

Original: 2383

**THOMAS P. GANNON, MEMBER**  
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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

CHAIRMAN  
PROFESSIONAL LICENSURE COMMITTEE

October 20, 2005

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

Dear Chairman McGinley:

The House Professional Licensure Committee held a meeting on October 18, 2005, to consider the following:

Regulation 16A-5116 – Final rulemaking of the State Board of Nursing relating to prescriptive authority fees. The committee voted to approve the regulation.

Regulation 16A-5414 – Final rulemaking of the State Board of Pharmacy relating to biennial renewal fees. The committee voted to approve the regulation.

Regulation 16A-5612 – Final rulemaking of the State Real Estate Commission relating to biennial renewal fee increase. The committee voted to approve the regulation.

Regulation 16A-4512 – Final rulemaking of the State Board of Cosmetology relating to biennial renewal fees. The committee voted to approve the regulation.

Regulation 5118 – Final rulemaking of the State Board of Nursing relating to approval of programs in transition to degree-granting status. The committee voted to approve the regulation.

Regulation 489 – Final rulemaking of the State Board of Funeral Directors relating to continuing education. The committee voted to approve the regulation.

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

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Gannon".

Thomas P. Gannon  
Chairman, House Professional Licensure Committee

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2005 OCT 24 AM 10:16  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

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cc: \*The Honorable Pedro A Cortes, Secretary of the Commonwealth  
Department of State  
\*The Honorable Kenneth A. Rapp, Deputy Secretary  
Regulatory Programs, Department of State  
The Honorable Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
\*The Honorable Peter V. Marks, Sr., Deputy Commissioner  
Bureau of Professional and Occupational Affairs  
✓ Albert H. Masland, Chief Counsel  
Department of State  
✓ Ruth Dunnewold, Senior Deputy Chief Counsel  
Department of State  
✓ Joyce McKeever, Deputy Chief Counsel  
Department of State  
✓ Cynthia K. Montgomery, Regulatory Counsel  
Department of State  
✓ Samuel J. Denisco, Director of Legislative Affairs  
Department of State  
✓ Janet H. Shields, RN, Chairperson  
PA State Board of Nursing  
✓ Michael J. Romano, R.Ph., Chairman  
PA State Board of Pharmacy  
✓ Beverly R. Brookes, Chairman  
PA State Real Estate Commission  
✓ Susan Rineer, Chairman  
PA State Board of Cosmetology  
✓ Joseph A. Fluehr, III FD, Chairman  
PA State Board of Funeral Directors

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PROFESSIONAL LICENSURE COMMITTEE

**MEMORANDUM**

**TO:** House Professional Licensure Committee Members  
**FROM:** Rep. Tom Gannon, Chairman *Tom Gannon*  
**DATE:** October 7, 2005  
**RE:** Committee meeting - - Tuesday, October 18, 2005  
10:00 am Ryan Library

Please be advised that the House Professional Licensure Committee will meet on Tuesday, October 18, 2005, at 10:00 am in the library of the Ryan Legislative Office Building.

The committee will meet to discuss the following items and any other business that may come before the committee:

**Regulation 16A-5116** - - Final rulemaking of the State Board of Nursing relating to prescriptive authority fees.

**Regulation 16A-5414** - - Final rulemaking of the State Board of Pharmacy relating to biennial renewal fees.

**Regulation 16A-5612** - - Final rulemaking of the State Real Estate Commission relating to biennial renewal fee increase.

**Regulation 16A-4512** - - Final rulemaking of the State Board of Cosmetology relating to biennial renewal fees.

**Regulation 16A-5118** - - Final rulemaking of the State Board of Nursing relating to approval of diploma programs in transition to degree-granting status.

**Regulation 16A-489** - - Final rulemaking of the State Board of Funeral Directors relating to continuing education.

If you have any questions, please feel free to contact Sandy Harper in my office, 783-6430, or Karen Dalton, 787-7515.

cc: Interested Persons

## Regulation 16A- 5118

### State Board of Nursing

**Proposal:** Regulation 16A-5118 amends Chapter 21 of Title 49 of the Pennsylvania Code, regulations promulgated by the State Board of Nursing. Specifically, the regulation implements that portion of the Professional Nursing Law which provides that a professional nursing program may include “programs in transition from approved diploma-to degree-granting programs.” This type of program is in addition to the others established by 63 P.S. 216(a): baccalaureate degree programs, associate degree programs and diploma nursing programs.

