An act to amend Section 2786 of, and to add Section 2786.3 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST


The Nursing Practice Act provides for the licensure and regulation of registered nurses by the Board of Registered Nursing within the Department of Consumer Affairs. The act requires an approved school of nursing or program of nursing to provide a course of instruction approved by the board, covering not less than 2 academic years, be affiliated or conducted in connection with one or more hospitals, and be an institution of higher education. Existing law grants the board the authority to determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse.

This bill would exempt an approved school of nursing or approved nursing program that is accredited and maintains accreditation through a national nursing accrediting agency recognized by the United States Department of Education and or is a public institution, is accredited through a regional accrediting agency, or maintains a minimum pass rate of 80% on the applicable licensing examination from board regulations.
or rules that oversee education programming and that require ongoing program approval for a minimum of 2 consecutive academic years, and meets other specified criteria.

This bill would exempt an approved school of nursing or approved nursing program from the requirement of obtaining board approval or authorization to regulate, impose fees, or otherwise control the enrollment of students, or to regulate or otherwise control partnerships between approved schools, programs, and clinical facilities. The require an approved school of nursing or an approved nursing program that is seeking exempt status to submit an application to the board and would require the board to approve the application if specific requirements are met. The bill would require an exempt school of nursing or an exempt approved nursing program to continue to notify the board of other changes and to continue to submit annual reports to the board. The bill would specify that an exempt approved school of nursing or an exempt approved nursing program is not required to pay fees or seek board approval for certain program changes that are approved by the applicable accreditors or within the scope of the program’s accreditation. These changes would include, among others, clinical experience placements at a clinical agency or facility that is already approved by the board to provide clinical practice hours and if the program staff and school or program attest under penalty of perjury that the new clinical placements will not displace existing placements. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

This bill would also specify that an approved school of nursing or approved nursing program is not required to obtain board approval or authorization to hire faculty or to provide up to 50% of clinical instruction as computer-based simulation. The bill would further provide that an approved school of nursing or approved nursing program is not required to obtain board approval or to pay a fee to provide for certain clinical experiences or placements, as specified. Institute of higher education or a private postsecondary school of nursing, subject to the above exemption provision, is prohibited from making a payment to any clinical agency or facility in exchange for clinical experience placements for students enrolled in a nursing program offered by or affiliated with the institution or private postsecondary school of nursing. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.
Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. Section 2786 of the Business and Professions Code is amended to read:

2786. (a) An approved school of nursing, or an approved nursing program, is one that has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education. For purposes of this section, “institution of higher education” includes, but is not limited to, community colleges offering an associate of arts or associate of science degree and private postsecondary institutions offering an associate of arts, associate of science, or baccalaureate degree or an entry-level master’s degree, and is an institution that is not subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code).

(b) A school of nursing that is affiliated with an institution that is subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code), may be approved by the board to grant an associate of arts or associate of science degree to individuals who graduate from the school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(c) (1) The board shall determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse and shall include the minimum units of theory and clinical experience necessary to achieve essential clinical competency at the entry level of the registered nurse. The board’s regulations shall be designed to
require all schools to provide clinical instruction in all phases of
the educational process, except as necessary to accommodate
military education and experience as specified in Section 2786.1.

(d) An

(2) For purposes of this chapter, an “exempt approved school
of nursing,” or an “exempt approved nursing program that
meets both of the following criteria is exempt from board
regulations or rules that oversee education programming, as
described in subdivision (c), and that require ongoing program
approval: program,” means a school or program that meets the
following requirements:

(1)

(A) Is accredited and maintains accreditation through a national
nursing accrediting agency recognized by the United States
Department of Education or is a public institution.

(B) Is accredited through a regional accrediting agency.

(2)

(C) Maintains a minimum pass rate of 80 percent on the
applicable licensing examination under this chapter for
a minimum of two consecutive academic years.

(D) Maintains an official cohort default rate, as calculated by
the United States Department of Education annually, that is less
than 7.5 percent.

(E) Maintains debt-to-earnings rates, as calculated by the
United States Department of Education, that qualify as passing
under Sections 668.403 to 668.406, inclusive, of Title 34 of the

(3) (A) An approved school of nursing, or an approved nursing
program, seeking exempt status shall submit an application to the
board, and the board shall approve the application if the
requirements under paragraph (2) are met.

(B) An exempt approved school of nursing, or an exempt
approved nursing program, shall continue to notify the board of
substantive changes and other changes as defined by board
regulations and the national and regional accreditors.

(C) An exempt approved school of nursing, or an exempt
approved nursing program, shall continue to submit annual reports
to the board.
(D) An exempt approved school of nursing, or an exempt approved nursing program, shall apply for continuing approval five years after initial approval or its last continuing approval.

(4) An exempt approved school of nursing, or an exempt approved nursing program, shall not be required to pay fees or seek board approval for the changes to the following if the changes are approved by the applicable accreditors or within the scope of the program’s accreditation:

(A) Faculty.

(B) Enrollments.

(C) Clinical simulation hours in a skills lab, up to 50 percent of the total number of clinical hours.

(D) Clinical experience placements at a clinical agency or facility that is already approved by the board to provide clinical practice hours for the exempt school or program and if the program staff of the facility and the exempt school or program attest under penalty of perjury that the new clinical placements will not displace existing placements and all parties are in compliance with Section 2786.3.

(E) Clinical experience placements at a clinical agency or facility if the facility is approved by the board to provide clinical practice hours and if the program staff of the facility and the exempt school or program attest under penalty of perjury that the new clinical placements will not displace existing placements and all parties are in compliance with Section 2786.3.

(f) The board shall perform or cause to be performed an analysis of the practice of the registered nurse no less than every five years. Results of the analysis shall be utilized to assist in the determination of the required subjects of instruction, validation of the licensing examination, and assessment of the current practice of nursing.

(4) An approved school of nursing or approved nursing program shall not be required to obtain board approval or authorization to do any of the following:

(1) Regulate, impose fees, or otherwise control the enrollment of students.

(2) Regulate or otherwise control partnerships between approved schools of nursing or approved nursing programs and approved clinical facilities.
(3) Hire faculty.

(4) Provide up to 50 percent of clinical instruction as computer-based simulation.

(g) In addition to the prohibitions in subdivision (f), an approved school of nursing or an approved nursing program shall not be required to obtain board approval or authorization, and shall not be required to pay a fee to provide clinical experiences or clinical placements to students at a location already approved by the board for that school or program, or for a different school of nursing or approved nursing program, if the program staff of the location confirm that the new clinical experiences or clinical placements will not displace existing student clinical experiences or clinical placements.

SEC. 2. Section 2786.3 is added to the Business and Professions Code, to read:

2786.3. (a) An institution of higher education or a private postsecondary school of nursing subject to Section 2786 shall not make a payment to any clinical agency or facility in exchange for clinical experience placements for students enrolled in a nursing program offered by or affiliated with the institution or private postsecondary school of nursing.

(b) A payment shall be deemed a violation of subdivision (a) if made within two years of a clinical experience placement at a facility.

(c) The payment of pass-through fees for purposes of credentialing, databank registration, or similar fees shall not constitute a violation of subdivision (a).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.