

Erica Pan, MD, MPH
Director and State Public Health Officer

Gavin Newsom
Governor

September 29, 2025

VIA ELECTRONIC MAIL

Attn: Dr. Marketa Houskova, DNP, MAIA, BA, RN
Chief Executive Officer of the American Nurses Association\California
CEO@anacalifornia.org

DENIAL OF ANA\C PETITION (P-24-02) TO AMEND REGULATIONS

Thank you for your petition on behalf of the American Nurses Association\California (ANA\C) requesting that the California Department of Public Health (CDPH) amend provisions of California Code of Regulations, title 22, to expand organized medical staff membership in general acute care hospitals to include advanced licensed providers. As set forth below, CDPH denies this petition pursuant to Government Code section 11340.7.

Any interested person may petition a state agency to request the adoption, amendment, or repeal of a regulation under Government Code section 11340.6. ANA\C submitted its petition to CDPH by a May 21, 2024 letter. (CDPH petition no. P-24-02.) CDPH received public input on this petition during the January 28, 2025, public hearing and the related public comment period.

Discussion

1. Authority

Health and Safety Code section 1275 authorizes CDPH to adopt, amend, or repeal regulations related to the licensure of general acute care hospitals. ANA\C seeks to amend regulations relating to the composition of the organized medical staff at general acute care hospitals. As a result, CDPH has jurisdiction over the petition's subject matter.

2. Petitioner's Request

ANA\C's petition does not propose specific language amending California Code of Regulations, title 22. Rather, ANA\C requests that CDPH amend unspecified provisions of title 22 to expand hospital medical staff membership to include advanced licensed providers, with emphasis on "Advanced Practice Registered Nurses," which the petition

defines as Nurse Practitioners (NP), Certified Registered Nurse Anesthetists (CRNA), Certified Nurse Midwives (CNM), and Clinical Nurse Specialists (CNS).

3. Bases for Denial

CDPH recognizes the importance and complexity of the issues raised by ANA\C, other interested parties, and the public. Additionally, CDPH acknowledges that it may need to revise certain provisions of California Code of Regulations, title 22, governing medical staffing to align with Assembly Bill Number 890¹ (AB 890).

ANA\C's broad regulatory change request, extending to all advanced licensed providers, is not, however, consistent with AB 890's statutory updates to the Business and Professions Code (BPC). BPC sections 2837.103 and 2837.104 establish a new certification process for nurse practitioners (NPs) that satisfy certain experience, training, and other requirements. These BPC sections also specifically enumerate medical staffing eligibility rights for the NPs who satisfy this new certification process.

Contrary to the specific and targeted medical staffing provisions in BPC sections 2837.103 and 2837.104, the petition's proposal would extend medical staff privileges to all advanced licensed providers, directly undermining the legislative intent of AB 890 to restrict medical staffing eligibility to select certified nurse practitioners with advanced experience, training, and qualifications. As such, CDPH lacks authority to amend medical staffing regulations as ANA\C requests because it is beyond what the Legislature has enacted.

Accordingly, CDPH denies the petition's specific language requests to expand staff privileges to include advanced licensed providers. CDPH will determine whether it needs to amend its medical staff regulations to conform with the BPC statutory updates discussed above. In doing so, CDPH will consider the overall concerns raised in your petition, as well as any additional stakeholder input received during the rulemaking process set forth under the Administrative Procedure Act (Chapter 3. 5 of the Government Code, section 11340 et seq.).

Availability of the Petition

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. Copies of this petition for regulatory action are available at the CDPH Office of Regulations website at: https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx. A copy of this decision will be posted on this same web page.

Interested persons may also request a copy of the petition by contacting the CDPH Office of Regulations by email: regulations@cdph.ca.gov, by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. When submitting such a request, please reference Petition P-24-02.

¹ (Assem. Bill No. 890, approved by Governor, September 29, 2020 (2019-2020 Reg. Sess.).)

CDPH Contact Person

CDPH appreciates your interest in the rulemaking process. If you have any questions, please contact me by email: keith.vanwagner@cdph.ca.gov, by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

Sincerely,

Keith Van Wagner

Keith E. Van Wagner
Senior Assistant Chief Counsel and Privacy Officer
Office of Legal Services

cc: Dr. Erica Pan, MD, MPH, FIDSA, FAAP, Director, CDPH
Maral Farsi, CDPH
Susan Fanelli, CDPH
Christine Siador, CDPH
Mandi Posner, CDPH
Chelsea Driscoll, CDPH