

# Regulatory Analysis Form

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REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and  
Occupational Affairs, State Board of Nursing

(2) I.D. Number (Governor's Office Use)

16A-5121

IRRC Number: 2425

(3) Short Title

Temporary Practice Permits

(4) PA Code Cite

49 Pa. Code, §§ 21.7 and 21.149

(5) Agency Contacts & Telephone Numbers

Primary Contact: Teresa Lazo-Miller, Counsel

State Board of Nursing (717) 783-7200

Secondary Contact: Joyce McKeever, Deputy Chief

Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

☒ Proposed Rulemaking

☐ Final Order Adopting Regulation

☐ Policy Statement

(7) Is a 120-Day Emergency Certification  
Attached?

☒ No

☐ Yes: By the Attorney General

☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation provides guidelines for professional and practical nurses who wish to apply for a temporary practice permit or for an extension of a temporary practice permit.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Section 4.1 of the Professional Nursing Law, (Act), (63 P.S. § 214.1), authorizes the Board to issue a temporary practice permit to a professional nurse and section 3.1 of the Practical Nurse Law, (63 P.S. § 653.1), authorizes the Board to issue a temporary practice permit to a practical nurse.

Section 2.1(k) of the Act, (63 P.S. § 212.1(k)), authorizes the Board to establish rules and regulations to implement the Act. Section 17.6 of the Practical Nurse Law, (63 P.S. § 667.6), authorizes the Board to establish rules and regulations to implement the Practical Nurse Law.

### Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

**The regulation is not mandated by federal or state law or court order or federal regulation.**

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**The regulation gives needed detail to the general provisions in the professional and practical nursing laws that bestow discretion on the Board to issue a temporary practice permit. In the past 18 months, the Board has found that TPPs have been abused and permit holders with no intention of applying for licensure in the Commonwealth have used the permits as temporary "licenses" to practice. This conduct jeopardizes the citizens of the Commonwealth because the Board has no statutory authority to discipline a permit holder for violations of the nursing laws. In addition, many of these individuals have delayed taking the licensure examination and have requested extensions of their TPP's because of the high probability that they will fail the examination. This places the citizens of the Commonwealth at risk because the Legislature has determined that the licensure examination is an indicator of competence to practice nursing. Therefore, unqualified individuals have asked to practice nursing in the Commonwealth for extended periods of time knowing they will never be able to qualify for licensure.**

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

**The health and safety of the citizens of the Commonwealth are threatened by the prolonged practice of individuals who do not meet the educational and examination requirements for licensure.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**The general public will benefit by being assured of the competence of all licensed nurses practicing in the Commonwealth.**

### Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The Board has not identified any particular groups that will be adversely affected by the regulation.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**All graduate nurses who seek to practice on a TPP prior to taking the licensure examination and all applicants for licensure by endorsement who seek to practice on a TPP prior to obtaining licensure will have to comply with the regulation.**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**Pursuant to Executive Order 1996-1, the draft regulation was sent to numerous nursing organizations and hospital associations for pre-draft comment. The organizations include: American Association of Neuroscience Nurses, Emergency Nurses Association, GPC – Oncology Nursing Society, The Hospital and Healthsystem Association of Pennsylvania, Intravenous Nurse Society, Licensed Practical Nurses Association of Pennsylvania, Pennsylvania Association of Home Health Agencies, Pennsylvania Association of Private School Administrators, Pennsylvania Association of Non-Profit Homes for the Aging, Pennsylvania Association of Nurse Anesthetists, Pennsylvania Association of Practical Nursing Program Administrators, Pennsylvania Coalition of Nurse Practitioners, Pennsylvania College of Associate Degree Nursing, Pennsylvania Council of Operating Room Nurses, Pennsylvania Department of Health-Bureau of CH Systems, Pennsylvania Health Care Association, Pennsylvania Higher Education Nursing Schools Association, Pennsylvania League for Nursing, Inc., Pennsylvania Organization of Nurse Leaders, Pennsylvania Society of Gastroenterology Nurses and Associates, Pennsylvania State Nurses Association, School Nurse Section, Southwestern Pennsylvania Organization for Nurse Leaders, Pennsylvania Medical Society, Nurses of Pennsylvania, Pennsylvania Association of School Nurses and Practitioners, Pennsylvania Nurses Association, Professional Nursing Resources, Inc., and Grane and Philadelphia Group.**

