



## LEGISLATIVE AND REGULATIONS COMMITTEE MEETING MINUTES

**April 22, 2024**

**2535 Capitol Oaks Drive, Ste. 205  
 Sacramento, CA 95833  
 via WebEx Webinar**

**Board Members Present:**

Ms. Carpenter, Public Member, Chair

**Staff Present:**

Ms. Yamaguchi, Executive Officer  
 Mr. Ito, Assistant Executive Officer  
 Dr. McLeod, Lead Nursing Education Consultant  
 Ms. Gomez, Nursing Education Consultant  
 Dr. Thomson, Nursing Education Consultant  
 Ms. Silverman, Nursing Education Consultant  
 Ms. Arreola, Licensing Supervisor  
 Mr. Hall, Licensing Supervisor  
 Ms. Archibald, Intake & Enhanced Screening Manager  
 Mr. Prouty, Discipline Manager  
 Mr. Weiler, Administration Manager  
 Mr. Delgado, Enforcement Supervisor  
 Mr. Gonzales, Education Analyst  
 Ms. Ball, Board Administrative Analyst (moderator)

**DCA Staff Present:**

Mr. Swenson, Attorney III, Board General Counsel  
 Ms. Schieldge, Attorney IV, Board Regulations Counsel

1. Call to Order & Committee Roll Call – Ms. Carpenter, Chair.

Ms. Carpenter called the meeting to order at 10:00 a.m.

Ms. Carpenter introduced herself. Ms. Yamaguchi shared that Ms. Sonson was unable to attend.

2. Introduction of Staff and Counsel – Ms. Yamaguchi, Executive Officer.

Ms. Yamaguchi introduced board staff. Mr. Swenson and Ms. Schieldge introduced themselves.

3. Legislative and Regulations Committee Strategic Plan – Ms. Yamaguchi, Executive Officer.

Ms. Yamaguchi shared that the board is currently transitioning and starting a new strategic plan; but believes that the most effective action that will be carried over from the previous plan is to create a list of concepts and to have them approved by the board in an effort to allow for the multiple calendars and timelines of the board, the legislature, et al. Without this action, concepts will continue to have a lag due to the off-set schedules. She would like members and staff to start brainstorming ideas to develop a wishlist to move ideas forward proactively.

4. Legislative Update – Ms. Yamaguchi, Executive Officer.

Status of Sunset Review: AB 3255 (Committee)

Ms. Yamaguchi shared that the board Sunset Bill is now in print and is scheduled for hearing on April 23, 2024. She continued to share some of the questions, agreements, and pushback she believes are being considered based on her interactions with joint committee staff.

AB 3232 (Dahle) – Nurse Licensure Compact

This legislation has come around many times in previous legislative sessions and has previously been opposed by both the Board and by BRN. The Board has previously voiced concern about many of the fiscal aspects of the legislation. If enacted, implementing the bill would create enforcement issues, require extensive rulemaking and would greatly increase Board costs. This bill cannot be amended to address these concerns, as it is the existing compact language for all the other states who have joined the compact. This bill will be put before the board to take an official position.

AB 1991 (Bonta) - Licensee and registrant records

Demographic data on applicants and licensees is currently collected through BreEZe, but it is voluntary for the individuals to provide the information. The Board is currently required to provide all collected data to the Health Care Access and Information Department. This bill, as amended April 17, would require that the data **must** be provided by the individuals, as a condition of licensure. It is not clear how this will be enforced. However, if this information was not provided and there were no other actions against the applicant that would be cause for denial, the stipulation would be waived. Ms. Schieldge voiced concerns on the regulatory implementation of this concept. Mr. Swenson voiced his concerns on the Constitutional perspective and joins in Ms. Schieldge comments. Ms. Schieldge continued to share current laws and her concerns as policy goes. Current position: no position; watch.

#### AB 2862 (Gipson) - Licenses: African American applicants

AB 2862 would require licensing boards to prioritize African American applicants seeking licensure, especially those applicants who are descended from a person enslaved in the United States. It would sunset in 2029. Many questions and concerns are raised from this bill; including but not limited to the Constitutionality of this process as well as the implementation and regulating the process. This will be difficult for our board to implement, as our processing times are very efficient. Creating a process to evaluate applications from a specific ethnic group actually would hinder our processing times. Current position: no position; watch.

