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COMMONWEALTH OF PENNSYLVANIA REGULATORY REVIEW COMMISSION  
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

March 12, 1999

Original: 1999

Martha Ann J. Douds, RN, NHA  
997 Regimental Drive  
West Chester, PA 19382

RE: Public Comment: Proposed Rulemaking (16A-623)  
State Board of Examiners of Nursing Home Administrators  
Continuing Education

Dear Ms. Douds:

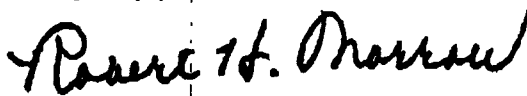
The State Board of Examiners of Nursing Home Administrators is in receipt of your suggestions regarding the above-referenced regulation. Under Section 5.1 of Act 24-1997, a commentator may receive a copy of the final-form rulemaking delivered to the House Professional Licensure Committee, the Senate Consumer Protection and Professional Licensure Committee and the Independent Regulatory Review Commission if a written request is made to the Board.

If you desire to receive a copy of the final-form rulemaking, write to the undersigned at the above address.

Thank you for your interest in this regulation.

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Very truly yours,



Robert H. Morrow, Chairman  
State Board of Examiners of  
Nursing Home Administrators

RHM:RC:hmb

cc: Joyce McKeever, Deputy Chief Counsel  
Department of State

Melissa Wilson, Board Administrator  
State Board of Examiners of Nursing Home Administrators



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

LEGAL OFFICE  
PROSECUTION DIVISION  
(717) 783-7200  
Fax: (717) 787-0251

116 Pine Street  
P.O. BOX 2649  
HARRISBURG  
17105-2649

Original: 1999

**FAX TRANSMITTAL**

**DATE:** 11/8/00

**TO:** John Jenrett

**FROM:** Matha Brown

**FAX NUMBER:** 783-2664

**NUMBER OF PAGES INCLUDING COVER** 3

**COMMENTS:** per your request

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THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

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Dec 1

2000

AM 9:34

Original: 1999

INDEPENDENT REGULATORY  
REVIEW COMMISSION



November 29, 2000

Mr. John R. McGinley, Jr.  
Chairman  
Independent Regulatory Review Commission  
333 Market Street  
14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Mr. McGinley:

The Hospital & Healthsystem Association of Pennsylvania (HAP), which represents over 220 hospitals and health systems in the commonwealth, appreciates the opportunity to comment on the State Board of Examiners of Nursing Home Administrators final-form regulatory proposal to make revisions to the continuing education requirements for licensed nursing home administrators (NHA). The hospitals and health systems we represent own and operate over 102 long-term care facilities in the commonwealth.

HAP commends the Board for its proposals to streamline the program approval process, however, we continue to have concerns about the restrictions being imposed on continuing education credits. Specifically, our concerns are:

- Requirement for Preapproval of Programs to Receive Credit.** While we appreciate the Board's decision to maintain at least some ability for NHAs to seek retroactive approval for programs attended, we believe that six hours is inadequate. Many of the NHAs we represent have, in the past, obtained retroactive individual approval for programs they attended which enhanced their capability to be effective administrators. Some of these programs were state, some were national, but all included pertinent topics and excellent speakers. Although program sponsors did not seek pre-approval, this did not deduct from the quality of the program or the value of the program content. In addition, many of the most important programs with the most timely topics do not have the benefit of 60 days-plus preplanning to obtain pre-approval. While we acknowledge and appreciate the Board's reduction of the pre-approval time frame from 60 to 30 days for educational programs pertaining to significant changes in state or federal law or regulations, we believe that this fails to

Mr. John R. McGinley, Jr.

November 29, 2000

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offset the need for more flexibility in obtaining credits through retroactive program approval.

We believe the limitation of six hours of retroactive credit approval would critically limit program choice in an environment where flexibility, not increased prescriptiveness, should be key. This requirement will also limit many of the cross-cutting programs that are designed not solely for long-term care administrators, but administrators across the health care continuum—programs such as those on recruitment and retention, quality improvement, managed care, budget and finance, patient safety and reduction of medical errors. Many of these kinds of programs—whether national or state—do not seek NHA credits, but are critical to the effectiveness of long-term care administrators in ensuring the delivery of high quality care in a cost-efficient manner. Allowing only six credits through retroactive approval will serve to extend the already existing tendency for NHAs to attend programs that are narrowly limited to long-term care—a very short-sighted and ineffective strategy, but one that will be favored when the preapproved programs and credits support it.

Many of the programs that NHAs sought retroactive approval for in the past included highly acclaimed national speakers who would not have been affordable for a state-only audience. These programs often seek American College of Healthcare Executives (ACHE) credit rather than state or national board credit because of the broader audience they attract.

We do not believe that continuing to offer retroactive approval of credits is a threat to the quality of programs for which NHA credits are received. On the contrary, if the Board continued its current review process for retroactive approval (which it will have to do whether the number of credits allowed through retroactive approval is six or twenty-four), the quality of the programs approved for credit will be maintained.

***Recommendation: We continue to strongly recommend retention of the current requirement that at least 24 of the 48 biennial hours be obtained through preapproved programs.***

- Clock Hours and Reporting Requirements.** We believe that elimination of credit hours for community, professional and health-care activities is inappropriate. We concur with the board that these activities are worthwhile to the community and licensee, but disagree that they do not constitute education or learning that contributes

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November 29, 2000

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directly to the professional competence of nursing home administrators. For example, NHA representatives of the HAP Council for Long-Term Care meet quarterly. In this forum they exchange ideas with one another on practices that are working and not working, on challenges and opportunities they are facing, on efforts to enhance quality and efficiency, as well as receive reports on the latest legislative, regulatory, financial, policy and quality activity in Pennsylvania, as well as across the nation. The average travel time for these meetings is four to six hours round-trip. These NHAs are taking the time to attend these meetings explicitly because the meetings enhance their administrative competence through what they learn from both their colleagues and presenters. These meetings, and other extremely beneficial meetings like them, would not qualify as a program for NHA credits under your proposal. By eliminating this option the board disregards the tremendous educational opportunities offered through networking with peers and others.