### Regulatory Analysis Form

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**Minimal costs will be incurred because the regulation requires that applicants return proof of submission of various documents to provide to the Board upon request. In other words, the requests for documents must be sent by certified mail, return receipt requested, which is more costly than first class mail. However, these costs are generally borne by the employer rather than the individual applicant. There will also be savings to the regulated community: because the regulation will require prompt requests for documentation needed for the Board to consider an application for licensure, many individuals will not need to apply for a TPP extension. For every 50 applicants, the estimated increased costs are  $\$4.00 \times 50 = \$200.00$  costs. If 25 applicants are spared the extension application cost, the savings are  $\$60.00 \times 25 = \$1,500.00$  savings.**

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no costs or savings to local governments associated with complying with the regulation.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**There are no costs or savings to state government because the Board is self-supporting.**

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	1500	1500	1500	1500	1500	1500
Local Government	NA	NA	NA	NA	NA	NA
State Government	NA	NA	NA	NA	NA	NA
Total Savings	NA	NA	NA	NA	NA	NA
<b>COSTS:</b>						
Regulated Community	200	200	200	200	200	200
Local Government	NA	NA	NA	NA	NA	NA
State Government	NA	NA	NA	NA	NA	NA
Total Costs	NA		\$	\$		
<b>REVENUE LOSSES:</b>						
Regulated Community	NA	NA	NA	NA	NA	NA
Local Government	NA	NA	NA	NA	NA	NA
State Government	NA	NA	NA	NA	NA	NA
Total Revenue Losses	NA	NA	NA	NA	NA	NA

(20a) Explain how the cost estimates listed above were derived.

Minimal costs will be incurred because the regulation requires that certain requests for documents be sent by certified mail, which is more costly than first class mail. However, these costs are generally borne by the employer rather than the individual applicant. There will also be savings to the regulated community: because the regulation will require prompt requests for documentation needed for the Board to consider an application for licensure, many individuals will not need to apply for a TPP extension. For every 50 applicants, the estimated increased costs are  $\$4.00 \times 50 = \$200.00$  costs. If 25 applicants are spared the extension application cost, the savings are  $\$60.00 \times 25 = \$1,500.00$  savings.

**Regulatory Analysis Form**

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -98-99	FY -99-00	FY -00-01 AS OF 12/31/01	BUDGETED FY 01-02
State Board of Nursing	\$3,922,622.16	\$4,514,839.67	\$4,934,157.00	\$4,827,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**There are both financial and public safety benefits to the regulation.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**No nonregulatory alternatives were considered because the Board wished to give all applicants notice of the requirements.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**The Board gave careful consideration to the types of delays applicants experience in obtaining verifications needed for the Board to consider licensure in determining the appropriate deadlines that applicants must meet.**

### Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**No federal standards apply.**

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**The regulation will not put Pennsylvania at a competitive disadvantage with other states. Both the granting of and extension of temporary practice permits is a matter of the Board discretion. New Jersey and Delaware do not issue temporary practice permits. Ohio issues temporary permits to individuals applying for licensure by endorsement only after they have passed the licensure examination required in the other jurisdiction that is equivalent to the examination required in Ohio (The NCLEX-RN). Thus, Ohio does not issued TPPs to persons who can obtain a TPP in Pennsylvania. West Virginia only issues a TPP to a nurse who has completed the GGFNS verification of education, but prior to passing the licensure examination. New York grants a "limited permit" to graduates of schools of nursing approved in another state, province or country. The permit is valid for up to one year or failure of the licensing examination, whichever occurs first. NYS Edus Law, Acticle 139, § 6907.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**The regulation will not affect existing or proposed regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board has met with representatives from employers and staffing agencies, and legislators regarding the problems created by TPP-holders who do not timely submit documentation in support of their requests for licensure. The Board has also discussed these problems and the regulation at several meetings in open session before nursing organization representatives.**

### Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**The regulation will require applicants to maintain proof that they requested verification materials from their country or state of licensure, their nursing education program, and CGFNS.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**No particular affected groups were identified.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will become effective on publication of the final-form rulemaking in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board continuously monitors its regulations at its meetings. Meeting dates are available on the Department of State's website, [www.dos.state.pa.us](http://www.dos.state.pa.us).**



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REVIEW COMMISSION

#2425

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

*[Signature]*

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

MAY 13 2004

DATE OF APPROVAL

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated by:

State Board of Nursing  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-5121

DATE OF ADOPTION: \_\_\_\_\_

BY: *[Signature]*  
Janet Hunter Shields, MSN, CRNP, CS

Copy below is approved as  
to form and legality.  
Executive or Independent  
Agencies.

*[Signature]*

BY: \_\_\_\_\_

4/13/04  
DATE OF APPROVAL

(Deputy General Counsel  
~~Chief Counsel,~~  
~~Independent Agency~~  
Strike inapplicable  
title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- [ ] Check if applicable  
Copy not approved.  
Objections attached.
- [ ] Check if applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF NURSING  
49 PA. CODE, CHAPTER 21  
TEMPORARY PRACTICE PERMITS

The State Board of Nursing (Board) proposes to amend its regulations by adding new sections detailing the requirements for applying for and extending temporary practice permits, at 49 Pa. Code §§ 21.7 and 21.149, as set forth in Annex A.

### **Effective Date**

The amendments will be effective upon publication of the final rulemaking in the Pennsylvania Bulletin.

### **Statutory Authority**

The amendments are authorized under sections 2.1(k) and 4.1 of the Professional Nursing Law (Act) (63 P.S. §§ 212.1(k) and 214.1) and sections 3.1 and 17.6 of the Practical Nurse Law (63 P.S. §§ 653.1 and 667.6).

### **Background and Need for the Amendment**

Over the past 2 years, the Board has experienced a great increase in the number of applications for temporary practice permit (TPP) extensions, specifically among individuals seeking extensions to TPPs for currently-licensed nurses. Section 14.1 of the Act and section 17.6 of the Practical Nurse Law authorize the Board to issue a temporary practice permit to a person who holds a current license issued by another state, territory or possession of the United States.

Qualifications for licensure vary from state to state. In Pennsylvania, individuals who have graduated from a school of nursing that is not approved by the Board (i.e., a nursing education program outside Pennsylvania) must have their educational program evaluated to determine if it is equivalent to the education required for licensure in Pennsylvania. In addition, an individual must have passed the licensure examination (NCLEX-RN for professional nurses or NCLEX-PN for practical nurses). See section 7 of the Act (63 P.S. § 217); section 16 of the Practical Nurse Law (63 P.S. § 656).

In reviewing the applications for extension, the Board discovered that the vast majority of applicants have not timely completed their applications for licensure. The statute requires that an applicant file his or her application for licensure at the same time as the application for a TPP. Submission of an application for licensure triggers the review of the applicant's nursing education program for equivalency, because one of the supporting documents submitted is a transcript of the individual's course work in his or her nursing education program. Upon review of the requests for extension of the TPP, the Board has discovered that applicants fail to provide the Board with required supporting documents in their license application. The Board has identified this failure to provide supporting documentation as the reason these nurses experience delays in obtaining licensure. By these regulations, the Board proposes amendments to set forth

time limits by which an applicant must request supporting documentation for licensure. These time limits should dramatically reduce the requests for extensions to TPPs.

