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**SB-1375 Nursing: nurse practitioners and nurse-midwives: abortion and practice standards.** (2021-2022)

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**Senate Bill No. 1375**

**CHAPTER 631**

An act to amend Section 2725.4 of the Business and Professions Code, relating to healing arts.

[ Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1375, Atkins. Nursing: nurse practitioners and nurse-midwives: abortion and practice standards.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses, including nurse practitioners and certified nurse-midwives, by the Board of Registered Nursing. Existing law makes a violation of this act a crime.

In order to perform an abortion by aspiration techniques under the act, a person with a license or certificate to practice as a nurse practitioner or a certified nurse-midwife is required to complete board-recognized training and adhere to standardized procedures that specify, among other conditions, the extent of supervision by a physician and surgeon with relevant training and expertise.

This bill would revise those provisions by requiring, in order to perform abortion by aspiration techniques, a person with a license or certificate to practice as a nurse practitioner practicing pursuant to a standardized procedure, to practice as a certified nurse-midwife, or to practice as a qualified nurse practitioner functioning pursuant to certain advanced practice provisions to achieve clinical competency by successfully completing requisite training, as specified, in performing these procedures, as provided by certain board-approved programs, courses, and trainings.

This bill would authorize a nurse practitioner who has completed training required by these provisions and who is functioning pursuant to certain advanced practice provisions to perform an abortion by aspiration techniques without supervision by a physician and surgeon. The bill would require a nurse practitioner to practice abortion by aspiration techniques consistent with applicable standards of care and within the scope of their clinical and professional education and training. By expanding the application of a crime, the bill would impose a state-mandated local program.

Existing law provides that it is unprofessional conduct for a nurse practitioner or certified nurse-midwife to perform an abortion by aspiration techniques without prior completion of training and validation of clinical competency.

This bill would instead make a violation of the above-described provisions by a nurse practitioner or certified midwife unprofessional conduct.

This bill would also prohibit certain persons authorized to perform abortion by aspiration techniques from being punished, held liable for damages in a civil action, or denied any right or privilege for any action relating to the evaluation of clinical competency of a nurse practitioner or certified nurse-midwife, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 2725.4 of the Business and Professions Code is amended to read:

**2725.4.** Notwithstanding any other provision of this chapter, the following shall apply:

(a) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a nurse practitioner practicing pursuant to a standardized procedure, or a qualified nurse practitioner functioning pursuant to Section 2837.103 or 2837.104, shall achieve clinical competency by successfully completing requisite training, which shall include both a clinical and didactic component, in performing these procedures provided by any of the following:

- (1) A board-approved nurse practitioner program or in a course offered by an accredited nurse practitioner program.
- (2) A course offered by a board-approved continuing education provider that reflects evidence-based curriculum and training guidelines or a course approved for Category I continuing medical education.
- (3) A course offered by a state or national health care professional or accreditation organization.
- (4) Training based on the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development, now known as the Department of Health Care Access and Information.
- (5) Training and evaluation of clinical competency, performed at a clinic or hospital, on performing abortion by aspiration techniques that is provided by any of the following who have performed the procedure themselves:

(A) A physician and surgeon.

(B) A nurse practitioner or certified nurse midwife authorized to perform abortion by aspiration techniques pursuant to this section.

(C) A physician assistant authorized to perform abortion by aspiration techniques pursuant to Section 3502.4.

(b) In order to perform an abortion by aspiration techniques pursuant to Section 2253, a person with a license or certificate to practice as a certified nurse-midwife shall achieve clinical competency by successfully completing requisite training, which shall include both a clinical and didactic component, in performing these procedures provided by any of the following:

- (1) A board-approved nurse-midwifery program or in a course offered by an accredited nurse-midwifery program.
- (2) A course offered by a Board-approved continuing education provider that reflects evidence-based curriculum and training guidelines or a course approved for Category I continuing medical education.
- (3) A course offered by a state or national health care professional or accreditation organization.
- (4) Training based on the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 171 through the Office of Statewide Health Planning and Development, now known as the Department of Health Care Access and Information.
- (5) Training and evaluation of clinical competency, performed at a clinic or hospital, on performing abortion by aspiration techniques that is provided by any of the following who have performed the procedure themselves:

(A) A physician and surgeon.

(B) A nurse practitioner or certified nurse midwife authorized to perform abortion by aspiration techniques pursuant to this section.

(C) A physician assistant authorized to perform abortion by aspiration techniques pursuant to Section 3502.4.

(c) A violation of this section by a nurse practitioner or certified nurse midwife constitutes unprofessional conduct.

(d) A nurse practitioner who has completed training required in this section and is functioning pursuant to Section 2837.103 or 2837.104 may perform an abortion by aspiration techniques pursuant to Section 2253 without supervision by a physician or surgeon.

(e) A nurse practitioner shall practice abortion by aspiration techniques pursuant to Section 2253 consistent with applicable standards of care and within the scope of their clinical and professional education and training.

(f) A person authorized to perform abortion by aspiration techniques described in paragraph (5) of subdivision (a) and paragraph (5) of subdivision (b) shall not be punished, held liable for damages in a civil action, or denied any right or privilege for any action relating to the evaluation of clinical competency of a nurse practitioner pursuant to paragraph (5) of subdivision (a) or a certified nurse-midwife pursuant to paragraph (5) of subdivision (b).

(g) This section shall not be interpreted to authorize a person with a license or certificate to practice as a nurse practitioner or certified nurse-midwife to perform abortion by aspiration techniques after the first trimester of pregnancy.

(h) For purposes of this section, exclusively online or simulation-based training programs that do not include mandatory clinical hours involving direct patient care shall not meet the clinical training requirements in subdivisions (a) and (b).

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.