

Regulatory Analysis Form

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INDEPENDENT REGULATORY
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-5130

IRRC Number: 2608

(3) Short Title

Continuing Education for Professional Nurses

(4) PA Code Cite

49 Pa. Code, §§ 21.1, 21.5, 21.29, 21.131-134

(5) Agency Contacts & Telephone Numbers

Primary Contact: Teresa Lazo, 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 completion of statutorily-mandated continuing education for biennial licensure renewal for professional nurses.

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

Section 12 of the Professional Nursing Law (act) (63 P.S. § 222), authorizes the Board to promulgate regulations establishing requirements for continuing nursing education for professional nurses and mandates that professional nurses complete 30 hours of continuing nursing education biennially.

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(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 mandated by section 12 of the Professional Nursing Law (63 P.S. § 222).

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

The regulation provides procedures for submission of biennial renewal applications, establishes penalties for failing to complete mandatory continuing education, provides equivalencies for formal educational programs for purposes of calculating continuing education hours, designates the acceptable content of continuing education and sets forth the approved sources from which a professional nurse may obtain creditable continuing education.

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

Setting forth appropriate standards for continuing education for professional nurses protects the health and welfare of the citizens of the Commonwealth.

(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 professional 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.)

Pursuant to section 12 of the act, all professional nurses must comply with the regulation. There are approximately 200,000 RNs who renew their licenses during each biennium. CRNPs may apply the continuing education credits earned for renewal of their CRNP certifications to the renewal of their RN licenses. School nurses may apply the continuing education credits earned for renewal of their school nurse certification to the renewal of their RN licenses. LDNs, who are generally not also RNs, may apply the continuing education credits earned for renewal of their LDN licenses to the renewal of their RN licenses, if applicable.

(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 the regulation is statutorily mandated, the Board did not request written input from nursing organizations. Nevertheless, several nursing organizations provided the Board with suggestions regarding the rulemaking.

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(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.

RNs will experience additional costs biennially to comply with statutorily-mandated continuing education. Because the Board has pre-approved regulated facilities as CE providers, in-service training is creditable. This will greatly reduce the cost of compliance.

(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. The Board will incur additional costs in enforcing the regulation. Five percent of the licensee population is audited for compliance. Historically, Bureau-wide among those boards with continuing education requirements, one percent of those audited are found to be noncompliant. The cost of processing an Act 48 civil penalty is approximately \$100. Therefore, the Board anticipates additional expenses of \$2500 in FY 2011-2012, \$5000 in FY 2012-2013, \$7500 in FY 2013-2014, and \$10,000 in FY 2014-2015.

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(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 06-07	FY +1 Year 07-08	FY +2 Year 08-09	FY +3 Year 09-10	FY +4 Year 10-11	FY +5 Year 11-12
SAVINGS:	\$	\$	\$	\$	\$	\$
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 Savings	NA	NA	NA	NA	NA	NA
COSTS:						
Regulated Community	NA	NA	18,750,000	37,500,000	39,375,000	58,125,000
Local Government	NA	NA	NA	NA	NA	NA
State Government	NA	NA	NA	NA	NA	NA
Total Costs	NA		\$	\$		
REVENUE LOSSES:						
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.

Due to the RN renewal cycle, it is expected that the first cohort of RNs that will be required to report their continuing education will be in April 2010. These licensees will begin incurring costs in FY 2008-2009. There are approximately 200,000 RN licensees who renew four times in a biennial cycle. The estimated costs reflect a cost of \$25 per credit hour. $200,000 / 4 = 50,000 \times (\$25 \times 15 \text{ credits/year}) = \$18,750,000$

Regulatory Analysis Form

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

Program	FY – 03-04	FY – 04-05	FY – 05-06	BUDGETED FY 06-07
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.

The regulation implements section 12 of the Act. The Board's pre-approval of a wide range of CE providers should greatly reduce the cost to RNs.

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

Section 12 of the act requires the Board to adopt continuing education provisions through regulation; therefore, no non-regulatory alternatives were considered.

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

Numerous nurses and nursing organizations provided suggestions to the Board, particularly on pre-approved providers. The Board approved a wide range of providers.

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. All other states that require nurses to complete CE for license renewal permit nurses to complete all CE through distance learning.

(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 public is given 30 days to comment after the publication of proposed rulemaking. No other public comment period will be provided.

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(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 for licensure renewal to obtain at least 30 hours of continuing education biennially and to maintain proof that they completed the mandated hours.

