

EXTRACTED FROM
CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL
REGULATIONS

DIVISION 14. BOARD OF REGISTERED NURSING

Article 1 General Provisions Section

§ 1402. Definitions.

For the purpose of this chapter, the term “board” means the California Board of Registered Nursing; and the term “code” means the Business and Professions Code.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2715, Business and Professions Code.

History

1. Amendment filed 8-28-61 as procedural and organizational; designated effective 9-15-61 (Register 61, No. 17).
2. Amendment filed 3-28-75 as procedural and organizational; effective upon filing (Register 75, No. 13).
3. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

§ 1403. Delegation of Certain Functions.

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the efficient dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said code are hereby delegated to and conferred upon the executive officer, or, in his/her absence from the office of the board, his/her designee.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2708, Business and Professions Code.

History

1. Amendment filed 5-22-84; effective thirtieth day thereafter (Register 84, No. 21).

§ 1405. Authority of Executive Officer.

The executive officer is authorized to:

- (a) Plan, direct supervise and organize the work of the staff of the board.
- (b) Research nursing practice issues and proposed positions to the board based on the board’s interpretation of the Nursing Practice Act and other related statutes or regulations.
- (c) Implement regulations adopted by the board.
- (d) Administer examinations, collect fees, issue licenses and permits and investigate complaints.

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(e) Implement and enforce all standards including those set for schools of nursing, which include inspecting and evaluating schools of nursing and making recommendations on accreditation.

(f) Manage funds and administer the fund and budget according to board directions.

(g) Report to the board on implementation of board policies and responses to board activity.

(h) Represent the board, as appropriate, to the public and the media.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2708, Business and Professions Code.

History

1. New section filed 10-14-53 as procedural and organizational; effective upon filing (Register 53, No. 18).

2. Renumbering from 1410.5 to 1405 and amendment filed 2-5-64; effective thirtieth day thereafter (Register 64, No. 3).

3. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

Article 2 Registration and Examination

§ 1409. Issuance of License.

A license as a registered nurse shall be issued only by examination except as provided in Section 2732.1(b) of the code.

History

1. Amendment filed 2-23-66; effective thirtieth day thereafter (Register 66, No. 6).

2. Amendment refiled 3-8-66; effective thirtieth day thereafter (Register 66, No. 7).

§ 1409.1. Filing of Names and Addresses.

Each person holding a certificate, license or any other authority to practice nursing or engage in any activity under any laws administered by the board shall file his/her current name and mailing address with the board at its office in Sacramento within thirty (30) days after any change of name or mailing address, giving both old and new name, and address, as appropriate.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2715, Business and Professions Code.

History

1. Renumbering of former Section 1419.2 to Section 1409.1 filed 4-7-87; operative 5-7-87 (Register 87, No. 16).

§ 1410. Application.

(a) An application for a license as a registered nurse by examination shall be submitted on an application form provided by the board, and filed with the board at its office in Sacramento. An application shall be accompanied by the fee and such evidence, statements or documents as therein required including evidence of eligibility to take the examination. The applicant shall submit an additional application and fee for the examination to the board or to its examination contractor, as directed by the board. The Board shall provide the contractor's application to the applicant. No license shall be issued without a complete transcript on file indicating successful completion of the courses prescribed by the board for licensure or documentation deemed equivalent by the Board.

(b) An application for a license as a registered nurse without examination under the provisions of Section 2732.1(b) of the code shall be submitted on an

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application form prescribed and provided by the board, accompanied by the appropriate fee and by such evidence, statements, or documents as therein required, and filed with the board at its office in Sacramento.

(c) The applicant shall be notified in writing of the results of the evaluation of his/her application for license if the application is rejected.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 480, 2729, 2732.1, 2733, 2736, 2736.5, 2736.6, 2737 and 2815, Business and Professions Code.

History

1. Amendment filed 1-27-70; effective thirtieth day thereafter (Register 70, No. 5). For prior history, see Register 66, No. 7.
2. Amendment of subsection (a) filed 10-10-75; effective thirtieth day thereafter (Register 75, No. 41).
3. Amendment of subsection (a) filed 5-14-76; effective thirtieth day thereafter (Register 76, No. 20).
4. Amendment of subsection (a) filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
5. Amendment of subsections (a) and (c) and amendment of Note filed 10-2-96; operative 11-1-96 (Register 96, No. 40).
6. Amendment of subsection (a) and repealer of subsection (d) filed 5-20-98; operative 6-19-98 (Register 98, No. 21).

§ 1410.1. Application Processing Times.

(a) Within 90 calendar days of receipt of an application for original licensure as a registered nurse, provided under the provisions of section 2732.1 of the Code, the board shall inform the applicant in writing that it is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(b) Within 390 calendar days from the date of filing of a completed examination application for original licensure as a registered nurse, the board shall inform the applicant in writing of its decision regarding the application. This time period applies to applicants whose application is complete on the examination deadline date and who take the first available examination.

(c) Within 365 calendar days from the date of filing a completed application for original licensure as a registered nurse without examination, the board shall inform applicant in writing of its decision regarding the application.

(d) The board's actual time periods for processing an application for original licensure as a registered nurse, from the receipt of the initial application to the final decision, based on the two years preceding the proposal of this section were as follows:

Application By Examination		Application Without Examination	
Minimum	- 127 days	Minimum	- 11 days
Median	- 183 days	Median	- 62 days
Maximum	- 387 days	Maximum	- 332 days

Time periods take into account section 1410.4 (e) which provides for abandonment of incomplete applications after one year.

Authority cited: Section 2715, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2732.1, Business and Professions Code; and Section 15376, Government Code.

History

1. New section filed 2-13-91; operative 3-15-91 (Register 91, No. 12).

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§ 1410.4. Abandonment of Application.

(a) An applicant whose application for examination has been accepted shall be deemed to have abandoned the application if he/she does not take such examination within a two-year period from the date of the written notice of eligibility to take the examination.

(b) An applicant whose application for examination has been rejected shall be deemed to have abandoned the application if he/she does not submit evidence that he/she has removed the deficiencies specified in the written evaluation notice and take an examination within a three-year period from the date of the written evaluation notice.

(c) An applicant whose application for license without examination has been rejected shall be deemed to have abandoned the application if he/she does not submit evidence that he/she has removed the deficiencies specified in the written evaluation notice within a three-year period from the date of the written evaluation notice.

(d) Submission of additional data, requests for reconsideration or re-evaluation, or other inquiries or statements involving an application shall not extend the respective time periods specified in subdivisions (a), (b), (c), and (e) of this section.

(e) An applicant whose application for license is incomplete shall be deemed to have abandoned the application if he/she does not submit all required documents, data and information within a period of one year from the date of mailing to him/her by the board of a written notice addressed to the last address on file with the board.

(f) An application submitted subsequent to the abandonment of a former application shall be treated as a new application. The applicant must meet all current requirements in effect at the time of reapplication.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2732.1, Business and Professions Code.

History

1. Amendment filed 10-17-66; effective thirtieth day thereafter (Register 66, No. 36). For prior history, see Register 66, No. 7.
2. Repealer of subsection (f) and renumbering of subsection (g) to (f) filed 10-10-75; effective thirtieth day thereafter (Register 75, No. 41).
3. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
4. Amendment of subsections (a) and (f) filed 10-2-96; operative 11-1-96 (Register 96, No. 40).

§ 1411.5. Examination Procedure.

The examination for licensure as a registered nurse shall be a written examination as determined by the board. The board may enter into a contractual agreement for said examination with a public or private organization.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2738 and 2740, Business and Professions Code.

History

1. New section filed 1-27-70; effective thirtieth day thereafter (Register 70, No. 5).
2. Amendment filed 2-9-73; effective thirtieth day thereafter (Register 73, No. 6).
3. Amendment filed 3-23-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 12).

§ 1411.6. Examination Disclosure.

An applicant who takes the examination shall not disclose the contents of the written examination questions to anyone other than a person authorized

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by the Board. No one except as authorized by the Board shall solicit, accept, or compile information regarding the contents of written examination questions, either before, during or after the administration of any examination.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2740, Business and Professions Code.

History

1. New section filed 3-22-82; effective thirtieth day thereafter (Register 82, No. 13).

§ 1412. High School Education or the Equivalent.

An applicant must meet the general preliminary education requirement of a high school education in the United States or the equivalent. Upon request of the Board, an applicant shall provide evidence of education equivalent to completion of a high school course of study in the United States by submitting one of the following:

- (a) A high school diploma received from a U.S. high school.
- (b) A General Education Development Certificate.
- (c) A degree from any junior college, college or university accredited by a state agency authorized to accredit such institutions.
- (d) An evaluation by a high school, unified school district, junior college, college, university or board of education which the board determines, after review, establishes that an education equivalent to a high school education in the United States was obtained in this or another state or in any foreign country.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2736, Business and Professions Code.

History

1. Amendment filed 1-27-70; effective thirtieth day thereafter (Register 70, No. 5). For prior history, see Register 66, No. 7.
2. Amendment filed 3-16-77; effective thirtieth day thereafter (Register 77, No. 12).
3. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
4. Amendment of subsection (b) filed 4-7-87; operative 5-7-87 (Register 87, No. 16).
5. Amendment filed 9-21-99; operative 10-21-99 (Register 99, No. 39).

§ 1413. English Comprehension.

When the Board has reasonable doubt of an applicant's ability to comprehend the English language to a degree sufficient to permit him to discharge his duties as a Professional Nurse in this State with safety to the public, the Board shall require him to pass an examination to demonstrate such ability.

History

1. New section filed 2-5-64; effective thirtieth day thereafter (Register 64, No. 3). For history of former Section 1413 see Register 27, No. 5.

§ 1414. Interim Permits.

(a) An applicant whose application for licensure in California by examination has been approved will be eligible for an interim permit if the applicant has completed the educational requirements for licensure in nursing. (If the applicant is taking the examination as a graduate, the interim permit may be issued upon graduation. If the applicant is taking the examination as a non-graduate, the interim permit may be issued upon completion of the educational requirements for licensure.)

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(b) An interim permit is not renewable and is in effect to the expiration date or until the results of the examination are mailed, at which time it becomes null and void.

(c) A permittee shall practice under the direct supervision of a registered nurse who shall be present and available on the patient care unit during all the time the permittee is rendering professional services. The supervising registered nurse may delegate to the permittee any function taught in the permittee's basic nursing program which, in the judgment of the supervising registered nurse, the permittee is capable of performing.

