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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 6, 2007

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

Re: Regulation #16A-627 (IRRC #2600)
State Board of Examiners of Nursing Home Administrators
Administrator-In-Training Program

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 regulatory review criteria that have not been met.

The comments will be available on our website at 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 P. Michael Sturla, Majority Chairman, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Minority 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-627 (IRRC #2600)

Administrator-In-Training Program

June 6, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the April 7, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Examiners of Nursing Home Administrators (Board) to respond to all comments received from us or any other source.

1. Section 39.5. Requirements for admission to licensing examination; examination procedures. – Reasonableness; Clarity.

Subsection (b)(3)(ii) states “The Board will evaluate the transcripts and course descriptions of the candidate to determine if the 120-hour program was successfully completed as part of the baccalaureate curriculum.” What criteria will be used to evaluate the transcripts? Will the Board use the breakdown of subjects required in existing Section 39.14(a)(2)? The Board should set forth the criteria use for evaluation or add a cross-reference to Section 39.14(a)(2).

Subsection (b)(3)(iii)(C) adds language that the candidate have 1,000 hours of experience working with a Nursing Home Administrator licensed in PA “or in another state whose licensing standards are equal to those of the Commonwealth.” Will the Board publish a list of states whose licensing standards are “equal” to Pennsylvania’s? Will this be made available on the Board’s website? A similar concern applies to Subsection (b)(4)(ii)(B).

2. Section 39.102. AIT program. – Reasonableness; Clarity.

Subsection (a)(1) requires the administrator-in-training (AIT) and the AIT supervisor to jointly make a “pretraining assessment” of certain aspects of the AIT’s background and training. What criteria will be used to ensure that uniform assessments are made? These criteria should be set forth in the final-form regulation.

Subsection (a)(2)(iii) requires that the training plan include “Training sites or agencies involved.” What “agencies” is the Board referring to? This term should be defined or deleted from the final-form regulation.

Subsection (d)(1) provides that if the AIT program is discontinued prior to completion because of full-time military service, the program may be completed within one year after that military service. However, Subsection (d)(4) states “Only one discontinuance will be permitted.” What alternatives are there for AITs who have two or more discontinuances of their programs due to involuntary military service?

3. Section 39.103. AIT program reports. – Reasonableness; Clarity.

Subsections (2) and (3) are part of the information in the training plan that is submitted to the Board. Why is this information being required to be submitted a second time? These requirements are redundant and should be deleted.

Subsection (8) requires a progress report to include “Other information the Board requests.” What type of “other information” would this include? How will the AIT and the supervisor know if the Board requests “other information” before this report is submitted?

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INDEPENDENT REGULATORY REVIEW COMMISSION
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To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200 or 3-3394 (Cynthia)
Fax: 7-0251
Date: June 6, 2007
Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Examiners of Nursing Home Administrators' regulation #16A-627 (IRRC #2600). 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:

Cynthia K. Montgomery

Date:

6/6/07