(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 groups with particular needs have been 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.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

2608

DO NOT WRITE IN THIS SPACE

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

Angela M. Elliott

BY: _____
(DEPUTY ATTORNEY GENERAL)

APR 10 2007

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-5130

DATE OF ADOPTION: _____

BY: *Joanne L. Sorensen RN MS*
Joanne L. Sorensen, RN, MS

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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

Andrew C. Clark
BY: _____
Andrew C. Clark

MAR 13 2007

DATE OF APPROVAL

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

- 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
CONTINUING EDUCATION FOR PROFESSIONAL NURSES**

The State Board of Nursing (Board) proposes to amend §§ 21.1, 21.5 and 21.29 (relating to definitions; fees; and expiration and renewal of license) and to add §§ 21.131 through 21.134 (relating to continuing education), to read as set forth in Annex A. This proposal is intended to establish the requirements for professional nurses to complete continuing education in compliance with recent amendments to the Professional Nursing Law.

Effective Date

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

Statutory Authority

The amendments are authorized by the Act of June 29, 2006 (P.L. 275, No. 58) (Act 58 of 2006), which amended the Professional Nursing Law (act) by adding section 12 (63 P.S. § 222), which requires professional nurses to complete 30 hours of continuing education for biennial license renewal and directs the Board to promulgate regulations establishing requirements of continuing nursing education, including any necessary fees.

Background and Need for the Amendment

Prior to the enactment of Act 58 of 2006, professional nurses were the only professional health care provider in the Commonwealth that were not required to complete mandatory continuing education for licensure renewal. Mandatory continuing education is intended to ensure that professional nurses remain abreast of developments in their field and are able to provide high quality care to patients. As required by the act, this proposal establishes the requirements for continuing education content and computation of hours, lists pre-approved providers of continuing education, provides for Board approval of continuing education from other sources, and provides disciplinary sanctions for failure to complete mandatory continuing education.

Description of Proposed Amendments

§21.1. Definitions.

The Board proposes to add three definitions to § 21.1 (relating to definitions). The Board will define continuing education as “an activity approved by the Board as a condition for renewal of licensure for which a certificate of attendance is provided.” The certificate of attendance is required as the method by which the Board may verify compliance with the continuing education requirement. “Certificate of attendance” is defined as “written third party verification of an individual’s completion of continuing education.” Consistent with definitions used by other

professional licensing Boards, for example, the State Board of Dentistry, which defines a "continuing education certificate" as "a document prepared by the program sponsor which contains the title of the course, the dates attended or completed and the hours of education completed," the proposed regulation requires verification of attendance by a third party.

Finally, the Board proposes to define "distance learning continuing education" as continuing education "in which the individual participates in the educational activity via an electronic media or through peer-reviewed journals or individually, rather than in a classroom, laboratory or clinical setting where the faculty and participant are physically located in the same room." The Board's definition seeks to include a wide variety of distance learning, including videoconferences, Internet continuing education and professional journals that offer continuing education. These sources are highly reliable methods of obtaining continuing education that generally require the participant to complete a substantive test of the material covered in order to obtain credit. Individual continuing education is also included in the definition to capture group or independent research projects. Research must be approved by the sponsoring facility's Institutional Review Board to be creditable, as set forth in § 21.133(d)(relating to continuing education content). Another example of creditable individual continuing education is taking a college course in a foreign language relevant to health care in accordance with §§ 21.133(b) and 21.134(a)(5)(relating to continuing education sources).

§ 21.5. Fees.

Section 12 of the act (63 P.S. § 222) requires the Board to set any fees necessary for the Board to carry out its responsibilities under the section. The Department of State revenue office met with the Board's Executive Director and determined the appropriate fee, based on the cost to the Board of reviewing a continuing education proposal. The fee is set at \$75 for approval of 1 hour of continuing education. The fee is cumulative, in other words, a request for approval of a 10-hour continuing education activity would carry a fee of \$750. Calculating the approval fee on a per-credit hour basis is consistent with the method used by other organizations that accredit continuing education for professional nurses.

§ 21.29. Expiration and Renewal of License.

The Board proposes to delete dated material in § 21.29(a) (relating to expiration and renewal of license) pertaining to professional nursing licenses that expired on October 31, 1985, and retain only the portion that continues to be relevant. The provision will be redrafted to provide simply that the Board will assign RNs to one of four license expiration dates: April 30 in the even-numbered years, October 31 in the even-numbered years, April 30 in the odd-numbered years, and October 31 in the odd-numbered years.

