

THE CALIFORNIA HEALTH WORKFORCE PILOT PROJECT PROGRAM (HWPP #171)

## What NPs/CNMs/PAs need to know/do to provide abortion care in California

With the passage of AB 154 and AB 980 bills, California has taken important steps in improving access to abortion services for the most vulnerable women in the state allowing for greater access to abortion when it is safest—in the first trimester and closest to home.

Signed into law by Governor Jerry Brown, [Assembly Bill 154 \(AB 154\)](#)<sup>1</sup> removed barriers to abortion access by authorizing trained nurse practitioners (NPs), certified nurse midwives (CNMs), and physician assistants (PAs) to maximize their training and practice in early abortion care. AB 154 was based on the six-year HWPP #171 study conducted by [UCSF ANSIRH](#), which showed that these skilled health professionals can safely and competently provide early abortion care and that women appreciated receiving care in their own communities from providers they know and trust. The results of our study have been published in the *American Journal of Public Health* and the *American Journal of Medical Quality*.

In addition to AB 154, [Assembly Bill 980 \(AB 980\)](#) was also signed into California law in 2013. AB 980 created parity for all primary care clinics, including those that provide abortion services, in regards to licensing and building standards. Together, these bills remove restrictions on the clinical provision of abortions by qualified NPs, CNMs, and PAs and allow abortion to occur in a variety of clinical settings without unnecessary restrictions on the facilities in which they are performed.

### AB 154: What the statute requires of CNMs, NPs, and PAs to provide abortion care

AB 154 amends Section 123468 (Health and Safety Code) and amends Section 2253 of the Business and Professions Code (Reproductive Privacy Act; Health and Safety Code); and adds to Sections 2725.4 (Nurse Practitioners, Nurse-Midwives) and Section 3502.4 (Physician Assistants) of the Business and Professions Code to allow the provision of first trimester abortion by licensed nurse practitioners, nurse-midwives and physician assistants.

AB 154—based on the six-year HWPP #171 study conducted by ANSIRH—removed barriers to abortion access by authorizing trained nurse practitioners (NPs), certified nurse midwives (CNMs), and physician assistants (PAs) to maximize their training and practice in early abortion care. The HWPP study results demonstrated that these skilled health professionals can safely and competently provide early abortion care and that women appreciated receiving care in their own communities from providers they know and trust.

### Authorization to provide abortion in California

Nurse Practitioners (NPs), Certified Nurse-Midwives (CNMs), and Physician Assistants (PAs), with an active California license, are authorized to perform medication or aspiration abortions under California Business & Professions Code Section 2253.<sup>2</sup> See California Law for who can provide and who can refuse to provide abortion care.<sup>3</sup>

### Training

**Nurse practitioners/nurse midwives:** The California Board of Registered Nursing (CA BRN) developed new regulations to implement the requirements of AB 154 that NPs and CNMs complete abortion training “recognized by the CA BRN”.<sup>4</sup> As of January 1, 2016, licensed CNMs and NPs may perform an abortion by aspiration techniques in the first trimester of pregnancy if they have completed the requisite training in performing these procedures **equivalent to the didactic curriculum and**

clinical training protocols of the HWPP #171 study provided by any of the following:<sup>5</sup>

1. A Board-approved nurse-midwifery or nurse practitioner program or in a course offered by an accredited nurse-midwifery or 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.

The California Board of Registered Nursing (CA BRN) codified the final curriculum guidelines and competencies as evaluated in the HWPP #171 Study.<sup>6</sup> BRN regulation currently points users to the ANSIRH website<sup>7</sup> for the curriculum and training guidelines.

