



## BOARD OF REGISTERED NURSING

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Pursuant to the Nursing Practice Act, Business and Professions Code section 2700 *et seq.*, the Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse-midwifery applicants, establishes accreditation requirements for California nursing schools, and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs. BRN's regulations implementing the Nursing Practice Act are codified in Division 14, Title 16 of the California Code of Regulations (CCR).

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator, and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 90 people.

## MAJOR PROJECTS

**BRN Ready to Implement Child Support Order Enforcement Legislation.** As of November 1, AB 1394 (Speier) (Chapter 50, Statutes of 1992) implemented the "Family Support Program," the overall purpose of which is to enforce child support orders issued to individuals licensed by a large number of occupational licensing agencies, including BRN. Under this new program, the Department of Consumer Affairs (DCA) will receive a computer file of persons certified by California district attorneys as delinquent in child support payments. DCA will then compare this list to both first-time and renewal RN applicants. If DCA discovers a match, BRN must issue the applicant a temporary initial or renewal license good for only 150 days. During this time, the temporary licensee must obtain a release from the appropriate district attorney in order to acquire a full-term license. If a release is not obtained, the individual will not be issued a permanent license.

DCA has established a Family Support Unit to assist its various boards in implementing AB 1394. This Unit will process the release forms from the district attorneys' offices, answer general inquiries

regarding the program, and resolve any problems that might arise from the new system. Moreover, the Family Support Unit will keep in close contact with liaisons designated by BRN to ensure successful implementation and maintenance of the program. DCA estimates that approximately 300 RN licensees might currently be delinquent in maintaining child support, collectively owing as much as \$2 million in back payments.

According to DCA, BRN has several responsibilities under the Family Support Program. First, Board staff must input and record all social security numbers when creating initial license records for RN applicants. In addition, staff must refer all inquiries from holders of a temporary license to the appropriate deputy district attorney and assist DCA's Family Support Unit personnel in resolving any problems that might arise from the new system.

**BRN Approves Policy on Abandonment of Patients by RNs.** At its September 24-25 meeting, BRN staff proposed a policy regarding the abandonment of patients by RN licensees. The proposed policy attempted to clarify what actions would constitute patient abandonment by an RN and thus lead to disciplinary action by the Board. Following discussion, BRN referred the policy back to its Nursing Practice Committee for further review and consideration. [12:4 CRLR 122]

After several revisions, the Nursing Practice Committee submitted a revised policy, which BRN unanimously approved at its November meeting. Pursuant to the Board's policy, for patient abandonment to occur, the nurse must have first accepted the patient assignment, thus establishing a nurse-patient relationship, and then severed that nurse-patient relationship without giving reasonable notice to the appropriate person (*e.g.*, supervisor or patient) so that arrangements could be made for continuation of nursing care by others. If a nurse-patient relationship has been severed in this manner, BRN may decide to seek disciplinary action against the RN's license.

Under its policy, BRN does not consider refusal to accept an assignment or a nurse-patient relationship, failure to notify the employing agency that the nurse will not appear to work an assigned shift, or refusal to work additional hours or shifts to constitute patient abandonment.

**BRN to Participate in Beta Testing of CAT.** At its November 19-20 meeting, BRN agreed to participate in the Beta Test for Computer Adaptive Testing (CAT). [12:4 CRLR 122] The beta testing consists of both operational and psychometric tests of the CAT system, which the National

Council of State Boards of Nursing (NCSBN) will use to determine the final timeline for implementation of the system. The psychometric beta testing includes a total of 5,000 RN candidates who will participate through the nursing boards of several states. Of these RN candidates, 2,000 will take CAT, 2,000 will take the regular RN licensing examination (NCLEX-RN), 500 will complete a one-day, paper-and-pencil NCLEX-RN, and 500 will finish the NCLEX by computer in a single day.

BRN hopes that its decision to participate in the Beta Testing will provide several benefits, including the opportunity to try out the entire CAT system with real candidates, the development of hands-on experience with CAT prior to actual implementation, and the installation of CAT hardware and software prior to implementation. RN candidates who participate in the Beta Testing of CAT will have their examination fee waived, and will be allowed a free retest if they should fail the first examination. The Beta Testing is scheduled to take place in June and July.

**BRN Staff Assist DCA in Development of New Applicant Tracking System.** Also at BRN's November 19-20 meeting, staff presented an update on DCA's development of the new computerized Applicant Tracking System (ATS), which will allow BRN to record the progress of each RN candidate through the application process. The new system will not only track all the requirements for RN licensure, but will also allow BRN to generate letters for missing documents, track fingerprint activity, and maintain a history of name and address changes for RN applicants and licensees. Moreover, ATS will be able to adapt to the CAT examination process through the importing and exporting of testing data between BRN and the CAT vendor, Educational Testing Service (ETS). ATS is expected to allow BRN to respond to an applicant's inquiries in a more timely manner, and allow for the processing of temporary licenses, interim permits, and permanent licenses on a steady basis.

Although BRN would prefer that DCA complete the development of ATS in time for the Beta Testing of CAT, staffing and budgeting problems at DCA's Information Systems Division has slowed progress. In particular, the Department of Finance (DOF) is requiring that DCA conduct a full-scale feasibility study, due to DOF's expectation that DCA will lose 25 personnel-years as a result of the automation. In response to this request, BRN staff is currently conducting an in-depth analysis to determine exactly what new savings or



workload will be created by ATS.

