STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR

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Order Waiving Restrictions on Nursing Student Clinical Hours

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirement pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code, including requirements related to the education and training necessary to obtain licensure.

Accordingly, the Director waives the requirements of California Code of Regulations, title 16, sections 1426, subdivision (g)(2) and 1427, subdivision (a) to the extent they require a clinical setting to be approved by the Board of Registered Nursing (Board), on the condition that the clinical setting must be approved by a Nurse Education Consultant of the Board.

The Director also waives California Code of Regulations, title 16, sections 1427, subdivision (c), which requires written agreements with clinical facilities.

With respect to courses in the nursing areas of mental health/psychiatric nursing, obstetrics, and pediatrics, the Director waives that portion of California Code of Regulations, title 16, section 1426, subdivision (g)(2) that requires 75% of clinical hours in a course to be in direct patient care in a Board-approved clinical setting, subject to the condition that 50% of clinical hours in such courses must be in direct patient care.

With respect to courses in the nursing areas of geriatrics and medical-surgical, the Director waives that portion of California Code of Regulations, title 16, section 1426, subdivision (g)(2) that requires 75% of clinical hours in a course to be in direct patient care in a Board-approved clinical setting, subject to the following conditions:

1. At least 50% of clinical hours in such courses must be in direct patient care;

2. The director of an approved nursing program submits evidence satisfactory to the Board of the following:

    a. That the agency or facility being used by the approved nursing program for direct patient care clinical practice is no longer available for that use due to the conditions giving rise to the State of Emergency;

    b. That no alternative agency or facility located within 50 miles of the impacted approved nursing program, campus, or location, as applicable, is available to the approved nursing program for use by all of the impacted students for direct patient care clinical practice hours in the same subject matter area; and,

    c. That the substitute clinical practice hours not in direct patient care provide a learning experience that is reasonably comparable to the learning experience provided by the direct patient care clinical practice hours.

3. If the conditions of paragraph 2 of this order are met, a Board nurse education consultant shall approve the request. If an approved nursing program fails to submit information satisfactory to the Board, or fails to meet the conditions specified in paragraph 2, a Board nurse education consultant shall deny the request. If the request is not approved or denied on or before 5:00 p.m. on the date seven business days after receipt of the request, the request shall be deemed approved.

This order is effective immediately but may be amended as circumstances require.

This order terminates 60 days from the date of the order, unless further extended.

Dated: April 3, 2020

Signature on File

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Kimberly Kirchmeyer
Director