

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

McGinley

IRRC Number: 1999

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Examiners of Nursing Home Administrators

(2) I.D. Number (Governor's Office Use)

16A-623

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code
§§39.1, 39.11, 39.14, 39.31-39.65,
39.72

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Robert Cameron, Counsel**
State Board of Examiners of Nursing Home
Administrators (717) 783-7200
Secondary Contact: **Joyce McKeever, Deputy Chief**
Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking
Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Section 9(b) of the Act requires licensees to complete continuing education as a condition of biennial renewal. Current sections 39.31-39.64 of the Board's regulations, 49 Pa. Code §§ 39.31-39.64, establish the parameters of the continuing education requirement. The proposed regulations add definitions of frequently used continuing education terms in section 39.1, eliminates outdated language and unnecessary requirements in sections 39.11, 39.14, 39.31-39.32, 39.41-39.42, and 39.53, codify the requirements for provider and program approval in sections 39.43-39.44, and 39.52, identify the types of programs which the Board will and will not approve in section 39.51, and update the required hours which a licensee must accrue in section 39.61.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 9(b) of the Nursing Home Administrators License Act, Act of June 22, 1970, P.L. 378, as amended, 63 P.S. §1109(b), authorizes the Board to require continuing education as a condition of biennial renewal and to approve continuing education programs.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes, Section 9(b) of the Act, 63 P.S. §1109(b).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Nursing home administrators must keep abreast of numerous changes in state and federal law and regulations in order to assure that long term facilities are efficiently and effectively operated.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The physical and financial welfare of disabled and elder citizens who are residents of long term facilities are at risk when administrators of these facilities fail to obtain knowledge and skills regarding operation, management and financial accountability of facilities.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Patients in nursing homes and their families will benefit from the regulation because the continuing education requirement assures that nursing home administrators update their clinical skills biennially. Licensees will benefit from this regulation because they will know in advance whether a program has been approved and the number of hours granted. In addition, licensees will be able to obtain additional credit for serving as an instructor or authoring a book or article.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No groups of individuals or entities are known to be subject to adverse effects as a consequence of these regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Nursing home administrators will be required to complete continuing education as a condition of biennial renewal and reactivation. Board records show 4533 persons hold licenses , 1930 licensees hold an active license.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Board sought input from the public by disseminating numerous drafts of the proposed regulation to the entities listed on the attached list.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The costs associated with implementing these regulations, including an audit, will be borne by the general licensee/certificate holder population through biennial renewal fees which generate revenue for all Board activities, as well as provider and program application fees. In addition to the above costs, some costs may be incurred in processing any disciplinary matter against a licensee/certificate holder who fails to complete the required continuing education.

Currently, licensees pay \$108.00 to biennially renew their license. The Continuing education provider application fee is \$50.00. The continuing education program application fee is \$10.00 per credit.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments would not be affected by this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board estimates that it will not incur an increase in its administrative cost in reviewing biennial renewal applications and auditing compliance with the continuing education requirement. Additionally, no other legal, accounting or consulting activities are anticipated. However, the Board will review the costs during its biennial reconciliation.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

N/A

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.
N/A

Program	FY-95-96	FY- 96-97	FY -97-98	Current FY
Nursing Home administrators	90,125.88	111,121.45	141,821.41 *	136,000.00**
			* As of 6/30/98	**Budgeted

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

These regulations amend current continuing education requirements. Costs of reviewing continuing education compliance will be borne by Board licensees through the biennial renewal fee, as well as the program and provider application fees.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No non-regulatory alternatives were considered because Section 9(b) of the Act requires the Board to promulgate continuing education regulations.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See No. 22 above.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will not add new reporting, record keeping and paperwork requirements for biennial renewal.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its licensees for whom special provisions should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective on publication of the final form regulation in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board will review the effectiveness of the regulation during the course of implementation of the continuing education requirement.

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REGULATORY
REVIEW COMMISSION

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[Signature]
BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Examiners of
Nursing Home Administrators

(AGENCY)

[Signature]
BY: _____

JAN 12 1999.