The Board seeks to reduce multiple or lengthy extensions to TPPs for several reasons. First, until an applicant has completed the application for licensure, the Board has not reviewed the applicant's qualifications to practice nursing. Therefore, it is possible that some applicants for licensure may practice in the Commonwealth for a period of time before the Board has determined whether the individual meets the statutory qualifications, which may in turn pose a threat to public health and safety. Second, the statute does not provide any mechanism by which the Board can discipline an individual who holds a TPP for misconduct. The Board can demand the return of the TPP and, if the person does apply for licensure, any misconduct while holding a TPP may provide sufficient grounds to deny licensure. However, the Board cannot require that the TPP-holder participate in educational programs or place the TPP on probation.

Section 21.7 and 21.149 are virtually identical except that § 21.7 applies to professional nurses and § 21.149 applies to practical nurses. Therefore, the Board will describe only § 21.7. Subsection (a) applies to TPPs for graduate nurses and subsection (b) applies to TPPs for currently licensed nurses.

#### **Description of Proposed Amendments**

Section 21.7(a)(1) mirrors section 4.1 of the Act in requiring an individual who has graduated from an approved nursing program who wishes to practice as a graduate nurse prior to taking the licensing examination to apply for a TPP. In addition, § 21.7(a)(1) mirrors the statutory restriction that a TPP is valid for up to one year and expires if the TPP holder fails the licensing examination.

Section 21.7(a)(2) requires that the TPP holder submit an application for licensure by examination to the Board and register with the professional testing organization at least 90 days prior to the expiration date of the TPP. This provision is based on the 90-day validity period of the "authorization to test." In other words, once an applicant has been approved to take the licensing examination, that approval is valid for 90 days.

Section 21.7(a)(3) provides that the TPP holder who wishes to apply for an extension of the TPP must apply for the extension at least 60 days prior to the date the TPP is set to expire. In addition, the applicant for extension must provide the Board with a detailed explanation of the need for the extension. Finally, § 21.7(a)(3) notifies these applicants that the Board will only grant an extension in cases of illness or extreme hardship. The 60-day time period allows the Board sufficient time to process and consider a request for an extension at a meeting of the Board.

Section 21.7(a)(4) provides that an extension will not be granted to an individual who has failed to comply with the 90-day and 60-day deadlines outlined in §§ 21.7(a)(2) and 21.7(a)(3). This provision is necessary to relieve the Board from considering extension applications from applicants who have not taken the steps necessary to timely obtain permanent licensure from the Board.

Section 21.7(b) applies to TPPs for currently-licensed professional nurses. Section 21.7(b)(1) mirrors section 4.1 of the Act by providing that an individual who is currently licensed and who wishes to practice in the Commonwealth during the 1-year period from the date of application for licensure until the Board makes a determination on the application may apply for a TPP. The Board specifies that the applicant need only submit Form 1 of the application for licensure, because the other forms are essentially verifications of education and licensure from the other state and must be submitted directly from the individual's educational institution and the other state. Moreover, once all the forms are completed, the Board will consider the application for licensure and a TPP would not be necessary.

Section 27.1(b)(2) provides that the individual applying for a TPP as a currently-licensed nurse must demonstrate proficiency in English. This is necessary to ensure that the nurse can pass the licensure examination and can take and execute orders in the course of the nurse's practice. Currently, all licensed nurses for whom English is a second language who apply for licensure through the Commission on Graduates of Foreign Nursing Schools (CGFNS) are required to pass an English proficiency examination. The Board's experience with CGFNS strongly suggests that requiring this examination actually speeds the licensure process and helps to ensure public safety. The nurse may demonstrate English proficiency in a variety of ways: by submitting proof that the nursing education program was conducted in English or by passing an English proficiency examination. The nurse must submit proof of English proficiency with Form 1 of the application. This provision is designed to ensure that a nurse who will be granted a TPP is sufficiently knowledgeable in English to communicate with patients, other nurses, and doctors from whom the nurse will take orders. The provision ensures that the nurse will not be hindered from safe practice by an inability to understand English.

