
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 1375 (Atkins) - Nursing: nurse practitioners

Version: February 18, 2022

Urgency: No

Hearing Date: May 2, 2022

Policy Vote: B., P. & E.D. 9 - 4, JUD. 9 - 1

Mandate: Yes

Consultant: Janelle Miyashiro

Bill Summary: SB 1375 modifies the definition of “transition to practice” to remove the requirement for the Board of Registered Nursing to define minimum standards for transition to practice through regulation; authorizes a qualified nurse practitioner functioning in specified healthcare settings who also meets specified requirements to perform an abortion by aspiration techniques without adherence to standardized procedures; and authorizes nurse practitioners utilizing a minimum of three full-time equivalent years of 4,600 hours as of January 1, 2023 to satisfy transition to practice requirements.

Fiscal Impact: The Board of Registered Nursing (BRN) anticipates total costs of approximately \$25,000 for staff time to make and implement regulatory changes (BRN Fund).

Staff notes that there may also be an indeterminate fiscal impact on enforcement workload to the BRN, which will likely vary and depend on the volume of complaints and complexity of any resulting investigations.

The Office of Information Services (OIS) within the Department of Consumer Affairs estimates costs of \$11,000 to make changes to the BRN’s licensing systems, which the OIS believes is absorbable through the redirection of existing maintenance resources.

Background: A nurse practitioner (NP) is a registered nurse (RN) who possesses additional preparation and skills in physical diagnosis, psychosocial assessment, and management of health-illness needs in primary health care. NPs are licensed and certified by the BRN.

A NP has earned a postgraduate nursing degree, such as a Master’s or Doctorate degree, and has obtained a certificate from a national certifying body or BRN-approved educational program. At the state level, the BRN sets the educational standards for NP certification and education program approval. NPs must also pass a national certifying examination. There are six specialty areas of practice for NPs, including: family/individual across the lifespan, adult-gerontology, primary care or acute care, neonatal, pediatrics, primary care or acute care, women’s health/gender related, and psychiatric-mental health across the lifespan.

In 2020, the Legislature passed, and the Governor signed, AB 890 (Wood, Chapter 256, Statutes of 2020) into law. SB 890 established a new regulatory framework for NPs to practice independent of physician supervision. AB 890 created a three-tiered framework for NPs who choose to practice independently in California depending on the healthcare setting where the NP will practice. Current practice requires a NP to function under

physician supervision in accordance with standardized procedures and protocols, as the provisions of AB 890 have yet to be fully implemented. As a result, there are not NPs who can meet the current education and experience requirements as set forth in AB 890 to practice independently, because the minimum standards for a transition to practice must be determined by the BRN through regulations, which is currently in the early phase of the regulatory process.

Under the provisions of AB 890, NPs will have the option to practice independently of physician supervision either in a defined health care setting, or outside of those settings (a private practice). NPs may continue to operate under the current structure, which allows NPs to practice in any healthcare facility under established protocols and procedures with physician supervision.

Proposed Law: Authorizes a qualified NP functioning in specified healthcare settings who also meets specified requirements to perform an abortion by aspiration techniques without adherence to standardized procedures.

- Modifies the definition of “transition to practice” to remove the requirement for the BRN to define minimum standards for transition to practice through regulation.
- Specifies that a NP who has been practicing a minimum of three full-time equivalent years of 4,600 hours as of January 1, 2023 satisfies the transition to practice requirement.
 - Specifies that clinical experience may include experience obtained before January 1, 2023, and be counted towards the three full-time equivalent years of 4,600 hours.
- Make technical and conforming changes.

Related Legislation: AB 890 (Wood, Chapter 265, Statutes of 2020) authorizes a NP, with specified training and education requirements, to provide care without standardized procedures under specified conditions.

Staff Comments: Staff notes that the boards and bureaus within the Department of Consumer Affairs are special fund agencies whose activities are funded by regulatory and license fees and generally receive no support from the General Fund. New legislative mandates, even those modest in scope, may in totality create new cost pressures and impact the entity’s operating costs, future budget requests, or license fees.

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