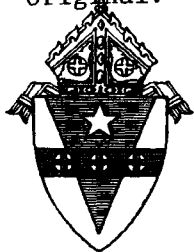


Original: 2231



# SECRETARIAT FOR CATHOLIC HUMAN SERVICES

ARCHDIOCESE OF PHILADELPHIA  
222 North Seventeenth Street • Philadelphia, Pennsylvania 19103-1299  
(215) 587-2436 • Fax (215) 587-3773

**RECEIVED**

JAN 10 2002

**DOS LEGAL COUNSEL**

OFFICE OF THE DEPUTY SECRETARY FOR  
CATHOLIC HEALTH CARE SERVICES

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA. 17105-2649

January 7, 2002

Dear Ms. Brown,

I am writing in response to the proposed amendments to the rules posted in the December 1, 2001 Pennsylvania Bulletin. The proposed amendments concern LPN administration of drugs and specifically provisions for an LPN to take oral orders from a licensed practitioner.

The management of Catholic Health Care Services of the Archdiocese of Philadelphia is fully supportive of this change in the rules. In the current and foreseeable future, we as providers of health care need to be exploring every available avenue to insure that the health care needs of Pennsylvania citizens are not further compromised by the shortage of licensed health care professionals.

This change in the rules has the potential to accomplish the following: leveling the playing field for the LPN's who are educated and trained to do the task and who would be able to do so in many other states, enhancing the morale of Pennsylvania's LPN's, recognizing the professionalism of the LPN, enhancing the ability to recruit nurses from other states, allow more time for RN's in all practice settings to evaluate the outcomes of drug related therapy and complications and not the mechanics of transcription, better serve the consumer from the perspective of time and perhaps improve safety.

As employers of professional nurses both RN and LPN, it remains our responsibility to assure that the individuals we have in our employ and those we hire have the necessary competencies to satisfactorily administer, record and transcribe orders for care. This change would allow us to the latitude to most efficiently and effectively utilize our precious resources, the licensed professional nurses of Pennsylvania.

Thank you for your interest in enacting this rule change.

Sincerely,

*Judith A. Passerini*  
Judith A. Passerini R.N., CNHA, M. Mgmt  
Deputy Secretary and Chief Operating Officer

Cc: Richard Kerr LPN, President, NAPNES

2002 JAN 15 AM 10:09  
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SECRETARIAT FOR CATHOLIC HUMAN SERVICES

ORIGINAL: 2231

Pennsylvania Soldiers' and Sailors' Home  
560 E. 3<sup>rd</sup> Street  
Erie, Pa 16512  
814-871-4531

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DEC 31 2001

DOS LEGAL COUNSEL

Martha Brown, Council  
State Board of Nursing  
P.O.Box 2649  
Harrisburg, PA 17105-2649

Dear Martha Brown,

In reference to proposed rulemaking, State Board of Nursing, [49 PA. Code Ch. 21], Oral Orders [31 Pa.B. 6544]. I would like to respectfully state my support for the Boards proposed regulation to permit a licensed practical nurse to accept oral orders and to be able to clarify any prescription or order which is perceived as unsafe. This is a change that is much needed in the Long Term Care setting of today. It is appreciated that the Nursing Board is responding affirmatively to regulations that are outdated or as in this case no longer practical with the education level of the practical nurse.

Sincerely,



Sharon Pieri RN, DON

ORIGINAL: 2231  
315 North Second Street / Harrisburg, Pennsylvania 17101 / (717) 221-1800 / FAX (717) 221-8687



OFFICERS

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Camp Hill, PA  
Secretary/Treasurer

ALAN G. ROSENBLOOM  
Harrisburg, PA  
President and CEO

December 27, 2001

Martha Brown, Esquire  
Counsel, State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Re: (16A-5115) LPN Oral Orders

Dear Ms. Brown:

The Pennsylvania Health Care Association (PHCA), and its assisted living arm, the Center for Assisted Living Management (CALM), represents more than 325 proprietary and non-profit providers of long term care and senior services throughout the Commonwealth. We appreciate the opportunity to comment on the proposed amendments to §§21.14 and 21.145 of 49 PA. Code Chapter 21 concerning administration of drugs by and related functions of licensed practical nurses (LPNs).

PHCA and CALM applaud the State Board of Nursing for the changes it has proposed. As you well know, Pennsylvania faces a current shortage of direct care workers— from registered nurses to LPNs to certified nursing assistants to home health aides – and our growing senior population is likely to exacerbate this shortage. We believe strongly that the proposed regulatory changes would enhance the quality of care and life for residents in nursing facilities and personal care homes, while appropriately delegating functions without sacrificing professionalism.

In particular, the proposed change in the *Oral Orders and the LPN* will help to eliminate unnecessary delays in the administration of medications to the frail and elderly persons that our members serve. PHCA also concurs with the State Board of Nursing that LPNs should undergo additional training before they may accept oral orders. This provision will ensure that patient care proceeds safely as well as expeditiously.



visit our web site at: <http://www.phca.org>

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DEC 28 2001

DOS LEGAL COUNSEL

Martha Brown, Esquire  
December 27, 2001  
Page 2

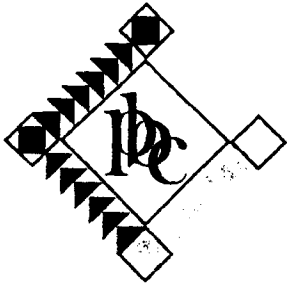
Finally, PHCA and CALM urge the Board to conclude this regulatory process as quickly as possible. Unnecessary delay could undermine quality care for many frail seniors in Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan G. Rosenbloom", with a long horizontal line extending to the right.

Alan G. Rosenbloom  
President/CEO

CC: Honorable Mario J. Civera, Jr., Chairman, House Professional Licensure Committee  
Honorable William W. Reiger, Democratic Chairman, House Professional Licensure Committee  
Honorable Clarence D. Bell, Chair, Senate Consumer Protection & Professional Licensure Committee  
Honorable Lisa Boscola, Minority Chair, Senate Consumer Protection & Professional Licensure Committee  
Mr. Robert E. Nyce, Executive Director, Independent Regulatory Review Commission



## PETER BECKER COMMUNITY

800 Maple Avenue, Harleysville, PA 19438

215.256.9501 Fax: 215.256.9768

Martha Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

December 28, 2001

RE: 16A-5115 LPN Oral Orders

Dear Ms. Counsel,

I am writing in support of the proposed amending of 21.145(b) to allow the LPN to accept oral orders and to 21.14 for RN administration of drugs. I agree that removing the restriction/limitations will help to eliminate unnecessary delays for a patient or resident in getting medications.

As a nursing home administrator I know how difficult the restrictions have been for physicians and nurses alike who are trying to manage resident care in a manner that is both safe and expeditious.

Sincerely,

Zenta Benner, NHA  
Vice Pres. Health Care Services

**RECEIVED**

JAN 04 2002

**DOS LEGAL COUNSEL**

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(Since 1971)



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E-mail: psna@psna.org ■ www.psna.org

ORIGINAL: 2231

RECEIVED  
DECEMBER 27 2001  
COMMUNICATIONS SECTION

## Memorandum

**To:** Robert Nyce, Executive Director  
IRRC

**From:** Michele P. Campbell, Executive Administrator *Michele P Campbell*  
PA State Nurses Association

**Date:** December 27, 2001

**Re:** Comments re: State Board of Nursing Regulations on Oral Orders

---

Mr. Nyce, I have attached comments that PSNA has written to the State Board of Nursing regarding its recent amendments regarding LPN and oral orders.

Please call me if you have need for any further comments at 657-1222 ext. 200.



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717-657-1222 ■ 1-888-707-7762 ■ Fax: 717-657-3796  
E-mail: psna@psna.org ■ www.psna.org

December 27, 2001

Martha Brown, Counsel  
PA State Board of Nursing  
PO Box 2649  
Harrisburg, PA 17105-2469

RE: Oral orders

Dear Ms Brown:

This letter puts forth the position of the Pennsylvania State Nurses Association (PSNA) with regards to LPN's and oral orders. The State Board of Nursing has proposed amendments to 21.14 and 21.145 relating to administration of drugs and functions of the LPN.

The Association continues to be against the revisions pertaining to these amendments for the same reasons as identified in our letter from January 22, 2001. Our stand has not altered.