The Board proposes to amend § 21.29(b) to improve clarity. The Board also proposes to amend § 21.29(c) to delete the requirement that the licensee's current employer must retain the display portion of the renewed license. This provision was intended to ensure that only nurses with current licenses could practice nursing. This provision is outdated because the Board's licensure records are now available online. Online verification of current licensure is an efficient, no-cost method of ensuring that a licensee holds a current license to practice. In addition, online verification is much more accurate, as the Board's online licensure records are updated daily.

The Board proposes to amend § 21.29(c) to specifically refer to online renewal of licensure to ensure that all licensees are aware of the availability of online renewal. Online renewal saves time for both the licensee and Board staff and allows a licensee to renew a license almost instantly. By contrast, during peak renewal periods when the Board may receive 5,000 or more paper applications for renewal in a week, processing time for renewing a license may be up to 1 month. Online renewal is more efficient for the licensee and saves the Board enormous cost in having its staff process paper applications.

In addition to administrative requirements for biennial license renewal, such as disclosing licensure in another state, § 21.29(c)(1); paying the biennial renewal fee, § 21.29(c)(2); and disclosing discipline in another state or criminal conviction, § 21.29(c)(4); the Board proposes to include a requirement that the nurse verify compliance with the continuing education requirements at § 21.29(c)(3).

§ 21.131. Continuing Education.

The Board proposes to add a section setting forth the general requirements relating to continuing education. Subsection (a) sets forth the statutory requirement that a professional nurse complete 30 hours of continuing education approved by the Board during each biennium. This requirement will commence with the first renewal that allows each of the four license renewal groups at least 2 years to comply. For example, if the final rulemaking is effective by the end of 2007, licensees who renew in April of even-numbered years would have to complete 30 hours of continuing education for the first time between May 2008 and April 2010, and would need to verify completion of the required hours on their renewal application in 2010. Licensees who renew in October of even-numbered years would have to complete their required hours for the first time between November 2008 and October 2010; those in April of odd-numbered years would be required to complete the required hours for the first time between May 2009 and April 2011; and those in October of odd-numbered years would commence compliance between November 2009 and October 2011.

Subsection (b) would set forth the statutory exception that those licensees applying for initial licensure by examination will not be required to meet the continuing education

requirement on the first renewal immediately following licensure if the applicant completed his or her nursing education program within two years of the date of application. This provision is consistent with other health care providers' requirements and recognizes that a recent graduate has up to date knowledge in the profession.

Subsection (c) would require licensees to maintain certificates of attendance for at least 5 years and to provide copies of the certificates to the Board upon request. Subsection (d) sets forth the statutory provision requiring applicants for reinstatement of a lapsed license or reactivation of an inactive license to comply with the continuing education requirements for the biennial period immediately preceding application for reinstatement. Subsection (e) sets forth the same requirement for a licensee seeking reinstatement of a suspended license.

In subsection (f), the Board sets forth additional information regarding the waiver of continuing education contemplated by section 12(d) of the act (63 P.S. § 222(d)). In addition to the requirements for waiver set forth in the statute, the Board proposes to require that licensees request the waiver not less than 120 days prior to the expiration date of the licensee's license in order to allow sufficient time for Board staff to process the request. In addition, it would provide that the Board will grant, deny or grant in part the request for waiver.

In subsection (g), the Board addresses the disciplinary action for licensees who fail to comply with the continuing education requirements. In paragraph (1), the Board proposes to provide for the imposition of a civil penalty, through 49 Pa. Code § 43b.18 (related to schedule of civil penalties - nurses), for licensees who fail to complete 30 hours of continuing education during the biennial period. The civil penalty schedule for continuing education violations (first offense) will be promulgated by the Commissioner of Professional and Occupational Affairs in a separate rulemaking package. Second or subsequent offenses will subject the professional nurse to discipline under section 14(a)(3) of the act (63 P.S. § 224(a)(3)), which authorizes the Board to discipline a licensee for willful or repeated violation of the act or regulations of the Board.

Paragraph (2) would require licensees who have not completed 30 hours of continuing education in the biennial period to report the actual number of hours completed, to make up the deficiency within six months, and to provide the Board with certificates of attendance for the entire 30 hours of continuing education immediately upon completion. For licensees who did not complete the required number of hours and who additionally fail to provide the Board with certificates of attendance for 30 hours of continuing education within six months after renewal, paragraph (3) sets forth additional disciplinary sanctions under section 14(a)(3) of the act.

§ 21.132. Continuing Education Hours.

