



California Community Colleges

MEMORANDUM

April 10, 2020

020-012 | Via Email

TO: Chief Executive Officers
Chief Instructional Officers
Chief Student Services Officers
Chief Business Officers
Regional Consortium Chairs
CTE Deans
Statewide Technical Assistance Providers
ASCCC

FROM: Sheneui Weber, Vice Chancellor,
Workforce and Economic Development Division

CC: Eloy Ortiz Oakley, Chancellor
Daisy Gonzales, Deputy Chancellor
Marty Alvarado, Executive Vice Chancellor, Education Services & Support
Lizette Navarette, Vice Chancellor, College Finance & Facilities Planning
CCCCO Staff

RE: COVID-19 Guidance – **REVISED** Board of Registered Nursing (BRN) Waivers for
Nursing Clinical Hours

The purpose of this memo is to provide an update to community colleges impacted by the closure of partner clinical nursing sites due to the COVID-19 pandemic, and to share our efforts to identify solutions or alternative options for our nursing students to complete their educational objectives.

The update addresses new regulatory flexibility provided to colleges regarding Nursing Clinical Hours during the COVID-19 emergency and resources:

1) Flexibility and Emergency Conditions Exemptions to the 75 Percent Requirement

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

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regulatory professional licensing requirement pertaining to Division 2 of the Business and Professions Code, including requirements related to the education and training necessary to obtain licensure. Please see [this link](#) for full waiver text.

In summary, the following flexibility has been provided to nursing programs under the California Code of Regulations for a period of 60 days:

- A. Waives Title 16, section 1426, subdivision (g)(2), and section 1427, subdivision (a) however, any new clinical setting must be approved by a Nurse Education Consultant (NEC) of the Board.
- B. Waives Title 16, section 1427, subdivision (c) - written agreements is no longer required with clinical facilities.
- C. For courses in the nursing areas of **mental health/psychiatric nursing, obstetrics, and pediatrics**, Title 16, section 1426, subdivision (g)(2) – 75% direct patient care reduced to 50% of clinical hours in such courses must be in direct patient care.
- D. For courses in the nursing areas of **geriatrics and medical-surgical**, Title 16, section 1426, subdivision (g)(2) - 75% of clinical hours in direct patient care in a Board-approved clinical setting, subject to the following conditions:
 - i) At least 50% of clinical hours in such courses must be in direct patient care;
 - ii) The director of an approved nursing program must submit satisfactory evidence to the Board of the following:
 - a. *That the originally approved clinical site used by the approved nursing program for direct patient care clinical practice is no longer available due to the current State of Emergency;*
 - b. *That no alternative clinical site located within 50 miles of the impacted approved nursing program, campus, or location, is available for direct patient care clinical practice hours in the same subject matter area; and,*
 - c. *That the substitute non-direct patient care clinical practice hours provide a learning experience that is reasonably comparable to the learning experience provided by the direct patient care clinical practice hours.*
 - iii) If conditions in ii) are met and information submitted is considered satisfactory, the request will be approved by the Board Nurse Education Consultant (NEC). If the request is not approved or denied on or before 5:00 p.m. seven business days after receipt of the request, the request shall be deemed approved.

2) Alternative Options for 75 Percent Clinical Hours in Direct Patient Care

In discussions with the BRN, additional clarification is provided below regarding alternatives methods to meet clinical hours, updating the BRN Requirements for

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Nursing Clinical Hours memo dated [March 20](#) previously released by the Chancellor's Office.

- a) Current regulations are silent about the use of simulation in the 25 percent skills lab portion. Colleges have the discretion to determine how the skills lab portion of the curriculum is met. Many colleges have elected to utilize nursing simulation labs to fulfill this portion of the education, and keeping the nursing simulation labs open for students, while observing California Department of Public Health (CDPH) social distancing guidelines in doing so, which is critical to ensuring safety for all. The Chancellor's Office encourages colleges to maintain on-going operations of their healthcare programs to continue to serve students, and to support the workforce needs for one of the critical infrastructure sectors – Healthcare and Public Health.
 - b) For the 75 percent clinical hours in direct patient care requirement (see waivers under the State of Emergency above), the regulation does not specify that direct patient care must be completed in a face-to-face or a hospital setting. The Chancellor's Office is encouraging colleges to explore all options and alternative placements available in your communities to place students where possible. Examples of such placement include telehealth and other modalities, work with elders in the community, volunteering directly with volunteer organizations or through the [Healthcare Corps](#) website set up by the Governor. The BRN has provided assurance that such alternative placements do not place programs in violation of any BRN regulation as long as the program/school approves credit toward graduation in these alternative, direct patient care. Please contact your NEC if you have any questions.
 - c) Please note that under Business and Professions Code, section 2727, subdivision (d), hospitals and healthcare institutions are able to fully utilize the services of RN nursing students based upon their competencies during this emergency and the students can receive academic credit toward their degrees during this crisis and schools/programs have full authority to give students credit for these hours.
- 3) **NCLEX Testing** - Pearson VUE has resumed limited NCLEX test delivery at U.S. Pearson VUE-owned test centers. For the latest NCLEX testing information, please go to [this link](#).
 - 4) **Other Healthcare Programs** - Additional information regarding other Healthcare programs updates can be found at <https://ca-hwi.org/>
 - 5) **Closing of College Campuses and Essential Personnel** –
The Chancellor's Office is requesting that colleges continue to do everything possible to maintain the continuity of training and instruction for these critical infrastructure workforce programs, while instituting measures consistent with CDPH guidelines to reduce person-to-person contact and prevent the spread of COVID-19. Please follow

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[this link](#) for full text on the recently released guidance on Essential Personnel related to Executive Order N-33-20. Please use this guidance to inform how the “Essential Workforce” is identified in each colleges’ Emergency Operations Plans.

Per the Essential Personnel guidance, Essential Workforce stated under the section titled “Other Community-Based Government Operations and Essential Functions” includes:

- Workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors
- Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors

Should you have any questions about this memo, please contact Brenda Fong at bfong@cccoco.edu, or Statewide Director for Health, John Cordova at John.Cordova@canyons.edu.