1. The Practical Nurse Law defines the practice of practical nursing as "performance of selected nursing acts in the care of the ill, injured, or infirm under the direction of a licensed professional nurse, a licensed physician or a licensed dentist which do not require the specialized skill, judgment or knowledge required in professional nursing." PSNA believes that accepting oral orders does require specialized skill, judgment and knowledge, which is not required of the LPN. These skills would be important in recognizing when medications are contra-indicated or the dosage is inappropriate based on information, which the prescribing practitioner may not have.

The educational preparation of LPN's currently focuses on broad areas of learning and is limited in depth. It offers limited theoretical content as the basis for decision-making with the result that LPN's seldom learn the details of clinical decision-making and the resultant clinical outcomes, which are possible. There is no emphasis on the critical thinking skills, which provide the foundation for the responsibility of accepting oral orders. This includes analyzing and questioning the accuracy and appropriateness of an order. Accepting oral orders is not just a technical task but also one that requires critical thinking, professional judgment and depth of knowledge that is outside the scope of LPN practice.

**The nurse who is required by law, regulation, accrediting criteria and practice standards to have the prerequisite knowledge for this is the RN.**

2. In light of the Institute of Medicine Report in 1999: To Err is Human, which outlines the number of mortalities associated with hospitalizations of which medication errors were a high percentage, it appears we are going backwards in patient safety to expand oral orders to LPN's. It has been stated clearly that oral orders, in general, should only be used in emergent situations, as they can lead to an increase in medication errors. The State Board of Nursing is risking the chance of increased numbers of medication errors with these regulations. In this day and age of electronic communications, the need for oral orders should be greatly diminished.
3. Although the State Board of Nursing has investigated and written in their description of Proposed Amendments that "practical nursing education programs in this Commonwealth gave instruction in pharmacology to practical nursing students which was the **SAME** as or similar to that received by the professional nursing students", PSNA does not agree with this conclusion. This has been substantiated by some of our members who are professors in the LPN programs. Furthermore, the regulations do not indicate that such orders are limited to pharmacotherapeutics.

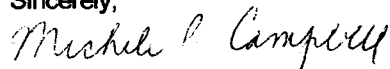
In the National Council of State Boards of Nursing's NCLEX-PN Test Plan, it is stated that testing for the nursing process is part of their directed questions towards testing for competency. The nursing process for LPN's is defined as **Data Collection**, planning, implementing and evaluating versus the nursing process for RN's, which is defined as **Assessment**, planning, implementing and evaluating. This points to the fact that the educational preparation for RN's is congruent with the practice requirements for accepting oral orders, as there is a certain amount of assessment that goes along with oral orders. It further points to the lack of appropriate educational preparation for the LPN especially in the area of assessment.

PSNA is very understanding of the nursing shortage especially in the Long Term Care environment but we believe that granting LPN's the right to take oral orders can only adversely affect the safety of patients in this environment by encouraging the increase utilization of oral orders and by pulling the LPN away from the bedside.

Thus PSNA strongly urges the Board to reconsider expanding the role of the LPN to accept oral orders. While the health care delivery system is changing, the Board and nursing must become more vigilant in assuring the safety of the nursing practice by having the appropriately prepared licensed nurse assume responsibility for clinical decision-making. While there is a shortage of registered nurses, this shortage should not be the rationale for substitution of persons who are less prepared. Since the PA State Board of Nursing's role is safety of the public, PSNA urges you not to change the regulations to allow LPN's to take oral orders, which PSNA believes would jeopardize consumer safety.

Thank you for the opportunity to respond to the proposed revisions to the LPN regulations.

Sincerely,



Michele P. Campbell, MSN, RNC  
Executive Administrator





1100 Bent Creek Boulevard  
Mechanicsburg, PA 17050

2001-2 11 9:23

ORIGINAL: 2231

December 27, 2001

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

RE: Oral Orders Proposed Regulation

Dear Ms. Brown:

PANPHA is very pleased to support the proposed regulations published in the 12/01/2001 *Pennsylvania Bulletin* to authorize licensed practical nurses (LPNs) to accept oral prescriptions and orders.

One of PANPHA's strategic focus areas is workforce. It is not news to you that long-term care providers are challenged to recruit and retain qualified staff. PANPHA has identified over 50 recommendations that would help our members in this area of workforce need. While many initiatives are not public policy related there are several that are in the public policy arena, allowing LPNs to take oral orders being one of them.

PANPHA has supported in the past and continues to support changes to the State Board of Nursing regulations that will allow LPNs to accept oral (and telephone) prescriptions and orders. As noted in the preamble to the proposed regulation, LPNs are adequately trained to administer medications and take oral orders.

Again, thank you for the opportunity to comment on these proposed regulations. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Christine F. Klejbuk".

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

cc: IRRC

Senate Consumer Protection and Professional Licensure; Clarence Bell, Chair,  
Lisa Boscola, Minority Chair  
House Professional Licensure; Mario Civera, Chair, Robert Belfanti, Minority Chair



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E-mail: psna@psna.org ■ www.psna.org

December 27, 2001

Martha Brown, Counsel  
PA State Board of Nursing  
PO Box 2649  
Harrisburg, PA 17105-2469

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JAN 04 2002

**DOS LEGAL COUNSEL**

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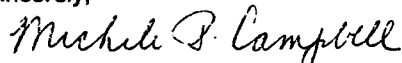
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Thank you for the opportunity to respond to the proposed revisions to the LPN regulations.

Sincerely,



Michele P. Campbell, MSN, RNC  
Executive Administrator

ORIGINAL: 2231

*An Association of Nonprofit Senior Services*1100 Bent Creek Boulevard  
Mechanicsburg, PA 17050

December 27, 2001

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**DOS LEGAL COUNSEL**Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

RE: Oral Orders Proposed Regulation

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Again, thank you for the opportunity to comment on these proposed regulations. Please contact me if you have any questions.

Sincerely,

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

cc: IRRC

Senate Consumer Protection and Professional Licensure; Clarence Bell, Chair,  
Lisa Boscola, Minority Chair  
House Professional Licensure; Mario Civera, Chair, Robert Belfanti, Minority Chair

Original; 2231

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Coakertown, PA  
First Vice Chair

KRISTINE LOWTHER, NHA  
Camp Hill, PA  
Secretary/Treasurer

ALAN G. ROSENBLOOM  
Harrisburg, PA  
President and CEO

December 27, 2001

Martha Brown, Esquire  
Counsel, State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Re: (16A-5115) LPN Oral Orders

Dear Ms. Brown:

The Pennsylvania Health Care Association (PHCA), and its assisted living arm, the Center for Assisted Living Management (CALM), represents more than 325 proprietary and non-profit providers of long term care and senior services throughout the Commonwealth. We appreciate the opportunity to comment on the proposed amendments to §§21.14 and 21.145 of 49 PA. Code Chapter 21 concerning administration of drugs by and related functions of licensed practical nurses (LPNs).

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2001 JAN -2 AM 9:15  
PENNSYLVANIA HEALTH CARE ASSOCIATION



Martha Brown, Esquire  
December 27, 2001  
Page 2

Finally, PHCA and CALM urge the Board to conclude this regulatory process as quickly as possible. Unnecessary delay could undermine quality care for many frail seniors in Pennsylvania.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan G. Rosenbloom", with a long horizontal line extending to the right.

Alan G. Rosenbloom  
President/CEO

CC: Honorable Mario J. Civera, Jr., Chairman, House Professional Licensure Committee  
Honorable William W. Reiger, Democratic Chairman, House Professional Licensure Committee  
Honorable Clarence D. Bell, Chair, Senate Consumer Protection & Professional Licensure Committee  
Honorable Lisa Boscola, Minority Chair, Senate Consumer Protection & Professional Licensure Committee  
Mr. Robert E. Nyce, Executive Director, Independent Regulatory Review Commission



# PENNSYLVANIA ASSOCIATION OF COUNTY AFFILIATED HOMES

17 NORTH FRONT STREET • HARRISBURG, PA 17101-1624 • (717) 232-7554 • FAX (717) 232-2162

ORIGINAL: 2231

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DEC 28 2001

**DOS LEGAL COUNSEL**

December 27, 2001

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, Pa. 17105-2649

RE: Oral Orders (16A-5115)

Dear Ms. Brown:

The Pennsylvania Association of County Affiliated Homes (PACAH) is pleased to comment to the State Board of Nursing on the proposed regulations that would permit licensed practical nurses (LPN's) to accept oral prescriptions and orders. PACAH is an affiliate of the County Commissioners Association of Pennsylvania, and represents all 54 county and county affiliated nursing facilities in the Commonwealth.

