427, as described in the Informative Digest.

**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.

**WRITTEN COMMENTS**

Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on Tuesday, December 28, 2021**.

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. Apart from 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 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 and 2786 of the Business and Professions Code (BPC), the Board is proposing to implement, interpret and make specific BPC sections 2715 and 2786-2788, in amending section 1427, Division 14 of Title 16 of the CCR.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:**

Existing law provides that a nursing program shall not utilize any agency or facility for clinical experience without prior approval by the Board. Each program must submit evidence that it has complied with the requirements of maintaining written objectives for student learning at clinical facilities and the ability of the facility to meet those learning objectives. It also requires each program to have a written agreement with every facility that it utilizes along with the assurance of availability and appropriateness of the learning environment in meeting the programs written objectives. This includes provisions for orientation of faculty and students and specifies the responsibilities and authority of the facility's staff as related to the educational experience of the students. The written agreement spells out the availability of quality staff in adequate numbers to ensure safety and continuous health care services provided to patients. Provisions for continuous communication between the facility and program are detailed along with a description of responsibilities of faculty assigned to the facility utilized by the program. The nursing program also needs to take into consideration the impact of any additional group of students or students from other programs already assigned to the agency or facility.

The Board proposes to amend 16 CCR 1427 to adopt more comprehensive language to address the reporting requirements for nursing programs when they experience any changes made to their use of clinical facilities to require reporting within 90 days of when a change occurs, and also in an annual report. It also clarifies some specific "changes" that need to be reported to the Board. This includes changes to the number of students from the program approved for placement at clinical facilities, changes in annual clinical placement capacity at the facility, and cancellation or alteration of clinical affiliation agreements.

## **ANTICIPATED BENEFITS OF THE PROPOSED REGULATION:**

This proposal will greatly improve the integrity of the Board's oversight of nursing programs. The amended language communicates to new nursing program applicants and existing programs that the Board will closely review all changes impacting clinical facilities used for placement.

Additionally, the proposal will clarify for nursing programs what changes need to be reported reducing confusion on what information is required. The proposed amendment will protect consumers by ensuring that approved nursing programs have adequate faculty, facilities, clinical placements, policies, procedures, staff, support services, physical space, and equipment to operate a sustainable program for the number of students the program intends to enroll.

## **DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATION**

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

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

### **FISCAL IMPACT ESTIMATES**

The Board has made the following initial determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies: None. The proposed regulations do not have a fiscal impact to the state because nursing programs are already required to notify the Board of clinical facility changes under currently law and Board practice. As a result, the Board does not anticipate any additional workload or costs to implement the regulations.

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

### **Business Impact:**

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

There are currently 146 pre-licensure nursing programs in California. The proposed regulations are intended to better align the Board's regulations with existing practice and procedures consistent with current law.

The Board has determined that this regulatory proposal will create jobs or new businesses, eliminate jobs or existing businesses, or expand businesses within the State of California because the regulation only changes the frequency of reports by the programs to the Board. These changes are not of such a magnitude to create or eliminate jobs or 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. The Board estimates that there will be no increased costs for businesses or individuals to comply with the proposed regulations because nursing school programs are already required to notify the Board of facility changes, as specified, in compliance with current law and Board practice. The Board only charges for major curriculum changes and facility approval does not have a fee associated with it.

Effect on Housing Costs: None

### **EFFECT ON SMALL BUSINESS**

The Board estimates that there will be no increased costs for small businesses with the proposed regulations. To the extent a nursing school program is considered a small business, the institution is already required to notify the Board of facility changes, as specified, in compliance with current law and Board practice

### **RESULTS OF ECONOMIC IMPACT ASSESMENT/ANALYSIS**

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the state of California.

These regulations benefit the health and welfare of California residents by helping to ensure that licensees are properly trained and knowledgeable at clinical facilities which offer adequate space and staff to adequately cater to their need.

The proposed amendments will not affect worker safety and the environment because this regulation does not relate to worker safety and the environment.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

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

## **AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), this Notice, proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and may be obtained upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, <https://www.rn.ca.gov/regulations/proposed.shtml>.

## **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 PERSON**

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

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The backup contact person is:

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Website Access: Materials regarding this proposal can be found at <https://www.rn.ca.gov/regulations/proposed.shtml>.