Section 21.7(b)(3) requires the TPP holder to submit Form 2 of the application for licensure within 45 days of the date the TPP is granted. Form 2 includes the application for verification of licensure from the foreign jurisdiction, request of certification of the individual's nursing education program, including a copy of the individual's transcript translated into English, if necessary, and verification that the applicant has submitted an application to CGFNS. Section 5 of the Act, 63 P.S. § 215, and § 21.28(c) of the Board's regulations mandate verification of a foreign-educated applicant's educational qualifications by CGFNS. The Board's review of the date that applicants who were seeking TPP extensions had applied for verification of their foreign nursing license, certification of their nursing education program and verification of their nursing program through CGFNS demonstrated that the applicants were not applying for these verifications until approximately 1 to 2 months prior to the expiration date of

the TPP. The CGFNS verification procedure alone takes approximately 9 months, depending on the availability of documentation from any particular country. Prompt application for these verifications will alleviate most of the need for applicants to apply for an extension of their TPP.

Section 21.7(b)(4) provides that each TPP applicant must ensure that the Board has received all supporting documentation for their application for licensure at least 90 days prior to the expiration of the TPP. The Board will notify applicants at this 90-day point if their applications are incomplete. Section 21.7(b)(4) requires the applicant to submit a written explanation of the efforts made to timely secure the required documentation.

Section 21.7(b)(5) authorizes an individual who holds a TPP to apply for an extension of the TPP if they have complied with this regulation and they submit an extension application, remit the application fee, submit a written explanation of the reasons for the extension request and provide proof that they have complied with the requirements of § 21.7(b)(3). Finally, § 21.7(b)(5) requires that the individual seeking an extension request the extension at least 60 days prior to the expiration date of the TPP. It has been the common practice of TPP holders to request an extension on the last day the TPP is valid. The Board may not meet for three or more weeks after the date the TPP expires and the individual continues to practice without benefit of licensure or a TPP. This provision should insure that nurses have no gap in their authority to practice, and insure the public safety because these nurses are not covered by insurance and an injured patient could be left without recourse.

Section 21.7(b)(6) reiterates that an individual who fails to meet the requirements of subsection b will not be granted an extension of the TPP expiration date.

Section 21.149 is very similar to the provisions in § 21.7, but in reference to TPPs for practical nurses.

#### **Compliance with Executive Order 1996-1**

The Board requested input in drafting of the proposed amendments from nursing associations and hospital systems as required under the directives of Executive Order 1996-1. These organizations were: American Association of Neuroscience Nurses, Emergency Nurses Association, GPC – Oncology Nursing Society, The Hospital and Healthsystem Association of Pennsylvania, Intravenous Nurse Society, Licensed Practical Nurses Association of Pennsylvania, Pennsylvania Association of Home Health Agencies, Pennsylvania Association of Private School Administrators, Pennsylvania Association of Non-Profit Homes for the Aging, Pennsylvania Association of Nurse Anesthetists, Pennsylvania Association of Practical Nursing Program Administrators, Pennsylvania Coalition of Nurse Practitioners, Pennsylvania College of Associate Degree Nursing, Pennsylvania Council of Operating Room Nurses, Pennsylvania Department of Health-Bureau of CH Systems, Pennsylvania Health Care Association, Pennsylvania Higher Education Nursing Schools Association, Pennsylvania League for Nursing,

Inc., Pennsylvania Organization of Nurse Leaders, Pennsylvania Society of Gastroenterology Nurses and Associates, Pennsylvania State Nurses Association, School Nurse Section, Southwestern Pennsylvania Organization for Nurse Leaders, Pennsylvania Medical Society, Nurses of Pennsylvania, Pennsylvania Association of School Nurses and Practitioners, Pennsylvania Nurses Association, and Professional Nursing Resources, Inc., Grane Healthcare and the North Philadelphia Health System. The Board did not receive any comments on the exposure draft.

Also, in accord with Executive Order 1996-1, the Board considered the impact the regulation would have on the regulated community and on public safety and welfare. The Board finds that the proposed amendment addresses a compelling public interest as described in this Preamble.