Section 21.132 would set forth information regarding the computation of time for purposes of crediting an activity for continuing education hours. Consistent with the Board's regulations for Certified Registered Nurse Practitioners, each hour for purposes of continuing

education must be not less than 50 minutes. This is also consistent with an "academic hour" used by most colleges and universities. Section 21.132(b) sets forth equivalencies for course-related clinical practice and academic quarter and semester units. This section would allow, for example, a professional nurse who obtained licensure after graduation from a diploma program to obtain continuing education credit for nursing courses taken in pursuit of a Bachelor's Degree in nursing. Similarly, this section would allow a professional nurse obtaining an advanced nursing degree to be awarded continuing education credit for his or her advanced nursing courses.

§ 21.133. Continuing Education Content.

Section 21.133 would set forth the acceptable content for continuing education activities. Courses in nursing administration, management, education and diagnostic and procedural coding are acceptable because these areas constitute a large percentage of the work of many nurses. Group or individual research may only be used for continuing education credit if the Institutional Review Board of the facility in which the research will take place has approved the research. This caveat ensures that continuing education credit is granted only for research that has been evaluated by the body responsible for evaluating research in a health care facility. The Board proposes, in § 21.133(e) to deny continuing education credit for nonprofessional course content in self-improvement, changes in attitude, financial gain and courses designed for lay people.

§ 21.134. Continuing Education Sources.

In addition to the statutory approval of nationally certified education courses, the Board has determined that some sources of continuing education consistently prepare educational activities of such quality that they should be pre-approved to provide continuing education activities. This approach is consistent with the approach used by the other health-related licensing boards in the Commonwealth and other state boards of nursing. The pre-approved providers, listed in § 21.134(a), are as follows: Board-approved professional nursing or CRNP education programs; accredited professional nursing, CRNP, Certified Registered Nurse Anesthetist, Clinical Nurse Specialist and Nurse Midwifery education programs; programs sponsored by accredited hospitals and health care facilities; programs sponsored by hospitals and health care facilities licensed by the Pennsylvania Department of Health; programs sponsored by regionally-accredited institutions of higher education offering courses that comply with § 21.133 (relating to continuing education content); national nursing, medical and osteopathic organizations and their state and regional affiliates; and national pharmaceutical organizations and their state and regional affiliates.

Under subsection (b), the Board may approve other sources of continuing education on a case-by-case basis. The continuing education sponsor or a nurse seeking approval for a continuing education activity must submit the following information: full name and address of the provider; title of the activity; date and location of the activity; faculty qualifications; schedule

of the activity, including, for activities with multiple presenters, the title of each subject, lecturer and time allotted; hours of continuing education; method of certifying and assuring attendance, and draft of certificate of attendance to be provided to course participants; course objectives; curriculum; target audience; program coordinator; instruction methods; evaluation methods, including participant evaluation and activity evaluation; and any other information requested by the Board. Section 21.134(c) would require that requests for approval of continuing education activities be submitted at least 120 days prior to the commencement of the activity in order to allow the Board sufficient time to review the request. If approved, the Board will determine the number of continuing education hours awarded. Consistent with the regulations governing continuing education for CRNPs, a separate application fee is required whenever a change is made to any information except a change to the date and location of an activity.

Finally, § 21.123(g) would provide that distance learning is acceptable for completion of all 30 continuing education hours required for biennial license renewal. Although the professional licensing boards for other health-related professions in the Commonwealth have limited the number of hours that may be completed through distance learning, two compelling reasons form the basis of the Board's decision to permit professional nurses to complete all 30 hours through distance learning. First, distance learning for completion of nursing continuing education is the standard across the United States. Of the 26 other states, including the District of Columbia, that require continuing education for professional nurses, all 26 permit the nurse to complete 100% of the continuing education requirement from distance learning sources. The remaining states do not mandate continuing education for licensure renewal. Second, unlike the other health-related professions in the Commonwealth, an individual can obtain a nursing license after graduating from a nursing education program that is conducted entirely through distance learning media.

Compliance with Executive Order 1996-1

Because the regulation is statutorily mandated and its implementation is largely administrative, the Board did not specifically request input in drafting of the proposed amendments from nursing associations and other interested parties. However, the statutory amendments were well publicized and several associations provided input to the Board on the drafting of the rulemaking.

