

## CHAPTER \_\_\_\_\_

An act to amend Sections 2786 and 2811.5 of the Business and Professions Code, and to add Section 123630.5 to the Health and Safety Code, relating to health care.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1407, Burke. Nurses: implicit bias courses.

Existing law, the Nursing Practice Act, requires the Board of Registered Nursing to prepare and maintain a list of approved schools of nursing in this state whose graduates are eligible to apply for a license to practice nursing. Existing law specifies that an approved school of nursing, or an approved nursing program, is one that has been approved by the board, gives the course of instruction approved by the board, covering not less than 2 academic years, is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education.

This bill would require an approved school of nursing or an approved nursing program to include direct participation in one hour of implicit bias training, as specified, as a requirement for graduation. The bill would prohibit that provision from being construed to require a curriculum revision or to affect the requirements for licensure or endorsement under the Nursing Practice Act.

Existing law requires a person holding a regular renewable license under the act, whether in an active or inactive status, to renew their license and pay the biennial renewal fee, as specified. Existing law requires a person renewing their license to submit proof satisfactory to the board that, during the preceding 2-year period, they completed specified continuing education requirements, unless the licensee is still within the first 2 years of holding their license immediately following their initial licensure.

This bill would, starting January 1, 2023, require a licensee still within the first 2 years of holding their license immediately following their initial licensure to complete one hour of direct participation in an implicit bias course, as specified, offered by a continuing education provider that has been approved by the board.

Existing law requires a hospital that provides perinatal care, and an alternative birth center or a primary clinic that provides services as an alternative birth center, to implement an evidence-based implicit bias program, as specified, for all health care providers involved in perinatal care of patients within those facilities.

This bill would require a hospital, as defined, to implement an evidence-based implicit bias program, as specified, as part of its new graduate training program that hires and trains new nursing program graduates. Under the bill, a hospital that hires and trains new nursing program graduates involved in the perinatal care of patients, as specified, that complies with existing implicit bias program requirements on hospitals that provide perinatal care, would meet the implicit bias program requirements with respect to those new nursing program graduates involved in the perinatal care of patients.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2786 of the Business and Professions Code is amended to read:

2786. (a) An approved school of nursing, or an approved nursing program, is one that has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education. For purposes of this section, “institution of higher education” includes, but is not limited to, community colleges offering an associate of arts or associate of science degree and private postsecondary institutions offering an associate of arts, associate of science, or baccalaureate degree or an entry-level master’s degree, and is an institution that is not subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code).

(b) A school of nursing that is affiliated with an institution that is subject to the California Private Postsecondary Education Act of 2009 (Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code), may be approved by the board to grant an associate of arts or associate of science degree to individuals who graduate from the school of nursing or

to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(c) The board shall determine by regulation the required subjects of instruction to be completed in an approved school of nursing for licensure as a registered nurse and shall include the minimum units of theory and clinical experience necessary to achieve essential clinical competency at the entry level of the registered nurse. The board's regulations shall be designed to require all schools to provide clinical instruction in all phases of the educational process, except as necessary to accommodate military education and experience as specified in Section 2786.1.

(d) The board shall perform or cause to be performed an analysis of the practice of the registered nurse no less than every five years. Results of the analysis shall be utilized to assist in the determination of the required subjects of instruction, validation of the licensing examination, and assessment of the current practice of nursing.

(e) (1) Graduation requirements for an approved school of nursing, or an approved nursing program, shall include one hour of direct participation in an implicit bias training which shall include all of the following:

(A) Identification of previous or current unconscious biases and misinformation.

(B) Identification of personal, interpersonal, institutional, structural, and cultural barriers to inclusion.

(C) Corrective measures to decrease implicit bias at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.

(D) Information on the effects, including, but not limited to, ongoing personal effects, of historical and contemporary exclusion and oppression of minority communities.

(E) Information about cultural identity across racial or ethnic groups.