(d) An interim permittee is not authorized to use any other title or designation than "I.P." or "permittee" or "nurse permittee" or "nurse interim permittee."

(e) As an applicant for a license, the permittee is subject to the disciplinary provisions of Sections 2761 and 2762 of the Business and Professions Code as is the Registered Nurse.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2732.1, Business and Professions Code.

History

1. New section filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
2. Amendment of subsection (c) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
3. Amendment of subsection (c) filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
4. Amendment of subsection (a) filed 4-7-87; operative 5-7-87 (Register 87, No. 16).
5. Amendment of subsections (a) and (b) filed 10-2-96; operative 11-1-96 (Register 96, No. 40).

§ 1414.1. Foreign Licensees.

An applicant who is currently licensed in a foreign country and who meets the educational requirements in Section 2736 may be issued an interim permit, subject to the conditions set forth in subsections (b), (c), (d), and (e) of Section 1414.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2732.1, 2732.15 and 2736, Business and Professions Code.

History

1. New section filed 5-22-80; effective thirtieth day thereafter (Register 80, No. 21).
2. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

§ 1414.5. Temporary License.

(a) A person who meets the requirements of Section 2733 of the code may apply for a temporary license.

(b) An applicant whose application for a temporary license has been rejected shall be deemed to have abandoned the application if he/she does not submit evidence that he/she has removed the deficiencies specified in the written evaluation notice within a one-year period from the date of the written evaluation notice.

Authority cited: Sections 2715 and 2733, Business and Professions Code. Reference: Section 2732.1, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

§ 1414.5. Temporary License.

(a) A person who meets the requirements of Section 2733 of the code may apply for a temporary license.

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(b) An applicant whose application for a temporary license has been rejected shall be deemed to have abandoned the application if he/she does not submit evidence that he/she has removed the deficiencies specified in the written evaluation notice within a one-year period from the date of the written evaluation notice.

Authority cited: Sections 2715 and 2733, Business and Professions Code. Reference: Section 2732.1, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

§ 1417. Fees.

(a) Pursuant to sections 2815, 2815.1, 2815.7, 2815.5, 2816, 2830.7, 2831, 2833 and 2836.3 of the code, the following fees are established:

(1) Application fee for licensure by examination	\$75
(2) Application fee for licensure by endorsement	\$50
(3) Biennial license renewal fee	\$80
(a) Renewal fee – BRN	\$75
(b) RN Education Fund administered by Office of Statewide Health Planning and Development	\$ 5
(4) Penalty fee for failure to timely renew a license	\$37
(5) The fee for approval of a continuing education provider	\$200
(6) Biennial Fee for renewal of continuing education provider approval	\$200
(7) Penalty fee for failure to renew a continuing education provider	\$100
(8) Penalty fee for check returned unpaid	\$15
(9) Interim permit fee	\$30
(10) Temporary license fee	\$30
(11) Fee for processing endorsement papers to other states	\$60
(12) Certified copy of a school transcript	\$30
(13) Duplicate license fee	\$30
(14) Fee for evaluation of qualifications to use the title “nurse-practitioner”	\$75
(15) Application fee for certificate as a nurse-midwife	\$75
(16) Biennial Fee for renewal of nurse-midwife certificate	\$50
(17) Penalty fee for failure to timely renew a nurse- midwife certificate	\$25
(18) Fee for application for nurse-midwife equivalency examination	\$100
(19) Application fee for nurse-anesthetist certificate	\$75
(20) Biennial nurse-anesthetist certificate renewal fee	\$50
(21) Penalty fee for failure to timely renew a nurse- anesthetist certificate	\$25
(22) Application fee for drug/device furnishing number	\$50
(23) Biennial Drug/device furnishing number renewal fee	\$30
(24) Penalty fee for failure to timely renew a drug/device furnishing number	\$15
(25) Application fee for public health nurse certificate	\$75

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 163.5, 2815, 2815.5, 2815.7, 2816, 2830.7, 2831, 2833, 2836.1, 2836.2 and 2836.3, Business and Professions Code.

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History

1. Amendment of subsections (b), (c) and (g) filed 9-3-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 36). For prior history, see Register 84, No. 42.
2. Amendment filed 4-27-87; operative 5-27-87 (Register 87, No. 19).
3. Amendment of subsections (b) and (c) filed 9-27-89; operative 9-27-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 40).
4. Amendment of subsections (a), (b), (c) and (g) filed 2-4-91; operative 7-1-91 (Register 91, No. 10).
5. Change without regulatory effect amending section filed 1-8-92 pursuant to section 100, title 1, California Code of Regulations; operative 1-1-92 (Register 92, No. 11).
6. Amendment of subsection (a), new subsection (a)(25) and amendment of Note filed 9-2-98; operative 10-2-98 (Register 98, No. 36).

§ 1418. Criteria for Evaluation of Equivalent Armed Services Training and Experience.

A military applicant who has met the qualifications set forth in Section 2736.5 of the Code and who has completed a course of instruction that provided the knowledge and skills necessary to function in accordance with the minimum standards for competency set forth in Section 1443.5 and that contained the theoretical content and clinical experience specified in Section 1426 (c)(1) through (e)(7) is deemed to have completed the course of instruction prescribed by the Board for licensure.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2736.5, Business and Professions Code.

History

1. New section filed 10-28-76; effective thirtieth day thereafter (Register 76, No. 44).
2. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
3. Repealer and new section filed 3-9-2000; operative 4-8-2000 (Register 2000, No. 10).

§ 1419. Renewal of License.

A renewal application shall be on the form provided by the board, accompanied by the fee specified in Section 1417 (a)(3) and required information and filed with the board at its office in Sacramento.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2715 and 2811, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39). For history of former Section 1419, see Registers 64, No. 3, and 27, No. 5.
2. Amendment filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

§ 1419.1. Inactive License.

A license may be maintained in an inactive status by paying the renewal fee as it becomes due. The licensee shall not practice nursing during the time the license is inactive.

To activate an inactive license, the licensee must submit a written request and evidence of 30 hours of approved continuing education taken during the two year period immediately preceding the request for activation.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2734, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

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§ 1419.2. Renewal Processing Times.

(a) Within 60 calendar days of receipt of a renewal form from a registered nurse, the board shall inform the nurse in writing that it is either complete and accepted for processing or that it is deficient and what specific information or documentation is required to complete the renewal form.

(b) Within 60 calendar days of receipt of a completed renewal form from a registered nurse, the board shall inform the nurse in writing of the renewal decision.

(c) The board's actual time periods for processing registered nurse renewals, from the receipt of the initial renewal form to the final decision, based on the two years preceding the proposal of this section were as follows:

Minimum	-	9 days
Median	-	19 days
Maximum	-	107 days

Authority cited: Section 2715, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2811, Business and Professions Code; and Section 15376, Government Code.

History

1. New section filed 2-13-91; operative 3-15-91 (Register 91, No. 12).

§ 1419.3. Reinstatement of Expired License.

In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure.

Authority cited: Sections 2715 and 2811.5, Business and Professions Code. Reference: Sections 2811 and 2811.5, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
2. Change without regulatory effect amending section filed 12-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 1).
3. Amendment filed 9-19-2001; operative 10-19-2001 (Register 2001, No. 38).

§ 1419.4. Issuance of Duplicate License.

A licensee shall report a lost or stolen license within ten (10) days of the loss and shall request, in writing, replacement of the lost license and pay the fee specified in Section 1417 (a)(13). A licensee may be required to submit a notarized statement explaining the circumstances of the loss, and/or file a license renewal form provided by the board.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2815, Business and Professions Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
2. Amendment filed 4-7-87; operative 5-7-87 (Register 87, No. 16).
3. Amendment filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

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Article 3 Schools of Nursing

§ 1420. Definitions.

For purposes of this article, the term:

(a) "Accredited nursing program" means a school, program, department or division of nursing accredited under the provisions of Sections 2785 through 2789 of the code;

(b) "Administration" means coordinating, directing and participating in all activities involving in developing, implementing and managing a nursing program;

(c) "Clinically competent" means that a nursing program faculty member possesses and exercises the degree of learning, skill, care and experience ordinarily possessed and exercised by staff level registered nurses of the clinical unit to which the instructor is assigned;

(d) "Clinical practice" means the application of nursing knowledge and skills in clinical facilities and participation in planned learning experiences in skills labs, by students, both of which are designed to meet course objectives;

(e) "Learning experiences" means those activities planned for students by the faculty, which are designed to meet the objectives of the required course of instruction including the basic standards of competent performance;

(f) "Course of instruction" means the minimum education program prescribed by the board for eligibility to take the licensing examination;

(g) "Education program" means an organized plan of instruction;

(h) "Nursing process" means the problem solving techniques of assessment, planning, implementing and evaluating a plan of care, which requires technical and scientific knowledge and judgmental and decision-making skills;

(i) "Director" means the registered nurse faculty member who administers the program and who has the authority and responsibility for yearly fiscal planning of its resources;

(j) "Faculty" means all nurses who teach in a nursing program accredited by the board;

(k) "Non-faculty/preceptor" means all persons other than faculty members who meet the minimum qualifications of clinical teaching as—
sistant and are selected by the nursing program to teach and/or supervise nursing students designated clinical areas;

(l) "Sponsoring hospital" means a hospital which has implemented and is supporting a nursing program;

(m) "Year" means an academic year.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2785-2788, Business and Professions Code.

History

1. Repealer of Article 3 (Sections 1420-1435.5, not consecutive) and new Article 3 (Sections 1420-1430, not consecutive) filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39). For prior history, including former Sections 1419, 1422.2, 1422.3, 1424, 1425.5, 1426, 1427.5, 1427.6, 1429, 1430, 1433.05, 1433.1-1433.3, 1436 and 1437, see Registers 85, No. 25; 78, No. 9; 77, Nos. 47 and 34; 76, No. 47; 75, Nos. 41 and 33; 74, No. 13; 73, No. 40; 72, No. 53; 70, No. 5; 68, No. 24; 66, Nos. 37, 7 and 6; 64, No. 3; 61, Nos. 13 and 7; 60, No. 21; 57, No. 15; 55, No. 4; 54, No. 8; 53, No. 18; 27, No. 5; 26, No. 4 and 20, No. 1.

§ 1421. Application for Accreditation.

(a) An educational institution or sponsoring hospital seeking accreditation of a new program shall:

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(1) Notify the board in writing of its intent to offer a new program. Upon notification of such intent, a nursing consultant will be assigned to assist the proposed program with understanding the board's guidelines for the development of a new program.

(2) Submit a report in accordance with the board's guidelines for proposed programs.