#### **Fiscal Impact and Paperwork Requirements**

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### **Sunset Date**

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### **Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 23, 2004, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

**Public Comment**

Interested persons are invited to submit written comments, recommendations, or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Janet Hunter Shields, MSN, CRNP, CNS, Chair  
State Board of Nursing

**ANNEX A**

**TITLE 49. PROFESSIONAL LICENSURE AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**Chapter 21. State Board of Nursing**

**Subchapter A. REGISTERED NURSES**

**GENERAL PROVISIONS**

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**§ 21.7 Temporary practice permits.**

(a) The Board may grant a temporary practice permit to a Graduate Registered Nurse as follows.

(1) An individual who wishes to practice as a Graduate Registered Nurse during the period from the date of completion of a Board-approved educational program and notification of the results of the licensing examination shall submit an application for a temporary



practice permit for a Graduate Registered Nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance and immediately expires if the applicant fails the licensing examination.

(2) Not less than 90 days prior to the expiration date of the temporary practice permit, the Graduate Registered Nurse shall:

(i) Submit an application for licensure by examination as a registered nurse.

(ii) Remit the fee specified in § 21.5 (relating to fees).

(iii) Submit the licensure examination registration form and fee required to the professional testing organization.

(3) Not less than 60 days prior to the expiration date of the temporary practice permit, the Graduate Registered Nurse who wishes to

extend the expiration date of the temporary practice permit because of illness or extreme hardship shall:

- (i) Submit an application for temporary practice permit extension on a form provided by the Board.
  - (ii) Remit the fee specified in § 21.5 (relating to fees).
  - (iii) Provide a detailed, written explanation of the reason the extension is requested; if requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.
- (4) In no case will the Board grant an extension to an individual who fails to meet the requirements of §§ 21.7(a)(2) and 21.7(a)(3).
- (b) The Board may grant a temporary practice permit to a currently-licensed registered nurse as follows.
  - (1) An individual who holds a current registered nurse license issued by any other state, territory or possession of the United States or

Canada and who wishes to practice professional nursing during the period from the date of submission of Form 1 of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

- (i) Submit an application for temporary practice permit for a currently-licensed registered nurse on a form provided by the Board.
- (ii) Remit the fee specified in § 21.5 (relating to fees).
- (2) An individual applying for a temporary practice permit for a currently-licensed registered nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. A list of Board-approved English proficiency examinations is available upon request to the Board. This information shall be submitted with Form 1 of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall submit Form 2 of the application for licensure and shall:

- (i) Request verification of licensure from the foreign jurisdiction and retain documentation of the submission of the request to provide to the Board upon request.
- (ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education shall be submitted to the Board in English directly from the appropriate educational authorities and the applicant shall retain documentation of the submission of the request to provide to the Board upon request.
- (iii) Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements set forth in § 21.23(c) (relating

to qualifications of applicant for examination) and § 21.28(c) (relating to licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall ensure that all documentation in support of the application for licensure is received by the Board no later than 90 days prior to the expiration date of the temporary practice permit. Any individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice

permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

(5) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse and who has complied with paragraphs (2) through (4) may request an extension of their temporary practice permit by:

- (i) Submitting a temporary practice permit extension application provided by the Board.
- (ii) Remitting the fee specified in § 21.5 (relating to fees).
- (iii) Submitting a written, detailed explanation of the reasons the extension is requested; if requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's physician.

- (iv) Providing proof of the timely request for verification of licensure referenced in paragraph (b)(3)(i).
- (6) The request for temporary practice permit extension shall be submitted to the Board no less than 60 days prior to the expiration date of the temporary practice permit.
- (7) In no case will the Board grant an extension to an individual who fails to meet the requirements of §§ 21.7(2) – (5).

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#### **Subchapter B. PRACTICAL NURSES**

#### **GENERAL PROVISIONS**

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#### **§ 21.149. Temporary practice permits.**

(a) The Board may grant a temporary practice permit to a Graduate Practical Nurse as follows.

- (1) An individual who wishes to practice as a Graduate Practical Nurse during the period from the date of completion of a Board-approved educational program and notification of the results of the licensing examination shall submit an application for temporary practice permit for a Graduate Practical Nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance and immediately expires if the applicant fails the licensing examination.
- (2) Not less than 90 days prior to the expiration date of the temporary practice permit, the Graduate Practical Nurse shall:

  - (i) Submit an application for licensure by examination as a practical nurse.
  - (ii) Remit the fee specified in § 21.5 (relating to fees).



