

<b>Regulatory Analysis Form</b>		This space for use by IRRC	
(1) Agency  <b>Department of State, Bureau of Professional and Occupational Affairs, State Board of Nursing</b>		<p style="text-align: center;">             RECEIVED              2007 FEB 21 AM 10:22              INDEPENDENT REGULATORY REVIEW COMMISSION              IRRC Number: <b>2595</b> </p>	
(2) I.D. Number (Governor's Office Use)  <b>16A-5128</b>			
(3) Short Title  <b>CRNP CE Course Approval Fee</b>			
(4) PA Code Cite  <b>49 Pa. Code § 21.253</b>		(5) Agency Contacts & Telephone Numbers Primary Contact: <b>Thomas A. Blackburn, Counsel State Board of Nursing (717) 783-7200</b> Secondary Contact: <b>Joyce McKeever, Deputy Chief Counsel, Department of State (717) 783-7200</b>	
(6) Type of Rulemaking (check one)  <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Policy Statement		(7) Is a 120-Day Emergency Certification Attached?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language.  <b>The proposed rulemaking would set a fee for the service provided by the Board in reviewing an application for approval of a CRNP continuing education (CE) course. Each CRNP must complete at least 30 hours of Board-approved CE as a condition of biennial license renewal. Under its current regulations, the Board provides a mechanism for CE providers to apply to for course approval and pre-approves certain CE providers.</b>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  <b>The proposed rulemaking would be adopted under Sections 8.1(c), 11.2(a) and 11.2(d) of the Professional Nursing Law (63 P.S. §§ 218.1(c), 221.2(a), 221.2(d)).</b>			
(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.  <b>Yes. See response to question 11. This proposed rulemaking is not mandated by any federal law or regulation or by any court order.</b>			

## Regulatory Analysis Form

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

**Section 11.2(a) of the Professional Nursing Law requires that the Board set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The Board proposes to set this fee in order to recover the cost of providing this service. The balance of the operating expenses of the Board must be borne by the licensee population through biennial renewal revenue.**

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

**Nonregulation could potentially adversely impact the fiscal integrity of the Board. If this fee is not set, the Board may have to increase its renewal fee in order to meet its statutory obligation of public protection.**

(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 and licensees will benefit from the proposed rulemaking because those who utilize the Board's service in applying for CRNP CE course approval will be the ones to pay for that service without imposing that burden upon all licensees through the biennial renewal fee in order to remain fiscally sound and able to meet the Board's statutory obligation of public protection.**

(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.)

**Each provider (not on the pre-approved provider list) of CRNP CE courses will be adversely affected by the proposed rulemaking by having to pay a fee for review of an application for CE course approval. Any CRNP who wishes to receive credit for a CE course offered by a provider not on the list and who does not seek approval on its own will similarly be adversely affected by the proposed rulemaking. The Board has not identified any other groups or subsets of groups that will be adversely affected by the proposed rulemaking.**

## Regulatory Analysis Form

(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.)

**Each entity that wishes to provide a CRNP CE program will be required to pay the new fee for review of its proposed programs. The Board anticipates that it will receive approximately 48 applications for approval of CRNP CE courses during each biennial renewal period.**

(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.

**Because this proposed rulemaking does not place requirements on licensees concerning their conduct or compliance with state law regarding the performance of a licensing duty under licensing statutes, but only sets a fee for a service provided by the Board based upon the cost to provide that service, the Board did not seek input from the regulated community or the public.**

(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.

**The Board estimates that during each biennial renewal period it will receive approximately six applications for CRNP CE course approval, imposing an aggregate additional cost for the regulated community of approximately \$600. The Board estimates that there will be no other costs or savings to the regulated community associated with compliance with this proposed rulemaking.**

(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 compliance with the proposed rulemaking.**

(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 other costs or savings to state government associated with implementation of the proposed rulemaking.**

(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.

## Regulatory Analysis Form

	Current FY	FY+1	FY+2	FY+3	FY+4	FY+5
<b>SAVINGS:</b>	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
Regulated Community	N/A	\$300	\$300	\$300	\$300	\$300
Local Government						
State Government						
Total Costs	N/A	\$300	\$300	\$300	\$300	\$300
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

**The Board anticipates that it will receive approximately six applications each biennial renewal period for approval of CRNP CE courses, each with a fee of \$100.**

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

Program	FY-3 (FY 03-04)	FY-2 (FY 04-05)	FY-1 (FY 05-06)	Current FY (FY 06-07)
Pa. State Board of Nursing	\$5,382,111	\$5,946,037	\$6,388,169	\$7,985,000

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

**Because the Board is required by statute to raise its fees to match expenditures, the need to assure fiscal integrity of the Board outweighs the limited increased cost to the regulated community.**

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

**Because the Act requires the Board to promulgate regulations to set its fees, the Board considered no non-regulatory alternatives.**

## **Regulatory Analysis Form**

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

**The Board considered no alternative regulatory schemes, because the Act requires the Board to promulgate regulations to set or change fees.**

(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.