#### AB 3127 (McKinnon) – Mandated Reporters

This bill requires health care practitioners who are mandatory reporters, who know or reasonably suspect that their patient is experiencing any form of domestic violence or sexual violence, to provide brief counseling, education, or other support, and offer a "warm handoff" or referral to domestic violence or sexual violence advocacy services before the end of treatment, to the extent that it is medically possible. The intent of the bill is to ensure that survivors can access healthcare services by creating a survivor-centered, trauma-informed approach and limit non-consensual and potentially dangerous referrals to law enforcement. Staff suggests that it would be very helpful to ensure that licensees are well trained and aware of their rights and responsibilities. Mr. Swenson voiced his concern as it related to the liability of our licensees. Ms. Schieldge agreed and included the enforcement of this would be quite difficult. Position: no position; watch but share concerns with the author's office for consideration.

#### SB 1451 (Ashby) – Professions & Vocations

This is an omnibus bill for DCA, the section of interest to BVNPT is the language regarding the Respiratory Care Board (RCB) as it relates to LVNs providing respiratory services. In 2022, the RCB introduced a regulations package that seemed to narrow the scope of work and where an LVN may practice. The board looks forward to working in collaboration with RCB to continue to offer the highest level of consumer protection and safety. Ms. Carpenter would like to be able to provide the author with information and address narrowing of scope of practice concerns.

#### SB 1067 (Smallwood-Cuevas) - expedited licensure process: medically underserved area or population

Ms. Yamaguchi shared a high-level overview of the bill and suggested alternative options to fill the need implied by this bill. Ms. Schieldge shared her concerns of this bill as written; including but not limited to the enforcement of the concept. Mr. Hall raised questions and concerns on the implementation and where within the

licensing application process would a job need to be confirmed. Position: no position; share concerns with author's office for consideration.

5. 2024 Rulemaking Update – Ms. Yamaguchi, Executive Officer.

California Code of Regulations, Title 16, Division 25, Chapter 1, Article 5 and Chapter 2, Article 5 - review Article 5, Ch. 1 (VN) & Ch. 2 (PT) for recommendations for regulatory revisions

Ms. Yamaguchi shared that this review and proposal is still pending. Ms. Scheildge asked if there was an estimated time of completion for the initial amendments for her to review. An initial draft of these proposed amendments has been created. Ms. Schieldge needs to review the text prior to the next step of creating rationale to ensure the amendments are legally viable. Dr. McLeod will send the proposed language to Ms. Schieldge. This timeline will allow time to present this regulations package to the board in August.

Rulemaking to Amend 16 California Code of Regulations (CCR) sections 2524 and 2579.10 (Disciplinary Guidelines and Uniform Standards Regarding Substance-Abusing Licensees)

Mr. Ito shared that this package was posted Friday and is open for public comment for its 45-day period through the beginning of June.

6. Federal Rulemaking RE: Instructional Hours

Ms. Yamaguchi shared that the Federal Department of Education has passed a new regulation that the maximum curriculum hours to receive Title IV funding/financial aid is 1530 hours; 1530 is currently California's minimum requirement. The board has a mix of schools as it relates to being over 1530 hours and/or whether the program needs this funding. Programs have until July 1, 2024 and may be considered for an extension to December 31, 2024 to comply with the hours. Because this does not only affect our board; DCA is working on a legislative fix. She continued to share ideas and concepts that have been heard in conversation with institutions involved in the regulation of colleges, board, et al. Mr. Swenson and Ms. Schieldge offered legal options and opinions on ideas being discussed; including the work DCA is currently working on. Ms. Silverman shared options being considered by the NEC's. Dr. McLeod shared actions and conversations the NEC's have had and considered to adjust accordingly. Programs have many concerns.

7. Suggestions for Future Agenda Items

Additional discussion on the Federal Title IV; this agenda will likely be carried over for future meetings.

8. Schedule Next Legislative and Regulation Committee Meeting: TBD June 2024

This committee will schedule a meeting for late June, offline to ensure all committee members are available.

9. Adjournment.

Ms. Carpenter adjourned this meeting at 11:43 a.m.