PACAH endorses changes to the State Board of Nursing regulations that will allow LPN's to accept oral and telephone prescriptions and orders. In fact, PACAH has been supportive of this change since 1994, and feel that it is in the best interest of the long-term care industry and elsewhere where LPN's are employed to allow this regulation change. Given the current staffing shortage in the nursing home industry, our member facilities are very supportive of this proposal.

It has taken many years to get to this point in the regulation process, and PACAH urges the State Board of Nursing to move quickly with this regulation change. Please contact me if you need any additional information.

Sincerely,

Michael J. Wilt  
Executive Director

DEC 28 2001  
11 30 AM '01  
DOS LEGAL COUNSEL



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JAN 04 2002

**DOS LEGAL COUNSEL**

December 27, 2001

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, Pa 17105-2649

Dear Ms. Brown:

I am writing in reference to 16-5115 Oral Orders:

The State Board of Nursing has issued proposed regulations that would permit a licensed practical nurse to accept oral orders.

I am in favor of the proposed changes to two sections of the existing regulations: 21.14 Administration of Drugs by a LPN and 21.145 acceptance of an oral order if the LPN has received instruction, etc.

I am also in favor of the provision that would allow a LPN to question any prescription or order according to the policies and protocols of the facility.

Please communicate my support to the Board!

Thank you.

Sincerely,

Sylvia Kathleen Varner, RN, C  
Director of Quality/Risk Management  
Lock Haven Hospital and Extended Care Unit



**COUNTY OF LEHIGH  
CEDARBROOK NURSING HOMES**

**CEDARBROOK - ALLENTOWN**

350 S CEDARBROOK ROAD  
ALLENTOWN, PA 18104

(610) 395-3727  
FAX (610) 395-0412

**GLORIA F. ZIMMERMAN**  
DIRECTOR/ADMINISTRATOR



**CEDARBROOK - FOUNTAIN HILL**

724 DELAWARE AVENUE  
BETHLEHEM, PA 18015

(610) 691-6700  
FAX (610) 867-2223

**CAROL M. OLENEK**  
ADMINISTRATOR

December 27, 2001

Ms. Martha Brown  
Counsel, State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Reference: Oral Orders (16-5115)

Dear Ms. Brown:

We would like to express our support for changing the State Board of Nursing Regulation Section 21.145(b) concerning LPNs accepting oral orders. The current regulations limit LPNs to accepting oral orders in urgent circumstances only, which is very unnecessary and burdensome for long term care. Removing this restriction would enhance quality of care and eliminate delays in getting medication to a resident.

Practical nursing programs in the Commonwealth already give instruction in pharmacology and critical thinking skills to their students. The instruction received includes dose calculation, drug classification and usage, drug administration and critical thinking. Our facility is prepared to provide LPNs with appropriate education to accept oral orders should the regulations change.

We support the recommendation to remove the restriction that limits the authority of an LPN to receive an oral order. This barrier is outdated and impedes the delivery of safe and timely health care. Thank you for considering our comments.

Gloria F. Zimmerman, NHA  
Administrator/Director

Donna J. Kuba, RN, MS  
Director of Nursing II

GFZ/DJK:sfs

**RECEIVED**

**JAN 04 2002**

**DOS LEGAL COUNSEL**



A state organization of  
long-term care physicians  
committed to quality care

**Pennsylvania  
Medical Directors  
Association**

**President**

Daniel Haimowitz, MD, CMD  
Levittown, 215-943-2222

**President-Elect**

Glenn M. Panzer, MD, CMD  
Luzerne, 570-287-3131

**Immediate Past President**

Margaret B. Kush, MD, CMD  
Pittsburgh, 412-486-8677

**Treasurer**

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Oakmont, 412-826-9229

**Secretary**

Sefi R. Knoble, MD, FACP  
Philadelphia, 215-581-0705

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Elizabethtown

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Sefi R. Knoble, MD  
Philadelphia

David A. Nace, MD, MPH  
Pittsburgh

Mark Overton, MD  
Monaca

Marc H. Zisselman, MD  
Philadelphia

**Inter Specialty Section  
Representative to**

**Pa Medical Society**  
Mandell J. Much, DO, CMD  
Concordville

**Administrative Office**

777 East Park Drive  
P.O. Box 8820  
Harrisburg, PA 17105-8820  
Phone: 717-558-7868  
FAX: 717-558-7841

**Executive Director**

Charlene M. Wandzilak

Official Pennsylvania  
Chapter of American Medical  
Directors Association



American  
Medical  
Directors  
Association

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DEC 27 11 30 AM '01

DOS LEGAL COUNSEL

December 26, 2001

Ms. Martha Brown  
Counsel, State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

RECEIVED

JAN 03 2002

DOS LEGAL COUNSEL

Reference: (16A-5115) Oral Orders

Dear Ms. Brown,

On behalf of the Pennsylvania Medical Directors Association, I am submitting this letter in support of the proposed changes to § 21.14 and 21.145 referenced above. The proposed changes represent a major step towards eliminating unnecessary delays in patient care. They also will help in clarifying the role of the LPN in long-term care facilities. Both of these benefits are sure to improve the quality of long term care provided in Pennsylvania's long-term care settings. The changes also reflect the broad and evolving role of the LPN in the practice of health care today.

Again our organization strongly supports these proposed changes. We thank you for the Board's sincere efforts in this clearly long endeavor. We would be happy to answer any questions you have or assist you in any future projects.

Sincerely,

David A. Nace, MD, MPH  
Chair, Public Policy Committee  
Pennsylvania Medical Directors Association

Original; 2231



**Pleasant  
Ridge**

—MANOR—

December 21, 2001

RECEIVED  
DEC 26 2001  
DEPARTMENT OF HEALTH  
NURSING COMMISSION

**RECEIVED**

DEC 26 2001

**DOS LEGAL COUNSEL**

Martha Brown, Counsel  
State Board of Nursing  
Box 2649  
Harrisburg, Pa. 17105-2649

Dear Ms. Brown:

I am writing to voice my support of the proposed changes in the regulations of the State Board of Nursing; to be specific (16-5115) Oral Orders.

As an Administrator in Long Term Care, I am always in favor of changes that will improve the services provided to our residents. This change is certainly needed. Its' positive impact will be immediate and adds no additional operating costs. It doesn't get any better than that.

Thanking you in advance for your affirmative consideration in this matter.

Sincerely,

David A. Popowicz  
Administrator

**EAST**  
4728 Lake Pleasant Rd.  
Erie, Pennsylvania 16504  
(814) 825-0000

**WEST**  
8300 West Ridge Rd.  
Girard, Pennsylvania 16417  
(814) 474-5521

FAX (814) 474-2307



THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

RECEIVED - 7 AM 09:20  
COMMUNICATIONS SECTION

December 21, 2001

Martha Brown  
Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

**RE: Oral Orders (16A-5115)**

Dear Ms. Brown:

The Hospital & Healthsystem of Pennsylvania (HAP), on behalf of its members, which include more than 225 acute and specialty hospitals and health systems, of which there are 128 hospital-based skilled nursing facilities and over 70 affiliated hospital and freestanding home health agencies, appreciates the opportunity to provide comments on the State Board of Nursing's proposed regulations that deal with the administration of medications by registered nurses (RN) and licensed practical nurses (LPN) and that expand the ability of licensed practical nurses to accept oral orders.

HAP offers the following comments and recommendations for the State Board of Nursing's consideration:

**Subchapter A - Responsibilities of the Registered Nurse - §21.14 Administration of Drugs.**

HAP appreciates that the State Board of Nursing recognized the concerns raised by HAP regarding the original language drafted by the Board that would have limited who could administer medications using state licensure as the major criterion. HAP supports the language in the proposed regulations that recognizes that RNs and LPNs may administer drugs, as this regulatory language is well within the authority of the Board. HAP also concurs that the language proposed for deletion by the Board that only permits a licensed doctor of the healing arts to order medications on which the RN and LPN may act should be deleted. The deletion of such language recognizes that there are other qualified practitioners that now have the statutory and regulatory authority to prescribe/order medications.