- (iii) Submit the licensure examination registration form and fee required to the professional testing organization.
- (3) Not less than 60 days prior to the expiration date of the temporary practice permit, the Graduate Practical Nurse who wishes to extend the expiration date of the temporary practice permit shall:
  - (i) Submit an application for temporary practice permit extension on a form provided by the Board.
  - (ii) Remit the fee specified in § 21.5 (relating to fees).
  - (iii) Provide a detailed, written explanation of the reasons the extension is requested; if requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's physician.
- (4) In no case will the Board grant an extension to an individual who fails to meet the requirements of §§ 21.149(a)(2) and 21.149(a)(3).

(b) The Board will grant a temporary practice permit for a currently-licensed practical nurse.

(1) An individual who holds a current practical nurse license issued by any other state, territory or possession of the United States or Canada and who wishes to practice practical nursing during the period from the date of submission of Form 1 of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed practical nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.5 (relating to fees).

(2) An individual applying for a temporary practice permit for a currently-licensed practical nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has

received a passing score on a Board-approved English proficiency examination. A list of Board-approved English proficiency examinations is available upon request to the Board. This information shall be submitted with Form 1 of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall submit Form 2 of the application for licensure and shall:

- (i) Request verification of licensure from the foreign jurisdiction and retain documentation of submission of the request to provide to the Board upon request.
- (ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education shall be submitted to the Board in English directly from the appropriate educational authorities. The

applicant shall retain documentation of submission of the request to submit to the Board upon request.

(iii) Submit the CGFNS application if the applicant is required to meet CGFNS requirements set forth in § 21.155(d) (relating to licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall ensure that all documentation in support of the application for licensure is received by the Board not later than 90 days prior to the expiration

date of the temporary practice permit. Any individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

- (5) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse and who has complied with paragraphs 2 through 4 above may request an extension of the temporary practice permit because of illness or extreme hardship by:

- (i) Submitting a temporary practice permit extension application on a form provided by the Board,
- (ii) Remitting the fee specified in § 21.5 (relating to fees).

- (iii) Submitting a written, detailed explanation of the reasons the extension is requested; if requesting an extension due to illness, the applicant shall provide certification of the illness from applicant's treating physician.
- (v) Providing proof of the timely request for verification of licensure referenced in paragraph (b)(3)(i).
- (6) The request for temporary practice permit extension shall be submitted to the Board not less than 60 days prior to the expiration date of the temporary practice permit.
- (7) In no case will the Board grant an extension to an individual who fails to meet the requirements of §§ 21.149(b)(2) – (5).



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF NURSING

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August 23, 2004

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation  
State Board of Nursing  
16A-5121: Temporary Practice Permits

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to temporary practice permits.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

*Janet Hunter Shields* MSN, CRNP, CS  
Janet Hunter Shields, MSN CRNP, CS, Chairperson  
State Board of Nursing

JHS:TLM:kmh

Enclosure

cc: Linda C. Barrett, Chief Counsel  
Department of State  
Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
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State Board of Nursing  
State Board of Nursing

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

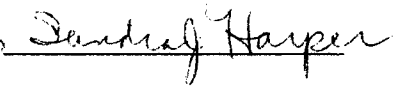

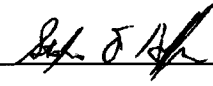

I.D. NUMBER: 16A-5121  
SUBJECT: Temporary Practice Permits  
AGENCY: DEPARTMENT OF STATE

#2425

**TYPE OF REGULATION**

- X Proposed Regulation  
Final Regulation  
Final Regulation with Notice of Proposed Rulemaking Omitted  
120-day Emergency Certification of the Attorney General  
120-day Emergency Certification of the Governor  
Delivery of Tolloed Regulation  
a. With Revisions b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
8/23		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
7/23/04		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
8/23		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

May 19, 2004