



# Legislative Analysis: Education

<b>BILL NUMBER:</b>	AB 1082
<b>SUBJECT:</b>	Nursing Students in Out-of-State Programs
<b>INTRODUCTION DATE:</b>	January 25, 2025
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<b>SPONSOR:</b>	Nightingale Education Group

**DESCRIPTION OF PROPOSED LEGISLATION:**

This bill would allow an unlicensed Registered Nursing student who is enrolled in an out-of-state distance education nursing program to provide supervised nursing services that are incidental to the course of study for purposes of gaining clinical experience.

**STAFF POSITION/RECOMMENDATION: Oppose**

Although the current version of this bill only **directly** affects the Board of Registered Nursing, BVNPT should take an active interest in this bill.

**BACKGROUND:**

The California Board of Registered Nursing, BVNPT's sister board, is the sole entity authorized to approve RN and APRN programs in this state. This ensures that programs comply with all statutory and regulatory requirements. Unlike BVNPT, BRN oversees several levels of programs, including Associate, Baccalaureate and Masters' degrees. There are approximately 160 approved schools on BRN's list.

Nursing education in California requires both classroom theory and clinical experience. Clinical experience is supervised, hands-on experience providing patient care, giving students a controlled opportunity to apply theory to practice.

Existing law exempts students from licensing requirements while providing nursing services through a BRN-approved education program.

# Legislative Analysis: Education

This bill would require all of the following criteria to be met in order to allow students, who are California residents enrolled in prelicensure distance education nursing programs based at an out-of-state private postsecondary institution to render nursing services incidental to their program:

1. The program is accredited by a programmatic accreditation entity recognized by the United States Department of Education.
2. The BRN has not otherwise approved the program.
3. The student placement does not impact any students already assigned to the agency or facility.
4. The program does not make payments to any clinical agency or facility in exchange for clinical experience placements for students enrolled in a nursing program offered by or affiliated with the institution or private postsecondary school of nursing.
5. The program qualifies graduates for licensure under the Nursing Practice Act.
6. The program maintains minimum faculty to student ratios required of BRN-approved programs for in-person clinical experiences.
7. The program pays a one-time fee of \$100 to the BRN for each student who participates in clinical experience placements in the state.

AB 1082 was approved in the Assembly Business and Professions Committee by a vote of 14-0-4 and awaits hearing in Assembly Appropriations. This bill is substantially similar to AB 1292 (Flora), which was held on the Assembly Appropriations Committee suspense file in 2023.

## **ANALYSIS:**

AB 1082 seeks to address the need for nurses by allowing students attending out-of-state and/or online programs to complete their clinical requirements in California, if specific conditions are met.

There are two key flaws in this bill.

First, the lack of BRN oversight presents a risk to public safety. Although the legislation specifies the conditions required, without oversight by BRN, there are few ways to ensure quality education and adequate supervision, which present a risk to patient safety, as well as potentially a substandard training.

# Legislative Analysis: Education

Second, this bill would exacerbate the existing scarcity of clinical sites for nursing students attending school in California. This has been discussed for many years and has been the core of several bills in the past few years. This bill would increase the demand for clinician placements by hundreds, perhaps thousands of students each year.

While this bill would affect students attending BRN-approved schools, VN and PT students in California would also be affected. BVNPT regulates more than 170 VN and PT schools in the state. VN and PT students must complete clinical experience to graduate, and currently compete with nursing students for clinical placements. As a result, VN and PT schools frequently have difficulty placing their students. Recently, schools have reported that prospective clinical sites will not accept LVN and PT students, preferring to have RN students instead. This can be ascribed to a scarcity of program resources, especially in rural areas, and in many specialties. There is a high demand for LVNs and PTs in the state. Because this bill could make it more difficult to complete VN and PT licensing requirements, this bill could result in fewer VN and PT students obtaining licensure. With fewer medical provider options for Californians, this bill could negatively impact public protection, which is of paramount concern to the Board.

## **FISCAL:**

Unknown costs to BRN.

## **SUPPORT:**

Nightingale Education Group (sponsor)

## **OPPOSITION:**

American Federation of State, County and Municipal Employees, AFL-CIO

Association of California Nurse Leaders

Board of Registered Nursing

CA Organization of Associate Degree Nursing Directors South

California Association of Associated Degree Nursing

California Association of Colleges of Nursing

California Nurses Association

California State University, Office of the Chancellor