

Gelnett, Wanda B.

From: Betty Simmonds [Betty@panpha.org]
Sent: Monday, June 12, 2000 2:49 PM
To: irrc@irrc.state.pa.us
Subject: Comments RE: Nurse Aide Applicant Criminal History Record Information

June 12, 2000

Original: 1968

Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17101

Dear Mr. Nyce:

Thank you for the opportunity to provide comment on the final form Regulation #6-262 (#1968) Nurse Aide Applicant Criminal History Record Information, 22 Pa. Code, Part XIX, Chapter 701. The Pennsylvania Association of Non-profit Homes for the Aging (PANPHA) has only a few comments regarding the text of the rulemaking.

§ 701.11. Submission of CHRI report.

Language requires an individual who has resided in Pennsylvania for two full years prior to the date of application to have a State police CHRI report. All applicants who have resided in Pennsylvania for less than two full years must have only an FBI CHRI report. Yet Act 14 requires all applicants to submit a State Police CHRI report and also, those that are not residents of Pennsylvania must submit a CHRI report from the FBI. In the first paragraph of this section, reference to the CHRI report in accordance with one of the provisions should be changed to reflect that the report must be submitted based upon both of the provisions when the applicant is not a Pennsylvania resident.

How does the facility determine whether the applicant is a resident of Pennsylvania and requires only the CHRI obtained from the State Police? What evidences must be produced by the applicant?

§ 701.13. Nonacceptance of certain applicants.

Section (2) refers to *an offense under one or more of the following provisions* and lists the applicable chapters, meaning that any offense in these chapters would prohibit enrollment in a program. However, for two of the listed chapters, only certain levels of offense would prohibit enrollment [*(xv) A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.* and *(xxiv) A felony offense under section 5902(b) (relating to prostitution and related offenses).*] These sections should be listed separately, or reinforced in some way, to make it very clear that only a certain level of offense prohibits enrollment in a program.

Nonacceptance is an awkward construction. *Denial* would be more direct.

Thank you for your consideration of PANPHA's comments. If you have questions regarding these comments, please contact me by phone at (717) 763-5724, or by e-mail at betty@panpha.org.

Sincerely,
Betty Simmonds
Public Policy Analyst
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