

Regulator Analysis Form

This space for use by IRRC

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Nursing

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

16A-5112

RECEIVED

99 APR 19 AM 10:43

REVIEW COMMISSION

Harbison

IRRC Number:

2031

(3) Short Title

Fees

(4) PA Code Cite

49 Pa. Code §§21.5, 21.147 and 21.253

(5) Agency Contacts & Telephone Numbers

Primary Contact: Robert G. Cameron, Counsel
State Board of Nursing (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.

The regulation amends the fee schedule for the State Board of Nursing by revising fees for licensure by endorsement, applications for out of state graduates, restoration after sanction, reactivation of licenses, temporary practice permits, extension of temporary practice permits, CRNP certifications, applications for approval of new nursing programs, review and challenge of RN and PN examinations, certification of scores and certification of license history. The new fees are needed because the current fees established in 1987, 1991, and 1993 no longer reflect the cost of providing the enumerated services.

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

The regulatory amendments are adopted under sections 11.2(a) and (d) of the Professional Nursing Law, Act of May 22, 1951, P.L. 317, as amended, 63 P.S. §§221.2(a) and (d) and under section 17.5(a) of the Practical Nurse Law, Act of March 2, 1956, P.L. (1995) 1211, as amended, 63 P.S. §667.5(a).

Regulatory Analysis Form

(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. The Board is required by statute to adopt regulations setting fees. See Item No. 9 for the specific law.

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

The enabling statute of the Board requires that the Board set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board are generally borne by the licensee population through biennial renewal revenue. Expenses related to services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only the licensee who uses a particular service pays for a service being provided to him or her. By this regulation, the cost of providing the service will be apportioned to users, rather than burdening the entire licensee population.

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

Nonregulation could potentially adversely impact fiscal integrity of the Board. If left unregulated, the costs of providing services would be borne by the general licensing population, some of whom did not or would not receive a benefit from the service.

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

The licensing population generally will benefit by having costs of services which are utilized by only a portion of the licensees or applicants paid by those actually receiving the service.

Regulatory Analysis Form

(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.)

The Board has identified no group of individuals or entities who will be adversely affected by the regulation. Applicants for services or licenses will be required to bear up-to-date costs of providing the services involved.

(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.)

Applicants for licensure by endorsement, out-of-state graduates applying to take the RN or PN examination, licensees applying for restoration after sanction, applicants for license reactivation, applicants for temporary permits and extended temporary permits, applicants for CRNP certification, applicants for approval of new nursing education programs, applicants who request a review and challenge of the RN and PN examination, and those who request certification of scores and certification of license history will be required to pay the applicable fees. The Board estimates that 31,371 persons will avail themselves of one or more of the enumerated services in a two year period.

(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.

These regulations do not place requirements on licensees concerning their conduct or compliance with state law regarding the performance of a licensing duty under licensing statutes. The regulation embodies the fees which capture the cost of providing the service an applicant or licensee requests. Therefore, the information requested in this item is not applicable.

(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 Board estimates that 31,371 persons will avail themselves of one or more of the enumerated services within a biennial period. Total aggregate additional cost for the regulated community for a biennial period would be approximately \$1,204,345.00. However only those requesting the services will be affected. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.

Regulatory Analysis Form

(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 will not incur an increase in administrative cost by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of providing the enumerated services.

Regulatory Analysis Form

(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 +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:						
Regulated Community	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$602,197.50	\$602,197.50	\$602,197.50	\$602,197.50	\$602,197.50	\$602,197.50
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

The cost estimates are based upon the following number of persons which the Board estimates will avail themselves of the specified service over a fiscal year (one-half biennium) period multiplied by the savings or additional cost to the applicant for the service:

