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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

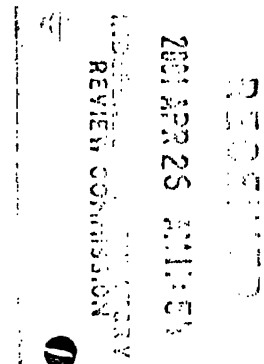
COMMITTEES

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

Original: 2171

April 24, 2001

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 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-516

State Board of Nursing

PROPOSAL: Regulation 16A-516 amends 49 PA Code, Chapter 21, regulations of the State Board of Nursing. The amendments represent the results of the Board's systematic review of its regulations that began in 1993. The revisions would make editorial changes to 31 sections, eliminate 20 sections, and add five new sections. The revisions would also consolidate separate provisions pertaining to baccalaureate, associate degree and diploma programs into one category. The proposed Rulemaking was published in the Pennsylvania Bulletin on February 10, 2001. The Professional Licensure Committee has until May 1, 2002 to submit comments on the regulation.

ANALYSIS: Sec. 21.34 would be amended to clarify procedures for removing a nursing education program from the approved list. Currently, a program's status is downgraded from fully approved to provisionally approved if less than 60% of its graduates pass the licensure examination (NCLEX). Beginning one year after the effective date of the amendments, the Board will downgrade a program if less than 80% of its graduates pass the exam. The Board would give the program 90 days notice of its intent to downgrade.

Currently, pursuant to Sec. 21.71(b), the director of a baccalaureate degree program must hold a master's degree in nursing and either an earned doctorate or a specific plan for completing the doctorate. The term "director" would be changed to "nurse administrator," and after one year of the effective date of the amendments, a nurse administrator hired for the first time must hold an earned doctorate with a nursing major at either the master's or doctoral level, and have experience in areas of administration. Board approval of the nurse administrator's credentials must be obtained prior to appointment.

Sec. 21.71(b) would be further amended to delete the requirement the nurse administrators of associate or diploma programs have administrative experience in the field of education. Faculty members of all programs will be required to have clinical experience relevant to their clinical areas of responsibility. "Clinical preceptors" would be authorized to guide selected clinical activities, with faculty members having ultimate responsibility for students.

Regulations regarding applications for examination would be amended to reflect the changes that have occurred since NCLEX was converted from a written exam to computer adaptive testing (CAT) on April 1, 1994. Sec. 21.27 would be amended to reflect the addition of Sec. 4.1 to the Professional Nursing Law, which requires that graduates obtain a temporary permit in order to practice prior to passing the exam. Sec. 21.28 would be amended to clarify that nurses licensed in Canada are eligible for licensure by endorsement even though their licensing exam is not NCLEX.

Sec. 21.31 would be amended to replace “survey visits” of nursing education programs with “compliance reviews” which will be conducted at least once every three years. Site compliance visits may be conducted at the discretion of the Board and must be made at least once every three years to programs that are not accredited by the National League of Nursing Accreditation Association (NLN). Sec. 21.33 would be amended to set forth the criteria by which the Board would grant initial, full or provisional approval to a program. A program placed on provisional status could be restricted from establishing new satellite campuses or offering alternative scheduling plans until the program resumes full approval status.

Sec. 21.51 would set forth procedures for establishing new nursing education programs. A program would first submit a feasibility study to the Board to demonstrate that the proposed program satisfies specified criteria. After approval of its feasibility study, a program must submit a report to the Board, at least eight months prior to the intended admission date for students, documenting plans for the intended program. The regulation specifies information, which must be included in the report. A change of ownership of a program that does not result in major changes to the program would not require submission of a feasibility study.

Proposed Sec. 21.90 would require a nursing education program to formulate and adopt a statement of philosophy and purpose for the program, which shall be reviewed and revised at stated time intervals by faculty. Proposed Sec. 21.90.1 sets forth core curriculum requirements, which includes the requirement that the curriculum address representative areas of nursing practice identified as entry-level by the current job analysis conducted by the National Council of State Boards of Nursing (NCSBN). Proposed Sec. 21.90.2 sets forth general education criteria, which includes the requirement that learning experiences and methods that promote critical thinking and synthesis of learning be utilized. Proposed Sec. 21.90.3 sets forth the changes to a program’s curriculum for which Board approval is required.

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 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.

House of Representatives
Professional Licensure Committee
April 19, 2001