In several instances, other agency regulations have not kept pace with the ever-evolving roles and responsibilities of various types of health care practitioners. The Department of Health (DOH) is now reexamining various regulations in response to the regulations regarding scope of practice for certified registered nurse practitioners (CRNP) that were

4750 Lindle Road  
P.O. Box 8600  
Harrisburg, PA 17105-8600  
717.564.9200 Phone  
717.561.5334 Fax



Martha Brown  
December 28, 2001  
Page 2

adopted by the State Board of Medicine and State Board of Nursing in November 2000, which expand the prescribing authority of CRNPs. A one-half day hearing has been scheduled for January 25, 2002 by the Department of Health to hear testimony on issues related to a CRNP's scope of practice in various settings, given DOH regulations on hospitals, ambulatory surgical facilities, and long-term care that differ with respect to the practice of CRNPs.

Specifically, in hospitals, the DOH's 1975 regulations state that medical orders, including medication orders, can only be performed when issued by a practitioner; and, these DOH regulations define a practitioner as a physician, dentist, or podiatrist. A CRNP is not specifically referenced as a practitioner in the current DOH hospital facility regulations. DOH maintains that much of the discussion relative to prescriptive authority dealt with CRNP scope of practice with stable ambulatory care patients and not with more acute patients in an inpatient setting. As DOH considers what changes need to be made to the current hospital facility regulations, the department has indicated that it wants to determine whether the 2000 revisions to the CRNP regulations are appropriate from a patient safety and quality perspective for acute care facilities, and if so, how to integrate that into DOH facility licensure regulations.

HAP would strongly recommend that the State Board of Nursing engage in dialogue with DOH to clarify that prescriptive authority for CRNPs was not intended for just ambulatory settings and that under the terms of a collaborative agreement that has been agreed to by the collaborating physician(s), the CRNP, and the organization in which they practice, CRNPs should be permitted to write and issue oral (telephone) orders for medications, therapeutic measures, and other treatments in various types of health care settings, including general acute care and specialty hospitals. HAP also encourages the State Board of Nursing to work with DOH in establishing guidance that would assist acute care and long-term care facilities in establishing and refining existing policies and procedures with regard to CRNP practice and in differentiating order requirements for CRNPs and physician assistants (PAs) in those settings.

**Subchapter B. Practical Nurses – General Provisions - §21.145. Functions of the LPN.**

HAP concurs that there is a need for LPNs to have the ability to accept oral (and telephone) orders in certain settings and/or situations in order to facilitate timely and effective delivery of care to patients. HAP believes that the State Board of Nursing has taken a balanced approach in its proposed regulations, permitting LPNs to accept oral orders if other agency regulations recognize the practice, the organization in which the LPN is employed agrees to permit the practice, the LPN can demonstrate that he/she has had the appropriate education and training, and the LPN only accepts and acts on orders that are within the scope of practice for the LPN.



Martha Brown  
December 28, 2001  
Page 3

In the proposed regulations, HAP understands the State Board of Nursing to mean that an LPN may accept a written order for medication or other therapeutic treatment as well as an oral (telephone) order for medication or other therapeutic treatment. HAP suggests that given some confusion over the term "prescription" that the State Board of Nursing make absolutely clear what it means when using the term "prescription" in the regulations. HAP believes that the Board's intent is to differentiate oral medication orders ("oral prescription") from other types of orders; however, that may not be clear to other regulatory agencies or practitioners. Additionally, HAP would encourage the Board to more definitely indicate that an oral order may be one in which the practitioner delivers the order verbally in the presence of the LPN or one that may be communicated by telephone. In many organizations, there is a distinction made between an oral order and a verbal order when documenting the manner in which the order was received on the medical record.

HAP looks forward to working with the State Board of Nursing in further clarifying these proposed regulations for the health care community and with other state agencies. Please feel free to contact Lynn Gurski Leighton, director, clinical services, HAP at 717-561-5308 or by email at [lgleighton@haponline.org](mailto:lgleighton@haponline.org) if you have questions with regard to HAP's comments and recommendations.

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

PAB/zf

ORIGINAL: 2231



1730 BUCK ROAD, NORTH, FEASTERVILLE, PA 19053

215-355-3131

December 20, 2001

RECEIVED

DEC 28 2001

DOS LEGAL COUNSEL

Ms. Martha Brown  
State Board of Nursing  
P. O. Box 2649  
Harrisburg, PA 17105

Dear Ms. Brown:

Our Director of Nursing, within the past week, had reason to speak with the State Board of Nursing office regarding LPN's taking verbal orders. During said conversation she was advised of the proposed rulemaking change for LPN Verbal Orders.

As the Executive Director of Long Term Care Facilities and a licensed NHA in Pennsylvania, I would urge the Board of Nursing and appropriate lawmakers to change the regulations prohibiting LPN's from taking verbal orders.


It is well known that there is a nationwide shortage of professional nursing personnel. Pennsylvania is part of that nation and our long term care facilities are suffering immensely from the nursing shortage. Allowing LPN's to take verbal orders would relieve a great burden within long term care facilities.

I have always found it an enigma that LPN's were able to administer any and all medications from over the counter to controlled substances, but were not able to take an order to administer the same medications they are qualified to administer.

Again, I would urge lawmakers to rescind the prohibition against licensed practical nurses accepting verbal orders.

Thank you for your time and attention to this matter, and considering my opinion.

Sincerely,

  
Suzanne R. Hartley, LNHA  
Executive Director

2001 DEC 28 10 51 AM  
STATE BOARD OF NURSING  
HARRISBURG, PA



Commonwealth of Pennsylvania  
Department of Military and Veterans Affairs  
Pennsylvania Soldiers' and Sailors' Home  
P.O. Box 6239  
Erie, Pennsylvania 16512-6239  
Telephone 814-871-4531 / Fax 814-871-4617



Original; 2231

**RECEIVED**

**DEC 26 2001**

**DOS LEGAL COUNSEL**

December 20, 2001

Ms. Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Ref: (16-5115) Oral Orders

Dear Ms. Brown:

I am writing to express my concurrence with the proposal rule change in regard to Licensed Practical Nurses being able to take oral orders. This is a much needed change, especially as it relates to Long Term Care facilities.

Sincerely,

Rebecca J. Park, RN, NHA  
Commandant/Administrator

RECEIVED  
DEC 26 2001  
DISTRIBUTION





ORIGINAL: 2231

**Oil City Presbyterian Home**

The Presbyterian Homes in the Presbytery of Lake Erie

10 Vo-Tech Drive  
Oil City, PA 16301  
814/ 676-8686  
814/ 677-5905 FAX

**RECEIVED**

DEC 26 2001

**DOS LEGAL COUNSEL**

December 20, 2001

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Dear Ms. Brown:

In regard to oral orders (16a-5115), I am writing to express my support of the proposed amendment that would allow LPNs to take verbal orders from physicians. I believe that this would be in the best interest of the resident and would help avoid delays in treatment.

I am the administrator of a 121-bed long-term care facility in Western Pennsylvania. The facility is a four-story building with three separate nursing units. We staff the skilled floor with RNs, 24 hours a day who also must be available to the LPNs on the other two floors. With the nursing shortage, we can only staff one RN on the 3-11 and 11-7 shifts. Therefore, if orders need to be received for the 72 residents on the other two floors, the one RN covering the building is responsible. We don't have the luxury of an RN supervisor who has only administrative duties on the 3-11 and 11-7 shifts or on weekends. Therefore it falls to the staff RN to receive all of the orders during these times.

I feel our LPNs are very capable of receiving verbal orders and following the appropriate protocol in the clinical record. For the most part, our LPNs function in the same role as our RNs. There is little that an RN does that an LPN couldn't do.

We currently have 15 attending physicians who see residents at this facility. I know that they have expressed their frustration over having to wait on the phone for an RN to give an order and they can't understand why the LPNs can't take the information, as they also feel the LPNs are equally as skilled to do so.

Thank you for consideration of this matter.

Sincerely,

Martha Hoover  
Administrator

Vertical stamp or text on the left side of the page, partially illegible.