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-623

DATE OF ADOPTION: _____

1/12/99
DATE OF APPROVAL

BY: *[Signature]*
Robert H. Morrow

(Deputy General Counsel
Chief Counsel,
Independent Agency
(Strike inapplicable
title)

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
State Board of Examiners of
Nursing Home Administrators
49 Pa. Code, Chapter 39
Continuing Professional Education

The State Board of Examiners of Nursing Home Administrators ("Board") proposes to amend its regulations at 49 Pa. Code §§39.1, 39.11, 39.14, 39.41, 39.43, 39.51-39.61, and 39.72, to delete §§39.31-39.32, 39.42 and 39.62-39.64, and to add §§39.44 and 39.65, as set forth in Annex A relating to continuing education requirements.

A. Effective Date

The amendments would be effective upon publication of final form regulations in the Pennsylvania Bulletin. The continuing education requirement will apply to the 2001-2003 biennial renewal.

B. Statutory Authority

The Board has authority to adopt regulations pertaining to continuing education under Section 9(b) of the Nursing Home Administrators License Act (the Act), Act of June 22, 1970, P.L. 378, as amended, 63 P.S. §1109(b).

C. Background and Purpose

Section 9(b) of the Act, 63 P.S. §1109(b), requires licensees to complete continuing education as a condition of biennial renewal. Current Sections 39.31-39.64 of the Board's regulations, 49 Pa. Code §§39.31-39.64, establish the parameter of the continuing education requirement. The proposed regulations clarify, update, and expand on those provisions.

D. Description of Amendments

Substantive amendments

1. Program preapproval.

Section 39.41 of the current regulations requires continuing education providers to be preapproved by the Board. Individual programs, however, do not require preapproval under current Section 39.52(b). Rather, after the program is offered or completed, licensees file individual applications with the Board, under Section 39.64, seeking program approval. If the Board believes that the program satisfies its qualifications, approval will be granted. If the Board does not believe the program satisfies its qualifications, the licensee will not receive any credit and will be required to obtain additional continuing education.

As proposed, the Board's continuing education regulations would be amended to require preapproval of all programs. The Board believes that preapproval will be of assistance to licensees since they would know in advance that the program has been approved and the number of hours granted. In order to assure that the preapproval process would not burden providers, proposed section 39.52(b) would be amended to reduce the program application submission date from 90 days to 60 days. Programs limited to significant changes in state or federal law or regulations which will be implemented within 60 days of their publications need only be submitted to the Board for approval within 30 days of their presentation.

In addition to reducing the time for seeking program approval, the proposed regulations would also reduce the paperwork requirements on providers. Under proposed section 39.43, prospective providers would no longer need to inform the Board of the provider's area of expertise, the adequacy of the facilities, qualifications, reputation and character of the instructors and appropriateness of the educational materials on the provider applications.

The proposed amendments would also eliminate the restrictions on providers by deleting current section 39.42 which identifies categories of providers.

The proposed amendments would also eliminate the individual program application fee in current section 39.72.

2. Clock hour and reporting requirements.

Proposed section 39.61 consolidates and refines the requirements in current sections 39.61-39.64. Under proposed subsection (b), licensees may complete the 48 clock hours per biennium in lecture or computer interactive courses approved by the National Association of Boards of Examiners of Long-Term Care Administrators (NAB) or the Board, college or university courses, including distance learning, individual study, serving as an instructor or author of a book, article or continuing education program.

Under the proposed amendments, current section 39.61(b)(2)(i)-(iv), regarding community, professional and health-care activities, would be eliminated. The Board believes that while these activities are worthwhile to the community and the licensee, they do not constitute education or learning which contributes directly to the professional competence of nursing home administrators.

Current sections 39.61(b)(2)(vi)-(vii), 39.63 and 39.64, regarding home study, individual study, or serving as an instructor or author, would be consolidated into section 39.61(b)(3). Proposed subsection (b)(3)(ii) expands the publication credit for licensees.

Under the current regulation, authors may only obtain three clock hours per article. Under this provision, up to 12 clock hours may be awarded based on the complexity of the subject matter or work. In exceptional circumstances, where an article is published in a refereed journal, a licensee may be awarded up to 24 clock hours.

Proposed subsection (b)(3)(iii) also expands the credit available for instructors. Under the current regulation, licensees are capped at three clock hours. Under the proposed regulation, instructors may earn one clock hour for each hour of participation up to 12 clock hours.

Proposed subsections (c) and (e) would set forth the exceptions to the credit hour requirement codifying current Board policy. A licensee who obtains a license after the biennial period begins would only need to complete 24 clock hours, of which 12 must be taken in NAB or Board-approved programs. Under new subsection (e) licensees who cannot meet the continuing education requirement due to illness, emergency or hardship would be able to seek a waiver from the Board.

