



**Executive Office**

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## MEMORANDUM

<b>DATE</b>	April 9, 2020
<b>TO</b>	Nursing Students Program Directors
<b>FROM</b>	Kimberly Kirchmeyer, Director
<b>SUBJECT</b>	<b>Guidance on Waiver of Restrictions on Nursing Student Clinical Hours Under DCA Waiver DCA-20-03</b>

This guidance pertains to Governor Gavin Newsom's [Executive Order N-39-20](#) issued on March 30, 2020, which gives the director of the Department of Consumer Affairs (DCA) authority to issue waivers of certain laws and regulations pertaining to licensees of DCA's Healing Arts boards. Exercising the authority under the order, DCA director issued a waiver on April 3, waiving certain restrictions on nursing student clinical hours.

### Background

COVID-19 is a respiratory illness caused by a novel virus that has been spreading worldwide. Community-acquired cases have now been confirmed in California. We are gaining more understanding of COVID-19's epidemiology, clinical course, immunogenicity and other factors, and the situation is changing daily. It has become clear that the response to this pandemic will continue for many weeks, if not months. On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency as a result of the COVID-19 pandemic.

### Context

The COVID-19 pandemic has created unprecedented challenges for hospitals, health care systems, public health departments, and nursing educational programs. As a result, some clinical training programs have been discontinued due to the inability to find clinical placements for their nursing students.

Recognizing this problem, and operating under the authority provided to the director under the executive order to work with the Board of Registered Nursing (BRN or Board) to waive certain laws and regulations as applicable, DCA issued an order waiving certain restrictions on nursing student clinical hours. This order will reduce some impacts on students due to the COVID-19 pandemic and

provide alternatives to nursing students to continue their clinical training programs and graduate.

Specifically, the waiver does the following:

- Allows nursing programs to change their clinical setting/facility without the full Board's approval. However, it would need to be approved by a Nurse Education Consultant (NEC) of the Board.
- Eliminates the requirement to have a written agreement with clinical facilities.
- Reduces the requirement that clinical hours be in direct patient care from 75% down to 50% for nursing students in obstetrics, pediatrics, and mental health/psychiatric courses.
- Allows up to 50% of clinical practice through simulation or lab training provided that certain conditions are met for nursing students in geriatrics and medical-surgical courses.

Although the percentage of direct patient care has been reduced temporarily during this COVID-19 pandemic as a result of the waiver, as a matter of policy, BRN considers that time spent in direct patient care better prepares a student for situations the student may face once licensed.

Even though the waiver reduces the percentage of direct patient care required, students are still encouraged to help meet the need for health care practitioners during this pandemic and hone their skills, and they may do so under Business and Profession Code section 2727, which permits students and others to provide nursing services during times of emergency. Facilities can fully utilize the services of nursing students based upon their competencies during this emergency. Further, nursing students may be able to receive clinical credit for these hours if the academic institution agrees. Existing regulation allows hospitals flexibility to utilize students during this crisis and the schools can determine whether it will give students credit for these hours.

### **Specific Guidance to Nursing Programs**

- Contact your facility and determine if they are taking students. BRN has been in contact with hospitals that are still accepting students.
- If your facility is not being cooperative, seek a new facility for your students. In doing so, there will not be a violation of any BRN regulations with the waiver in place. Please notify your NEC that this occurred.

- Evaluate the clinical experience students can get at this time and see if it can meet their clinical objectives so that you can award course credit. For example, some students can make wellness calls to make a connection with people. This experience can meet some of the geriatric clinical experience.
- Determine if resequencing specialty courses is an option to allow students to complete the hours once the COVID-19 curve flattens.
- Contact your NEC to create plans to solve the students' and community's needs with experiences that meet their educational objectives.
- Consider permitting the experience nursing students may obtain through Health Corps to apply towards their clinical hours.

### **Specific Guidance to Nursing Students**

During this public health crisis, Business and Professions Code section 2727 provides that nursing services may be provided by unlicensed persons during an epidemic, which would include nursing students, without violating the Nursing Practice Act.

- Work with your program director to determine what clinical placements are available.
- Review the [Nursing Services during Epidemic/Public Disaster AT-A-GLANCE](#) to determine what services you can provide. Print a copy and take to your facility for review.
- Volunteer for Health Corps at [healthcorps.ca.gov](http://healthcorps.ca.gov). Keep a log of the work you do.