ORIGINAL: 2231

**Cambridge Springs Presbyterian Home**

The Presbyterian Homes in the Presbytery of Lake Erie

229 North Main Street  
Cambridge Springs, PA 16403  
814/ 398-2813  
814/ 398-8838 FAX

**RECEIVED**

DEC 28 2001

DOS LEGAL COUNSEL

December 19, 2001

Ms. Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Dear Ms. Brown

I would like to take this opportunity to indicate my support of the amendment allowing licensed practical nurses to accept verbal physician's orders. I feel it would be in the best interest of patients by avoiding delays in their treatment.

I believe that the education provided to licensed practical nurses has vastly improved over the last 20 years. Furthermore, in today's health care setting, licensed practical nurses are responsible for the majority of medication and treatment administration. These facts qualify them as more than competent to interact with the physician in this capacity.

Any nurse, whether RN or LPN, works very hard to keep their knowledge and skills current on all new treatment, medications and procedures. At the heart of this issue lies patient care. We strive for ways to continuously improve our patients lives, timely effective care is the greatest.

Respectfully,

*Judy Pulling LPN, DON*

Judy Pulling, LPN  
Director of Nursing

11/28/01 10:00 AM  
11/28/01 10:00 AM



Original; 2231

2001 DEC 26 11:09:38

RECEIVED  
REVIEW OF... (faint)

1964 Maple Grove Circle  
Williamsport, PA 17701  
December 17, 2001

**RECEIVED**

DEC 21 2001

**DOS LEGAL COUNSEL**

Martha Brown, Counsel  
State Board of Nursing  
PO Box 2649  
Harrisburg PA 17105-2649

Mrs. Brown,

I am writing to you in support of the change to allow properly trained LPN's to receive verbal orders. I have worked in the Long Term Care setting for 17 years as an RN and have witnessed properly trained LPN's in Virginia taking oral orders with no problems once properly trained. The current prohibition against a LPN receiving an oral order poses a significant delay in treatment if a RN is not available to take the order. These delays cannot benefit our residents. I am in agreement with the Board and do not encourage the use of oral orders, but wish to remove unnecessary restrictions, which may delay delivery of safe health care not only in the Long-Term Care setting but also in all settings.

Sincerely,



Robin Phillips RN,C  
HCR Manor Care

(1111)

**WILMAC CORPORATION**

December 14, 2001

Martha Brown, Counsel  
State Board of Nursing,  
PO Box 2649  
Harrisburg, PA 17105-2649

**Re: Proposed Amendment 16A-5115 (Oral Orders)**

Dear Counsel Brown:

As a practicing physician with over 35 years experience and as an attending physician at extended care facilities and Medical Director of one or more facilities for that period of time, I would like to comment on the proposed amendment 16A-5115 (Oral Orders).

The above referenced changes in the professional and vocational standards of registered nurses is long overdue and is necessary for the improvement of quality care to residents of all extended care facilities.

Not only is this legislation necessary but it is necessary that it be changed as rapidly as possible. One would hope that its ratification would be expedited in a matter of several months if at all possible. Time is very critical in this situation and immediate action is necessary.

Sincerely,

WILMAC CORPORATION

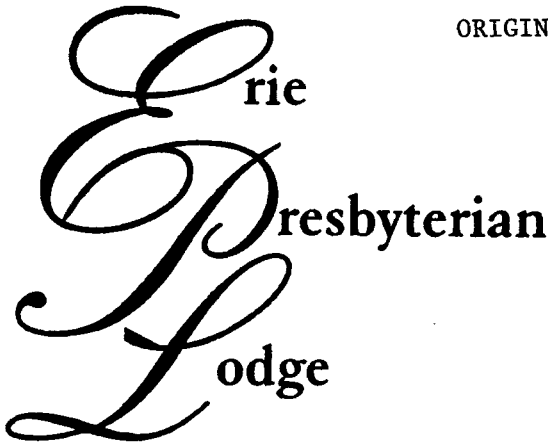


Ray A. Wilson, M.D.  
Vice President of Medical Affairs

RAW/mh

cc: Mario J. Civera, Jr.  
William W. Reiger  
Clarence D. Bell  
Lisa Boscola  
Robert E. Nyce  
Anne Wantz, PHCA

ORIGINAL: 2231



The Presbyterian Homes in the Presbytery of Lake Erie

2628 Elmwood Avenue  
Erie, PA 16508  
814/ 864-4802  
814/ 864-7929 FAX

**RECEIVED**

DEC 26 2001

**DOS LEGAL COUNSEL**

December 13, 2001

Ms. Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg PA 17105-2649

Dear Ms. Brown,

Presbyterian Homes in the Presbytery of Lake Erie would like to officially add our support to the issue allowing licensed practical nurses the authority to accept verbal physician orders. Within our organization, licensed practical nurses are responsible for the majority of medication administration. They represent the licensed staff responsible for day to day Resident care and are therefore most familiar with the Resident's medication and treatment needs. This familiarity alone uniquely qualifies the licensed practical nurse to interact with physicians in this capacity.

It is no secret that health care is currently facing a shortage of capable licensed staff, with no relief in sight. It is critical that we focus our attentions to that which is in the best interest of our Residents, the best care we can deliver. Resident's don't need "red tape"; they need prompt efficient care that meets their immediate needs. We ask you today to help us help our Residents.

Respectfully,  
Presbyterian Homes  
Nursing Staff

*Jean Lechert RN DON  
Mary Jane Chilly RNAC  
Shirley Bundy RN, NHA - Project Co-ordinator*

**A Skilled Nursing Home with  
a Strong Christian Thrust**  
"...whatsoever ye would that men  
should do to you, do ye even so to  
them..." *Matt. 7:12*

JAMES K. BONHAM, Sr., N.H.A., Adm.  
DEAN CHRISTIAN, Medical Director  
KATHY WOLFE, R.N., Director Nursing

Phone: (570) 864-3174

## ***The Bonham Nursing Center***

"BONNIEVILLE"

477 Bonnieville Road, Stillwater, Pa. 17878

OUR LOCATION: Huntington Twp., Luz. Co., in the Village of Register,  
just off Route 239 between Benton and Shickshinny

**RECEIVED**

DEC 17 2001

**DOS LEGAL COUNSEL**

December 12, 2001

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Dear Ms. Brown:

Please support the proposed regulation authorizing an LPN to accept oral orders from physicians, Certified Registered Nurse Practitioners, and Physician Assistants after receiving instruction and training for accepting oral prescriptions and orders in accordance with established policies and protocol of the nursing facility. The change in this regulation could prevent the delay of safe health care especially in lieu of the current nursing shortage.

I thank you for your consideration given to support this needed regulation change.

Sincerely,

  
Ruth Whitenight, RN

cc: Mario J. Civera, Jr., Chairman, House Professional Licensure Committee, House Post Office, Harrisburg, PA 17120

William W. Reiger, Democratic Chairman, House Professional Licensure Committee, House Post Office, Harrisburg, Pa 17120

Clarence D. Bell, Chairman, Senate Consumer Protection and Professional Licensure Committee



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF NURSING  
P.O. Box 2649  
HARRISBURG, PA 17105-2649**

Phone: (717) 783-7142  
www.dos.state.pa.us

Fax: (717) 783-0822  
email: nursing@pados.dos.state.pa.us

December 12, 2001

The Honorable John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Public Comment: Proposed Rulemaking (16A-5115)  
State Board of Nursing  
Oral Orders

Dear Chairman McGinley:

Pursuant to Section 5(c) of the Regulatory Review Act, 71 P.S. §745.5(c), enclosed is a copy of the written comment received by the State Board of Nursing regarding regulation 16A-5115.

Sincerely,

*K. Stephen Anderson CRNA*

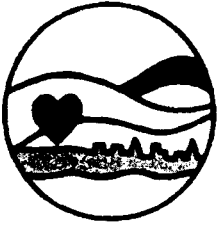
K. Stephen Anderson, CRNA, Chairman  
State Board of Nursing

KSA:MHB:lam  
enclosure

cc: Joyce McKeever, Deputy Chief Counsel  
Department of State  
Ann Steffanic, Board Administrator

2001 DEC 19 11:00 AM  
STATE BOARD OF NURSING





# Clearfield Hospital

RECEIVED

DEC 11 2001

DOS LEGAL COUNSEL

December 6, 2001

State Board of Nursing,  
P.O. Box 2649  
Harrisburg, Pa 17105-2649

Dear Ms. Brown:

I am writing this letter strongly opposing the proposed rule allowing LPN's to accept verbal orders. As a small, rural hospital, it would be impossible for us to train LPN's to the level they would need trained to accept medication orders. It is not a simple understanding of what the physician said and transcribing it. Taking an order implies the person who took the order would understand and question the order, if appropriate. The current training level of LPN's would require excessive hospital training to reach an acceptable level of competence.

