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July 7, 2000

Honorable John R. McGinley, Jr., Chairman
 Independent Regulatory Review Commission
 14th Floor, Harrisstown #2
 333 Market Street
 Harrisburg, PA 17101

RE: Regulation 16A-499, State Boards of Medicine and Nursing

Dear Chairman McGinley:

I am writing to you to express my concerns with the final form regulations jointly submitted by the State Board of Medicine and the State Board of Nursing concerning the governing of the parameters of the prescribing and dispensing of drugs by Certified Registered Nurse Practitioners (CRNPs).

The process by which the Boards have dramatically changed the regulations from their proposed form to their final form is of great concern. Those changes, which are substantive in their effect, were done without the benefit of public comment from interested stakeholders.

First, the proposed rulemaking contained no restriction upon the number of prescribing CRNPs that could be collaborated with by a physician. Only two of the numerous comments received concerning the proposed regulations mentioned a need for a ratio between collaborating physicians and prescribing CRNPs and their suggestion with a 4:1 ratio.

The boards suggest that because the final form regulations provide that a physician may apply for a waiver of the 2:1 ratio, that all process issues are resolved. However, nothing could be less clear. What are the standards for granting or denying a waiver, what is the time frame for the grant or denial of a waiver, will a physician's education and experience be a determining factor in the grant or denial of a waiver, will a physician's supervision of nonprescribing CRNPs affect the waiver process, what happens when the supervising physician is unavailable due to vacation or

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otherwise, will the only other reasonably accessible physician who is already supervising two CRNPs be permitted to seek and obtain a waiver in timely fashion? These are only a few of the questions that arise from reading the regulation. What will the answers be? Can the public be assured of continuous reasonable health care if these questions are not resolved with reasonable certainty now before the regulations are approved.

I urge the Commission to carefully consider all the implications of this rulemaking before making a final judgment.

Thank you for your consideration.

Sincerely,



Allen G. Kukovich
State Senator, 39th District

AGK/ts