**BRN Approves Formation of Joint Advisory Committee.** In February 1992, the Division of Allied Health Professions of the Medical Board of California adopted new scope of practice regulations for physician assistants (PAs). The nursing community generally objected to the new regulations, contending that they violate the Nursing Practice Act. Last session, the California Nurses Association unsuccessfully attempted to secure legislation which would have superseded those regulations by—among other things—expressly precluding PAs from initiating orders for nursing services, admitting patients for inpatient hospital care, and performing surgical procedures under certain circumstances. [12:4 CRLR 121]

At its November 19–20 meeting, BRN approved the formation a new Joint Advisory Committee between the Physician Assistant Examining Committee (PAEC) and BRN; the new ad hoc committee is expected to discuss issues concerning the implementation of the regulations, especially where they overlap responsibilities traditionally belonging to RNs. BRN hopes that the joint committee will improve communication in general between the two boards.

At this writing, PAEC is expected to meet in January and discuss formation of the joint advisory committee. If PAEC approves formation of the committee, BRN will then ask DCA Director Jim Conran to approve the necessary travel expenses for meetings of the new committee.

## ■ LEGISLATION

**Anticipated Legislation.** In preparation for CAT, BRN announced at its September 24–25 meeting that certain “house-cleaning” amendments to the Nursing Practice Act would have to be enacted. [12:4 CRLR 122] Accordingly, staff presented a draft of proposed legislation that would modify Business and Professions Code sections 2732.1 and 2741 and repeal section 2739. BRN, however, sent the proposed legislation back to legal counsel for fine-tuning; at its November 19–20 meeting, BRN approved legal counsel’s changes and recommendations. Among other things, the proposed bill would limit the number of times an RN candidate may repeat CAT to not more than once every three months. BRN feels that testing more often than this could compromise test item security and unnecessarily increase the processing time needed to reschedule RN candidates. At this writing, BRN has not identified a sponsor for the proposed CAT clean-up amendments.

## ■ RECENT MEETINGS

At its November 19–20 meeting, the Board approved a motion to combine its Education Committee with its Licensing Committee due to the overlapping interests of both as they relate to educational and licensure requirements. The combined Education/Licensing Committee will consist of at least one nurse educator and two other Board members. BRN expects that the combined committee should save the Board the cost of four or five committee meetings per year.

Also at its November meeting, BRN selected Harriett W. Clark, Esq., to serve as President and Joyce Boone, RN, to serve as Vice-President during 1993.

## ■ FUTURE MEETINGS

June 10–11 in San Diego.

September 23–24 in Sacramento.

## CERTIFIED SHORTHAND REPORTERS BOARD

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**T**he Certified Shorthand Reporters Board (CSRb) is authorized pursuant to Business and Professions Code section 8000 *et seq.* The Board’s regulations are found in Division 24, Title 16 of the California Code of Regulations (CCR).

CSRb licenses and disciplines shorthand reporters; recognizes court reporting schools; and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members—three public and two from the industry—who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment. Currently, the Board is functioning with one public member vacancy.

## ■ MAJOR PROJECTS

**Board Considers Incentive Gift Giving and Exclusive Contracting Issues.** At its November 19 meeting, CSRb discussed whether legislative amendments are appropriate regarding shorthand reporting firms which exclusively contract with or give gifts or special prices to cer-

tain consumers, such as attorneys for insurance carriers. The Board received comments from a number of industry members who expressed concern that such activity hinders the impartiality and professionalism of CSRs as officers of the court; drives small firms out of business; hinders competition; decreases the quality of CSRs by creating business based on incentives instead of quality; and increases prices to non-contracting clients.

Specifically, the Board is considering amendments which would enhance the impartiality of reporters by requiring disclosure of any special pricing arrangements or incentive programs, and a certification by the reporter that he/she has made the required disclosure. Those who oppose such legislation contend that clients have always chosen court reporters based on price since quality is comparable among CSRs; CSRb already has the authority to discipline a CSR who acts in an unprofessional or biased manner; a prohibition would hinder creative business practices and the use of new technology; and any legislative attempt to prohibit the activity would be vague and unenforceable. In 1990, the Department of Consumer Affairs’ (DCA) legal office opined that such business practices probably do not violate any provision of CSRb’s enabling act or any applicable unfair business practice laws.

Following discussion, CSRb created a task force including CSR firm owners and various segments of the legal community to review the comments and testimony and make recommendations at CSRb’s February meeting regarding future Board action.

**Update on Curriculum Revision Rulemaking.** On September 11, at the request of the Office of Administrative Law (OAL), CSRb withdrew the rulemaking file on its proposed amendments to sections 2411 and 2420(a)(3), Division 24, Title 16 of the CCR, which amend the school curriculum requirements for the licensing exam. [12:4 CRLR 125] According to OAL, the Board needed to add supplementary documentation on the method of setting passing scores, provide an explanation of the impact on small businesses, and make minor grammatical changes. On December 9, CSRb resubmitted the revised rulemaking file to OAL for an additional thirty-day review period.

## ■ LEGISLATION

**Future Board-Sponsored Legislation.** At its November 19 meeting, the Board continued its discussion regarding possible 1993–94 legislative proposals.