The temptation to increase the erosion of RN's in the workforce is the most serious result of this change in law. RN's are expensive because they require greater schooling and accept greater responsibility. Administrative pressure to reduce RN's would increase with the dilution of RN responsibility.

Looking at the patient, the best interest of the consumer would be served by increasing the level of education required to accept any order, not to decrease the education level.

Thank you for your time.

Yours,

*Jackie Stone*

Jackie Stone, VP Nursing

cc: Mario J. Civera, Jr.  
William W. Reiger  
Clarence D. Bell

ManorCare Health Services  
800 Court Street Circle Drive  
Sunbury, Pennsylvania 17801  
570-286-7121  
570-286-2418 Fax

RECEIVED  
2001 DEC 12 10:31 AM  
COMMUNICATIONS SECTION

**ManorCare**

ORIGINAL: 2231

December 08, 2001

Mr. Robert E. Nyce, Executor Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg PA 17101

Dear Mr. Nyce:

This letter is written in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibition against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an "unnecessary restriction, which may delay delivery of safe health care", as previously set forth by PHCA.

We salute the Board's advancing this regulation and hope that it moves quickly through the regulatory channels.

Sincerely,



Susan Matelevich  
Administrator

SM/dk

60 Highland Road  
Bethel Park, PA 15105

**Date: December 08, 2001**

**Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> floor  
Harrisburg, PA 17101  
Re: Reference (16A-5115) Oral Orders**

**Dear: Mr. Nyce**

**This letter is written in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibition against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an “unnecessary restriction, which may delay delivery of safe health care”, as previously set forth by PHCA.**

**We salute the Board’s advancing this regulation and hope that it moves quickly through the regulatory channels.**

Sincerely,  
  
Sandra J. Duttine, RN, BSN

**Administrator**

**Cc:**

12/11/01 10:00 AM  
12/11/01 10:00 AM  
12/11/01 10:00 AM

ManorCare Health Services - Whitehall Borough  
505 Weyman Road  
Pittsburgh, Pennsylvania 15236  
412-884-3500  
412-884-3700 fax

**HCR·ManorCare**

ORIGINAL: 2231

**Date: December 8, 2001**

**Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> floor  
Harrisburg, PA 17101**

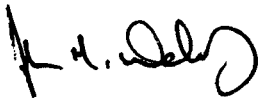
**Re: Reference (16A-5115) Oral Orders**

**Dear: Mr. Nyce**

**This letter is written in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibition against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an “unnecessary restriction, which may delay delivery of safe health care”, as previously set forth by PHCA.**

**We salute the Board’s advancing this regulation and hope that it moves quickly through the regulatory channels.**

**Sincerely,**



**John M. Walsh  
Administrator & PHCA Region 1 Vice President**

**Cc: PHCA/CALM**

2001 DEC 11 11:09:00  
INDEPENDENT REGULATORY REVIEW COMMISSION



# University of Pittsburgh

*School of Nursing*

Office of the Dean  
350 Victoria Building  
3500 Victoria Street  
Pittsburgh, PA 15261  
Fax: 412-624-2401

Jacqueline Dunbar-Jacob  
PhD, RN, FAAN  
Dean and Professor  
412-624-2400  
E-mail: dunbar@pitt.edu

December 11, 2001

Lynda J. Davidson, RN, PhD  
Associate Dean and  
Assistant Professor  
412-624-6616  
E-mail: ldav@pitt.edu

Martha Brown, Counsel  
State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Dear Ms. Brown:

With reaction to the Pennsylvania State Board of Nursing's proposed amendment to LPN oral order, the University of Pittsburgh School of Nursing has grave concerns about lifting the regulation that prohibits licensed practical nurses [LPN's] from accepting verbal orders medical practitioners.

There is a high risk of error in transferring orders verbally with further consequences existing when it concerns verbally transmitting orders on prescriptions.

We strongly believe individuals receiving verbal orders should be Registered Nurses, who received significant training in order to be knowledgeable enough to question the practitioner as to the proper instructions. We believe permitting LPN's to take verbal orders do not provide the safeguards in a system where medical errors already occur at an alarming rate.

Thank you very much for the opportunity to submit concerns on this proposed legislation.

Sincerely,

Jacqueline Dunbar-Jacob, PhD, RN, FAAN  
Dean, School of Nursing  
Professor, Nursing, Epidemiology, and Occupational Therapy  
University of Pittsburgh School of Nursing

cc: Mario J. Civera, Jr., Chairman, House Professional Licensure Committee  
William W. Reiger, Democratic Chairman, House Professional Licensure Committee  
Clarence D. Bell, Senate Consumer Protection and Professional Licensure Committee  
Lisa Boscola, Minority Chair, Senate Consumer Protection  
Robert Nyce, Executive Director, Independent Regulatory Review Commission  
PHCA/CALM Staff

Original: 2231

RECEIVED

2003 OCT 20 AM 7: 08

IRRC REVIEW COMMISSION

2906 Hay Terrace  
Easton, Pennsylvania 18045

October 20, 2003

IRRC  
14<sup>th</sup> Floor  
333 Market Street  
Harrisburg, Pennsylvania 17101

Dear Mr. Sandusky,

I am writing to ask your support for the State Board of Nursing Regulation 16 A-51 15 which would allow Licensed Practical Nurses (LPNs) to accept oral orders for patient care from a qualified practitioner. During these challenging times of Nursing shortages, it is in the best interest of everyone to allow qualified LPNs to accept oral orders in order to facilitate the delivery of safe, effective, and timely quality care.

This regulation is very important to Nursing Facility Providers to assure that residents receive the best quality care possible in a timely manner. In most facilities, due to the nature of staffing patterns that are most appropriate for this care setting, the LPN has a strong role in care planning and is often the first line of communication with physicians (or other health care practitioners responsible for the management of the patient's overall care).

I am currently the Administrator of an Assisted Living Facility located in Bethlehem Township (Bethlehem PA) and LPNs frequently speak with a resident's primary physician on a daily basis. The physician themselves have questioned why the LPN cannot take a verbal order since it would "speed up" the treatment needed by the resident.

For the past several years, this regulation has been proposed and moved through the regulatory process, but has failed to gain final approval for a variety of reasons. Of particular concern was the extent of LPN education in the area of Pharmacology and the taking of oral orders. Following a thorough review of this issue, the Board determined that "LPNs currently receive adequate instruction in Pharmacology and critical thinking skills to render the prohibition against the receipt of oral orders other than in urgent circumstances out dated and a barrier to the delivery of safe and timely health care." The regulation has cleared all other jurisdictions of review and now requires legislative approval. I am requesting your support for State Board Nursing Regulation 16 A-51 15.

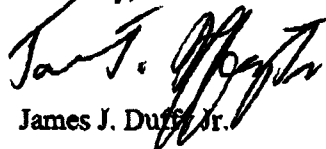
As you know, the IRRC Act requires the regulation to be promulgated as final within a period of two (2) years from the date of filing as proposed (which is December 1, 2003). Since issues of concern have been resolved and all stakeholder groups (Pennsylvania Association of County Affiliated Homes, Pennsylvania State Nurses Association, PANPHA, The Hospital and Healthsystem Association of Pennsylvania,

Pennsylvania Health Care Association and the Pennsylvania Medical Directors Association) are in agreement with the final changes, it is imperative that the legislative committees and the full Legislature approve the regulation in order to meet the time frames under the IRRC Act.

Your support would be greatly appreciated.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Duff Jr.", is written over the typed name.

James J. Duff Jr.

Original: 2231

**IRRC**

---

**From:** Donlez@aol.com  
**Sent:** Saturday, October 18, 2003 10:02 AM  
**To:** IRRC  
**Subject:** State Board of Nursing Regulation 16 A-51 15

I am writing to support the amendment to the State Board of Nursing practices to allow the Licensed Practical Nurse to accept verbal orders from a licensed practitioner.

This amendment will:

- allow our residents care in a timely fashion
- reduce errors in orders by allowing the LPN to directly give the practitioner their direct assessment of the situation
- reduce the extra time spent to express to the RN the situation, having the RN make the phone call and follow through the orders.
- reduce the frustration of all involved.