	<u># of people/year</u>		<u>Cost(c) or Savings (s)</u>		
a) license application by endorsement	3000	X	\$75(c)	=	\$225,000(c)
b) out-of-state graduate applications	375	X	\$70(c)	=	\$26,250(c)
c) restoration after sanction	5	X	\$50(c)	=	\$250(c)
d) reactivation after five years	5	X	\$30(c)	=	\$150(c)
e) Temporary permits	4900	X	\$15(c)	=	\$73,500(c)
f) extended temporary permits	24	X	\$60(c)	=	\$1,440(c)
g) CRNP certification	3000	X	\$55(c)	=	\$165,000(c)
h) new program approval	.5	X	\$175(c)	=	\$87.50(c)
i) challenge PN exam	.5	X	\$40(c)	=	\$20(c)
j) challenge RN exam	.5	X	\$50(s)	=	\$25(s)
k) certification of scores	4300	X	\$25(c)	=	\$107,500(c)
l) certification of license history	75	X	\$40(c)	=	\$3,000(c)

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
See attached fee report forms				

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

The amendments to the existing regulations will assure that the costs of providing the specified services to certain applicants and licensees will be borne by individuals who receive the service.

(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 the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.

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

See No. 22 above.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These questions are not applicable to this regulation. Because the fees established by the regulation represent the Board's actual costs in providing the services requested, it is not possible to compare the fees with those of other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings each month. Meetings are held in the Board's offices at 116-124 Pine Street, Harrisburg, Pennsylvania. The meeting dates are posted on the internet and are available by calling the Board office at (717) 783-7142.

Regulatory Analysis Form

(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.

No changes to reporting, recordkeeping or other paperwork is required by this regulation.

(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 upon publication in the Pennsylvania Bulletin.

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

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED
99 APR 19 AM 10:43

LEGISLATIVE
REVIEW COMMISSION

2031

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

Copy below is approved as
to form and legality.
Executive or Independent
Agencies.

BY: *David T. Delahanty*
(DEPUTY ATTORNEY GENERAL)

Bureau Of Professional and Occupational Affairs
(AGENCY)

Angie E. Dunlop

APR 05 1999.

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-5112

DATE OF ADOPTION

BY: *M. Christine Allichie*
M. Christine Allichie, PhD, RN

4/6/99

DATE OF APPROVAL

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

TITLE: Chairperson
(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.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
49 PA. CODE, CHAPTER 21
STATE BOARD OF NURSING
FEES

The State Board of Nursing ("Board") proposes to amend its regulations at 49 Pa. Code §§21.5, 21.147, and 21.253 by revising certain application fees as set forth in Annexes A, B and C.

A. Effective Date

The amendments would be effective upon publication of the final form regulations in the Pennsylvania Bulletin.

B. Statutory Authority

The amendments are authorized under Section 11.2(a) and (d) of the Professional Nursing Law, Act of May 22, 1951, P.L. 317, as amended, 63 P.S. §221.2(a) and (d) and under §17.5(a) of the Practical Nurse Law, Act of March 2, 1956, P.L. (1995) 1211, as amended, 63 P.S. §667.5(a).

C. Background and Purpose

Sections 11.2(a) and (d) of the Professional Nursing Law and section 17.5(a) of the Practical Nursing Law require the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services for licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{array}{c} \text{Number of Minutes to Perform the Function} \\ \\ \times \\ \\ \text{Pay rate for the classification of the personnel performing the function} \\ \\ + \\ \\ \text{A proportionate share of administrative overhead} \end{array}$$

As a result of the audit, the Board proposes to increase seven existing fees and to add four new fees for services which had previously not resulted in a charge to the applicant. The analysis determined that current fees do not accurately reflect the actual cost of providing the following services: license applications by endorsement, license applications for out-of-state graduates; reactivation after five years of inactivity; temporary practice permits; certified registered nurse practitioner (CRNP) certification; applications for new nursing program approval; and review and challenge of registered nurse (RN) and practical nurse (PN) examination.