***Recommendation: We strongly recommend that the opportunity to obtain limited credit hours through community, professional and health-care related activities be retained.***

HAP supports continuing education requirements for NHAs as a means of promoting enhanced professional competency. However, these requirements must be flexible enough to allow NHAs to benefit from the diversity of information available through a wide variety of sources. Today's NHAs are operating in complex health care systems. Not only do they need to have the operational skills to run a nursing home, but they also need to understand how to run that nursing home in a managed care environment and as part of a full continuum of health care services offered through a system. This means that some of the most relevant programs or meetings they attend may not be specifically targeted to long-term care, but instead to the health care system, with long-term care being a part.

NHAs today are operating their organizations under increasing pressures—financial, regulatory, and consumer. Any additional burdens added should meet the cost/benefit test, and we do not believe that these regulations do so. As a result, we recommend that the Independent Regulatory Review Commission (IRRC) disapprove these regulations.

HAP is willing to meet and work with the staff at the Department of State and the State Board of Examiners of Nursing Home Administrators to resolve our concerns regarding this issue so that the regulations can be amended and expeditiously re-submitted for IRRC review and approval.



Mr. John R. McGinley, Jr.  
November 29, 2000  
Page 4

Thank you for the opportunity to comment. If you have any questions, please feel free to contact Cheri Rinehart, Vice President, Integrated Delivery Systems, HAP, at (717) 561-5325, or by e-mail, [crinehart@hap2000.org](mailto:crinehart@hap2000.org).

Sincerely,

A handwritten signature in black ink that reads "Paula A. Bussard". The signature is written in a cursive, flowing style.

PAULA A. BUSSARD  
Senior Vice President  
Policy and Regulatory Services

CLR/dd

c: David Williams, Deputy Commissioner, Bureau of Professional and Occupational  
Affairs  
Robert G. Cameron, Counsel, State Board of Examiners of Nursing Home  
Administrators

HAP

Original: 1999

## THE HOSPITAL &amp; HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

November 29, 2000

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Chairman  
Independent Regulatory Review Commission  
333 Market Street  
14<sup>th</sup> Floor  
Harrisburg, PA 17101

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The logo consists of the letters "HAP" in a bold, white, sans-serif font, centered within a solid black square.

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November 29, 2000  
Page 2

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Sincerely,

A handwritten signature in black ink that reads "Paula A. Bussard".

PAULA A. BUSSARD  
Senior Vice President  
Policy and Regulatory Services

CLR/dd

c: David Williams, Deputy Commissioner, Bureau of Professional and Occupational  
Affairs  
Robert G. Cameron, Counsel, State Board of Examiners of Nursing Home  
Administrators



PENNSYLVANIA ASSOCIATION OF NON-PROFIT HOMES FOR THE AGING

Kevin W. Jones, Board Chair • Ronald L. Barth, President/CEO

Original: 1999

November 29, 2000

Robert Nyce, Executive Director  
 Independent Regulatory Review Commission  
 14<sup>th</sup> Floor, Harrisstown 2  
 333 Market Street  
 Harrisburg, PA 17101

RECEIVED  
 2000 NOV 29 AM 10:26  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

Dear Mr. Nyce:

The Pennsylvania Association of Non-Profit Homes for the Aging (PANPHA) which represents over 350 long-term care providers, including long term care nursing facilities, is recommending adoption of the final revised Annex of the State Board of Examiners of Nursing Home Administrators continuing education regulations.

- We are pleased with the Board's reducing the program application submission date from 90 to 60 days (Section 39.52 (b)).
- We also appreciate the change in time increments for program approval of 60 minutes with 30-minute increments (Section 39.1 Clock hour).
- It was helpful for the Board to identify the need to keep records for a five-year period (Section 39.44 (8)).
- The Board also changed the terminology from patient to resident as requested (Section 39.14).

However, for future consideration PANPHA would appreciate the Board's consideration of allowing credit for repeated programs during the same renewal period even if the subject matter has not substantially changed. It has been our experience with some programs that sometimes the technical subject matter is too detailed and it could take a second session to fully understand (i.e. case-mix reimbursement, MDS 2.0 submission, PPS or consolidated billing).

PANPHA would also request the Board to consider in the future allowing more than six-clock hours for programs that have not been pre-approved. The primary audience may not be nursing home administrators, through the program may be relevant to long term care.

Thank you for the opportunity to comment on these regulations.

Sincerely,

Christine F. Klejbuk  
 Vice President/Public Policy  
[chris@panpha.org](mailto:chris@panpha.org)

cc: Martha Brown, Counsel, NHA  
 Robert Morrow, Chair, NHA

Executive Park West • Suite 409 • 4720 Old Gettysburg Road • Mechanicsburg, PA 17055-8419  
 717.763.5724 PHONE • 717.763.1057 FAX • 717.763.0608 FAX ON DEMAND • [info@panpha.org](mailto:info@panpha.org) E-MAIL • <http://www.panpha.org> WEBSITE

Affiliate of the American Association of Homes and Services for the Aging

TOTAL P. 02

ASSOCIATION