(3) Appoint a director who meets the requirements of Section 1425 (b). Such appointments shall be made upon acceptance of the plan for the proposed program.

(4) No later than six months prior to the enrollment of students, submit a formal proposal to the board demonstrating how the program will meet the requirements of Sections 1424 through 1430.

(b) A representative of the board shall conduct a survey of the proposed program and shall submit a written report to the board.

(c) The board shall consider the report at a public meeting at which representatives of the program may appear. The board may thereafter grant or deny accreditation and shall notify the program of its decision.

(d) A material misrepresentation of fact by a nursing program in any information required to be submitted to the board is grounds for denial or revocation of the program's accreditation.

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code. Reference: Sections 2786 and 2786.6, Business and Professions Code.

§ 1422. Certificate of Accreditation.

(a) A certificate of accreditation shall be issued to each nursing program when it is initially accredited by the board.

(b) A certificate of accreditation shall be returned to the board when the program's accreditation has been revoked.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

§ 1423. Accreditation Requirements.

In order for a program to be accredited by the board or to retain its accreditation, it shall comply with all requirements set forth in this article and in Sections 2786 through 2788 of the code.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

§ 1424. Administration and Organization of the Nursing Program.

(a) There shall be a written statement of philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the individual difference of students, including their cultural and ethnic background, learning styles, goals, and support systems. It shall also take into consideration the concepts of nursing and man in terms of nursing activities, the environment, the health-illness continuum, and relevant knowledge from related disciplines.

(b) The policies and procedures by which the program is administered shall be in writing, shall reflect the philosophy and objectives of the program, and shall be available to all students.

(1) The nursing program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

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(c) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program, between the program and other administrative segments of the institution with which it is affiliated, and between the program, the institution and clinical agencies.

(d) The program shall have sufficient resources, including faculty, library, staff and support services, physical space and equipment to achieve the program's objectives.

(e) A sufficient period of time shall be set aside, by the institution, exclusively for the use of the director or his or her designee in the administration of the program.

(f) The program shall have a registered nurse faculty member who is knowledgeable and current regarding the program and the policies and procedures by which it is administered and who can perform the director's duties in that person's absence.

(g) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program.

(h) The faculty shall be adequate in type and number to develop and implement the program approved by the board, and shall include at least one qualified instructor in each of the areas of nursing listed in Section 1426 who shall be responsible for the educational program in that area. Nursing faculty members whose teaching responsibilities include subject matter directly related to the practice of nursing shall be clinically competent in the areas to which they are assigned.

(i) When non-faculty individuals participate in the instruction and supervision of students obtaining clinical experience, their responsibilities shall be described in writing and kept on file by the nursing program.

(j) The assistant director shall function under the supervision of the director. Assistant instructors and clinical teaching assistants shall function under the supervision of an instructor.

(k) The student/teacher ratio in the clinical setting shall be based on the following criteria:

- (1) acuity of patient needs;
- (2) objectives of the learning experience;
- (3) class level of the students;
- (4) geographic placement of students;
- (5) teaching methods; and
- (6) requirements established by the clinical agency.

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

History

1. Amendment of subsections (b) and (g) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

§ 1425. Faculty—Qualifications and Changes.

A program shall report to the board all changes in faculty including changes in teaching areas, prior to employment of or within 30 days after termination of employment of a faculty member. Such changes shall be reported on forms provided by the board. Faculty members shall possess the following qualifications:

(a) A nurse faculty member appointed on or after the effective date of these regulations shall hold a valid, active license issued by the board.

(b) The registered nurse director of the program shall have:

(1) A Master's or higher degree from an accredited college or university which includes course work in nursing, education or administration;

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- (2) A minimum of one year's experience in an administrative position;
 - (3) A minimum of two years' experience teaching in pre- or post-licensure nursing programs;
 - (4) At least one year's experience as a registered nurse providing direct patient care; or
 - (5) Equivalent experience and/or education, as determined by the board.
- (c) The registered nurse assistant director shall meet the education requirements set forth in subsection (b)(1) above and the experience requirements set forth in subsections (b)(3) and (b)(4) above or such experience as the board determines to be equivalent.
- (d) An instructor shall meet the following requirements:
- (1) Those set forth in subsections (b)(1) and (b)(4) above; and
 - (2) Completion of at least one year's experience teaching courses related to nursing or a course which includes practice in teaching nursing.
- (e) An assistant instructor shall have:
- (1) A baccalaureate degree from an accredited college which shall include courses in nursing, or in natural, behavioral or social sciences relevant to nursing practice;
 - (2) At least one year's continuous, full-time experience in direct patient care practice as a registered nurse.
- (f) A clinical teaching assistant shall have had at least one year's experience, within the previous five years, as a registered nurse providing direct patient care.

Authority cited: Section 2715 and 2786, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

History

- 1. Amendment filed 3-24-86; effective thirtieth day thereafter (Register 86, No. 13).
- 2. Amendment of first paragraph and subsection (b)(5) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

§ 1425.1. Faculty Responsibilities.

- (a) Each faculty member shall assume responsibility and accountability for instruction, evaluation of students, and planning and implementing curriculum content.
- (b) The registered nurse faculty member shall be responsible for clinical supervision only of those students enrolled in the registered nursing program.

Authority cited: Sections 2715, 2786 and 2786.6, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

History

- 1. Amendment of subsection (a) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

§ 1426. Required Curriculum; Prior Approval.

- (a) The curriculum of a nursing program shall be that set forth in this section. A program's curriculum shall not be implemented or revised until it has been approved by the board.
- (b) The curriculum shall reflect a unifying theme, which includes the nursing process as defined by the faculty, and shall be designed so that a nurse who completes the program will have the knowledge and skills necessary to function in accordance with the minimum standards for competency set forth in Section 1443.5.
- (c) The curriculum shall consist of not less than fifty-eight (58) semester units, or eighty-seven (87) quarter units, which shall include at least the following number of units in the specified course areas:

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(1) Art and science of nursing, thirty-six (36) semester units or fifty-four (54) quarter units, of which eighteen (18) semester or twenty-seven (27) quarter units will be in theory and eighteen (18) semester or twenty-seven (27) quarter units will be in clinical practice.

(2) Communication skills, six (6) semester or nine (9) quarter units. Communication skills shall include principles of verbal, written and group communication.

(3) Related natural, behavioral, and social sciences, sixteen (16) semester or twenty-four (24) quarter units.

(d) Theory and clinical practice shall be concurrent in the following nursing areas: medical-surgical, maternal/child, mental health, psychiatric nursing and geriatrics. Instruction will be given in, but not limited to, the following: personal hygiene, human sexuality, client abuse, cultural diversity, nutrition (including therapeutic aspects), pharmacology, legal, social and ethical aspects of nursing, nursing leadership and management.

(e) The following shall be integrated throughout the entire nursing curriculum:

(1) Nursing process;

(2) Basic intervention skills in preventive, remedial, supportive and rehabilitative nursing;

(3) Physical, behavioral and social aspects of human development from birth through all age levels;

(4) The knowledge and skills required to develop collegial relationships with health care providers from other disciplines;

(5) Communication skills including principles of verbal, written and group communications;

(6) Natural sciences including human anatomy, physiology and microbiology; and

(7) Related behavioral and social sciences with emphasis on societal and cultural patterns, human development, and behavior relevant to health-illness.

(f) The course of instruction shall be presented in semester or quarter units under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit.

Authority cited: Sections 2715 and 2786.6, Business and Professions Cod. Reference: Sections 2785-2788, Business and Professions Code.

History

1. Amendment of subsection (d) filed 4-27-87; operative 5-27-87 (Register 87, No. 18).

§ 1427. Clinical Facilities.

(a) A nursing program shall not utilize agencies and/or community facilities for clinical experience without prior approval by the board. Each program must submit evidence that it has complied with the requirements of subdivisions (b) and (c) of this section and the policies outlined by the board.

(b) A program which utilizes agencies and/or community facilities for clinical experience shall maintain written objectives for student learning in such facilities, stated in measurable performance terms, and shall assign students only to facilities which can provide the experience necessary to meet those objectives.

(c) Each such program shall maintain written agreements with such facilities and such agreements shall include the following:

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- (1) Assurance of the availability and appropriateness of the learning environment in relation to the program's written objectives;
- (2) Provision for orientation of faculty and students;
- (3) A specification of the responsibilities and authority of the facility's staff as related to the program and to the educational experience of the students;
- (4) Assurance that staff is adequate in number and quality to insure safe and continuous health care services to patients;
- (5) Provisions for continuing communication between the facility and the program; and
- (6) A description of the responsibilities of faculty assigned to the facility utilized by the program.

Authority cited: Sections 2715 and 2786, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

§ 1428. Student Participation.

(a) Students shall be provided opportunity to participate with the faculty in the identification of policies and procedures related to students including but not limited to:

- (1) Philosophy and objectives;
- (2) Clinical facilities;
- (3) Learning experiences; and
- (4) Curriculum, instruction and evaluation of the various aspects of the program.

(b) The program shall have a procedure for resolving student grievances.

(c) Tools used to evaluate students' progress and performance and clinical learning experiences shall be stated in measurable terms directly related to course objectives.

Authority cited: Sections 2715 and 2786, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

§ 1428.6. Policies Relating to Establishing Eligibility for Examination.

(a) At least two weeks prior to its established graduation date, the nursing program shall submit to the board a roster of names of those students and their expected date to successfully complete required course work. Except as provided below such a student shall be deemed eligible to take the examination after the date on which the student successfully completed the required course work.

(b) The nursing program shall notify the board immediately by telephone or facsimile of any student who fails to maintain eligibility and such individuals shall be deemed ineligible to take the examination.

Authority cited: Sections 2715 and 2786, Business and Professions Code. Reference: Sections 2786-2788, Business and Professions Code.

History

1. Amendment filed 10-2-96; operative 11-1-96 (Register 96, No. 40).

§ 1429. Licensed Vocational Nurses.

(a) An applicant who is licensed in California as a vocational nurse is eligible to apply for licensure as a registered nurse if such applicant has successfully completed the courses prescribed below and meets all the other requirements set forth in Section 2736 of the code. Such applicant shall submit evidence to the board, including a transcript, of successful completion of the requirements set forth in subsection (c) and of successful completion or

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challenge of courses in physiology and microbiology comparable to such courses required for licensure as a registered nurse.

(b) The school shall offer objective counseling of this option and evaluate each licensed vocational nurse applicant for admission to its registered nursing program on an individual basis. A school's determination of the prerequisite courses required of a licensed vocational nurse applicant shall be based on an analysis of each applicant's academic deficiencies, irrespective of the time such courses were taken.

