

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 122

Introduced by Senator Price

January 24, 2011

~~An act to amend Section 1373 of the Health and Safety Code, and to amend Section 10277 of the Insurance Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 2709, 2786, and 2798 of, and to add Sections 2786.2 and 2786.5 to, the Business and Professions Code, relating to nursing, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as amended, Price. ~~Health care coverage: dependents. Nursing.~~

Existing law, until January 1, 2012, creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses. Existing law requires the board to meet quarterly.

This bill would require meetings of the board to be held in northern and southern California.

Existing law defines the term "approved school of nursing" and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified. Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

This bill would delete the provisions requiring an agreement and would instead require that a school of nursing that is not an institution

of higher education or that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, obtain board approval to grant nursing degrees. The bill would require new nursing schools seeking board approval to be recognized or approved by an accrediting agency recognized by the United States Department of Education. The bill would specify that the term “approved school of nursing” includes an approved nursing program. The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

~~Existing law, the federal Patient Protection and Affordable Care Act, requires a health insurance issuer issuing group or individual coverage that provides dependent coverage of children to continue to make that coverage available for an adult child until the child attains 26 years of age with respect to plan years beginning on or after September 23, 2010. Regulations promulgated under that provision require issuers to provide certain dependents who have lost or been denied coverage an opportunity to enroll, as specified. Issuers of retiree-only plans or of excepted benefits are not required to comply with those dependent coverage requirements.~~

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law prohibits the limiting age for dependent children covered by health care service plan contracts and health insurance policies from being less than 26 years of age with respect to plan or policy years beginning on or after September 23, 2010, except for certain group contracts and policies for plan or policy years beginning before January 1, 2014, as specified. Existing law requires plans and insurers to provide~~

certain dependents who have lost or been denied coverage an opportunity to enroll, as specified.

This bill would exempt from those dependent coverage requirements health care service plans or health insurance policies that provide only excepted benefits and retiree-only plans or policies.

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

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 2709 of the Business and Professions
2 Code is amended to read:

3 2709. The board for the purpose of transacting its business
4 shall meet at least once every three months, at times and places it
5 designates by resolution. *Meetings shall be held in northern and*
6 *southern California.*

7 SEC. 2. Section 2786 of the Business and Professions Code is
8 amended to read:

9 2786. (a) An approved school of ~~nursing~~ *nursing, or an*
10 *approved nursing program*, is one that has been approved by the
11 board, gives the course of instruction approved by the board,
12 covering not less than two academic years, is affiliated or
13 conducted in connection with one or more hospitals, and is an
14 institution of higher education ~~or is affiliated with an institution~~
15 ~~of higher education~~. For purposes of this section, “institution of
16 higher education” includes, but is not limited to, community
17 colleges offering an associate of arts or associate of science degree
18 and private postsecondary institutions offering an associate of ~~arts~~
19 ~~or associate of science degree~~. ~~An approved school of nursing that~~
20 ~~is not an institution of higher education shall make an agreement~~
21 ~~with an institution of higher education in the same general location~~
22 ~~to grant an associate of arts or associate of science degree to~~
23 ~~individuals who graduate from the school of nursing or to grant a~~
24 ~~baccalaureate degree in nursing with successful completion of an~~
25 ~~additional course of study as approved by the board and the~~
26 ~~institution involved.~~ *arts, associate of science, or baccalaureate*
27 *degree or an entry-level master’s degree, and is an institution that*
28 *is not subject to the California Private Postsecondary Education*

1 Act of 2009 (Chapter 8 (commencing with Section 94800) of Part
2 59 of Division 10 of Title 3 of the Education Code).

3 (b) A school of nursing that is not an institution of higher
4 education or that is affiliated with an institution of higher education
5 as required by the board, and that is subject to the California
6 Private Postsecondary Education Act of 2009 (Chapter 8
7 (commencing with Section 94800) of Part 59 of Division 10 of
8 Title 3 of the Education Code), shall be approved by the board to
9 grant an associate of arts or associate of science degree to
10 individuals who graduate from the school of nursing or to grant
11 a baccalaureate degree in nursing with successful completion of
12 an additional course of study as approved by the board and the
13 institution involved.