(F) Information about communicating more effectively across identities, including racial, ethnic, religious, and gender identities.

(G) Discussion on power dynamics and organizational decisionmaking.

(H) Discussion on health inequities within the perinatal care field, including information on how implicit bias impacts maternal and infant health outcomes.

(I) Perspectives of diverse, local constituency groups and experts on particular racial, identity, cultural, and provider-community relations issues in the community.

(J) Information on reproductive justice.

(2) This subdivision shall not be construed to do any of the following:

(A) Affect the requirements for licensure under this chapter.

(B) Require a curriculum revision.

(C) Affect licensure by endorsement under this chapter.

SEC. 2. Section 2811.5 of the Business and Professions Code is amended to read:

2811.5. (a) Each person renewing their license under Section 2811 shall submit proof satisfactory to the board that, during the preceding two-year period, they have been informed of the developments in the registered nurse field or in any special area of practice engaged in by the licensee, occurring since the last renewal thereof, either by pursuing a course or courses of continuing education in the registered nurse field or relevant to the practice of the licensee, and approved by the board, or by other means deemed equivalent by the board.

(b) Notwithstanding Section 10231.5 of the Government Code, the board, in compliance with Section 9795 of the Government Code, shall do the following:

(1) By January 1, 2019, deliver a report to the appropriate legislative policy committees detailing a comprehensive plan for approving and disapproving continuing education opportunities.

(2) By January 1, 2020, report to the appropriate legislative committees on its progress implementing this plan.

(c) For purposes of this section, the board shall, by regulation, establish standards for continuing education. The standards shall be established in a manner to ensure that a variety of alternative forms of continuing education are available to licensees, including, but not limited to, online, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The standards shall take cognizance of specialized areas of practice, and content shall be relevant to the practice of nursing and shall be related to the

scientific knowledge or technical skills required for the practice of nursing or be related to direct or indirect patient or client care. The continuing education standards established by the board shall not exceed 30 hours of direct participation in a course or courses approved by the board, or its equivalent in the units of measure adopted by the board.

(d) The board shall audit continuing education providers at least once every five years to ensure adherence to regulatory requirements, and shall withhold or rescind approval from any provider that is in violation of the regulatory requirements.

(e) The board shall encourage continuing education in spousal or partner abuse detection and treatment. In the event the board establishes a requirement for continuing education coursework in spousal or partner abuse detection or treatment, that requirement shall be met by each licensee within no more than four years from the date the requirement is imposed.

(f) In establishing standards for continuing education, the board shall consider including a course in the special care needs of individuals and their families, including, but not limited to, all of the following:

- (1) Pain and symptom management, including palliative care.
- (2) The psychosocial dynamics of death.
- (3) Dying and bereavement.
- (4) Hospice care.

(g) This section shall not apply to licensees during the first two years immediately following their initial licensure in California or any other governmental jurisdiction, except that, beginning January 1, 2023, those licensees shall complete one hour of direct participation in an implicit bias course offered by a continuing education provider approved by the board that meets all the same requirements outlined in paragraph (1) of subdivision (e) of Section 2786, including, but not limited to, the identification of the licensees previous or current unconscious biases and misinformation and corrective measures to decrease implicit bias at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.

(h) The board may, in accordance with the intent of this section, make exceptions from continuing education requirements for licensees residing in another state or country, or for reasons of health, military service, or other good cause.

SEC. 3. Section 123630.5 is added to the Health and Safety Code, to read:

123630.5. (a) A hospital, as defined in subdivision (a) of Section 1250, shall implement an evidence-based implicit bias program, as described in subdivision (b) of Section 123630.3, as part of its new graduate training program that hires and trains new nursing program graduates.

(b) If the hospital hires and trains new nursing program graduates who are subject to subdivision (c) of Section 123630.3, compliance by the hospital with Section 123630.3 shall meet the requirements of subdivision (a) only with respect to those new nursing program graduates subject to subdivision (c) of Section 123630.3.