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**INDEPENDENT REGULATORY REVIEW COMMISSION**

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 3, 2004

Janet H. Shields, MSN, CRNP, CS, Chairperson  
State Board of Nursing  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-5119 (IRRC #2426)  
State Board of Nursing  
Certified Registered Nurse Practitioner Program Approval

Dear Chairperson Shields:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

evp

Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

# **Comments of the Independent Regulatory Review Commission**

**on**

**State Board of Nursing Regulation #16A-5119 (IRRC #2426)**

**Certified Registered Nurse Practitioner Program Approval**

**November 3, 2004**

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Nursing (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 4, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

## **1. Section 21.361. Approval of programs. - Reasonableness; Need; Clarity.**

### *Subsection (b) – Experimental or accelerated programs*

This subsection states that the Board will consider “experimental or accelerated programs that culminate with at least a master’s degree in nursing.” The final-form regulation should define the phrase “experimental or accelerated programs.”

### *Subsection (c) – Program goals*

The only sentence in this subsection contains 56 words. The sentence describes the contents of the primary goal for educational programs for certified registered nurse practitioners (CRNPs). The contents should be set forth with shorter sentences and enumeration as recommended in Section 2.8 and Chapter 7 of the *Pennsylvania Code and Bulletin Style Manual*. An example of this format for the goals of a nursing program can be found in Section 21.32 of the current regulations.

## **2. Section 21.362. Annual reports and compliance reviews; list of approved programs. - Reasonableness; Implementation procedure.**

Every three years, approved CRNP programs must conduct a compliance review. The results of this review are to be reported on a form provided by the Board. Under Subsection (c), the Board will send “a written report of recommendations or requirements, or both” to CRNP programs based on the compliance reviews. The final-form regulation should specify how long the CRNP program has to comply with the recommendations or requirements of the written report.

**3. Section 21.363. Approval process. - Reasonableness; Implementation procedure; Clarity.**

Subsection (b) relates to CRNP programs that are on “provisional approval status.” The Board can decide whether to place a CRNP program on “provisional approval status” based on compliance reviews submitted by the CRNP program or “other information.” CRNP programs on provisional status are required to submit “progress reports or other information deemed necessary for the evaluation of the program on provisional approval status.” We have two concerns.

First, the final-form regulation should explain what “other information” could be considered by the Board.

Second, when and how often will a program on provisional status be required to submit progress reports? The final-form regulation should specify that the Board will provide programs with written notice describing the specific requirements and timelines for progress reports.

**4. Section 21.365. Establishment. - Reasonableness; Implementation procedure; Clarity.**

*Subsection (a) – Regionally or nationally accredited institutions*

This section establishes the requirements for a CRNP program. The existing regulations of the Board at 49 Pa. Code § 21.51(a) refer to educational programs “under the authority of a regionally accredited university or college.” We have two concerns.

First, it is our understanding that national accreditation programs usually evaluate specific programs, such as a CRNP program, that are parts of larger institutions. In contrast, the words “regionally accredited” are terms of art that are regularly used to describe a university or college. Is it necessary to refer to both “regionally” and “nationally” accredited institutions in this subsection? If so, should Section 21.51(a) in the current regulations also refer to a “regionally” or “nationally” accredited college and university? The Board should clarify whether the word “national” is being used to refer to the accreditation of a college or university as a whole, or to a specific CRNP program.

Second, would a medical school also be an “accredited university or college”? If not, the Board should consider adding “medical school” to this subsection.

*Subsection (b) – Director*

Subsection (b) requires a program to be “under the direction of a faculty member who holds an active certification as a Pennsylvania CRNP and an earned doctorate degree or a specific plan for completing doctoral preparation.” We have two concerns.

First, is there a specific area or field in which a CRNP program director must hold a doctorate degree?

Second, the phrase, “a specific plan for completing doctoral preparation” is unclear. The final-form regulation should clarify this requirement by specifying that the director must be enrolled in

a doctoral degree program and what percentage of required credits must be completed. In addition, the Board should explain why the term “preparation” is used instead of the term “degree.”

**5. Section 21.367. Faculty requirements for certified nurse practitioner programs. - Reasonableness; Clarity.**

Subsection (a)(1) requires faculty members to provide “evidence of expertise” in their subject areas and “when appropriate” be currently licensed and certified in Pennsylvania and maintain national certification. The phrases “evidence of expertise” and “when appropriate” are vague. The final-form regulation should explain what is meant by these phrases. For example, under what circumstances would faculty members not be required to be licensed and certified?

**6. Section 21.369. General curriculum requirements. - Consistency with other regulations; Reasonableness; Need; Clarity.**

The “advanced nursing practice core” component in Subsection (c)(2) includes advanced pharmacology as required content. Subsection (c)(4) is a separate component entitled “advanced pharmacology.” Is there a need to have it in Subsection (c)(2)(iii)?

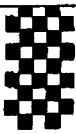
Subsection (g) requires that the ratio of students to faculty “insure optimal learning opportunities in clinical laboratory sessions.” However, Section 21.373(c)(3)(ii) provides specific guidance regarding the ratio of students to faculty. It reads:

One program faculty member shall supervise no more than 6 students in a clinical course. If faculty are providing onsite preceptorship, the maximum ratio is two students per faculty member. If faculty are managing their own caseload of patients, the maximum ratio is one student per faculty member.

In the final-form regulation, Subsection (g) should cross reference Section 21.373(c)(3)(ii).

**7. Miscellaneous Clarity.**

- Section 21.363(c) references § 21.378. The regulation ends at § 21.377.
- In Section 21.365(a), the first letter of the word “nationally” is capitalized in the version published in the *Pennsylvania Bulletin*. Is this necessary?
- In Section 21.370(a)(2)(iii), a period is missing at the end of the sentence in the *Pennsylvania Bulletin* version.



## Facsimile Cover Sheet

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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** Suzanne Hoy  
**Agency:** Department of State  
Licensing Boards and Commissions  
**Phone:** 7-2628  
**Fax:** 7-0251  
**Date:** November 3  
**Pages:** 5

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**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Nursing regulation #16A-5119 (IRRC #2426). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: \_\_\_\_\_

*Suzanne Hoy*

Date: \_\_\_\_\_

*11/3/04*