(c) The additional education required of licensed vocational nurse applicants shall not exceed a maximum of thirty (30) semester or forty-five (45) quarter units. Courses required for vocational nurse licensure do not count toward fulfillment of the additional education requirement. However, other courses comparable to those required for licensure as a registered nurse, as specified in Section 1426, may be counted toward fulfillment of the additional education requirement.

Nursing courses shall be taken in an accredited school and shall be beyond courses equivalent to the first year of professional nursing courses. The nursing content shall include nursing intervention in acute, preventive, remedial, supportive, rehabilitative and teaching aspects of nursing. Theory and courses with concurrent clinical practice shall include advanced medical-surgical, mental health, psychiatric nursing and geriatric nursing. The nursing content shall include the basic standards for competent performance prescribed in Section 1443.5 of these regulations.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2736, 2736.6 and 2786, Business and Professions Code.

§ 1430. Change of Name or Address.

Each school holding a certificate of accreditation shall file its legal name and current mailing address with the board at its principal office and shall notify the board at said office of any change of name or address within thirty (30) days after such change. It shall give both the old and the new name or address.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2785, Business and Professions Code.

Article 3.5 Citations and Fines

§ 1435. Citations—Content and Service.

(a) The Executive Officer of the board or his/her designee, in lieu of filing an accusation against any licensee, may issue a citation which may contain an administrative fine and/or order of abatement against that licensee for any violation of law which would be grounds for discipline or of any regulation adopted by the board pursuant thereto.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.

(c) The citation may contain an assessment of an administrative fine, an order of abatement fixing a reasonable time for abatement of the violation, or both.

(d) The citation shall inform the cited individual of the right to an informal citation conference concerning the matter and of the right to an administrative hearing.

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(e) The citation shall be served upon the individual personally or by certified mail.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History

1. New Article 3.5 (sections 1435-1435.7) and section 1435 filed 7-12-96; operative 8-11-96 (Register 96, No. 28).
2. Amendment of subsection (a) filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

§ 1435.1. Exceptions.

A citation shall not be issued in any of the following circumstances:

(a) The violation is of such a nature and/or severity that revocation of the license or restrictions on the license are necessary in order to ensure consumer protection.

(b) The licensee's conduct displayed a disregard for the patient and/or the patient's rights. This includes but is not limited to physical abuse; neglect; abandonment; fiduciary abuse (as defined in Article 2, Chapter 11 commencing with Section 15610 of the Welfare and Institutions Code with additional modification of the definitions to include all types of patients); or the deprivation of care or services which are necessary to avoid physical harm or mental suffering.

(c) The licensee failed to comply with any requirement of any previous citation, including any order of abatement or fine.

(d) The licensee has been previously disciplined by the board or has previously been denied a license by the board for the same or similar actions.

(e) The violation involves unprofessional conduct related to controlled substances or dangerous drugs.

(f) The violation involves unprofessional conduct related to sexual abuse, misconduct or relations with a patient.

(g) The licensee was convicted of an offense substantially related to the qualifications, functions, and duties of a registered nurse and there is insufficient evidence of rehabilitation.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code; Article 2, Chapter 11 commencing with Section 15610, Welfare and Institutions Code.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).

§ 1435.15. Citation Disclosure and Record Purge.

(a) Every citation that is issued pursuant to this article shall be disclosed to an inquiring member of the public.

(b) Every citation, once it has been resolved by payment of the administrative fine and/or compliance with the order of abatement, shall be purged three (3) years from the date of resolution, except for citations referenced in subsection (c).

(c) No citation shall be purged if issued pursuant to CCR Section 1435.3, and no citation shall be purged for any citation issued against an unlicensed individual using the title "registered nurse" or the letters "RN" after his or her name.

(d) A citation that has been withdrawn or dismissed shall be purged from the board's file as soon as administratively feasible, but no more than one year.

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Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History

1. New section filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

§ 1435.2. Violations and Fines.

In any citation, the Executive Officer of the board or his/her designee may assess a fine for violations of the Nursing Practice Act, any regulation adopted pursuant thereto, or any applicable section of the Business and Profession Code governing the practice of registered nursing. The range of fines shall be from \$0.00 - \$2500. Fines shall be assessed based on criteria stated in section 1435.4. In no case shall the total fines exceed \$2,500 for each investigation.

Authority cited: Sections 125.9, 148, 2715 and 2761(d), Business and Professions Code. Reference: Sections 119, 125, 125.6, 125.9, 136, 148, 496, 498, 499, 810 (a), 2725.1, 2732, 2732.05, 2761, 2795, 2796 and 2797, Business and Professions Code and Sections 1411.6, 1414(c), 1414(d), 1443.5, 1451(d), 1451(e), 1453 and 1474, Title 16, California Code of Regulations.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).
2. Amendment filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

§ 1435.3. Citations for Unlicensed Individual.

The Executive Officer of the board or his/her designee may issue citations, in accordance with Section 148 of the Code, against any individual (as defined in section 302(e) of the Code) who is performing or who has performed services for which licensure is required under the Nursing Practice Act or regulations adopted pursuant thereto. Citations issued under this section shall meet the requirements set forth in subdivisions (b), (c), (d), and (e) of Section 1435 and shall be subject to the provisions of Sections 1435.2, 1435.4, 1435.5 and subdivisions (a), (b), and (c) of Section 1435.6. Each citation issued under this section shall contain an order of abatement. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9, 148 and 302(e), Business and Professions Code.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).
2. Amendment filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

§ 1435.4. Criteria to be Considered in Assessing a Fine or Order of Abatement.

In any citation which includes a fine or order of abatement, the following factors shall be considered in determining the amount of the fine to be assessed or the terms of the order of abatement:

- (a) Gravity of the violation.
- (b) History of previous violations of the same or similar nature.
- (c) Length of time that has passed since the date of the violation.
- (d) Consequences of the violation, including potential or actual patient harm.
- (e) The good or bad faith exhibited by the cited individual.
- (f) Evidence that the violation was willful.
- (g) The extent to which the individual cooperated with the board's investigation.

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(h) The extent to which the individual has remediated any knowledge and/or skills deficiencies which could have injured a patient.

(i) Any other mitigating or aggravating factors.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).

§ 1435.5. Contested Citations.

(a) The individual cited may, within 14 calendar days after service of the citation, submit a written request for an informal citation conference with the Executive Officer or his/her designee. The citation decision shall be stayed upon receipt of the written request until a final decision has been issued.

(b) The Executive Officer or his/her designee shall, within 30 calendar days from receipt of the written request, hold an informal citation conference with the individual cited and his/her legal counsel or authorized representative, if desired.

(c) The Executive Officer or his/her designee may affirm, modify or dismiss the citation, including any fine or order of abatement, at the conclusion of the informal citation conference. A written decision, including the reasons for the decision, shall be mailed to the individual and his/her legal counsel, if any, within 14 calendar days from the date of the informal citation conference. If the citation is affirmed or modified, the individual may, within 30 calendar days from the mailing date of the informal citation conference decision, request an administrative hearing. The request for an administrative hearing shall be in writing.

(d) In addition to the appeal rights in (a) through (c) above, the individual may request an administrative hearing provided for in subdivision (b)(4) of Section 125.9 of the Code within 30 days of the date of issuance of the citation or assessment.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. References: Sections 125.9 and 148, Business and Professions Code.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).

2. Amendment filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

§ 1435.6. Compliance with Citation/Order of Abatement.

(a) Orders of abatement may be extended for good cause. If a cited individual who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the Executive Officer or his/her designee an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) If a citation is not contested, or if the order is appealed and the individual cited does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

(c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the individual cited.

(d) If a fine is not paid after a citation has become final, the fine shall be added to the cited individual's license renewal fee. A license shall not be renewed without payment of renewal fee and fine.

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Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

§ 1435.7. Notification to Other Boards and Agencies.

After a citation has become final, it shall be reported to other boards of registered nursing and other regulatory agencies.

Authority cited: Sections 125.9, 148 and 2715, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

History

1. New section filed 7-12-96; operative 8-11-96 (Register 96, No. 28).

Article 4 Grounds for Discipline, Disciplinary Proceedings and Rehabilitation

§ 1442. Gross Negligence.

As used in Section 2761 of the code, “gross negligence” includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client’s health or life.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2761, Business and Professions Code.

History

1. New Article 4 (Sections 1442 and 1443) filed 3-26-74; effective thirtieth day thereafter. (Register 74, No. 13). For history of former Article 4 (Sections 1442 and 1443), see Registers 57, No. 15, and 64, No. 3.
2. Amendment filed 5-29-81; effective thirtieth day thereafter (Register 81, No. 22).
3. Amendment filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).

§ 1443. Incompetence.

As used in Section 2761 of the code, “incompetence” means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2761, Business and Professions Code.

History

1. Amendment filed 5-29-81; effective thirtieth day thereafter (Register 81, No. 22).
2. Amendment filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).

§ 1443.5. Standards of Competent Performance.

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

- (1) Formulates a nursing diagnosis through observation of the client’s physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.
- (2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client’s safety,

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comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2725 and 2761, Business and Professions Code.

History

1. New section filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).

§ 1444. Substantial Relationship Criteria.

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
- (b) Failure to comply with any mandatory reporting requirements.
- (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

Authority cited: Sections 481 and 2715, Business and Professions Code. Reference: Sections 480, 481, 2736 and 2761, Business and Professions Code.

History

1. New section filed 5-14-75; effective thirtieth day thereafter (Register 75, No. 20).
2. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).
3. Amendment of first paragraph, repealer of subsections (a)-(e), new subsections (a)-(d), and amendment of Note filed 6-6-2001; operative 7-6-2001 (Register 2001, No. 23).

§ 1444.5. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled: "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (10/02) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation—for example: the presence of mitigating factors; the age of the case; evidentiary problems.

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Authority cited: Section 2715, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 2750, 2759, 2761 and 2762, Business and Professions Code; and Sections 11400.20 and 11425.50(c), Government Code.

History

1. New section filed 6-17-97; operative 6-17-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 25).
2. Amendment of "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" (incorporated by reference) and amendment of section filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
3. Amendment of section and Note filed 4-24-2003; operative 5-24-2003 (Register 2003, No. 17).

§ 1445. Criteria for Rehabilitation.

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

Authority cited: Sections 482 and 2715, Business and Professions Code. Reference: Sections 483, 2736, 2761 and 2762, Business and Professions Code.