**The proposed rulemaking does not overlap or conflict with any federal requirements.**

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

**In each state surrounding Pennsylvania, a CRNP must obtain continuing education credits for license renewal from sources approved by the state board of nursing. Each state board of nursing recognizes the same continuing education providers that are pre-approved by the Board. Because none of the surrounding states approve continuing education by other providers, those states do not have a fee for approval of courses. The regulation allows entities that are not pre-approved to offer continuing education courses in Pennsylvania if the Board approves them.**

**The proposed rulemaking will not put Pennsylvania at a competitive disadvantage with these other states.**

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

**This proposed rulemaking will have no effect on other 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 reviews its regulatory proposals at regularly scheduled public meetings, generally the first Wednesday of each month, at One Penn Center, 2601 North Third Street in Harrisburg. More information can be found on the Board's web-site ([www.dos.state.pa.us/nurse](http://www.dos.state.pa.us/nurse)), or by calling the Board office at (717) 783-7142.**

## 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.

**No change to reporting, recordkeeping or other paperwork is required by this regulation.**

(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.

**The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

(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 be effective upon publication in final form in the *Pennsylvania Bulletin*.**

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

**The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.**

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

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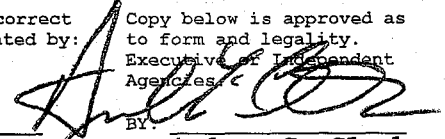
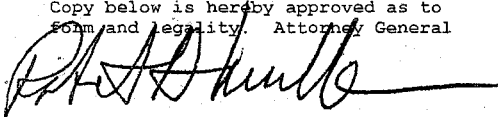
INDEPENDENT REGULATORY  
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

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

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

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



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

State Board of Nursing  
(AGENCY)

BY: \_\_\_\_\_  
Andrew C. Clark

OCT 13 2006

DOCUMENT/FISCAL NOTE NO. 16A-5128

SEP 19 2006

DATE OF APPROVAL

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

DATE OF APPROVAL

BY: Joanne L. Sorensen RN MS  
Joanne L. Sorensen, R.N.

(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  
FEE FOR APPROVAL OF CONTINUING EDUCATION COURSES FOR  
CERTIFIED REGISTERED NURSE PRACTITIONERS

The State Board of Nursing (Board) proposes to amend § 21.253 (relating to fees) by setting an application fee for approval of certified registered nurse practitioner (CRNP) continuing education courses, to read as set forth in Annex A.

### **Effective Date**

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

### **Statutory Authority**

The proposed rulemaking is authorized under sections 8.1(c), 11.2(a) and 11.2(d) of the Professional Nursing Law (act), (63 P.S. §§ 218.1(c), 221.2(a) and 221.2(d)).

### **Background and Purpose**

Section 8.1 of the act (63 P.S. § 218.1) requires each CRNP to complete, in the two years prior to CRNP certification renewal, at least 30 hours of continuing education approved by the Board. For a CRNP with prescriptive authority, the 30 hours of continuing education must include at least 16 hours in pharmacology. In initially promulgating regulations to implement CRNP continuing education in 2004, the Board pre-approved continuing education courses offered by the following providers: Board-approved CRNP programs, the American Nurses Credentialing Center's Commission on Accreditation, the American Academy of Nurse Practitioners, the National Association of Pediatric Nurse Practitioners and the American Medical Association. 49 Pa. Code § 21.334(a). Although the Board anticipated that these providers would develop and offer the vast majority of programs for CRNP continuing education, the Board also recognized that other entities would provide CRNP continuing education. Accordingly, by that rulemaking the Board also provided in § 21.334(b) that any other provider of CRNP continuing education could seek approval of its courses and in § 21.334(c) that an individual CRNP could seek approval of a continuing education course the CRNP intended to take. The rulemaking provided in § 21.336(b) that an applicant for approval of a CRNP continuing education course must pay the fee required by § 21.253. That rulemaking, however, did not set the fee.

Sections 11.2(a) and (d) of the act (63 P.S. § 221.2(a) and (d)) require the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses for enforcement of the act are funded through biennial license renewal fees. The various licensing boards of the Bureau of Professional and Occupational Affairs attempt to recover expenses related to services which are provided directly to individuals, such as applications, verification of licensure, or provision of required review and approval, directly through fees in which the actual cost of providing the service forms the basis for the fee. Actual cost calculations are based upon the product of the average time necessary to perform the function and the pay rate for the classification of the personnel performing the function, together with a proportionate share of administrative overhead.