**Physician assistants:** In order to perform an abortion by aspiration techniques, a PA shall complete training in the following ways:<sup>8</sup>

1. Through training programs approved by the PA Board (Section 3513, Title 16 CCR)
2. By training to perform medical services which augment his/her current areas of competency (Section 1399.543, Title 16 CCR)

### **Compliance with California Nurse Practice Act and Physician Assistant Regulations under AB 154:**

**Nurse practitioners/nurse midwives:** In order for a NP or CNM to provide abortion care in California, a Standardized Procedure (SP) for Abortion Care must be in place at their location of practice. We have summarized the [General SP Policies](#) (BRN/BOM Title 16, CCR Section 1474, 1379) and the Abortion Care Specific SP language that is included in AB 154:<sup>9</sup>

In order to perform an aspiration abortion pursuant to Section 2253, the NP and CNM must adhere to Standardized Procedures<sup>10</sup> that specify all of the following:

- (1) The extent of supervision by a physician and surgeon with relevant training and expertise.
- (2) Procedures for transferring patients to the care of the physician and surgeon or a hospital.
- (3) Procedures for obtaining assistance and consultation from a physician and surgeon.

(4) Procedures for providing emergency care until physician assistance and consultation are available.

(5) The method of periodic review of the provisions of the standardized procedures.

**Physician assistants:** In order to perform an abortion by aspiration techniques, a PA must comply with all PA Practice Act requirements<sup>11</sup> and specifically a PA must comply with protocols related to physician expertise and supervision, emergency care, physician consultation, and review of protocols specific to abortion care:<sup>12</sup>

Delegation of Services Agreement with Protocols delineated for First Trimester Abortion provision include protocols developed in compliance with Section 3502 that specify:

(1) The extent of supervision by a physician and surgeon with relevant training and expertise.

(2) Procedures for transferring patients to the care of the physician and surgeon or a hospital.

(3) Procedures for obtaining assistance and consultation from a physician and surgeon.

(4) Procedures for providing emergency care until physician assistance and consultation are available.

(5) The method of periodic review of the provisions of the protocols.

### **Resources and web links: professional, practice and training**

- California Board of Registered Nursing, [www.rn.ca.gov/pdfs/regulations/npr-i-15.pdf](http://www.rn.ca.gov/pdfs/regulations/npr-i-15.pdf)
- California Physician Assistant Board, [www.pac.ca.gov/about\\_us/lawsregs/index.shtml](http://www.pac.ca.gov/about_us/lawsregs/index.shtml)
- Providing Abortion Care: A Professional Toolkit, [www.apctoolkit.org](http://www.apctoolkit.org)
- American Public Health Association, Policy Brief supporting Advanced Practice Nurses and Physician Assistants as Qualified Abortion Providers, [www.apha.org/advocacy/policy/policysearch/default.htm?id=1413](http://www.apha.org/advocacy/policy/policysearch/default.htm?id=1413)
- UCSF ANSIRH blog, [blog.ansirh.org/2013/10/safe-licensed-abortion-care](http://blog.ansirh.org/2013/10/safe-licensed-abortion-care) and [blog.ansirh.org/2014/01/expanding-abortion-access](http://blog.ansirh.org/2014/01/expanding-abortion-access)
- UCSF ANSIRH Health Workforce Pilot Project #171, [www.ansirh.org/research/primary-care-initiative](http://www.ansirh.org/research/primary-care-initiative) and [www.ansirh.org/research/hwpp-AB154](http://www.ansirh.org/research/hwpp-AB154)
- National Abortion Federation, [www.prochoice.org](http://www.prochoice.org)
- Association of Reproductive Health Professionals, [www.arhp.org](http://www.arhp.org)
- Clinicians for Choice, [www.prochoice.org/cfc/](http://www.prochoice.org/cfc/)
- Reproductive Health in Nursing, [rh nursing.org/](http://rh nursing.org/)