New subsection (d) clarifies that licensees whose license is suspended would not be exempt from the continuing education requirement. New subsection (f) clarifies that licensees will not receive credit for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

New Section 39.65 would describe the reporting requirements. Licensees would be required to certify that they have met the continuing education requirements on their application for biennial renewal. Documentation, listed in subsection (b), which would evidence completion of the continuing education requirement, would only have to be provided to the Board upon request. Licensees would be responsible for maintaining a copy of the documentation for 4 years. Failure to provide documentation when requested or falsification of the requested information would constitute a violation of the Act and could result in disciplinary action.

3. Subject matter.

Under the current regulations, licensees must complete their continuing education hours in the subjects listed in sections 39.7 and 39.14. Current section 39.14 repeats the approved subject areas in both subsection (a) and (b). In the proposed amendments, section 39.14 would be amended to delete the redundant reference in subsection (b). In addition, subsection (3) has been amended to clarify that the appropriate subject areas must be appropriate to long term care. The reference to section 39.7 has also been deleted in proposed section 39.51(a) as unnecessary.

Current section 39.51(b) would be amended to codify current Board policy that two types of programs, while capable of being in the subject areas listed in section 39.14, are not deemed acceptable to the Board: inservice programs which are not open to any licensee and programs limited to the organization and operation of the employer. The Board believes that these programs are designed to enhance job performance rather than improve clinical competency.

4. Provider responsibilities.

New section 39.44 would delineate eight provider responsibilities ranging from the disclosure obligations prior to presenting a program to verification requirements following the presentation of the program.

Technical amendments

Section 39.1 would be amended to add definitions of "continuing education certificate", "clock hour", "individual study" and "NAB".

The amendments to Section 39.11 would clarify that licensees shall complete 48 clock hours of continuing education during the preceding renewal period as a condition of biennial renewal. In addition, subsection (e) would clarify that licensees whose licenses have expired shall not only submit the required late fee, if they have practiced during the preceding renewal period, or a verification of nonpractice, if they have not practiced during the preceding renewal period, but also provide documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period. This requirement is in lieu of the personal hearing previously required in current subsection (f).

Current Sections 39.31 and 39.32 would be deleted as unnecessary or redundant. Relevant subsections have been reinserted where appropriate.

E. Compliance with Executive Order 1996-1.

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professions, educational institutions, and interested individuals.

F. Fiscal Impact and Paperwork Requirements

1. Commonwealth - There is no fiscal impact associated with this amendment. Current regulations require the Board to assure compliance with the continuing education requirement before renewing a license. The costs associated with the regulations, including an audit, are borne by the general licensee population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. Political subdivisions - There will be no adverse fiscal impact or paperwork requirements imposed.

3. Private sector - There will be no adverse fiscal impact or paperwork requirements imposed.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§745.1-745.15), the Board submitted a copy of this proposed regulation on January 27, 1999, to the Independent Regulatory Review Commission ("Commission") and the Chairmen of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee ("Committees"). In addition to submitting the regulation, the Board has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation". A copy of this material is available to the public upon request.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Robert Cameron, Counsel, State Board of Examiners of Nursing Home Administrators, 116 Pine Street, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, within thirty days of publication of this proposed rulemaking. Please reference No. 16A-623 (Continuing Education), when submitting comments.

ANNEX

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 39. STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

§39.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

...

Continuing education record - A document issued by the provider to the participant which contains the title of the program, the hours of education and the dates attended or completed.

Clock hour - A minimum unit of education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

...

Individual study - A continuing education course which does not have an instructor or other interactive learning methodologies and which requires a passing grade on a written examination or workbook.

...

NAB - The National Association of Boards of Examiners of Long-Term Care Administrators.

...

§39.11. [Registration] Biennial renewal.

- (a) [Certificate of registration for nursing home administrators are required to

be] Licenses are renew[ed]able each biennium, [2 years,] in the even-numbered years.

(b) Applications for [a new certificate of registration shall] renewal will be forwarded [biennially] to each active [registrant] licensee at the licensee's address of record with the Board prior to the expiration [date] of the current [biennium certification of registration] biennial period. [However, if for any reason the renewal application is not received, the licensee is obligated to make inquiry of the Board.]