Board fees for license applications by endorsement, CRNP certification, and certification of scores have not been revised since 1987. Fees for out-of-state graduate license applications, temporary practice permits, new nursing program approval applications, and challenge of the RN and PN examinations have not been revised since 1991, and the fee for reactivating a license after five years of inactivity was last revised in 1993. The fee charged for review and challenge of the RN examination exceeds actual costs, but all other fees fell short of the cost to provide the service. The fees for license restoration after a sanction, applications for extending a temporary practice permit, certification of scores and certification of license history are proposed to reflect the actual cost of providing these services.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

D. Description of Proposed Amendments

The following table outlines the affected application fees and proposed changes:

<u>Application/Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
License application by endorsement	\$25.00	\$100.00
Temporary practice permit	\$20.00	\$35.00
Extension of temporary practice permit	\$0	\$60.00
Application for approval of new nursing program	\$300.00	\$475.00
Review and challenge of the PN exam	\$130.00	\$170.00
Review and challenge of the RN exam	\$220.00	\$170.00
Application fee for out-of-state graduates	\$30.00	\$100.00

Reactivation after five years of inactivity	\$20.00	\$50.00
Restoration after suspension or revocation	\$0	\$50.00
Certification of scores	\$0	\$25.00
Certification of license history	\$0	\$40.00
CRNP certification	\$45.00	\$100.00

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 considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the Board submitted a copy of this proposed regulation on _____, 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.

Pursuant to Section 5(g) of the Regulatory Review Act, if the Commission has

any objections to any portion of the proposed regulation, it will notify the Board within 10 days of the close of the committees' review period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor, of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Robert G. Cameron, Counsel, State Board of Nursing, 116 Pine Street, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, within thirty days of publication of this proposed rulemaking. Please reference No. 16A-5112 (Fees), when submitting comments.

ANNEX A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING
SUBCHAPTER A. REGISTERED NURSES
FEES**

§21.5. Fees.

(a) The following fees are charged by the Board:

Examination and Licensure.....	\$35
Reexamination.....	\$30
Licensure by endorsement.....	[\$25] \$100
Temporary permit.....	[\$20] \$35
<u>Extension of temporary permit.....</u>	<u>\$60</u>
Application for approval of new nursing program.....	[\$300] \$475
Fee for review and challenge of RN exams.....	[\$220] \$170
Application fee for out-of-state graduates.....	[\$30] \$100
Biennial renewal of license.....	\$21
Verification of licensure.....	\$15
Reactivation of license (after five years or longer).....	[\$20] \$50
<u>Restoration after suspension or revocation</u>	<u>\$50</u>
<u>Certification of scores.....</u>	<u>\$25</u>
<u>Certification of license history.....</u>	<u>\$40</u>

(b) In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the registered nurse licensing examination. Effective April 1994, or upon implementation of the computer adaptive examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88.

ANNEX B

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING
SUBCHAPTER B. PRACTICAL NURSES
FEES**

§21.147. Fees.

(a) The following fees are charged by the Board:

Examination and Licensure.....	\$35
Reexamination.....	\$30
Licensure by endorsement.....	[\$25] <u>\$100</u>
Temporary permit.....	[\$20] <u>\$35</u>
<u>Extension of temporary permit.....</u>	<u>\$60</u>
Application for approval of new nursing program.....	[\$300] <u>\$475</u>
Fee for review and challenge of PN exams.....	[\$130] <u>\$170</u>
Application fee for out-of-state graduates.....	[\$30] <u>\$100</u>
Biennial renewal of license.....	\$16
Verification of licensure.....	\$15
Reactivation of license (after five years or longer).....	[\$20] <u>\$50</u>
<u>Restoration after suspension or revocation.....</u>	<u>\$50</u>
<u>Certification of scores.....</u>	<u>\$25</u>
<u>Certification of license history.....</u>	<u>\$40</u>

(b) In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the practical nurse licensing examination. Effective April 1994, or upon implementation of the computer adapted examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88.

