

AMENDED IN SENATE AUGUST 23, 2010

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 378

Introduced by Assembly Member Hagman

(Principal coauthors: Senators Aanestad and Huff)

(Coauthors: Assembly Members Adams, Anderson, Bill Berryhill, Tom Berryhill, Conway, Cook, DeVore, Fletcher, Fuller, Gaines, Garrick, Gilmore, Harkey, Jeffries, Knight, Logue, Miller, Nestande, Niello, Nielsen, Norby, Silva, Smyth, Audra Strickland, Tran, and Villines)

(Coauthors: Senators *Blakeslee*, Cogdill, Cox, Denham, Dutton, Emmerson, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland)

February 23, 2009

An act to amend Section 2811.5 of the Business and Professions Code, relating to nursing, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 378, as amended, Hagman. Nursing: continuing education.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing and makes a violation of the act a crime. Existing law requires a licensee renewing his or her license to submit proof to the board that during a specified time the licensee has been informed of developments in the registered nursing field either by pursuing a continuing education course

offered by a provider approved by the board or by other means deemed equivalent by the board. Existing law requires the board to establish, by regulation, standards for continuing education. Existing law requires these standards to make a variety of alternative forms of continuing education available to licensees. Existing law requires the content of all courses of continuing education to be relevant to the practice of nursing.

This bill would provide that continuing education courses, as specified, that advance or promote labor organizing on behalf of a union, or that advance or promote statutory or regulatory changes, political candidates, political advocacy, or political strategy shall not be considered content relevant to the practice of nursing and shall not be acceptable for meeting requirements for licensure renewal. The bill would also prohibit an approved provider from representing that such a continuing education course is acceptable for meeting requirements for licensure renewal and would require the board, subject to specified procedural requirements, to withdraw its approval of a provider that violates that requirement for no less than 5 years, as specified.

Because a violation of these requirements by a provider would constitute a crime, the bill would impose a state-mandated local program.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 2811.5 of the Business and Professions
- 2 Code is amended to read:
- 3 2811.5. (a) Each person renewing his or her license under
- 4 Section 2811 shall submit proof satisfactory to the board that,
- 5 during the preceding two-year period, he or she has been informed
- 6 of the developments in the registered nurse field or in any special
- 7 area of practice engaged in by the licensee, occurring since the
- 8 last renewal thereof, either by pursuing a course or courses of

1 continuing education in the registered nurse field or relevant to
2 the practice of the licensee, and approved by the board, or by other
3 means deemed equivalent by the board.

4 (b) For purposes of this section, the board shall, by regulation,
5 establish standards for continuing education.

6 (1) (A) The standards shall be established in a manner to assure
7 that a variety of alternative forms of continuing education are
8 available to licensees, including, but not limited to, academic
9 studies, in-service education, institutes, seminars, lectures,
10 conferences, workshops, extension studies, and home study
11 programs.

12 (B) Continuing education courses shall contain only content
13 relevant to the practice of nursing as described in this section and
14 as defined and described in Article 5 (commencing with Section
15 1450) of Division 14 of Title 16 of the California Code of
16 Regulations. Continuing education courses that advance or promote
17 labor organizing on behalf of a union, or that advance or promote
18 statutory or regulatory changes, political candidates, political
19 advocacy, or political strategy shall not be considered content
20 relevant to the practice of nursing and shall not be acceptable for
21 meeting requirements for licensure renewal as described in
22 subdivision (a). For the purposes of this section, “courses” includes
23 institutes, seminars, lectures, conferences, workshops, and any
24 other public events.

25 (C) The standards shall take cognizance of specialized areas of
26 practice.

27 (D) The continuing education standards established by the board
28 shall not exceed 30 hours of direct participation in a course or
29 courses approved by the board, or its equivalent in the units of
30 measure adopted by the board.

31 (2) (A) If an approved provider offers a course described in
32 subparagraph (B) of paragraph (1), the provider shall not represent
33 that the course is acceptable for meeting the continuing education
34 requirements for licensure renewal. If a provider violates this
35 requirement, the board shall withdraw its approval of the provider,
36 subject to subparagraph (B).

37 (B) If, after the board provides the provider notice and an
38 opportunity to be heard as described in Section 1459.1 of Title 16
39 of the California Code of Regulations, the board finds that the

1 provider violated the requirement in subparagraph (A), the board
2 shall withdraw approval of the provider for no less than five years.

3 (c) The board shall encourage continuing education in spousal
4 or partner abuse detection and treatment. In the event the board
5 establishes a requirement for continuing education coursework in
6 spousal or partner abuse detection or treatment, that requirement
7 shall be met by each licensee within no more than four years from
8 the date the requirement is imposed.

9 (d) In establishing standards for continuing education, the board
10 shall consider including a course in the special care needs of
11 individuals and their families facing end-of-life issues, including,
12 but not limited to, all of the following:

- 13 (1) Pain and symptom management.
- 14 (2) The psycho-social dynamics of death.
- 15 (3) Dying and bereavement.
- 16 (4) Hospice care.

17 (e) In establishing standards for continuing education, the board
18 may include a course on pain management.

19 (f) This section shall not apply to licensees during the first two
20 years immediately following their initial licensure in California
21 or any other governmental jurisdiction.

22 (g) The board may, in accordance with the intent of this section,
23 make exceptions from continuing education requirements for
24 licensees residing in another state or country, or for reasons of
25 health, military service, or other good cause.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 SEC. 3. *This act is an urgency statute necessary for the*
36 *immediate preservation of the public peace, health, or safety within*
37 *the meaning of Article IV of the Constitution and shall go into*
38 *immediate effect. The facts constituting the necessity are:*

- 1 *In order to ensure that important changes in nursing continuing*
- 2 *education requirements are give effect at the earliest possible time,*
- 3 *it is necessary that this act take effect immediately.*

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