History

1. New section filed 5-25-73; effective thirtieth day thereafter (Register 73, No. 21). For history of former section, see Register 70, No. 5.
2. Renumbering from Section 1411 filed 3-26-74; effective thirtieth day thereafter (Register 74, No. 13).
3. Amendment of subsections (a) and (b) and new subsection (c) filed 5-14-75; effective thirtieth day thereafter (Register 75, No. 20).
4. Amendment filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

§ 1445.1. Petition for Reinstatement.

(a) A person may petition for reinstatement of a license under the provisions of Section 11522 of the Government Code by:

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(1) Obtaining the appropriate forms from the board office in Sacramento and

(2) Submitting the required form of petition and supplementary documentation to the board at least forty-five (45) days in advance of the date on which the person desires to be heard, as directed in the written instructions which accompany the forms.

(b) The burden of proving rehabilitation is upon the petitioner. When considering a petition for reinstatement of a license, the board shall evaluate and consider evidence of rehabilitation submitted by the petitioner, using those criteria specified in Section 1445 of this article.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 11522, Government Code.

History

1. New section filed 9-27-85; effective thirtieth day thereafter (Register 85, No. 39).

Article 4.1 Diversion Program Guidelines

§ 1446. Definitions.

As used in this article:

(a) "Program" means the alcohol and drug abuse and mental illness diversion program for registered nurses authorized pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2 of the Business and Professions Code.

(b) "Committee" means diversion evaluation committee consisting of the following members: Three registered nurses, one physician and one public member all of whom have expertise in the area of chemical dependency.

(c) "Board" means Board of Registered Nursing.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2770.1 and 2770.2, Business and Professions Code.

History

1. New Article 4.1 (Sections 1446, 1447, 1447.1-1447.2, 1448, 1448.1 and 1449) filed 5-7-85; effective thirtieth day thereafter (Register 85, No. 19).

§ 1447. Criteria for Admission.

An applicant shall meet the following criteria for admission to the program:

(a) Is a registered nurse licensed in this state.

(b) Resides in California.

(c) Is mentally ill or abuses alcohol and/or drugs in a manner which may affect the applicant's ability to safely perform the duties of a registered nurse.

(d) Voluntarily requests admission to the program.

(e) Agrees to undergo reasonable medical and/or psychiatric examinations necessary for evaluation for participation in the program.

(f) Cooperates by providing such medical information, disclosure authorizations and releases of liability as may be requested by the committee.

(g) Agrees in writing to comply with all elements of the diversion program.

(h) Has not had her/his license previously disciplined by the Board for substance abuse or mental illness.

(i) Has not been terminated from this or any other diversion program for non-compliance.

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Authority cited: Sections 2715 and 2770.7, Business and Professions Code. Reference: Section 2770.7, Business and Professions Code.

§ 1447.1. Procedure for Review of Applicants.

The following procedures shall be used to review applicants for admission to the program:

(a) The program director and a nurse or physician consultant shall interview each applicant. They shall recommend such medical and/or psychiatric examinations as may be necessary to determine the applicant's eligibility for the program and shall request such other information, authorizations and releases as may be necessary for participation in the program. The DEC shall advise the applicant that the applicant is responsible for costs incurred for the examinations and rehabilitation aspects of the program.

(b) The program director and the nurse or physician consultant shall each make a recommendation to the committee as to whether the applicant should be admitted to the program.

(c) The committee shall review each application and make its decision on admission of the applicant based upon its evaluation and the recommendations from the program director and the nurse or physician consultant.

(d) The committee's decision on admission of an applicant shall be final.

Authority cited: Sections 2715 and 2770.7, Business and Professions Code. Reference: Section 2770.7, Business and Professions Code.

§ 1447.2. Causes for Denial of Admission.

The committee may deny an applicant admission to the program for any of the following reasons:

(a) The applicant does not meet the requirements set forth in Section 1447.

(b) Information is received by the board which, after investigation, indicates that the applicant may have violated a provision of the laws governing the practice of nursing, Chapter 6 (commencing with Section 2700) of Division 2 of the Code, excluding Section 2762.

(c) The applicant is diverting controlled substances for sale.

(d) The committee determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety or welfare.

Authority cited: Sections 2715 and 2770.7, Business and Professions Code. Reference: Section 2770.7, Business and Professions Code.

§ 1448. Causes for Termination from the Program.

The committee may terminate a nurse's participation in the program for any of the following reasons:

(a) Successful completion of the program designated by the committee.

(b) Failure to comply with the rehabilitation program designated by the committee.

(c) Failure to comply with any of the requirements set forth in Section 1447.

(d) Failure to substantially benefit from participation in the program.

(e) Receipt of information by the board which, after investigation, indicates the participant may have violated a provision of the laws governing the practice of nursing, Chapter 6 (commencing with Section 2700) of Division 2 of the Code, excluding Section 2762.

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Authority cited: Sections 2715 and 2770.7, Business and Professions Code. Reference: Section 2770.7, Business and Professions Code.

§ 1448.1. Notification of Termination.

Whenever a nurse's participation is terminated for any reasons other than successful completion of the program, the committee shall, within thirty days, report such fact to the board in writing. The committee's written notification to the board shall consist solely of the participant's name and license number.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2770.11, Business and Professions Code.

§ 1449. Confidentiality of Records.

(a) All board, committee and program records relating to application to and participation in the program shall be kept confidential pursuant to Section 2770.12 of the Code. Such records shall be purged when a nurse's participation in the program is terminated.

(b) Information or records received by the board prior to the acceptance of the applicant into the program or which do not relate to application for the program may be utilized by the board in any disciplinary or criminal proceedings instituted against the participant.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2770.12, Business and Professions Code.

Article 5 Continuing Education

§ 1450. Definitions.

(a) For purposes of this Article:

(1) "Continuing Education" means the variety of forms of learning experiences, including, but not limited to, lectures, conferences, academic studies, in service education, institutes, seminars, workshops, extension studies, and independent/home study programs undertaken by registered nurses for relicensure. These learning experiences are meant to enhance the knowledge of the registered nurse in the practice of nursing in direct and indirect patient care.

(2) "Course" means a systematic learning experience, at least one hour in length, which deals with and is designed for the acquisition of knowledge, skills, and information in direct and indirect patient care.

(3) "Content Relevant to the Practice of Nursing" means content related to the development and maintenance of current competency in the delivery of nursing care as specified in Section 1456.

(4) "Independent/Home Study Courses" means continuing education courses offered for individual study by an approved provider.

(5) "Hour" means at least fifty (50) minutes of participation in an organized learning experience;

(6) "Approved Providers" means those individuals, partnerships, corporations, associations, organizations, organized health care systems, educational institutions, or governmental agencies offering continuing education as approved by the Board.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.1, Business and Professions Code.

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History

1. New Article 5 (Sections 1450-1456) filed 10-10-75; effective thirtieth day thereafter (Register 75, No. 41).
2. Amendment filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1451. License Renewal Requirements.

(a) Pursuant to Section 2811 of the Code, each licensee shall pay the renewal fee and submit proof, satisfactory to the Board that during the preceding renewal period or preceding two years, the licensee has started and successfully completed thirty (30) hours of continuing education approved by the Board.

(b) Licensees shall submit proof to the Board of successful completion of the required number of approved continuing education hours by signing a statement under penalty of perjury, indicating compliance and agreeing to supply supporting documents on request.

(c) Licensees shall not be allowed to claim partial credit for a continuing education course, however, instructors who participate in a part of an offering may receive full credit if the total offering is attended.

(d) Licensees shall keep the certificates or gradeslips from academic institutions pursuant to Section 1458 (b)(7) for four years from the date they complete approved continuing education courses and must submit such certificates or gradeslips to the Board when requested.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Amendment filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).
2. Change without regulatory effect repealing subsection (b), relettering subsections, and amending newly designated subsection (d) filed 12-29-98 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 1).

§ 1451.1. Expiration of Licenses.

(a) Licenses issued by the Board will expire unless renewed. To renew a license, the applicant shall submit proof, satisfactory to the Board of completion of thirty (30) hours of continuing education and shall pay the renewal fee.

(b) A licensee who participates in and successfully completes a continuing education course which overlaps a renewal period may apply the credit earned for the renewal period in which the course ends.

(c) An expired license may, within eight years of the date of expiration, be reinstated by the Board if the applicant meets the requirements of Section 2811 of the Code and is otherwise eligible to obtain a reinstatement, and if the applicant meets the requirements set forth in Section 1419.3.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2811 and 2811.5, Business and Professions Code.

History

1. New section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).
2. Amendment of subsection (c) and repealer of subsections (d) and (e) filed 4-7-87; operative 5-7-87 (Register 87, No. 16).

§ 1451.2. Continuing Education Courses.

(a) Continuing Education course credit may be given for the following continuing education courses:

(1) Courses offered by an approved Provider as specified in Section 1454. In addition to classroom courses, courses may be designed by an approved

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Provider for participation in activities which include nursing practice, publishing and/or research, provided that such courses meet the requirements of Section 1456.

(2) Out of state courses which have been approved for voluntary or mandatory continuing education by Registered Nurse licensing agencies of other states and/or state nurses' associations, as well as offerings by nationally recognized health associations and/or their regional subdivisions provided that such courses meet the requirements of Section 1456.

(3) Out of state academic courses in an accredited* post-secondary institution which are related to the specific knowledge and/or technical skills required for the practice of nursing.

(4) Other courses as may be approved by the Board at its sole discretion.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. New section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1452. Exemption from Continuing Education Requirements.

(a) During the first two years immediately following initial licensure in California or other jurisdictions, licensees shall be exempt from completion of the continuing education requirements specified in Section 1451.

(b) At the time of making application for renewal, an applicant may request exemption from continuing education requirements if:

(1) The licensee is requesting inactive status for the license; or

(2) The licensee can show evidence, satisfactory to the Board that

(A) he or she has been employed overseas for a period of one (1) year or more, or a resident overseas for a period of one (1) year or more and currently employed; or

(B) he or she is employed by a Federal Institution or Agency or one of the Military Services (USA), where that person is practicing nursing outside of the State of California on a California license, or

(C) he or she has had hardship of one or more years' duration, if

1. there is a total physical disability for one (1) year or more and verification of readiness or ability to return to work; or

2. there is a total disability of a member of the immediate family for whom licensee has total responsibility for one (1) year or more.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Amendment filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1453. Falsifying Renewal Application.