ANNEX C

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING
SUBCHAPTER C. CERTIFIED REGISTERED NURSE PRACTITIONERS
FEES**

§21.253. Fees.

The following fees are charged by the Board:

Certification.....	[\$45] <u>\$100</u>
Biennial renewal of certification.....	\$26
Verification of certification.....	\$15

FEE REPORT FORM

Agency: State - BPOA
Contact: C. Michael Weaver
Phone No. 783-7194

Date: 01/07/99

Fee Title, Rate and Estimated Collections:

Application Fee - License by Endorsement: \$100.00
Estimated Biennial Revenue: \$600,000.00 (6,000 applications x \$100.00)

Fee Description:

The fee will be charged to every person who applies for licensure by endorsement of another jurisdictions' license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for license by endorsement and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.08 hr)	1.62
Board administrator- process application	(.17 hr)	5.03
Education Evaluator: assess qualifications	(.67 hr)	26.23
Attorney: avg. time to review legal issues	(.08 hr)	4.27
Board Mtg.: - avg. time review/discuss	(.08 hr)	50.00
Professional Staff: determine equivalency	(.08 hr)	3.28
Exec. Sec.: - avg. time per app	(.02 hr)	1.50
Administrative Overhead		<u>8.21</u>
Total Estimated Cost:		100.14
Proposed Fee:		\$100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review and evaluate an application for licensure by endorsement.

Page 2 Application Fee - License by Endorsement:

01/07/99

Board Staff: Reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information, forwards to educational credentials evaluator for processing. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA
Contact: C. Michael Weaver
Phone No. 783-7194

Date: 01/07/99

Fee Title, Rate and Estimated Collections:

Temporary Practice Permit Fee: \$35.00

Estimated Biennial Revenue: \$343,000.00 (9,800 applications x \$35.00)

Fee Description:

The fee will be charged to every person who applies for a temporary practice permit while awaiting licensure as an RN or PN.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for a temporary practice permit and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.25 hr)	5.08
Board administrator- process application	(.17 hr)	5.03
Attorney: avg. time to review legal issues	(.08 hr)	4.27
Board Mtg.: - review/discuss	(.02 hr)	10.00
Exec. Sec.: - avg. time per app	(.02 hr)	1.50
Administrative Overhead		<u>8.21</u>
	Total Estimated Cost:	34.09
	Proposed Fee:	\$ 35.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$35.00 be established to review and evaluate an application for a temporary practice permit.

Page 2 Temporary Practice Permit Fee:

Page 2

Board Staff: Reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information, forwards to board administrator who verifies that education and other eligibility requirements are met. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA
Contact: C. Michael Weaver
Phone No. 783-7194

Date: 01/15/99

Fee Title, Rate and Estimated Collections:

Application to Extend Temporary Practice Permit: \$60.00
Estimated Biennial Revenue: \$2,880.00 (48 applications x \$60.00)

Fee Description:

The fee will be charged to every person who requests extension of a temporary practice permit.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for extension of a temporary practice permit and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.50 hr)	10.15
Professional Staff - evaluate circumstances	(.50 hr)	19.67
Attorney: avg. time to review legal issues	(.02 hr)	.85
Board Mtg.: - review/discuss	(.02 hr)	10.00
Exec. Sec.: - avg. time per app	(.17 hr)	7.48
Administrative Overhead		<u>8.21</u>
	Total Estimated Cost:	56.36
	Proposed Fee:	\$ 60.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$60.00 be established to review and evaluate an application for extension of a temporary practice permit.