(c) [Upon making application for a new certificate, the applicant] As a condition of biennial renewal, licensees shall [submit evidence satisfactory to the Board that] complete 48 clock hours of continuing education during the preceding biennial period [immediately preceding the application for registration, he has attended a Board approved continuation education program or course of study of not less than 24 clock hours] as required in §39.61 (relating to requirements).

(d) Renewal applications [forms] shall be completed and returned to the Board office accompanied by the required renewal fee. Upon approval of each application, the applicant shall receive a certificate of registration for the current renewal period.

(e) An application for the renewal of a license which has expired shall be accompanied by a late fee or a verification of non-practice, [as determined by the board in addition to] the [prescribed] renewal fee and documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.

[(f) The Board may require a personal hearing and representation of satisfactory proof of compliance with section 9(e) of the act (63 P.S. §1109(e)) before issuing a certificate of registration to a licensee whose certificate of registration has expired for the reasons therein contained.]

...

§39.14. Approval of programs of study.

(a) A program of study designated to [train] educate and qualify an applicant for licensure as a nursing home administrator [as required by the act and this chapter] offered by an accredited university or college shall be deemed acceptable and approved for the purpose, if the program:

(1) Is [The program has been] registered with the Board.

(2) [The program] includes a minimum of 7½ [contact] clock hours [or their equivalent], in [each of] the following subject areas, appropriate to long term care:

(i) [General] Administration, organization and management [in nursing homes].

(ii) Gerontology, diseases of aging, death and dying.

(iii) The role of government in health policy[,] and regulation [and reimbursement].

(iv) Fiscal management, budgeting and accounting.

(v) Personnel management and labor relations.

(vi) Government and third-party reimbursement.

(vii) Preparing for licensure/certification/accreditation surveys and meeting other regulatory requirements.

(viii) Understanding regulations, deficiencies, plans of correction and quality assurance.

(ix) The nursing department and [patient] resident care management.

(x) Rehabilitation services and special care services.

(xi) Health support services: pharmacy, medical records and diagnostic services.

(xii) Facility support services: building/grounds, housekeeping, laundry and central supply.

(xiii) Dietary department and [patient] resident nutrition.

(xiv) Social services, family and community relationships and [patient] resident rights.

(xv) Risk management, safety and insurance.

(xvi) Strategic planning, marketing and public relations.

(b)[A program of study designed and offered by an association, professional society or organization other than an accredited college or university to meet the requirements and qualifications for biennial registration shall be approved by the Board if:

(1) The program has been registered with the Board. The following general subject areas or their equivalents will be considered by the Board for approval for continuing educational hours:

(i) General administration, organization and management in nursing homes.

(ii) Gerontology, diseases of aging, death and dying.

(iii) The role of government in health policy, regulation and reimbursement.

(iv) Fiscal management, budgeting and accounting.

(v) Personnel management and labor relations.

(vi) Third-party reimbursement.

(vii) Preparing for licensure/certification surveys and meeting other regulatory requirements.

(viii) Understanding regulations, deficiencies, plans of correction and quality assurance.

(ix) The nursing department and patient care management.

(x) Rehabilitation services and special care services.

(xi) Health support services: pharmacy, medical records and diagnostic services.

(xii) Facility support services: building/grounds, housekeeping, laundry and central supply.

(xiii) Dietary department and patient nutrition.

(xiv) Social services, family and community relationships and patient rights.

(xv) Risk management, safety and insurance.

(xvi) Strategic planning, marketing and public relations.

(2) The program of study has been submitted to the Board for approval prior to announcement or publication, at least 2 months prior to the anticipated registration of students.

(c) Upon completion of an approved program of study, the sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.

...

CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATORS

§39.31. [Purpose] Reserved.

[(a) The Board believes the mandate of continuing education for relicensure of nursing home administrators constitutes a major responsibility of the Board in relations to approval of educational programs. The almost overwhelming growth of the health-care field, with a great proportion of this growth affecting the aging population and long-term facilities, demands that those individuals who assume a leadership role in this area of health-care be knowledgeable in subject matter and skilled in performance. To be effective, this knowledge shall be current and transferable to permit the individual to function in the total sphere of the health-care system.

(b) The Board believes that a formal educational setting which is staffed and equipped to offer health and other related educational programs is the preferred setting to accomplish these objectives and that the pattern established at this time will greatly determine the future course of professionalism of the nursing home administrator.]

§39.32. [Guidelines] Reserved.

