

AMENDED IN SENATE JUNE 15, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1407

Introduced by Assembly Member Burke
(Principal coauthor: Senator Bradford)

February 19, 2021

An act to amend ~~Section~~ *Sections 2786 and 2811.5* of, and to add ~~Section 2790 to,~~ *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, as amended, 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 ~~coursework, training,~~ as specified, ~~in its curriculum.~~ *as a requirement for graduation.* The bill would ~~require the board to update regulations concerning prelicensure nursing program curriculum requirements in accordance with those provisions.~~ *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~~ *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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 ~~SECTION 1. Section 2790 is added to the Business and~~
- 2 ~~Professions Code, to read:~~
- 3 ~~2790. (a) An approved school of nursing, or an approved~~
- 4 ~~nursing program, shall include in its curriculum implicit bias~~
- 5 ~~coursework which shall include all of the following:~~
- 6 ~~(1) Identification of previous or current unconscious biases and~~
- 7 ~~misinformation.~~
- 8 ~~(2) Identification of personal, interpersonal, institutional,~~
- 9 ~~structural, and cultural barriers to inclusion.~~

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

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

7 ~~(5) Information about cultural identity across racial or ethnic~~
8 ~~groups.~~

9 ~~(6) Information about communicating more effectively across~~
10 ~~identities, including racial, ethnic, religious, and gender identities.~~

11 ~~(7) Discussion on power dynamics and organizational~~
12 ~~decisionmaking.~~

13 ~~(8) Discussion on health inequities within the perinatal care~~
14 ~~field, including information on how implicit bias impacts maternal~~
15 ~~and infant health outcomes.~~

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

19 ~~(10) Information on reproductive justice.~~

20 ~~(b) The board shall update subdivision (d) of Section 1426 of~~
21 ~~Title 16 of the California Code of Regulations in accordance with~~
22 ~~subdivision (a).~~

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

25 2786. (a) An approved school of nursing, or an approved
26 nursing program, is one that has been approved by the board, gives
27 the course of instruction approved by the board, covering not less
28 than two academic years, is affiliated or conducted in connection
29 with one or more hospitals, and is an institution of higher
30 education. For purposes of this section, “institution of higher
31 education” includes, but is not limited to, community colleges
32 offering an associate of arts or associate of science degree and
33 private postsecondary institutions offering an associate of arts,
34 associate of science, or baccalaureate degree or an entry-level
35 master’s degree, and is an institution that is not subject to the
36 California Private Postsecondary Education Act of 2009 (Chapter
37 8 (commencing with Section 94800) of Part 59 of Division 10 of
38 Title 3 of the Education Code).

39 (b) A school of nursing that is affiliated with an institution that
40 is subject to the California Private Postsecondary Education Act

1 of 2009 (Chapter 8 (commencing with Section 94800) of Part 59
2 of Division 10 of Title 3 of the Education Code), may be approved
3 by the board to grant an associate of arts or associate of science
4 degree to individuals who graduate from the school of nursing or
5 to grant a baccalaureate degree in nursing with successful
6 completion of an additional course of study as approved by the
7 board and the institution involved.

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

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

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

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

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

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

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

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

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

1 (G) Discussion on power dynamics and organizational
2 decisionmaking.

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

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

9 (J) Information on reproductive justice.

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

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

13 (B) Require a curriculum revision.

14 (C) Affect licensure by endorsement under this chapter.

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

17 2811.5. (a) Each person renewing their license under Section
18 2811 shall submit proof satisfactory to the board that, during the
19 preceding two-year period, they have been informed of the
20 developments in the registered nurse field or in any special area
21 of practice engaged in by the licensee, occurring since the last
22 renewal thereof, either by pursuing a course or courses of
23 continuing education in the registered nurse field or relevant to
24 the practice of the licensee, and approved by the board, or by other
25 means deemed equivalent by the board.

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

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

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

34 (c) For purposes of this section, the board shall, by regulation,
35 establish standards for continuing education. The standards shall
36 be established in a manner to ensure that a variety of alternative
37 forms of continuing education are available to licensees, including,
38 but not limited to, online, academic studies, in-service education,
39 institutes, seminars, lectures, conferences, workshops, extension
40 studies, and home study programs. The standards shall take

1 cognizance of specialized areas of practice, and content shall be
2 relevant to the practice of nursing and shall be related to the
3 scientific knowledge or technical skills required for the practice
4 of nursing or be related to direct or indirect patient or client care.
5 The continuing education standards established by the board shall
6 not exceed 30 hours of direct participation in a course or courses
7 approved by the board, or its equivalent in the units of measure
8 adopted by the board.

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

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

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

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

27 (g) This section shall not apply to licensees during the first two
28 years immediately following their initial licensure in California
29 or any other governmental jurisdiction, except *that, beginning*
30 *January 1, 2023*, those licensees shall complete one hour of direct
31 participation in an implicit bias course *offered by a continuing*
32 *education provider* approved by the board that meets the same
33 requirements outlined in *paragraph (1) of subdivision (e) of*
34 *Section 2790. 2786.*

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

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

1 123630.5. A hospital, as defined in subdivision (a) of Section
2 1250, shall implement an evidence-based implicit bias program,
3 as described in subdivision (b) of Section 123630.3, as part of its
4 new graduate training program that hires and trains new nursing
5 program graduates.

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