A licensee who falsifies or makes a material misrepresentation of fact on a renewal application will be subject to disciplinary action as provided for in Section 2750 of the Business and Professions Code.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2761 and 2811.5, Business and Professions Code.

History

1. Amendment filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).

* Minimum requirement is regional accreditation.

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2. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1454. Approved Providers.

(a) For the purpose of this Article, the title “approved provider” can only be used when an individual, partnership, corporation, association, organization, organized health care system, educational institution or governmental agency, having committed no act which would lead to disciplinary action pursuant to Section 1459.1, has submitted a provider application on forms supplied by the Board, remitted the appropriate fee and has been issued a provider number.

(b) An individual, partnership, corporation, association, organized health care system, governmental agency, educational institution and other organizations may be issued only one provider number; provided, however, that any autonomous entity within such organization may be issued one provider number.

(c) An approved provider shall have a written and published policy, available on request, which provides information on:

- (1) refunds in cases of non-attendance
- (2) time period for return of fees
- (3) notification if course is cancelled.

(d) The approved provider is required to accept full responsibility for each and every course, including, but not limited to recordkeeping, advertising course content as related to Board standards, issuance of certificates and instructor qualifications. When two or more providers co-sponsor a course, only one provider number shall be used for that course and that provider must assume full responsibility for recordkeeping, advertising course content as related to Board standards, issuance of certificates and instructor(s) qualifications.

(e) Providers may not grant partial credit for continuing education.

(f) Approved providers shall keep the following records for a period of four years in one location within the State of California, or in a place approved by the Board:

- (1) course outlines of each course given
- (2) record of time and places each course given
- (3) course instructor vitae or resumes
- (4) name and license number of registered nurses taking any approved course and a record of any certificate issued to them.

(g) Approved providers must notify the Board, within thirty (30) days, of any changes in organizational structure of a provider and/or the person(s) responsible for the provider’s continuing education course(s), including name and address changes.

(h) Provider approval is non-transferable.

(i) The Board shall audit records, courses, instructors and related activities of a provider.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

2. Amendment of subsection (a) filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

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§ 1455. Continuing Education Hours.

The Board will accept hours of approved continuing education on the following bases:

- (a) Each hour of theory shall be accepted as one hour of continuing education.
- (b) Each three hours in course-related clinical practice will be accepted as one hour of continuing education.
- (c) Courses less than one (1) hour in duration will not be approved.
- (d) One (1) CEU (continuing education unit) is equal to ten (10) continuing education contact hours.
- (e) One (1) academic quarter unit is equal to ten (10) continuing education hours.
- (f) One (1) academic semester unit is equal to fifteen (15) continuing education hours.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Renumbering of former Section 1455 to Section 1456 and new section filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Amendment filed 9-15-78; effective thirtieth day thereafter (Register 78, No. 37).
3. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1456. Continuing Education Courses.

The content of all courses of continuing education must be relevant to the practice of nursing and must:

- (a) be related to the scientific knowledge and/or technical skills required for the practice of nursing, or
- (b) be related to direct and/or indirect patient/client care.
- (c) Learning experiences are expected to enhance the knowledge of the Registered Nurse at a level above that required for licensure. Courses related to the scientific knowledge for the practice of nursing include basic and advanced courses in the physical, social, and behavioral sciences, as well as advanced nursing in general or specialty areas. Content which includes the application of scientific knowledge to patient care in addition to advanced nursing courses may include courses in related areas, i.e., human sexuality; death, dying, and grief; foreign languages (conversational); therapeutic interpersonal relationship skills; pharmacology; and those related to specialty areas of nursing practice.

Courses in nursing administration, management, education, research, or other functional areas of nursing relating to indirect patient/client care would be acceptable.

Courses which deal with self-improvement, changes in attitude, financial gain, and those courses designed for lay people are not acceptable for meeting requirements for license renewal.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Renumbering of Section 1455 to Section 1456 filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).
2. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

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§ 1457. Instructor Qualifications.

(a) It is the responsibility of each approved provider to use qualified instructors.

(b) Instructors teaching approved continuing education courses shall have the following minimum qualifications:

(1) The registered nurse instructor, shall

(A) hold a current valid license to practice as a registered nurse and be free from any disciplinary action by this Board, and

(B) be knowledgeable, current and skillful in the subject matter of the course as evidenced through:

1. holding a baccalaureate or higher degree from an accredited college or university and validated experience in subject matter; or

2. experience in teaching similar subject matter content within the two years preceding the course; or

3. have at least one year's experience within the last two years in the specialized area in which he/she is teaching.

(2) The non-nurse instructor, shall

(A) be currently licensed or certified in his/her area of expertise if appropriate, and

(B) show evidence of specialized training, which may include, but not be limited to a certificate of training or an advanced degree in given subject area, and

(C) have at least one year's experience within the last two years in the practice of teaching of the specialized area in which he/she teaches.

(3) Nothing in this Section exempts an individual from the legal requirements of the California Nursing Practice Act.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. Renumbering of Section 1456 to Section 1457 filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).

2. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1458. Course Verification.

(a) Approved providers shall issue a document of proof, i.e., gradeslip, or transcript to each licensee to show that the individual has met the established criteria for successful completion of a course.

(b) A certificate or diploma documenting successful completion shall contain the following information:

(1) Name of student and registered nurse license number or other identification number.

(2) Course title.

(3) Provider name (as approved by the Board), address, and provider number.

(4) Date of course.

(5) Number of continuing education contact hours.

(6) Signature of instructor and/or provider, or provider designee.

(7) This document must be retained by the licensee for a period of four years after the course concludes.

(c) Course verification must be issued within a reasonable length of time after the completion of the course, not to exceed ninety days.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

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History

1. New section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Renumbering of Section 1457 to Section 1458 filed 3-2-78; effective thirtieth day thereafter (Register 78, No. 9).
3. Repealer and new section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).

§ 1459. Advertisement.

Information disseminated by approved providers publicizing continuing education shall be true and not misleading and shall include the following:

1. The statement "Provider approved by the California Board of Registered Nursing, Provider Number _____ for _____ contact hours."
2. Provider's policy on refunds in cases of non-attendance by the registrant.
3. A clear, concise description of the course content and/or objectives.
4. Provider name as officially on file with the Board.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. New section filed 12-18-81; effective thirtieth day thereafter (Registered 81, No. 51).

§ 1459.1. Withdrawal of Approval.

(a) The Board may withdraw its approval of a provider or deny a provider application for causes which include, but are not limited to, the following:

- (1) Conviction of a felony or any offense substantially related to the activities of a provider.
- (2) Failure to comply with any provision of Chapter 6, Division 2, of the Business and Professions Code and/or Chapter 14 of Title 16 of the California Code of Regulations.

(b) Any material misrepresentation of fact by a continuing education provider or applicant in any information required to be submitted to the Board is grounds for withdrawal of approval or denial of an application.

(c) The board may withdraw its approval of a provider after giving the provider written notice setting forth its reason for withdrawal and after affording a reasonable opportunity to be heard by the board or its designee after thirty (30) days written notice of the specific charges to be heard.

(d) Should the BRN deny the provider approval, applicant has the opportunity to formally appeal the action to the Board within a thirty (30) day period.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2811.5, Business and Professions Code.

History

1. New section filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).
2. Amendment of subsection (c) filed 3-23-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 12).
3. Amendment of subsection (a)(2) filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

Article 6 Nurse-Midwives

§ 1460. Qualifications for Certification.

(a) Initial certification.

(1) An applicant for certification to practice midwifery must meet the following conditions:

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(A) Be licensed as a registered nurse under the Nursing Practice Act, Business and Professions Code, Section 2700, et seq. , and

(B) Be a graduate of a Board approved program in nurse-midwifery.

(2) Equivalency. A registered nurse applicant not meeting the above requirements shall be eligible for certification, providing one of the following conditions exists:

(A) A graduate of a nurse-midwifery program not meeting Board of Registered Nursing standards who shows evidence satisfactory to the Board that deficiencies have been corrected in a Board approved nurse-midwifery program, or have been corrected through successful completion of specific courses which have been approved by the Board.

(B) Certification as a nurse-midwife by a national or state organization whose standards are satisfactory to the Board.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2746, 2746.2, 2746.5, Business and Professions Code.

History

1. New Article 6 (§§ 1460-1465, not consecutive) filed 10-10-75; effective thirtieth day thereafter (Register 75, No. 41).
2. New subsections (b) and (c) filed 1-9-76; effective thirtieth day thereafter (Register 76, No. 2).
3. Repealer and new section filed 4-7-79; effective thirtieth day thereafter (Register 79, No. 14).
4. Amendment of subsection (a)(2)(A) filed 5-29-81; effective thirtieth day thereafter (Register 81, No. 22).
5. Repealer of subsections (a)(2)(C)-(a)(2)(D)2. filed 1-25-2000; operative 2-24-2000 (Register 2000, No. 4).

§ 1461. Nurse-Midwifery Committee.

The board shall appoint a committee comprised of at least one nurse-midwife and one physician, who have demonstrated familiarity with consumer needs, collegial practice and accompanied liability, and related educational standards in the delivery of maternal-child health care. This committee shall also include at least one public member and may include such other members as the board deems appropriate. The purpose of this committee is to advise the board on all matters pertaining to nurse-midwifery as established by the board, and, if necessary, to assist the board or its designated representatives in the evaluation of applications for nurse-midwifery certification.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2746.2, Business and Professions Code.

History

1. Renumbering from Section 1461 to Section 1466 filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
2. New section filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
3. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1462. Standards for Nurse-Midwifery Programs.

(a) Program of study. The program of study preparing a nurse-midwife shall:

- (1) Have as its primary purpose the preparation of nurse-midwives;
- (2) Have its philosophy clearly defined and available in written form;
- (3) Have its objectives, reflective of the philosophy, stated in behavioral terms, which describe the theoretical knowledge base and clinical competencies expected of the graduates.

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(b) Curriculum.

(1) The curriculum shall be no less than twelve(12) months in length, and shall be specifically designed to provide a knowledge and skills base necessary for nurse-midwifery management of women and neonates. Such content shall include, but not be limited to, the following:

(A) Anatomy; physiology; genetics; obstetrics and gynecology; embryology and fetal development; neonatology; child growth and development; pharmacology; nutrition; laboratory and diagnostic tests and procedures; and physical assessment.

(B) Concepts in psycho-social, emotional, and cultural aspects of maternal/child care; human sexuality; counseling and teaching; maternal/infant/family bonding process; breast feeding; family planning; principles of preventive health; and community health.

