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

LEGISLATIVE COUNSEL’S DIGEST

AB 1364, as amended, Blanca Rubio. Nursing: schools and programs: analysis.

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 the board to perform an analysis of the practice of the registered nurse no less than every five years. 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 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.
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 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.

This bill would require the board to perform the analysis of the practice of the registered nurse no less than every six years.


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) 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 approved school of nursing or an 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:
(1) Is accredited and maintains accreditation through a national
nursing accrediting agency recognized by the United States
Department of Education.
(2) Maintains a minimum pass rate of 80 percent on the
applicable licensing examination under this chapter.
(e) 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.
(f) 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.