The Board now proposes to implement the fee necessary for an application for approval of



CRNP continuing education courses offered by providers that are not on the pre-approved provider list. In this proposed rulemaking, the fee for the service provided would be implemented to allocate costs to those who use the service or application.

### **Description of Proposed Amendment**

Based on estimates provided by the Revenue Office of the Bureau of Professional and Occupational Affairs, the Board proposes a fee of \$100 for approval of a CRNP continuing education course. The fee was calculated based on an estimate of the Board staff and resources that will be expended to review and approve a CRNP continuing education course.

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

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

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

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. 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 February 21, 2007, 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*. Please reference No. 16A-5128 (CRNP CE course approval fee) when submitting comments.

Joanne L. Sorensen, RN  
Chairperson

**ANNEX A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**SUBCHAPTER C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**GENERAL PROVISIONS**

\* \* \*

**§ 21.253. Fees.**

The following fees are charged by the Board:

\* \* \*

Application for approval of CRNP continuing education course .....\$100

## FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 01/04/2006

**Contact:** Basil Merenda  
Commissioner, Bureau Of Professional & Occupational Affairs

**Phone No.** 783-7192

### Fee Title, Rate and Estimated Collections:

**Continuing Education Course Application Fee: \$100.00**

Estimated Biennial Revenue: \$600.00 (6 applications x \$100.00)

### Fee Description:

The fee will be charged to every applicant for continuing education course approval.

### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Nursing to review and process an application for approval of continuing education courses and (2) defray a portion of the Board's administrative overhead.

### Fee-Related Activities and Costs:

Staff time- receive application/send results	(.08hr)	1.76
Nurse Practice Advisor – evaluate content	(2.0 hr)	86.04
Administrative Overhead:		<u>11.50</u>
	Total Estimated Cost:	\$99.30
	Proposed Fee:	\$100.00

### Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established to review an application for approval of a continuing education course.

**Continuing Education Course Approval Fee:**

Continuing Education providers and Nurse's applying for individual approval of CE must submit an application to the board for approval. Nursing Practice Advisor reviews, evaluates and analyzes CE application. Determines if critical elements required by regulation are evident in the application course objectives, overview and content, assigns a course number and determines the number of hours awarded. Contacts program director if additional clarification is needed. Prepares and presents a written summary of findings for the Board of Nursing. If necessary, Advisor requests additional information as required by the Board.

There were no commentators for Regulation 16A-5128:Fee for Approval of Continuing Education Courses for Certified Registered Nurse Practitioners.



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

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-7142

February 21, 2007

The Honorable Arthur Coccodrilli, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

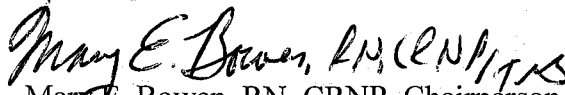
Re: Proposed Regulation/Final Rulemaking  
State Board of Nursing  
16A-5128: Fee for Approval of Continuing Education Courses for Certified  
Registered Nurse Practitioners

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to a fee for the approval of CRNP continuing education courses..

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

Sincerely,

  
Mary E. Bowen, RN, CRNP, Chairperson  
State Board of Nursing

MEB/TAB:rs

Enclosure

cc: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Albert H. Masland, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Herbert Abramson, Senior Counsel in Charge  
Department of State  
Thomas A. Blackburn,, Counsel  
State Board of Nursing  
State Board of Nursing

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

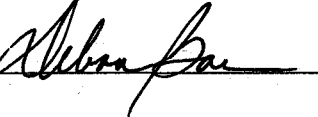
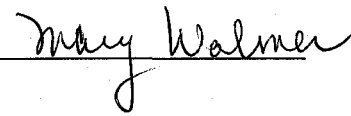
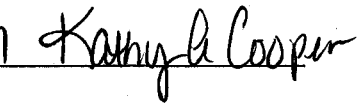
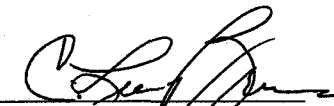
I.D. NUMBER: 16A-5128  
SUBJECT: FEE FOR APPROVAL OF CONTINUING EDUCATION COURSES FOR  
CERTIFIED REGISTERED NURSE PRACTITIONERS  
AGENCY: DEPARTMENT OF STATE - STATE BOARD OF NURSING

**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 Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
2/21/07		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
2/21/07		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
2/21/07		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2/21/07		LEGISLATIVE REFERENCE BUREAU (for Proposed only)