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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 1, 2002

K. Stephen Anderson, M.Ed., CRNA, Chairperson
State Board of Nursing
116 Pine Street
Harrisburg, PA 17105

Re: Regulation #16A-5115 (IRRC #2231)
State Board of Nursing
Oral Orders

Dear Chairperson Anderson:

Enclosed are our Comments. They will soon be available on our website at www.irrc.state.pa.us.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director
evp
Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Kim Pizzingrilli, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Nursing Regulation No. 16A-5115

Oral Orders

February 1, 2002

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Nursing (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by December 31, 2003, the regulation will be deemed withdrawn.

1. Section 21.14. Administration of drugs. – Clarity.

This Section is under Subchapter A, Registered Nurses. Licensed practical nurses (LPN's) are addressed under Subchapter B, Practical Nurses. Why is the Board including an LPN as a person who may administer a drug, in this section, as opposed to Subchapter B?

2. Section 21.145. Functions of the LPN. – Clarity.

In Subsection 21.145(b)(2)(i), the terms "oral order" and "oral prescription or order" are used. For clarity, the Board should be consistent when using this terminology. In addition, a commentator noted that the meaning of "oral prescription or order" is vague and suggested that there may be confusion over the meaning of the words "prescription" and "order." The commentator also suggested that the Board specifically note that "oral prescriptions or orders" include situations in which the practitioner delivers the order in the presence of the LPN and orders received over the telephone. We agree and recommend that the Board define "oral prescription or order."

3. Section 21.145. Functions of the LPN. – Protection of public health.

The House Professional Licensure Committee, along with some of the commentators, has raised concerns with the level of training and instruction LPN's receive relating to their qualifications to receive oral orders. They question whether LPN's are properly trained to administer or question oral orders. Are LPN's adequately prepared to administer oral orders? What are the curriculum requirements of an approved LPN program that prepare them to administer oral orders?