## Endnotes

- <sup>1</sup> [California Assembly Bill No. 154 CHAPTER 662](#) An act to amend Section 2253 of, and to add Sections 2725.4 and 3502.4 to, the Business and Professions Code, and to amend Section 123468 of the Health and Safety Code, relating to healing arts. [Approved by Governor October 9, 2013. Filed with Secretary of State October 9, 2013]
- <sup>2</sup> A person may perform “abortion by medication or aspiration techniques in the first trimester of pregnancy, [if] at the time of so doing, has a valid, unrevoked, and unsuspended license or certificate obtained in accordance with the Nursing Practice Act (Chapter 6 (commencing with Section 2700)) or the Physician Assistant Practice Act (Chapter 7.7 (commencing with Section 3500)), that authorizes him or her to perform the functions necessary for an abortion by medication or aspiration techniques.” Cal. Bus. & Prof. Code § 2253.
- <sup>3</sup> Abortion in California: A Medical-Legal Handbook (2012) was created for clinicians and lawyers looking to navigate the bounds of California law in order to fully understand how the law interacts with clinical practice; [available on Amazon](#). See legal summary of who can provide abortion care at [californiaabortionlaw.com/wp/?page\\_id=68](#)
- <sup>4</sup> This rulemaking by the Board of Registered Nursing adopted sections in Title 16 of the California Code of Regulations pertaining to the training required for nurse practitioners and certified nurse-midwives to perform an abortion by aspiration techniques, pursuant to Section 2253 and 2725.4 of the Business and Professions Code. This rulemaking implements AB 154 (Stats.2013). The California Office of Administrative Law approved this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action became effective on 3/3/2016. [www.rn.ca.gov/pdfs/regulations/approval14635.pdf](#)
- <sup>5</sup> The BRN adopted regulations specifying the type of abortion procedure training required for NPs/CNMs (March 2016). These regulations are found in Sections 1463.5 (aspiration abortion by CNMs) and 1485.5 (aspiration abortion by NPs) of Division 14 of Title 16 of the California Code of Regulations. Final regulatory language available at [www.rn.ca.gov/pdfs/regulations/order14635.pdf](#)
- <sup>6</sup> As part of the California Health Workforce Pilot Project Study (California HWPP-171, 2008-2013), a standardized, competency-based curriculum and training plan was evaluated for education and training of primary care clinicians (generalist physicians (MD/DO), nurse practitioners (NP), nurse-midwives (CNM) and physician assistants (PA) in early abortion care. The final version of the Early Abortion Training curriculum guidelines, core competencies and training plan integrates the HWPP-171 Training Program findings with the newly revised Training in Early Abortion for Comprehensive Healthcare (TEACH) Program Workbook and resources (2016).
- <sup>7</sup> Updated documents (Summer 2017) will substitute for the documents currently published on the UCSF ANSIRH website as of April 4, 2014. For now, go to [www.ansirh.org/research/pci/hwpp/hwpp-curriculum-and-competency-resources.php](#)
- <sup>8</sup> California Code of Regulations, Title 16, Section 3502.4 (a) (c): PA Training Requirements for Performing Abortion by Aspiration Techniques.  
(a) In order to receive authority from his or her supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a physician assistant shall complete training either through training programs approved by the board pursuant to Section 3513 or by training to perform medical services which augment his or her current areas of competency pursuant to Section 1399.543 of Title 16 of the California Code of Regulations.  
(c) The training protocols established by HWPP No. 171 shall be deemed to meet the standards of the board. A PA who has completed training and achieved clinical competency through HWPP No. 171 shall be authorized to perform abortions by aspiration techniques pursuant to Section 2253, in adherence to protocols described in subdivision (b).
- <sup>9</sup> See [Scope of Nursing Regulation \(CA BRN 2014\)](#) with abortion provision added in Cal. Bus. & Prof. Code § 2725.4 (b) [\(1-5\) related to physician expertise/supervision, emergency care, physician consultation, and review of standardized procedures specific to abortion care for NP and CNMs.](#)
- <sup>10</sup> General requirements for Standardized Procedure; California Board of Registered Nursing, [Nurse Practice Act Business & Professions Code Section 2725](#) and further clarified in [Title 16, CCR Section 1474](#) (NPs) and [Title 16, CCR Section 1474](#) (CNMs).
- <sup>11</sup> See [California Physician Assistant Laws and Regulations](#) (CA PAB)
- <sup>12</sup> In order to receive authority from his or her supervising physician and surgeon to perform an abortion by aspiration techniques pursuant to Section 2253, a PA shall comply with protocols developed in compliance with Section 3502 that specify Delegation of Services Agreement with Protocols delineated for First Trimester Abortion provision. See [B&P Code, Section 3502.4 \(b\) 1-5\) related to physician expertise and supervision, emergency care, physician consultation, and review of protocols specific to abortion care.](#)