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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

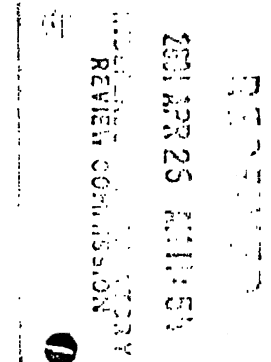
COMMITTEES

PROFESSIONAL LICENSURE,  
MAJORITY CHAIRMAN  
LIQUOR CONTROL  
FIREFIGHTERS' CAUCUS,  
COCHAIRMAN EMERITUS

ORIGINAL: 2167

April 24, 2001

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



Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on April 24, 2001. The Committee submits the comments listed below pertaining to the regulations that were considered.

**Regulation 16A-482, State Board of Funeral Directors.** The Committee voted to take no formal action until final form regulations are promulgated. However, the Committee offers the following comments:

- (1) The Committee notes that a fee for "Preceptor Registration or Change" is listed in the description of proposed amendments but is not included in the schedule of fees listed in Annex A of the rulemaking package. The Committee requests an explanation for this omission.
- (2) The Committee notes that the Board charges a fee for "Address change without reinspection." However, the Fee Report Form indicates that this fee is actually charged for a change of director or name on an existing funeral establishment license. The Committee recommends that this fee be renamed to more accurately describe the services provided.

**Regulation 16A-656, State Board of Physical Therapy.** The Committee voted to take no formal action until final form regulations are promulgated. However, the Committee offers the following comments:

- (1) The Committee recommends that a definition for "immediate family member" be provided in the regulations.
- (2) The Committee recommends that in proposed Sec. 40.304, the word "sexual" be inserted before the word "violation" to be consistent with the definition of the term in Sec. 40.301.

**Regulation 16A-516, State Board of Nursing.** The Committee voted to take no formal action until final form regulations are promulgated. However, the Committee offers the following comments:

- (1) The Committee notes the Board's statistics pertaining to the number of nursing education programs that would be placed on provisional status should the Board's proposal of requiring an 80% examination pass rate as the standard for granting full program approval. The Board indicates that 11 of 22 associate degree programs, 17 of 32 baccalaureate degree programs, and six of 26 diploma programs would be on provisional status if the higher standard were used. The Committee also notes the public comments received by the Board, indicating that there is currently a rather low number of nursing graduates at many programs. The Committee requests an explanation as to the Board's rationale in making the revision, whether it is intended to address safety issues or other concerns. The Committee also requests an explanation as to the Board's timing in revising the standard, given the severe shortage of nursing professionals practicing in the Commonwealth. The Committee recommends that the Board reconsider its proposal to raise the standard for program approval, in that this action would likely have an adverse impact on the shortage of nursing professionals.
- (2) The Committee agrees with public comments received by the Board and suggests that in calculating a nursing education program's pass rate, the results of graduates taking out-of-state examinations be included.
- (3) Proposed Sec. 21.90 requires a program's curriculum to address representative areas of nursing practice identified as entry level by the NCSBN. The Committee agrees with public comments received by the Board and believes this regulation to be overly restrictive. The Committee requests an explanation as to the Board's rationale in utilizing data from only one organization when information is available from a variety of sources.
- (4) In reference to proposed Sec. 21.90.2(f), the Committee recommends that the ratio of students to faculty be established to address safety considerations in addition to the stated purpose of assuring optimal learning opportunities.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms  
Enclosures

cc: James O. Pinkerton, FD, Chairperson  
State Board of Funeral Directors  
James J. Irrgang, Chairperson  
State Board of Physical Therapy  
K. Stephen Anderson, CRNA, Chairperson  
State Board of Nursing  
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth  
Department of State

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PROFESSIONAL LICENSURE  
REVIEW COMMISSION



**Regulation 16A-482**

**State Board of Funeral Directors**

**PROPOSAL:** Regulation 16A-482 amends 49 PA Code, Chapter 13, regulations of the State Board of Funeral Directors. The amendment makes revisions to the schedule of Board fees by increasing certain fees, reducing one fee, adding certain fees for services for which there are currently no fees, and eliminating references to examination fees.

The proposed Rulemaking was published in the Pennsylvania Bulletin on March 17, 2001. The Professional Licensure Committee has until May 7, 2001 to submit comments on the regulation.

**ANALYSIS:** Pursuant to Sec. 18.1 of the Funeral Director Law, 63 P.S. Sec. 479.18.1, the Board is required to meet expenditures through revenues raised by fees, fines and civil penalties. The Board is required to increase fees so that projected revenues will meet or exceed projected expenditures. The current fees of the Board have not been revised since 1986. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested. The Board states that the following fees would be changed to reflect the actual cost of providing the service:

<u>Application/Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Application – Branch or Sole Proprietorship	\$ 60.00	\$125.00
Application – Widow or Estate	\$100.00	\$125.00
Application – Partnership, Restricted Business		
Corporation or Professional Corporation	\$ 60.00	\$150.00
Application – Shared Physical Establishment	\$ 0.00	\$150.00
Application – Supervisor	\$ 35.00	\$ 25.00
Application – Funeral Director	\$ 20.00	\$ 25.00
Application – Preceptor Registration or Change	\$ 0.00	\$ 25.00
Change of Address with Inspection	\$ 60.00	\$125.00
Change of Address with no Inspection	\$ 15.00	\$ 35.00
Intern/Student Registration	\$ 15.00	\$ 25.00
Reinspection after Failure	\$ 0.00	\$ 85.00
Certification	\$ 15.00	\$ 25.00
Verify License or Registration	\$ 0.00	\$ 15.00

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee notes that a fee for “Preceptor Registration or Change” is listed in the description of proposed amendments but is not included in the schedule of fees listed in Annex A of the rulemaking package. The Committee requests an explanation for this omission.
- (2) The Committee notes that the Board charges a fee for “Address change without reinspection.” However, the Fee Report Form indicates that this fee is actually charged for a change of director or name on an existing funeral establishment license. The Committee recommends that this fee be renamed to more accurately describe the services provided.

House of Representatives  
Professional Licensure Committee  
April 12, 2001