Page 2 Application to Extend Temporary Practice Permit: 01/15/99

Board Staff: Reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information, forwards to professional staff for evaluation of circumstances regarding need to extend existing temporary permit. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/07/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application Fee: Approval of Nursing Education Program: \$475.00

Estimated Biennial Revenue: \$475.00 (1 applications x \$475.00)

Fee Description:

The fee will be charged to evaluate each application for approval of a new nursing education program in Pennsylvania.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for approval of a new nursing education program and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.17 hr)	3.38
Board administrator - evaluate application	(.08 hr)	2.52
Attorney-avg. time to review legal issues	(.50 hr)	25.63
Board Mtg: - review/discuss	(.50 hr)	300.00
Prof. Staff - evaluate & make recommendation	(3.33 hr)	131.13
Exec. Sec. - avg. time per app:	(.08 hr)	3.74
Administrative Overhead:		<u>8.21</u>
	Total Estimated Cost:	474.61
	Proposed Fee:	\$475.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$475.00 be established to review and evaluate an application for approval of a new nursing program in Pennsylvania.

Page 2 Application Fee-Approval of New Nursing Education Program:

Board Staff: Reviews application for approval to establish a new state-approved nursing program. An on-site survey is conducted by a Nursing Education Advisor; survey includes review of all physical resources and facilities.

Application also requires review of physical facilities, blueprints, curriculum, budget, student services, administration, teaching and instructional personnel and policies, library and other learning resources.

Because expenses vary widely, the fee proposed here covers only minimal staff time and the administrative overhead charge.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/07/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Fee for Review and Challenge of PN or RN Examination: \$170.00

Estimated Biennial Revenue: \$340.00 (2 applications x \$170.00)

Fee Description:

The fee will be charged to each applicant who requests review and possible challenge of the PN or RN licensing examination. **This fee does not include charges contractually imposed by examination agencies.**

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to provide this service and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare documents	(.17 hr)	3.38
Board administrator - evaluate documents	(.08 hr)	2.52
Attorney-avg. time to review legal issues	(.17 hr)	8.54
Board Mtg: - review report	(.02 hr)	10.00
Prof. Staff - proctor exam review	(2.08 hr)	81.96
Exec. Sec. - report challenge for board review:	(.08 hr)	3.74
Avg. secured delivery charge(outgoing & return)		50.00
Administrative Overhead:		<u>8.21</u>
	Total Estimated Cost:	168.35
	Proposed Fee:	\$170.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$170.00 be established to provide this service.

Page 2 Fee for Review and Challenge of PN or RN Examination:

Applicant who has failed the examination may request a review of the latest examination failed. NCLEX (National Council License Examination) provides the examination and answer sheet with the answers blocked out. Applicant may challenge the answer (correctness) as it appears on the key sheet and may question the validity, ambiguity of wording, etc. A separate "official" challenge document must be prepared by board staff for each item of challenge. Following completion of the examination challenge, all documents are returned to NCLEX panel for review; if the challenge has credence, NCLEX will allow a correct score for that question. The possibility of changing the outcome of the examination total score is extremely remote.

Our contract with NCLEX allows only the Nursing Education Advisors and the Secretary of the Board to have access to the examination, therefore a Nursing Education Advisor must be present during the entire process for security reasons. When the process is completed, the contract requires two (2) Nursing Education Advisors to secure the documents in a double-locked cabinet until return to NCLEX via secured delivery service. Delivery charge has been estimated at \$50.00 because the number of documents being returned varies depending upon the number of questions challenged.

FEE REPORT FORM

Agency: State - BPOA
Contact: C. Michael Weaver
Phone No. 783-7194

Date: 01/07/99

Fee Title, Rate and Estimated Collections:

License Application Fee-Graduates of non-Pa approved programs: \$100.00

Estimated Biennial Revenue: \$75,000.00 (750 applications x \$100.00)

Fee Description:

The fee will be charged to every applicant for the licensing examination who graduated from a non-Pa approved nursing program.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application from a graduate of a program from a non-Pa approved nursing program and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.75 hr)	15.23
Staff time - process application	(.50 hr)	15.10
Attorney: avg. time to review legal issues	(.08 hr)	4.27
Board Mtg.: - avg. time review/discuss	(.08 hr)	50.00
Professional Staff: determine equivalency	(.17 hr)	6.56
Exec. Sec.: - avg. time per app	(.03 hr)	1.50
Administrative Overhead		<u>8.21</u>
	Total Estimated Cost:	100.87
	Proposed Fee:	\$100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review and evaluate an application for examination from a candidate who graduated from a non-Pa. approved program.