[The following guidelines are to be used to help insure that the educational

program is a meaningful, educational experience:

(1) The program should provide a clear statement of its educational objectives.

(2) The program should selectively utilize the faculty format and educational modalities best suited to the topic.

(3) The program should conclude with an evaluation to determine if the educational objectives have been accomplished.]

APPROVAL PROCESS - PROVIDERS

§39.41. Provider registration.

[(a) An agency, organization, institution or center] Anyone seeking to offer [an organized] a program for continuing education [may apply to the Board as a provider.

(b) Providers seeking Board approval of continuing education programs] shall; [complete and submit an application];

(a) Apply for approval as a provider [of continuing education. The application shall be submitted to] on forms provided by the Board [for approval or rejection].

[(c) Statements made in the application shall be sworn to be true and correct to the best of the provider's information, knowledge and belief.] b) File the application at least 60 days prior to the first scheduled date of the program.

[(d) Upon approval of a qualified provider, a provider number will be assigned.

(e) Each provider shall indicate the area of expertise on the provider application form supplied by the Board. Programs will be approved only in that area of expertise. A change in the area of expertise shall be recorded and communicated to the Board within 60 days of that change.

(f) Each approved provider shall request reregistration each biennium and each application for reregistration shall be accompanied by a statement]

(c) Register biennially outlining major changes in the information previously submitted.

[(g) Applications for initial registration and future reregistration will be sent on request.]

§39.42. [Provider categories] Reserved.

[Categories of providers shall include:

- (1) Academic institutions properly accredited by regional or Pennsylvania Educational Authorities.
- (2) Health-care or professional organizations.
- (3) Government agencies.
- (4) Private recognized institutions or centers.]

§39.43. Standards for Provider[s] Approval.

[(a) Prior to approval each] Prospective providers shall document the following on their applications:

[(1)a] [Establish a] The mechanism measuring the quality of the program being offered.

[(2)b] [Establish] The criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.

[(3)c] [Establish] The criteria for [the evaluation of] evaluating each program [upon completion]to determine its effectiveness.

[(b) The provider shall provide adequate facilities and appropriate instructional materials to carry out continuing education programs.

(c) The provider shall ensure that the instructors have suitable qualifications and are of good reputation and character.

(d) After the completion of each program, the provider shall submit to the Board

a roster of those persons completing the program.

(e) The provider shall comply with this section, §§39.41, 39.42 and 39.51-39.54 as a sponsoring agency for continuing education of nursing home administrators.]

(d) A clear statement of educational objectives.

(e) The subjects in which proposed programs will be offered.

§39.44 Provider Responsibilities

For each program, providers shall:

(a) Disclose the objectives, content, teaching method and number of clock hours in advance to prospective participants.

(b) Open each program to licensees.

(c) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.

(d) Provide accurate instructional materials.

(e) Employ qualified instructors who are knowledgeable in the subject matter.

(f) Evaluate the program through the use of questionnaires of the participants and instructors.

(g) Issue continuing education records.

(h) Retain attendance records, written outlines and a summary of evaluations for a 5-year period.

APPROVAL PROCESS - PROGRAMS

§39.51. Standards for continuing education programs.

(a) All programs shall be in the [subject material for continuing education shall be within the course] subjects listed in §[§39.7 and] 39.14(a)(2 (relating to [subject matter for examinations; and] approval of programs of study). [In addition, providers will be limited to present programs within their area of expertise as indicated on the provider application.]

(b) The Board does not deem the following programs acceptable: [content, length and instruction of programs to be approved by the Board shall be consistent in quality with the standards deemed acceptable to the Board and shall be of value in developing skills in long-term or related health-care administrations.

(c)1) Inservice programs which are not open to licensees. [will not be approved for continuing education credits.

(d) A number system code for approved programs will be established by the Board.

(e) Each program will do the following:

- (1) Be subject to onsite review of the program being presented.
- (2) Establish a mechanism measuring the quality of the program.
- (3) Establish criteria for selecting and evaluating the faculty.
- (4) Establish criteria for evaluation of each program upon completion.]

(2) Programs limited to the organization and operation of the employer.

§39.52. [Application for] Program [approval.] Registration

(a) All programs require pre-approval.

[(a)b] [Each approval provider shall submit a properly documented] An application for program approval shall be submitted at least [90]60 days before the scheduled starting date. The Board may consider an application submitted within 30 days if the program is

limited to significant changes in state or federal law or regulations which will be implemented within 60 days of their publication.