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 not have an adverse fiscal impact on the Commonwealth or its political subdivisions as the Board is self-supporting. The amendments will not impose any additional paperwork requirements upon the Commonwealth or its political subdivisions. To the extent that private sector providers of continuing education will be required to provide certificates of attendance to professional nurses who complete a continuing education activity, there may be additional paperwork requirements placed on certain members of the private sector. Professional nurses will also experience increased paperwork requirements in tracking their compliance with the statutorily mandated continuing education. Professional nurses or their employers will incur costs in complying with statutorily mandated continuing education.

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 April 18, 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*.

Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Joanne L. Sorensen, RN, MS,
Chair, State Board of Nursing

ANNEX A

PENNSYLVANIA ADMINISTRATIVE CODE

TITLE 49. PROFESSIONAL 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

* * * * *

§ 21.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Certificate of attendance – Written third party verification of an individual's completion of continuing education.

Continuing education – An activity approved by the Board as a condition for renewal of licensure or certification for which a certificate of attendance is provided.

Distance learning continuing education-- Continuing education in which the individual participates in the educational activity via electronic media or through peer-reviewed journals or individually, rather than in a classroom, laboratory or clinical setting where the faculty and participant are physically located in the same room.

* * * * *

§ 21.5. Fees.

(a) The following fees are charged by the Board:

* * * * *

Request for approval of 1 hour of continuing education

for a professional nurse.....\$75

* * * * *

LICENSES

* * * * *

§ 21.29. Expiration and renewal of license.

(a) [Registered nurses whose licenses expire on October 31, 1985 will thereafter be subject to the following license renewal schedule:

(1) Licenses of registered nurses whose license numbers end in the numbers 01 through 25 will expire on April 30, 1986 and, following renewal, will thereafter expire

on April 30 in the even-numbered years. The license renewal fee for licenses that expire on April 30, 1986 will be 25% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1986 will be the renewal fee for the usual 2-year renewal period.

(2) Licenses of registered nurses whose license numbers end in the numbers 26 through 50 will expire on October 31, 1986 and, following renewal, will thereafter expire on October 31 in the even-numbered years. The license renewal fee for licenses that expire on October 31, 1986 will be 50% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1986 will be the renewal fee for the usual 2-year renewal period.

(3) Licenses of registered nurses whose license numbers end in the numbers 51 through 75 will expire on April 30, 1987 and, following renewal, will thereafter expire on April 30 in the odd-numbered years. The license renewal fee for licenses that expire on April 30, 1987 will be 75% of the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of April 30, 1987 will be the renewal fee for the usual 2-year renewal period.

(4) Licenses of registered nurses whose license numbers end in the numbers 76 through 00 will expire on October 31, 1987 and, following renewal, will thereafter expire on October 31 in the odd-numbered years. The license renewal fee for licenses that expire on October 31, 1987 will be the renewal fee for the usual 2-year renewal period. The renewal fee for licenses that expire on an anniversary of October 31, 1987 will be the renewal fee for the usual 2-year renewal period.

(5) Registered nurses who obtain initial licensure on or after November 1, 1985 and registered nurses who reactivate their licenses on or after November 1, 1985 will be assigned] The Board will assign registered nurses to one of the following license expiration dates:

[i.] (1) April 30 in the even-numbered years.

[ii.] (2) October 31 in the even-numbered years.

[iii.] (3) April 30 in the odd-numbered years.

[iv.] (4) October 31 in the odd-numbered years.

(b) [Application for] Notice of the renewal period of a license will be [forwarded biennially] sent to each active [registrant] licensee prior to the expiration date of the [current renewal biennium] licensee's license.

(c) [The application form shall be completed and returned, accompanied by the required renewal fee. Upon approval of the application, the applicant will receive a license for the current renewal period. The display portion of the renewed license shall be retained by the current employer of the registrant; the wallet card portion shall be retained by the registrant.] The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a professional nurse shall:

(1) Complete and submit the renewal application form, including disclosing any license to practice nursing or any allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of licensure fee set forth in § 21.5 (relating to fees).

(3) Beginning with the license period commencing on (Editor's note: Insert the date of the first biennial renewal that occurs at least 2 years from the effective date of this section), verify that the professional nurse has complied with the continuing education requirements mandated by section 12 of the act (63 P.S. § 222) during the biennial period immediately preceding the application for renewal in accordance with §§ 21.131 – 21.134 (relating to continuing education).

(4) Disclose any discipline imposed by a state licensing board on any nursing or allied health profession license or certificate in the previous biennial period and any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period.

(d) [When communicating with the Board, the registrant shall identify herself by using full name, including maiden name; current address; and the Commonwealth certificate number, which shall either be typed or printed.] Licensees shall retain the wallet card and display portion of their license.