(C) All aspects of the management of normal pregnancy, labor and delivery, postpartum period, newborn care, family planning and/or routine gynecological care in alternative birth centers, homes and hospitals.

(2) The program shall provide concurrent theory and clinical practice in a setting in the United States.

(3) The program shall include the nurse-midwifery management process which includes the following steps:

(A) Obtains or updates a defined and relevant data base for assessment of the health status of the client.

(B) Identifies problems/diagnosis based upon correct interpretation of the data base.

(C) Prepares a defined needs/problem list with corroboration from the client.

(D) Consults and collaborates with and refers to, appropriate members of the health care team.

(E) Provides information to enable clients to make appropriate decisions and to assume appropriate responsibility for their own health.

(F) Assumes direct responsibility for the development of comprehensive, supportive care for the client and with the client.

(G) Assumes direct responsibility for implementing the plan of care.

(H) Initiates appropriate measures for obstetrical and neonatal emergencies.

(I) Evaluates, with corroboration from the client, the achievement of health care goals and modifies plan of care appropriately.

(4) The program shall prepare the nurse-midwife to practice as follows:

(A) Management of the normal pregnancy.

(B) Management of normal labor and delivery in all birth settings, including the following when indicated:

1. Administration of intravenous fluids, analgesics, and postpartum oxytocics.

2. Amniotome during labor.

3. Application of external or internal monitoring devices.

4. Administration of local anesthesia: paracervical blocks, pudendal blocks, and local infiltration.

5. Episiotomy.

6. Repair of episiotomies and lacerations.

7. Resuscitation of the newborn.

(C) Management of the normal postpartum period.

(D) Management of the normal newborn care.

(E) Management of family planning and/or routine gynecological care including: fitting vaginal diaphragms, insertion of intrauterine devices, selection of contraceptive agents from approved formulary.

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(c) Faculty. Faculty of the nurse-midwifery educational program shall comply with the following requirements:

(1) Faculty shall include one or more nurse-midwives and one or more physicians with current training and practice in obstetrics.

(2) Faculty teaching in the program shall be current in knowledge and practice in the specialty being taught.

(3) Nurse-midwives, clinical instructors, and physicians who participate in teaching, supervising and evaluating students shall show evidence of current practice.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2746, 2746.2 and 2746.5, Business and Professions Code.

History

1. New section filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
2. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1463. Scope of Practice.

The scope of nurse-midwifery practice includes:

(a) Providing necessary supervision, care and advice in a variety of settings to women during the antepartal, intrapartal, postpartal, interconceptional periods, and family planning needs.

(b) Conducting deliveries on his or her own responsibility and caring for the newborn and the infant. This care includes preventive measures and the detection of abnormal conditions in mother and child.

(c) Obtaining physician assistance and consultation when indicated.

(d) Providing emergency care until physician assistance can be obtained.

(e) Other practices and procedures may be included when the nurse-midwife and the supervising physician deem appropriate by using the standardized procedures as specified in Section 2725 of the Code.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2746, 2746.2 and 2746.5, Business and Professions Code.

History

1. New section filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
2. Editorial correction to subsection designations (Register 79, No. 14).
3. Amendment of subsection (e) and repealer of subsection (f) filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1466. Renewal of Certificates.

Certificates to practice nurse-midwifery may be renewed biennially by application for renewal on a form provided by the board and payment of the renewal fee.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2815.5, Business and Professions Code.

History

1. Renumbering from Section 1461 to Section 1466 filed 4-6-79; effective thirtieth day thereafter (Register 79, No. 14).
2. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

Article 7 Standardized Procedure Guidelines

§ 1470. Purpose.

The Board of Registered Nursing in conjunction with the Medical Board of California (see the regulations of the Medical Board of California, Article 9.5,

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Chapter 13, Title 16 of the California Code of Regulations) intends, by adopting the regulations contained in the article, to jointly promulgate guidelines for the development of standardized procedures to be used in organized health care systems which are subject to this rule. The purpose of these guidelines is:

- (a) To protect consumers by providing evidence that the nurse meets all requirements to practice safely.
- (b) To provide uniformity in development of standardized procedures.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2725 and 2811.5, Business and Professions Code.

History

1. New Article 7 (Sections 1470-1474, inclusive) filed 9-8-76; effective thirtieth day thereafter (Register 76, No. 37).
2. Amendment filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
3. Amendment of first paragraph filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

§ 1471. Definitions.

For purposes of this article:

- (a) "Standardized procedure functions" means those functions specified in Business and Professions Code Section 2725(c) and (d) which are to be performed according to "standardized procedures";
- (b) "Organized health care system" means a health facility which is not licensed pursuant to Chapter 2 (commencing with Section 1250), Division 2 of the Health and Safety Code and includes, but is not limited to, clinics, home health agencies, physicians' offices and public or community health services;
- (c) "Standardized procedures" means policies and protocols formulated by organized health care systems for the performance of standardized procedure functions.

§ 1472. Standardized Procedure Functions.

An organized health care system must develop standardized procedures before permitting registered nurses to perform standardized procedure functions. A registered nurse may perform standardized procedure functions only under the conditions specified in a health care system's standardized procedures; and must provide the system with satisfactory evidence that the nurse meets its experience, training, and/or education requirements to perform such functions.

§ 1474. Standardized Procedure Guidelines.

Following are the standardized procedure guidelines jointly promulgated by the Medical Board of California and by the Board of Registered Nursing:

- (a) Standardized procedures shall include a written description of the method used in developing and approving them and any revision thereof.
- (b) Each standardized procedure shall:
 - (1) Be in writing, dated and signed by the organized health care system personnel authorized to approve it.
 - (2) Specify which standardized procedure functions registered nurses may perform and under what circumstances.
 - (3) State any specific requirements which are to be followed by registered nurses in performing particular standardized procedure functions.
 - (4) Specify any experience, training, and/or education requirements for performance of standardized procedure functions.

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(5) Establish a method for initial and continuing evaluation of the competence of those registered nurses authorized to perform standardized procedure functions.

(6) Provide for a method of maintaining a written record of those persons authorized to perform standardized procedure functions.

(7) Specify the scope of supervision required for performance of standardized procedure functions, for example, immediate supervision by a physician.

(8) Set forth any specialized circumstances under which the registered nurse is to immediately communicate with a patient's physician concerning the patient's condition.

(9) State the limitations on settings, if any, in which standardized procedure functions may be performed.

(10) Specify patient record keeping requirements.

(11) Provide for a method of periodic review of the standardized procedures.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2725, Business and Professions Code.

History

1. Amendment of first paragraph and new Note filed 2-1-96; operative 3-2-96 (Register 96, No. 5).

Article 8 Standards for Nurse Practitioners

§ 1480. Definitions.

(a) "Nurse practitioner" means a registered nurse who possesses additional preparation and skills in physical diagnosis, psycho-social assessment, and management of health-illness needs in primary health care, and who has been prepared in a program conforms to board standards as specified in Section 1484.

(b) "Primary health care" is that which occurs when a consumer makes contact with a health care provider who assumes responsibility and accountability for the continuity of health care regardless of the presence or absence of disease.

(c) "Clinically competent" means that one possesses and exercises the degree of learning, skill, care and experience ordinarily possessed and exercised by a member of the appropriate discipline in clinical practice.

(d) "Holding oneself out" means to use the title of nurse-practitioner.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2834, Business and Professions Code.

History

1. New Article 8 (Sections 1480-1485) filed 7-13-79; effective thirtieth day thereafter (Register 79, No. 28).

2. Amendment filed 12-7-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1481. Categories of Nurse Practitioners.

A registered nurse who has met the requirements of Section 1482 for holding out as a nurse practitioner, may be known as a nurse practitioner and may place the letters "R.N., N.P." after his/her name alone or in combination with other letters or words identifying categories of specialization, including but not limited to the following: adult nurse practitioner, pediatric nurse practitioner, obstetrical-gynecological nurse practitioner, and family nurse practitioner.

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Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2834 and 2836, Business and Professions Code.

History

1. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1482. Requirements for Holding Out As a Nurse Practitioner.

The requirements for holding oneself out as a nurse practitioner are:

(a) Active licensure as a registered nurse in California; and

(b) One of the following:

(1) Successful completion of a program of study which conforms to board standards; or

(2) Certification by a national or state organization whose standards are equivalent to those set forth in Section 1484; or

(3) A nurse who has not completed a nurse practitioner program of study which meets board standards as specified in Section 1484, shall be able to provide:

(A) Documentation of remediation of areas of deficiency in course content and/or clinical experience, and

(B) Verification by a nurse practitioner and by a physician who meet the requirements for faculty members specified in Section 1484 (c), of clinical competence in the delivery of primary health care.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2835 and 2836, Business and Professions Code.

History

1. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

§ 1483. Evaluation of Credentials.

An application for evaluation of a registered nurse's qualifications to hold out as a nurse practitioner shall be filed with the board on a form prescribed by the board and shall be accompanied by the fee prescribed in Section 1417 and such evidence, statements or documents as therein required by the board to conform with Sections 1482 and 1484.

The board shall notify the applicant in writing that the application is complete and accepted for filing or that the application is deficient and what specific information is required within 30 days from the receipt of an application. A decision on the evaluation of credentials shall be reached within 60 days from the filing of a completed application. The median, minimum, and maximum times for processing an application, from the receipt of the initial application to the final decision, shall be 42 days, 14 days, and one year, respectively, taking into account Section 1410.4 (e) which provides for abandonment of incomplete applications after one year.

Authority cited: Section 2715 and 2718, Business and Professions Code. Reference: Sections 2815 and 2835.5, Business and Professions Code.

History

1. Repealer and new section filed 8-21-86; effective thirtieth day (Register 86, No. 34).

§ 1484. Standards of Education.

The program of study preparing a nurse practitioner shall meet the following criteria:

(a) Purpose, Philosophy and Objectives

(1) have as its primary purpose the preparation of registered nurses who can provide primary health care;

(2) have a clearly defined philosophy available in written form;

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(3) have objectives which reflect the philosophy, stated in behavioral terms, describing the theoretical knowledge and clinical competencies of the graduate.

(b) Administration

(1) Be conducted in conjunction with one of the following:

(A) An institution of higher education that offers a baccalaureate or higher degree in nursing, medicine, or public health.

(B) A general acute care hospital licensed pursuant to Chapter 2 (Section 1250) of Division 2 of the Health and Safety Code, which has an organized outpatient department.

(2) Have admission requirements and policies for withdrawal, dismissal and readmission clearly stated and available to the student in written form.