The provision related to “programs in transition from approved diploma-to-degree-granting programs” was enacted by the General Assembly during the 2002 Session (Act 99 of 2002).

Specifically, the regulation implements the will of the General Assembly regarding the establishment of “programs in transition from approved diploma-to degree-granting programs.”

Regulation 16A-5118 is final rulemaking which was delivered to the House Professional Licensure Committee on September 30, 2005. The committee has until October 20, 2005, to either approve or disapprove the regulation.

The committee submitted two comments during proposed rulemaking. Below is a summary of the comments and responses by the board.

(1) The committee sought clarification regarding the board’s intention with respect to the length of time a program in transition has to obtain regional accreditation . The committee asked what would happen if the hospital-based program did not obtain full approval status from the Department of Education in under six years.

The board responded that it removed the six year period for obtaining full regional accreditation. So long as the program is submitting annual reports to the board evidencing progress, it can maintain initial approval status longer than six years. A program that fails to progress will be placed on provisional approval status as currently provided in 49 Pa. Code. Chapter 21.

(2) The committee asked if it was the board’s intention to make an exception for a hospital-based diploma nursing education program wishing to make the transition to a degree-granting program with respect to the requirement that nursing programs be under the leadership of a registered nurse.

The board responded that it was not its intention and that final rulemaking made it clear that an approved diploma program seeking to make the transition to degree-granting status would be under the leadership of a registered nurse.

**Analysis:** 49 Pa. Code 21.51 currently provides that a nursing program must be developed under the authority of either a regionally accredited university or college (in the case of an

associate or baccalaureate degree granting program) or under the authority of a hospital approved by the Joint Commission on Accreditation of Hospitals (in the case of a diploma nursing program).

The regulation implements the statutory language of 63 P.S. 216(a) by amending Section 21.51 to specify a third way a nursing education program may be established, that of a board-approved hospital program making the transition to a degree-granting program.

The regulation amends Section 21.51 so that all nursing programs must be under the direction of a registered nurse. Approved nursing programs may be established by: (1) a regionally accredited university or college; (2) a hospital approved by the Joint Commission on Accreditation of Hospitals; or (3) a university or college pursuing regional accreditation.

An educational program established by a college or university will be known as a degree-granting nursing education program. A program established by a hospital will be known as a diploma nursing education program. A diploma nursing education program making the transition to a degree-granting nursing education program under the authority of a university or college pursuing regional accreditation will be known as a program in transition.

Essentially, the regulation will allow a board-approved hospital-based diploma nursing educational program to become an associate or baccalaureate degree nursing education program. The hospital may become a degree-granting entity under the authority of a university or college pursuing regional accreditation.

Section 21.51 is further amended so that the hospital-based diploma nursing program must comply with the existing regulations concerning the standards which a nursing program must meet and the steps a nursing program must take in order to gain approval from the board.

The regulation further provides that a hospital seeking to make the transition from a diploma nursing education program to a degree-granting program must:

- (1) Provide adequate faculty and adequate clinical facilities.
- (2) Complete a feasibility study.
- (3) Provide data regarding the cost of the program, including the cost of faculty, the cost of clinical teaching resources, and the cost of education supplies. The program must also provide data regarding how it will pay for these items.
- (4) Submit 18 copies of the feasibility study to the board for approval.
- (5) Submit a copy of the certificate of authority from the Department of Education regarding its ability to operate a degree-granting institution.
- (6) Submit documentation of the university or college's pursuit of regional accreditation.
- (7) Submit documentation that the diploma nursing education program has maintained full approval status from the board for at least three years prior to the intended date of admission of students.
- (8) Submit to the board an annual report regarding its progress. In addition to the report, the program in transition must, if requested, appear before the board to answer questions that arise regarding its progress.

- (9) Submit to a site review after the first class has been awarded degrees.
- (10) Continue on initial approval status until the college or university has obtained regional accreditation.

Recommendation: It is recommended that the Professional Licensure Committee approve the regulation.

Professional Licensure Committee  
House of Representatives  
October 18, 2003