Page 2: License Application Fee-Graduates of non-Pa approved programs January 7, 1999

Board Staff: Receives application for evaluation of credentials from a graduate of a nursing program outside of the Commonwealth of Pa.. Reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information, reviews to compare curriculum to curriculum of Pa. approved school. Forwards to board administrator to verify that other eligibility requirements are met. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/15/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Reactivation Fee-Lapsed Pennsylvania License-(after 5 years): \$50.00

Estimated Biennial Revenue: \$500.00 (10 applications x \$50.00)

Fee Description:

The fee will be charged to every person who applies to reactivate an expired license following five years of inactive (lapsed) status in Pennsylvania. **This fee is charged in addition to the appropriate biennial renewal fee.**

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for reactivating a license and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare examination application (.17 hr)	3.38
Board administrator - process application (.17 hr)	10.03
Professional staff -evaluate application (.17 hr)	6.56
Attorney-avg. time to review legal issues (.03 hr)	1.71
Board Meeting - avg. time to review/vote (.03 hr)	20.00
Exec. Sec. - avg. time per app: (.02 hr)	.75
Administrative Overhead:	<u>8.21</u>
Total Estimated Cost:	50.64
Proposed Fee:	\$50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established to review and evaluate an application for reactivation of a nursing license after five (5) years of lapsed status.

Page 2 Reactivation Fee (after five years of lapsed/inactive status)

Board staff reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information. Application is forwarded to professional staff for review to ensure that legal questions and board criteria for reactivation have been met. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/15/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Restoration After Sanction Fee: \$50.00

Estimated Biennial Revenue: \$500.00 (10 applications x \$50.00)

Fee Description:

The fee will be charged to every person who applies to reactivate license following legal sanction in Pennsylvania. **This fee is charged in addition to the appropriate biennial renewal fee.**

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for reactivating a license following legal sanction in Pennsylvania and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare examination application (.17 hr)	3.38
Board administrator - process application (.17 hr)	10.03
Professional staff -evaluate application (.17 hr)	6.56
Attorney-avg. time to review legal issues (.03 hr)	1.71
Board Meeting - avg. time to review/vote (.03 hr)	20.00
Exec. Sec. - avg. time per app: (.02 hr)	.75
Administrative Overhead:	<u>8.21</u>
Total Estimated Cost:	50.64
Proposed Fee:	\$50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established to review and evaluate an application to reactivate a nursing license after legal sanction in Pennsylvania.

Board staff reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information. Application is forwarded to professional staff for review to ensure that legal questions and board criteria for reactivation have been met. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/07/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of Scores: \$ 25.00

Estimated Biennial Revenue: \$215,000.00 (8,600 certifications x \$25.00)

Fee Description:

The fee will be charged to every applicant who requests certification of scores.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for certification (.75 hr)	15.23
Bureau Average Administrative Overhead:	<u>9.76</u>
Total Estimated Cost:	\$24.99
Proposed Fee:	\$25.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification of scores.

Page 2 Certification of Scores

Board Staff: Reviews request for certification of scores; researches computer and microfilm files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA

Date: 01/07/99

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of License History: \$ 40.00

Estimated Biennial Revenue: \$6,000.00 (150 certifications x \$40.00)

Fee Description:

The fee will be charged to every applicant who requests certification of license history.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process a request for certification of license history and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for certification (.25 hr)	5.08
Board Administrator - avg. time to process (.08 hr)	2.52
Executive Secretary - avg. time to process (.50 hr)	22.45
Administrative Overhead:	<u>8.21</u>
Total Estimated Cost:	\$38.26
Proposed Fee:	\$40.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established for certification of license history.