(3) Have written policies for clearly informing applicants of the academic status of the program.

(4) Provide the graduate with official evidence indicating that he/she has demonstrated clinical competence in delivering primary health care and has achieved all other objectives of the program.

(5) Maintain systematic, retrievable records of the program including philosophy, objectives, administration, faculty, curriculum, students and graduates. In case of program discontinuance, the board shall be notified of the method provided for record retrieval.

(6) Provide for program evaluation by faculty and students during and following the program and make results available for public review.

(c) Faculty. There shall be an adequate number of qualified faculty to develop and implement the program and to achieve the stated objectives.

(1) Each faculty person shall demonstrate current competence in the area in which he/she teaches.

(2) The director or co-director of the program shall:

(A) be a registered nurse;

(B) hold a Master's or higher degree in nursing or a related health field from an accredited college or university;

(C) have had one academic year's experience, within the last five (5) years, as an instructor in a school of professional nursing, or in a program preparing nurse practitioners.

(3) Faculty in the theoretical portion of the program must include instructors who hold a Master's or higher degree in the area in which he or she teaches.

(4) A clinical instructor shall hold active licensure to practice his/her respective profession and demonstrate current clinical competence.

(5) A clinical instructor shall participate in teaching, supervising and evaluating students, and shall be appropriately matched with the content and skills being taught to the students.

(d) Curriculum

(1) The program shall include all theoretical and clinical instruction necessary to enable the graduate to provide primary health care for persons for whom he/she will provide care.

(2) The program shall provide evaluation of previous education and/or experience in primary health care for the purpose of granting credit for meeting program requirements.

(3) Training for practice in an area of specialization shall be broad enough, not only to detect and control presenting symptoms, but to minimize the potential for disease progression.

(4) Curriculum, course content, and plans for clinical experience shall be developed through collaboration of the total faculty.

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(5) Curriculum, course content, methods of instruction and clinical experience shall be consistent with the philosophy and objectives of the program.

(6) Outlines and descriptions of all learning experiences shall be available, in writing, prior to enrollment of students in the program.

(7) The program may be full-time or part-time and shall be comprised of not less than thirty (30) semester units, (forty-five (45) quarter units), which shall include theory and supervised clinical practice.

(8) The course of instruction shall be calculated according to the following formula:

(A) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(B) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit.

(C) One (1) semester equals 16-18 weeks and one (1) quarter equals 10-12 weeks.

(9) Supervised clinical practice shall consist of two phases:

(A) Concurrent with theory, there shall be provided for the student, demonstration of and supervised practice of correlated skills in the clinical setting with patients.

(B) Following acquisition of basic theoretical knowledge prescribed by the curriculum the student shall receive supervised experience and instruction in an appropriate clinical setting.

(C) At least 12 semester units or 18 quarter units of the program shall be in clinical practice.

(10) The duration of clinical experience and the setting shall be such that the student will receive intensive experience in performing the diagnostic and treatment procedures essential to the practice for which the student is being prepared.

(11) The program shall have the responsibility for arranging for clinical instruction and supervision for the student.

(12) The curriculum shall include, but is not limited to:

(A) Normal growth and development

(B) Pathophysiology

(C) Interviewing and communication skills

(D) Eliciting, recording and maintaining a developmental health

(E) Comprehensive physical examination

(F) Psycho-social assessment

(G) Interpretation of laboratory findings

(H) Evaluation of assessment data to define health and developmental problems

(I) Pharmacology

(J) Nutrition

(K) Disease management

(L) Principles of health maintenance

(M) Assessment of community resources

(N) Initiating and providing emergency treatments

(O) Nurse practitioner role development

(P) Legal implications of advanced practice

(Q) Health care delivery systems

(13) The course of instruction of a program conducted in a non-academic setting shall be equivalent to that conducted in an academic setting.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2836, Business and Professions Code.

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§ 1485. Scope of Practice.

Nothing in this article shall be construed to limit the current scope of practice of the registered nurse authorized pursuant to the Business and Professions Code, Division 2, Chapter 6. The nurse practitioner shall function within the scope of practice as specified in the Nursing Practice Act and as it applies to all registered nurses.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2834 and 2837, Business and Professions Code.

History

1. Amendment filed 12-4-85; effective thirtieth day thereafter (Register 85, No. 49).

Article 9 Public Health Nurse

§ 1490. Public Health Nurse Certificate.

(a) A Public Health Nurse Certificate shall be issued by the Board to a person who:

- (1) Completes and submits an application pursuant to Section 1492; and
- (2) Meets the qualifications and requirements specified in Section 1491.

(b) A Public Health Nurse Certificate shall remain valid as long as the person's license to practice as a registered nurse in California is active.

(c) The Board may issue a duplicate certificate to a person who states in writing that his or her certificate has been lost, stolen or destroyed.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2818, Business and Professions Code.

History

1. Amendment filed 12-8-45 (Register 3).
2. Amendment filed 9-24-51 designated to be effective 1-1-54 (Register 25, No. 6).
3. Amendment filed 12-18-61; effective thirtieth day thereafter (Register 61, No. 26).
4. Repealer of subsection (c) filed 6-9-67; effective thirtieth day thereafter (Register 67, No. 22).
5. Repealer of subsection (d) filed 4-14-72; effective thirtieth day thereafter (Register 72, No. 16).
6. Amendment filed 3-9-87; effective thirtieth day thereafter (Register 87, No. 11).
7. New article 9 and renumbering of former title 17, section 4500 to new title 16, section 1490, and amendment of subsections (a)-(a)(2) and (c) and Note filed 1-26-96; operative 2-28-96. Submitted to OAL for printing only (Register 96, No. 5).
8. Amendment of Note filed 9-2-98; operative 10-2-98 (Register 98, No. 36).

§ 1491. Qualifications and Requirements.

An applicant for a Public Health Nurse Certificate shall have a license, in active status, to practice as a registered nurse in California and shall have met the education and training requirements as follows:

(1) Possession of a baccalaureate degree in nursing from a nursing school accredited by the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education, or any other accrediting body approved by the Board. This baccalaureate program must have included coursework in public health nursing; or

(2) Possession of a baccalaureate degree from a nursing school which is not accredited by the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education, or any other accrediting body approved by the Board if the Board determines that the nursing school coursework and experience is equivalent to that of a nursing school accredited by the National League for Nursing Accrediting Commission, the

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Commission on Collegiate Nursing Education, or any other accrediting body approved by the Board; or

(3) Possession of a baccalaureate degree in a field other than nursing and completion of a Board approved specialized public health nursing program associated with a baccalaureate school of nursing accredited by the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education, or any other accrediting body approved by the Board.

(4) Training in the prevention, early detection, intervention, California reporting requirements, and treatment of child neglect and abuse that shall be at least seven (7) hours in length and shall be acquired through:

(A) A baccalaureate or specialized program in nursing; or

(B) A course of instruction in the prevention, early detection, intervention, California reporting requirements, and treatment of child neglect and abuse that is offered by a continuing education provider approved by the Board.

Authority cited: Section 2715, Business and Professions Code. Reference: Sections 2817 and 2818, Business and Professions Code.

History

1. New section filed 4-14-72; effective thirtieth day thereafter (Register 72, No. 16).
2. Amendment filed 3-9-87; effective thirtieth day thereafter (Register 87, No. 11).
3. Editorial correction of subsection (a)(2) (Register 90, No. 35).
4. Renumbering and amendment of former title 17, section 4501 to new title 16, section 1491 and amendment of Note filed 1-26-96; operative 2-28-96. Submitted to OAL for printing only (Register 96, No. 5).
5. Amendment of section and Note filed 9-2-98; operative 10-2-98 (Register 98, No. 36).

§ 1492. Application for Public Health Nurse Certificate.

(a) A person seeking a Public Health Nurse Certificate shall complete and submit an application on the forms prescribed by the Board and shall submit a nonrefundable fee as prescribed by Section 1417 to the Board of Registered Nursing.

(b) Receipt of an application, information, documents, or fees supporting an application shall be deemed to occur on the date the application, information, documents, or fees are received by the Board.

(c) An application shall be considered complete when all required documents, information, and fees have been received by the Board.

(d) The applicant shall sign a statement contained on the application form prescribed by the Board that certifies under penalty of perjury pursuant to the laws of the State of California that the information contained in the application is true and correct.

Authority cited: Sections 2715 and 2816, Business and Professions Code. Reference: Section 2816, Business and Professions Code.

History

1. New section filed 3-9-87; effective thirtieth day thereafter (Register 87, No. 11).
2. Renumbering and amendment of former title 17, section 4502 to new title 16, section 1492 and amendment of Note filed 1-26-96; operative 2-28-96. Submitted to OAL for printing only (Register 96, No. 5).
3. Amendment of subsection (a), repealer of subsections (b) and (f)-(f)(3), subsection relettering, amendment of newly designated subsections (b) and (d) and amendment of Note filed 9-2-98; operative 10-2-98 (Register 98, No. 36).

§ 1493. Issuance of Certificate.

(a) The Board shall provide written notification to the applicant within 30 calendar days of receipt of an application and fee for a Public Health Nurse Certificate that:

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- (1) The application is complete and accepted for processing; or
 - (2) The application is deficient and what specific information, documentation, or fee is required to complete the application.
- (b) The Board's time periods for processing an initial application for Public Health Nurse Certificate are as follows:
- (1) The median time for processing an initial application is 42 calendar days.
 - (2) The minimum time for processing an initial application is 14 calendar days.
 - (3) The maximum time for processing an initial application is 365 calendar days.
- (c) Written notification by the Board shall be deemed to have occurred on the date such notification is deposited in the U.S. mail.
- (d) If an applicant fails to respond within a period of one year to a written request by the Board for additional information, documentation, or fees, the application shall be deemed to have been abandoned by the applicant.
- (e) An applicant whose application was deemed abandoned pursuant to subdivision (d) may reapply by submitting a complete new application, fee, and documentation to meet all current requirements.

Authority cited: Section 2715, Business and Professions Code. Reference: Section 2818, Business and Professions Code.

History

1. New section filed 3-9-87; effective thirtieth day thereafter (Register 87, No. 11).
2. Renumbering and amendment of former title 17, section 4503 to new title 16, section 1493 and amendment of Note filed 1-26-96; operative 2-28-96. Submitted to OAL for printing only (Register 96, No. 5).
3. Editorial correction of subsection (a)(2) (Register 98, No. 36).
4. Amendment of section heading, section and Note filed 9-2-98; operative 10-2-98 (Register 98, No. 36).