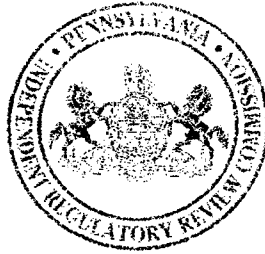


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## INDEPENDENT REGULATORY REVIEW COMMISSION

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

June 22, 2005

Barry S. Ramper, II, Chairman  
State Board of Examiners of Nursing Home Administrators  
2601 North Third Street  
Harrisburg, PA 17110

Re: Regulation #16A-6210 (IRRC #2469)  
State Board of Examiners of Nursing Home Administrators  
Biennial Renewal Fees

Dear Chairman Ramper:

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 me.

Sincerely,

Kim Kaufman  
Executive Director

wbg

Enclosure

cc: 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 Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

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

**on**

## **State Board of Examiners of Nursing Home Administrators Regulation #16A-6210 (IRRC #2469)**

### **Biennial Renewal Fees**

**June 22, 2005**

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 Examiners of Nursing Home Administrators (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 23, 2005. 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regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **Section 39.72. Fees. - Fiscal impact; Protection of public health, safety and welfare; Reasonableness; Need.**

The proposed regulation will increase the biennial renewal fee by 175 percent. Commentators contend this increase will be a significant deterrent for licensees to renew and stay in the profession and will dissuade newcomers from seeking licensure and entry into the profession. Both entry and retention in the field of nursing home administration appear to be in decline. The Preamble cites this decline as one of the reasons for the increase by noting that 400 licensees have decided not to renew over the past five years. We have three concerns.

First, why is it necessary to increase the fee to a level that goes beyond erasing the current deficit to meet projected expenditures over a decade? We appreciate the Board's concern for balancing costs with income over a longer timeframe. However, given the fluctuations in the profession and the negative impact a fee increase of this proportion is bound to have, the Board should consider raising fees only in the amount needed to resolve deficits in the short term. The fee can be raised incrementally as expenses increase.

Second, as an alternative to the proposed regulation, fee increases could be phased in over a specific timeframe. This approach would have a less drastic economic impact on licensees and would also allow the Board to adapt to changes in the number of licensees and enforcement activity.

Third, the Board did not provide any information regarding the fiscal impact of the increase on licensees. When it submits the final-form regulation, the Board should identify the financial and economic impacts of the regulation on individual licensees. Given the recent decline in the number of licensees, the Board should consider the potential impacts on the profession and the facilities that licensees administer. If the decline continues, will a steep fee increase have a negative impact on long-term care facilities and their ability to maintain and protect the health, safety and welfare of their residents?

## Facsimile Cover Sheet

**Kristine M. Shomper**  
Administrative Officer



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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:** June 22, 2005  
**Pages:** 3

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INDEPENDENT REGULATORY REVIEW COMMISSION

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Examiners of Nursing Home Administrator's regulation #16A-6210 (IRRC #2469). 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:** *6/22/05*