[(b) With the exception of programs listed under §§39.62 and 39.64 (relating to college or university courses; and individual programs) only program applications submitted by approved providers will be considered by the Board.]

(c) The provider number [of the program sponsor] shall appear on the program application.

(d) [Subject material shall be within the course subject areas as listed in §§39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study).

(e) Disapproval will include a statement setting forth reasons. Applicants may submit new applications within 10 days after receipt of disapproval. New applications shall document alterations in program to meet Board requirements. Notification will occur as soon as possible within the Board's capability on action taken on new applications.

(f) An [application] applicant for program approval shall [contain] provide the following information:

(1) Full name and address of the eligible provider.

(2) Title of the program.

(3) Dates and location of the program.

(4) Faculty names, [titles, affiliations and degrees.] and biographical sketches, including curriculum vitae.

(5) Schedule of program - title of subject, lecturer, time allotted and the like.

(6) Total number of [credit] clock hours requested.

(7) Attendance certification method.

(8) Provider number.

(9) [Provider category.

(10)] Objectives.

[(11) Admission requirements.]

(1[2]0) Core subjects.

(1[3]1) Program coordinator.

[(14) Instruction and evaluation methods.]

[(g) e] A program number will be issued on approval of program.

§39.53. [Issuance of program number;] Revocation or suspension of approval.

(a) [Once a program has been reviewed and approved by the Board, a program number will be assigned.

(b) A provider may not indicate in any manner that approval has been granted [as a provider or for a program unless a provider number or program number] until notification has been [issued] received from the Board.

[(c)b] Approval will be granted to a provider as a registered sponsor of continuing education programs until it is revoked or suspended for cause after a full and fair hearing on the merits. Failure to comply with this section and §§39.41-39.43 and 39.51-39.54 or to meet standards, or refusal to allow reasonable inspection or to supply information upon request of the Board or its representatives are cause for revocation or suspension of approval.

§39.54. Review.

(a) [The Continuing Education Committee of the Board will review provider applications and continuing education program applications submitted. The Committee will make recommendations to the Board for approval or rejection of the applications. Reasons for rejection will be communicated in writing. No member of the Committee will participate in the review of an application in which they have a vested interest.

(b) Approved providers shall be subject to onsite and offsite review of the program being presented by representatives of the Board.

[(c)b] Ongoing review of a provider will be on a selected basis subject to the

physical presence of Board members or appointed representatives selected by the Board to evaluate program content, relevancy and acceptability.

[CREDIT] CLOCK HOURS REQUIREMENT

§39.61. Requirements.

(a) [Continuing education consisting of] A licensee shall complete at least 48 clock hours [per biennium shall be required for each licensee] during the preceding biennial period.

(b) Of the 48 hours required, the following applies:

(1) Not less than [T]twenty-four hours [as a minimum] shall be [earned by attendance at educational seminars which provide a program previously approved by the Board. Programs presented by seminars shall consist of core subjects listed in §§39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study)] taken in lecture or computer interactive courses approved by NAB or the Board.

(2) [A licensee may earn a total of 12 credit hours by actively participating in community, professional and health-care activities. Examples follow:

(i) Serving as an elected officer of a health-care-related association or organization recognized by the Board and requiring attendance and participation at all yearly meetings may earn one credit hour per meeting.

(ii) Serving on committees, boards, advisory groups and the like of a health-care-related organization recognized by the Board - including government appointment - may earn one credit hour per meeting.

(iii) Attending and participating in the annual business meeting of recognized organizations irrespective of holding office or committee membership may earn one credit hour per meeting.

(iv) Actively participating as an officer or committee member in voluntary community health-care-related organizations that are recognized by the Board may earn two credit hours per meeting.]

Up to 24 clock hours may be taken through college or university courses, including distance learning.

(3) A maximum of 12 clock hours may be taken in any of the following categories:

(i) Individual study.

[(v)ii] [Publication of professional] Authoring an article on long-term care. Authors whose articles [relating to nursing home administration] are published in professional journals may earn three [credit] clock hours per article. Additional credit, up to 12 of the required hours may be awarded based on the complexity of the subject matter or work. In exceptional circumstances, where an article is published in a refereed journal, a licensee may be awarded up to 24 clock hours.

[(vi)iii] [Participation as lecturer in] Serving as an instructor of a continuing education program or a college or university course. Instructors [nursing home administration seminars] may earn [three credit] one clock hour [per] for each hour of instruction up to 12 clock hours.