14 (c) If an institution of higher education, an affiliated institution,
15 or an institution subject to the California Private Postsecondary
16 Education Act of 2009 (Chapter 8 (commencing with Section
17 94800) of Part 59 of Division 10 of Title 3 of the Education Code),
18 applies for approval of a new school of nursing, the school of
19 nursing shall be required to be recognized or approved by an
20 accrediting agency recognized by the United States Department
21 of Education.

22 ~~(b)~~

23 (d) The board shall determine by regulation the required subjects
24 of instruction to be completed in an approved school of nursing
25 for licensure as a registered nurse and shall include the minimum
26 units of theory and clinical experience necessary to achieve
27 essential clinical competency at the entry level of the registered
28 nurse. The board's standards shall be designed to encourage require
29 all schools to provide clinical instruction in all phases of the
30 educational process.

31 ~~(e)~~

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

38 SEC. 3. Section 2786.2 is added to the Business and Professions
39 Code, to read:

1 2786.2. *All private postsecondary schools of nursing approved*
2 *by the board pursuant to subdivision (b) of Section 2786 shall*
3 *comply with Article 8 (commencing with Section 94897) to Article*
4 *16 (commencing with Section 94928), inclusive, of, and shall be*
5 *subject to Article 18 (commencing with Section 94932) of, Chapter*
6 *8 of Part 59 of Division 10 of Title 3 of the Education Code. The*
7 *board shall have a memorandum of understanding with the Bureau*
8 *for Private Postsecondary Education to ensure compliance with*
9 *these provisions, including the handling of student complaints*
10 *regarding these approved schools of nursing.*

11 SEC. 4. *Section 2786.5 is added to the Business and Professions*
12 *Code, to read:*

13 2786.5. (a) *An institution of higher education or a private*
14 *postsecondary school of nursing approved by the board pursuant*
15 *to subdivision (b) of Section 2786 shall remit to the board for*
16 *deposit in the Board of Registered Nursing Fund the following*
17 *fees, in accordance with the following schedule:*

18 (1) *The fee for approval of a school of nursing shall be five*
19 *thousand dollars (\$5,000).*

20 (2) *The fee for continuing approval of a new nursing program*
21 *shall be three thousand five hundred dollars (\$3,500).*

22 (3) *The processing fee for authorization of a substantive change*
23 *to an approval of a school of nursing shall be five hundred dollars*
24 *(\$500).*

25 (b) *If the board determines that the annual cost of providing*
26 *oversight and review of a school of nursing, as required by this*
27 *article, is less than the amount of any fees required to be paid by*
28 *that institution pursuant to this article, the board may decrease*
29 *the fees applicable to that institution to an amount that is*
30 *proportional to the board's costs associated with that institution.*

31 SEC. 5. *Section 2798 of the Business and Professions Code is*
32 *amended to read:*

33 2798. (a) *It is unlawful for anyone to conduct a school of*
34 *nursing unless the school has been approved as an accredited school*
35 *by the board.*

36 (b) *A school of nursing that is not an institution of higher*
37 *education or that is affiliated with an institution of higher education*
38 *as required by the board, and that is subject to the California*
39 *Private Postsecondary Education Act of 2009 (Chapter 8*
40 *commencing with Section 94800) of Part 59 of Division 10 of*

1 *Title 3 of the Education Code), shall be approved by the board to*
 2 *grant an associate of arts or associate of science degree to*
 3 *individuals who graduate from the school of nursing or to grant*
 4 *a baccalaureate degree in nursing with successful completion of*
 5 *an additional course of study as approved by the board and the*
 6 *institution involved.*

7 *(c) If an institution of higher education, an affiliated institution,*
 8 *or an institution subject to the California Private Postsecondary*
 9 *Education Act of 2009 (Chapter 8 (commencing with Section*
 10 *94800) of Part 59 of Division 10 of Title 3 of the Education Code),*
 11 *applies for approval of a new school of nursing, the school of*
 12 *nursing shall be required to be recognized or approved by an*
 13 *accrediting agency recognized by the United States Department*
 14 *of Education.*

15 ~~This~~

16 *(d) This section is not applicable to schools conducted under*
 17 *Section 2789 of this chapter.*

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<p>All matter omitted in this version of the bill appears in the bill as introduced in the Senate, January 24, 2011. (JR11)</p>
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