Board Staff: Reviews request for certification of license history; researches files, microfiche, score reports and other data to retrieve requested information, forwards to Executive Secretary for preparation of letter and/or printout of license history providing documentation requested, affixes Bureau seal and forwards as directed by applicant. This procedure is used when other Board documents (Letter of Good Standing or Certification of Scores) are inadequate to fulfill the request. Frequently, the needed information must be retrieved from National Council and must be requested by the Executive Secretary. Processing times have been averaged over the total number of requests anticipated in a biennial cycle since it is impossible to know in advance which requests will require contact with other source agencies.

FEE REPORT FORM

Agency: State - BPOA
Contact: C. Michael Weaver
Phone No. 783-7194

Date: 01/07/99

Fee Title, Rate and Estimated Collections:

Application Fee - CRNP Certification: \$100.00
Estimated Biennial Revenue: \$600,000.00 (6,000 applications x \$100.00)

Fee Description:

The fee will be charged to every person who applies for certification as a CRNP (Certified Registered Nurse Practitioner).

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for certification as a CRNP (Certified Registered Nurse Practitioner) and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- review and prepare application	(.50 hr)	10.15
Board administrator- process application	(.42 hr)	12.58
Attorney: avg. time to review legal issues	(.08 hr)	4.27
Board Mtg.: - avg. time review/discuss	(.07 hr)	40.00
Professional Staff: determine equivalency	(.50 hr)	19.67
Exec. Sec.: - avg. time per app	(.08 hr)	3.74
Administrative Overhead		<u>8.21</u>
	Total Estimated Cost:	98.62
	Proposed Fee:	\$100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review and evaluate an application for certification as a CRNP (Certified Registered Nurse Practitioner).

Board Staff: Reviews application for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information, forwards to Nurse Practice Advisor for processing. If all requirements are met, the application is entered into the computer system and certification issued. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office, executive secretary and board meeting review has been averaged over total number of applications anticipated in a biennial cycle.



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

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3658

April 19, 1999

The Honorable John R. McGinley, Jr., Chairperson
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2
333 Market Street
Harrisburg, Pennsylvania 17101

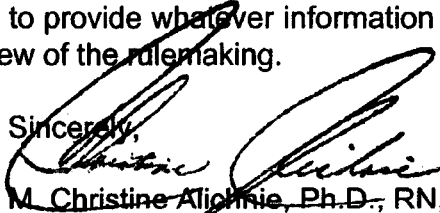
Re: Proposed Regulation
State Board of Nursing
Fees: 16A-5112

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,



M. Christine Alchinie, Ph.D., RN, Chairperson
State Board of Nursing

MCA:RGC:eco
Enclosure

c: C. Michael Weaver, 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 Nursing
State Board of Nursing

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

RECEIVED

I.D. NUMBER: 16A-5112
SUBJECT: State Board of Nursing - Fees
AGENCY: DEPARTMENT OF STATE

99 APR 19 AM 10:44

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

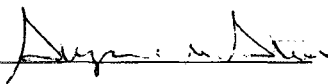
FILING OF REGULATION

DATE

SIGNATURE

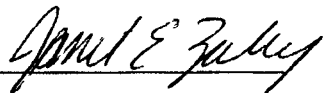
DESIGNATION

4/19/99



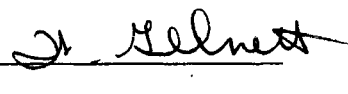
HOUSE COMMITTEE ON PROFESSIONAL LICENSURE

4/19/99



SENATE COMMITTEE ON CONSUMER PROTECTION &
PROFESSIONAL LICENSURE

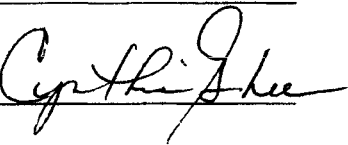
4/19/99



INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

4/19/99



LEGISLATIVE REFERENCE BUREAU

April 6, 1999