(c) A licensee who obtains a license after the biennial period begins shall complete only 24 clock hours, of which 12 clock hours shall be taken in NAB or Board approved programs.

(d) A licensee suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(e) A licensee who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for a waiver. The request shall explain why compliance is impossible, and include appropriate documentation. Waiver requests will be evaluated by the Board on a case-by-case basis.

(f) A licensee will not be credited for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

§39.62. [College or university courses] Reserved.

[(a) Credit will be given only for hours actually spent in the classroom, with no more than 24 hours of continuing education credits granted by the Board in any biennium for courses obtained in an accredited university or college.

(b) The requests for credits shall be submitted in an application for program approval and assigned a number if approved. Prior approval of the program will not be required. Programs presented by college or university shall consist of core subjects listed in §§39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study).]

§39.63. [Home study courses] Reserved.

[No more than 18 hours of continuing education credits will be granted by the Board in any biennium for home study courses. The home study courses shall have prior approval of the Board. Prior approval shall be obtained by the filing of a provider registration approval application by the provider sponsoring the course and by submission of an application for program approval as required by §§39.41, 39.51 and 39.54 (relating to provider registration; standards for continuing education programs; and review).]

§39.64. [Individual programs] Reserved.

[Credit hours may be obtained on an individual basis for attendance at programs which have not had prior approval of the Board subject to the following:

(1) Individuals shall submit proper application for program approval as set forth in §39.51 (relating to standards for continuing education programs).

(2) Individuals must submit supporting documentation and verify attendance.

(3) Program subject material shall meet the requirements of core subjects as set forth in §39.7 and 39.14 (relating to subject matter for examinations; and approval of programs of study).

(4) The Board reserves the right to withhold granting credit hours for previously nonapproved individual programs until the review process in §39.54 (relating to review) is satisfactorily completed.]

§39.65 Reporting continuing education clock hours.

(a) Licensees shall provide a copy of the required documentation supporting the completion of the required hours when requested to do so by the Board.

(b) Acceptable documentation consists of:

(1) A continuing education certificate or sponsor-generated printout.

(2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(3) Evidence of publication for published articles, books or continuing education programs.

(4) Evidence obtained from the provider of having been an instructor, including an agenda and time schedule.

(c) A licensee is responsible for documenting the continuing education requirements. Required documentation shall be maintained for 4 years after the completion of the program.

(d) Failure to comply with this section shall constitute grounds for disciplinary action under Section 9(d) of the Act, 63 P.S. §1109(d).

RENEWAL

...
§ 39.72. Fees.

The following is a schedule of fees charged by the Board:

...
Continuing education program application fee per [credit] clock hour. \$10
[Continuing education individual program application fee \$20]



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
**STATE BOARD OF EXAMINERS OF NURSING HOME
ADMINISTRATORS**

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7155

January 27, 1999

The Honorable John R. McGinley, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14TH Floor, Harristown 2
333 Market Street
Harrisburg, Pennsylvania 17120

Re: Proposed Rulemaking of the State Board of Examiners of Nursing Home
Administrators Pertaining to Continuing Education (16A-623)

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of
Examiners of Nursing Home Administrators pertaining to continuing education.

The State Board of Examiners of Nursing Home Administrators, as always, will
be pleased to provide your Committee with any assistance it may require during the course
of its review this regulation.

Sincerely,

Robert H Morrow, Chairman

State Board of Examiners of Nursing Home Administrators

RHM/RGC:hmb

Enclosure

cc: Kim Pizzingrilli, Deputy Secretary for Regulatory Programs
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Deborah M. Griffiths, Regulatory Review Officer
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Robert G. Cameron, Counsel
State Board of Examiners of Nursing Home Administrators
Melissa Wilson, Board Administrator
State Board of Examiners of Nursing Home Administrators

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-623
SUBJECT: State Board of Examiners of Nursing Home Administrators - Continuing Professional Education
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
 99 JAN 27 AM 11:02
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1/27/99	<i>[Signature]</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
1/27/99	<i>Charles C. Koser</i>	
JAN 27 1999	<i>[Signature]</i> <i>Stephane Smith</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
1/27/99	<i>Kim C. Garner</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
1/27/99	<i>[Signature]</i> <i>Cynthia Lee</i>	LEGISLATIVE REFERENCE BUREAU

January 20, 1999