Working in the healthcare environment is a challenge every day. This tremendous obstacle that an LPN cannot take a verbal order for resident care has been an ongoing issue for years.

In many settings of healthcare the ratio of RNs to LPNs is often 1 RN:4-6 LPNs. The LPNs employed are competent to take verbal orders, transcribe them and carry them out. Certainly, any unusual or critical orders should be reviewed by the RN before transcription. It has become ridiculous that even a diet change order requires the RN to contact the practitioner before the resident can receive the new diet.

Please we need to support the LPNs that we rely heavily on for the care of residents, patients, clients. Society is aware that the crisis for nurses is ongoing and growing and this amendment will certainly make a difference in how we face these challenges.

Sincerely,  
Shelly Lezer R.N.  
(Director of Nurses)

RECEIVED  
2003 OCT 20 AM 7:15  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

10/20/2003



"The future of long term care"



# CALL TO ACTION

OCTOBER 17, 2003

*Original: 2231*

## State Board of Nursing Publishes LPN Oral Orders

### Potential Good News on LPN Orders –We Need Your Help!

After many years and much support from our members, the State Board of Nursing has finally promulgated final-form regulations pertaining to LPN oral orders.

The regulations have been submitted to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee for final approval. View the regulations at <http://www.phca.org/docs/RevisedOralOrders.pdf>.

During the next week, we need you to write to the IRRC and Standing Committees in support of these final form regulations.

**YOUR LETTERS ARE THE PUSH NEEDED TO MAKE THIS LONG STANDING ISSUE A REALITY.**

### Address Letters of Support to the Following:

IRRC  
14th Floor 333 Market Street  
Harrisburg Pennsylvania 17101  
Fax: 717-783-2664  
[IRRC@irrc.state.pa.us](mailto:IRRC@irrc.state.pa.us)

The Honorable Mario J. Civera, Jr., Majority Chair  
House Professional Licensure Committee  
PA House of Representatives  
105 Ryan Office Building  
Harrisburg, PA 17120  
Fax: 717-705-1851

The Honorable Robert M. Tomlinson, Majority  
Chair  
Senate Consumer Protection and Professional  
Licensure  
Senate Box 203006, Main Capitol Building  
Harrisburg, PA 17120  
Fax: 717-772-1819

The Honorable William W. Rieger, Minority Chair  
House Professional Licensure Committee  
PA House of Representatives  
327 Main Capitol Building  
Harrisburg, PA 17120  
Fax: 717-772-9892

The Honorable Lisa M. Boscola, Minority Chair  
Senate Consumer Protection and Professional  
Licensure  
Senate Box 203018, Main Capitol Building,  
Harrisburg, PA 17120  
Fax: 717-783-1257

RECEIVED  
2003 OCT 20 AM 7:15  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear IRRC

I am writing to ask your support for State Board of Nursing Regulation, 16 A-51 15, which would permit licensed practical nurses (LPNs) to accept oral orders for patient care from a qualified practitioner. During these challenging times of nursing shortages, it is in the best interest of patients to allow qualified LPNs to accept oral orders in order to facilitate the delivery of safe, effective, timely quality care.

This regulation is very important to nursing facility providers to assure that our residents receive the best quality care possible in a timely manner. In most facilities, due to the nature of staffing patterns that are most appropriate for this care setting, the LPN has a strong role in care planning, and is often the first line of communication with physicians (or other health care practitioner responsible for the management of the patient's overall care).

For the past several years, this regulation has been proposed, and moved through the regulatory process, but has failed to gain final approval for a variety of reasons. Of particular concern were the extent of LPN education in the area of pharmacology and the taking of oral orders. Following a thorough review of this issue, the board determined that "LPNs currently receive adequate instruction in pharmacology and critical thinking skills to render the prohibition against the receipt of oral orders other than in urgent circumstances outdated and a barrier to the delivery of safe and timely health care." The regulation has cleared all other jurisdictions of review, and now requires legislative approval. I am asking for your support of State Board of Nursing Regulation 16 A-51 15.

As you know, the IRRC act requires the regulation to be promulgated as final within a period of two years from the date of filing as proposed, which is December 1, 2003. Since issues of concern have been resolved and all stakeholder groups (Pennsylvania Association of County Affiliated Homes, Pennsylvania State Nurses Association, PANPHA, The Hospital & Healthsystem Association of Pennsylvania, Pennsylvania Health Care Association, and the Pennsylvania Medical Directors Association) are in agreement with the final changes, it is imperative that the legislative committees and the full legislature approve the regulation in order to meet the time frames under the IRRC act.

Your support of this measure would be greatly appreciated.

Sincerely,

**Call Us!**

Please contact us when you receive feedback from the IRRC, or your state legislator on this issue. Relay your feedback to Mike Berk at 717-221-7940, or mberk@phca.org, or Jennifer Hoffman at 717-441-7960, or jhoffman@phca.org. As always, PHCA staff will be here to provide whatever support you need to make these contacts. If you need contact information for your state senator, contact Mike Berk or Jennifer Hoffman.

**IRRC**

---

**From:** Heather Vance [HVance@countrymeadows.com]  
**Sent:** Sunday, October 19, 2003 12:37 PM  
**To:** IRRC  
**Subject:** LPN Oral Orders



CALL TO ACTION -  
10.16.03 LPN ...

RECEIVED  
2003 OCT 20 AM 7:15  
INDEPENDENT NURSING  
REVIEW COMMISSION

Chris Lockard

1615 Maple Ave. Apt # 2  
Kingston, PA 18704

Feb 4, 2002

Robert E. Nyce, Executive Director  
Independent Regulatory Review  
Commission

333 Market Street, 14th floor

Harrisburg, PA 17101

Re: Reference (16A-5115) Oral Orders

Dear Mr. Nyce,

This letter is written in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibition against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an "unnecessary restriction, which may delay delivery of safe health care," as previously set forth by PHCA.

We salute the Board's advancing this regulation and hope that it moves quickly through the regulatory channels.

Sincerely,

Chris Lockard, LPN



ORIGINAL: 2231

February 1, 2002

Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg PA 17101

Hampton House  
1548 Sans Souci Parkway  
Wilkes-Barre, Pennsylvania 18706

Re: (16A-5115 ) Oral Orders

Dear Mr. Nyce:

# HCR·ManorCare

This letter is written in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibition against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an "unnecessary restriction, which may delay delivery of safe health care", as previously set forth by PHCA.

We salute the Board's advancing this regulation and hope that it moves quickly through the regulatory channels.

Sincerely,

Cc:

LISA BOSCOLA  
Robert Nyce  
MARIO CIVERA  
William Reiger

*Ann Seward, R.N.*  
*Lynne Miller, R.N.*  
*Lorraine Brennan, R.N.*  
*Mary E. Palle, R.N.*  
*Christine Eldred, C.P.N.*  
*Margaret Lewis, R.N.*  
*Eria Matello, R.N.*  
*Mary Ellen Sullivan, R.N.*  
*Burton Shindt-Holloway, L.P.N.*  
*Luca Melucci, R.N.*  
*Jim Muller, R.N.*  
*June G. Vespy, C.P.N.*  
*Lisa Hudak, L.P.N.*  
*Janice Polystan, R.N.*  
*Greg Endress, C.P.N.*  
*Donna Mieczkowski, R.N.*

*Janice Nyce, R.N.*  
*Wendy Williams, L.P.N.*  
*John Morca, R.N.*

ORIGINAL: 2231



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF NURSING  
P.O. Box 2649  
HARRISBURG, PA 17105-2649**

Phone: (717) 783-7142  
www.dos.state.pa.us

Fax: (717) 783-0822  
email: nursing@pados.dos.state.pa.us

January 31, 2002

The Honorable John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Public Comment: Proposed Rulemaking (16A-5115)  
State Board of Nursing  
Oral Orders

Dear Chairman McGinley:

Pursuant to Section 5(c) of the Regulatory Review Act, 71 P.S. §745.5(c), enclosed is a copy of a written comment received by the State Board of Nursing regarding regulation 16A-5115. Although this comment was received after the close of the public comment period, the Board forwards it for your information.

Sincerely,

A handwritten signature in black ink that reads "K. Stephen Anderson" followed by "CRNA" in smaller letters.

K. Stephen Anderson, CRNA, Chairman  
State Board of Nursing

KSA:MHB:lam  
enclosure

c: Joyce McKeever, Deputy Chief Counsel  
Department of State  
Ann Steffanic, Board Administrator

**SAINT VINCENT NEUROLOGICAL SURGERY**  
Affiliate of Saint Vincent Health System

311 West 24 Street  
Suite 305  
Erie, Pennsylvania 16502  
814/455-4868 FAX: 814/456-1528




January 8, 2002


Pennsylvania State Board of Nursing  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Dear Ken Anderson-President:

We are sending our support to change the rule that RN'S can only take phone orders from a physician. Our nurse practitioner works very closely with the patients in collaboration with the attending physician would be able to better manage the patient's care if able to give verbal orders to RN'S.

Respectfully,

  
\_\_\_\_\_  
Diane Adiutori, C.R.N.P.

  
\_\_\_\_\_  
Elio DeMeira, M.D.

DAA/bw

**RECEIVED**  
JAN 24 2002  
**DOS LEGAL COUNSEL**

THOMAS Seeley  
16747 STOLTZ  
SAGERTOWN, Pa

M: Mrs Brown, Counsel  
State Board of Nursing  
PO Box 2649  
Harrisburg, Pa 17105  
Ref (16-5115) oral orders.

RECEIVED

JAN 16 2002

Dear Martha Brown

DOS LEGAL COUNSEL

I am writing to add support to the changes proposed to give LPN's the capability of taking verbal orders

When the regulations were unchanged prohibiting LPN's from taking verbal orders we saw a delay in treatment in residents in long term care. Families became agitated physicians frustrated and



Patients had to wait. Why would  
any group want to take a  
step backwards? THAT IS  
EXACTLY what the regulation  
prohibiting LPN's from  
accepting verbal orders did.

We are not hand maidens

but professionals with a  
license, a career, an education.

But our own profession  
doesn't recognize us. Why?

What was the motivation?

Politics? IT certainly did  
NOT have to do with

Team work, holistic approach  
to patient and continuity  
of care, who suffered? The  
Patient!

IF LPN'S CANNOT TAKE VERBAL  
orders, Are they really needed?

Why not eliminate the LPN

From the medical profession,  
What Help or nursing home  
could afford to staff with  
ALL RN'S? IT'S A VERY VICIOUS  
Cycle. Let's FACE FACTS,  
LPN'S ARE PROFESSIONALS  
LPN'S ARE RESPONSIBLE  
LPN'S ARE EDUCATED  
LPN'S ARE COMPETENT,  
THIS LIST GOES ON.

Please review your decision  
carefully. IT AFFECTS THE  
LIVES OF EVERY PATIENT AND  
FUTURE OF NURSING OF THE  
PROFESSION. Amend the regulation  
AND ALLOW LPN'S TO CARE  
AGAIN. MAKE A DIFFERENCE.

Respectfully  
Elaine J. Lee



University of Pittsburgh  
Medical Center

*Division of Geriatric  
Medicine*

RECEIVED

JAN 16 2002

DOS LEGAL COUNSEL

Keystone Building, Suite 1101  
2520 Fifth Avenue  
Pittsburgh, PA 15213-3313  
412-624-4010  
Fax: 412-383-1972

December 26, 2001

Ms. Martha Brown  
Counsel, State Board of Nursing  
PO Box 2649  
Harrisburg, PA 17105-2649

RE: (16A-5115) ORAL ORDERS

Dear Ms. Brown,

I am writing in support of the proposed changes to §§ 21.14 and 21.145 published in the December 1, 2001 Pennsylvania Bulletin. The changes proposed would allow Licensed Practical Nurses (LPN) to administer medications and accept verbal orders.

The Long Term Care Committee of the Division of Geriatric Medicine at the University of Pittsburgh reviewed the proposed changes. The changes will clarify much confusion regarding the role of the LPN. Moreover, they seek to improve the flow of patient care by eliminating unnecessary delays in provision of care. This benefit, we feel, is an important one. Additionally, administration of medications and accepting verbal orders are clearly a part of the training of the LPN. The changes proposed will serve to promote the evolution of the LPN in today's demanding health-care environment.

Again, we strongly support these changes. We would be happy to answer any questions you may have. Thank you for considering our comments on this matter.

Sincerely,

David A. Nace, MD, MPH  
Director, Long Term Care  
Assistant Professor of Medicine  
Division of Geriatric Medicine  
University of Pittsburgh



ORIGINAL: 2231

# Pennsylvania MEDICAL SOCIETY®

RECEIVED  
2002 JAN 14 AM 8:33  
INDEPENDENT REGULATORY REVIEW COMMISSION

January 10, 2002

HOWARD A. RICHTER, MD  
*President*

BRUCE H. DINEEN, JR., MD  
*President Elect*

JENNIFER M. DESAI, MD  
*Vice President*

MICHAEL J. PRENDEGAST, MD  
*Chair*

ANDREW J. BEHRE, JR., MD  
*Secretary*

BARBARA E. MEEHAN  
*Executive Vice President*

Ms. Martha Brown, Counsel  
State Board of Nursing  
PO Box 2649  
Harrisburg, PA 17105-2649

Re: Pennsylvania Bulletin. Reference (16A.5115) Oral Orders

Dear Ms. Brown:

I am writing as President of the Pennsylvania Medical Society to support the above captioned proposed changes to the State Board of Nursing related to oral orders. The proposed regulation would remove the current prohibition against a licensed practical nurse (LPN) accepting an oral order except in urgent circumstances.

The comments from the State Board of Nursing, the Pennsylvania Health Care Association, and the Pennsylvania Medical Directors Association clearly outline the problems the existing regulations have created over the years and justify the changes proposed by the State Board of Nursing.

Further the proposed regulations do nothing to change the current requirement that no one other than a physician will make the ultimate determination as to whether an order is appropriate.

The Pennsylvania Medical Society is pleased to offer its support for these needed changes to the State Board of Nursing regulations.

Sincerely,

Howard A. Richter, MD  
President

Cc: Independent Regulatory Review Commission

777 East Park Drive

P.O. Box 8820

Harrisburg, PA 17105-8820

Tel: 717-558-7750

Fax: 717-558-7840

E-Mail: [stat@pamedsoc.org](mailto:stat@pamedsoc.org)

[www.pamedsoc.org](http://www.pamedsoc.org)

DNM/doc/cor/Brown



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF NURSING  
P.O. Box 2649  
HARRISBURG, PA 17105-2649**

Phone: (717) 783-7142  
www.dos.state.pa.us

Fax: (717) 783-0822  
email: nursing@pados.dos.state.pa.us

January 11, 2002

The Honorable John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harrisstown 2  
333 Market Street  
Harrisburg, Pennsylvania 17101

REVIEW COMMISSION  
2002 JAN 17 AM 9:02

Re: Public Comment: Proposed Rulemaking (16A-5115)  
State Board of Nursing  
Oral Orders

Dear Chairman McGinley:

Pursuant to Section 5(c) of the Regulatory Review Act, 71 P.S. §745.5(c), enclosed are copies of the written comments received by the State Board of Nursing regarding regulation 16A-5115. Although these comments were received after the close of the public comment period, the Board forwards them for your information.

Sincerely,

K. Stephen Anderson, CRNA, Chairman  
State Board of Nursing

KSA:MHB:lam  
enclosure  
c: Joyce McKeever, Deputy Chief Counsel  
Department of State  
Ann Steffanic, Board Administrator

Original; 2231

January 4, 2002

Linda J. Stumpf Ph.D., RN, NHA  
525 Chestnut St  
Gettysburg, PA 17650

Martha Brown, Counsel  
P.O. Box 2649  
Hershey, PA 17105-2649

RE: Reference (16A-5115) Oral Orders

Dear Ms. Brown:

I am writing in support of the State Board of Nursing proposed amendments to the regulations, which would remove the prohibitions against licensed practical nurses accepting oral orders. The current prohibition is burdensome and an "unnecessary restriction, which may delay delivery of safe health care," as previously set forth by NHA.

I salute the Board's advancing this regulation and hope that it moves quickly through the regulatory channels.

Sincerely,  
Linda J. Stumpf Ph.D., RN, NHA  
Senior Consultant

RECEIVED

JAN 09 2002

2002 JAN 15 AM 10:09  
DOS LEGAL COUNSEL

RECEIVED