(e) When communicating with the Board, licensees shall identify themselves by full name, current address and license number.

* * * * *

CONTINUING EDUCATION

§ 21.131. Continuing Education.

(a) Requirement of continuing education. Beginning with the license period commencing on (Editor's note: Insert the date of the first biennial renewal that occurs at least 2 years from the effective date of this section), an applicant for renewal of a professional nursing license shall complete 30 hours of continuing education approved by the Board during the biennial period immediately preceding the application for renewal in accordance with section 12 of the act (63 P.S. § 222) and this subchapter.

(b) Exception. An applicant applying for initial licensure by examination in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure if the applicant completed an approved nursing education program within 2 years of the date of application for initial licensure by examination.

(c) Certificates of attendance. The licensee shall retain original certificates of attendance to document completion of the continuing education requirement for at least 5 years and shall provide legible copies of the certificates upon request by the Board.

(d) Reinstatement of lapsed license or reactivation of inactive license. A licensee seeking to reinstate a lapsed license or reactivate an inactive license shall submit certificates of attendance to demonstrate that the licensee completed 30 hours of continuing education within the biennial period immediately preceding application for reinstatement.

(e) Reinstatement of suspended license. A licensee seeking to reinstate a suspended license shall submit certificates of attendance to demonstrate that the licensee completed 30 hours of continuing education within the biennial period immediately preceding application for reinstatement.

(f) Waiver. A licensee may request a waiver of the continuing education requirement because of serious illness, military service or other demonstrated hardship. The licensee shall submit the request and any supporting documentation to the Board in writing not less than 120 days prior to the licensee's license expiration date. The Board will grant, deny or grant in part the request for waiver.

(g) Disciplinary action authorized.

(1) Failure to complete a minimum of 30 hours of continuing education in a biennial period will subject the professional nurse to discipline under section 13(b) of the act (63 P.S. 223(b)) in accordance with the schedule of civil penalties at § 43b.18 (relating to schedule of civil penalties – nurses). A second or subsequent violation will subject the professional nurse to discipline under section 14(a)(3) of the act (63 P.S. § 224(a)(3)).

(2) A professional nurse who has not completed a minimum of 30 hours of continuing education shall report the number of continuing education hours completed on the biennial renewal application and shall make up the deficiency within 6 months. The licensee shall provide certificates of attendance for the entire 30-hour requirement to the Board immediately upon completion.

(3) Notwithstanding any civil penalty assessed under paragraph (1), failure to provide the Board with certificates of attendance documenting 30 hours of approved continuing education within 6 months after the end of the biennial-period in which the professional nurse was deficient will subject the licensee to discipline under section 14(a)(3) of the act.

§ 21.132. Continuing Education Hours.

(a) The Board will accept hours of continuing education as designated by an approved provider, so long as each hour is no less than 50 minutes of activity.

(b) For purposes of determining acceptable hours of continuing education for academic coursework, the following applies:

(1) Each 3 hours in course-related clinical practice will be accepted as 1 hour of continuing education.

(2) One academic quarter unit is equal to 10 continuing education hours.

- (3) One academic semester unit is equal to 15 continuing education hours.

§ 21.133. Continuing Education Content.

(a) All continuing education must be relevant to professional nursing in a general or specialty area and must enhance the knowledge and application of the physical, social, biological and behavioral sciences.

(b) Courses in areas related to nursing such as human sexuality; death, dying and grief; foreign language relevant to health care; therapeutic interpersonal relationship skills; patient rights and pharmacology are acceptable.

(c) Courses in nursing administration, management, education and diagnostic and procedural coding are acceptable.

(d) Group or individual research, if approved by the Institutional Review Board, is acceptable and will be credited as 15 hours of continuing education.

(e) Nonprofessional course content in self-improvement, changes in attitude, financial gain, and those courses designed for lay people are not acceptable for meeting requirements for license renewal.

§ 21.134. Continuing Education Sources.

(a) The following providers of continuing education and credentialing organizations for professional nurses are approved:

- (1) All Board-approved professional nursing or CRNP education programs.

(2) All accredited professional nursing, CRNP, Certified Registered Nurse Anesthetist, Clinical Nurse Specialist and Nurse Midwifery education programs.

(3) All programs sponsored by accredited hospitals and health care facilities.

(4) All programs sponsored by hospitals and health care facilities licensed by the Pennsylvania Department of Health.

(5) All programs sponsored by regionally-accredited institutions of higher education offering courses that comply with § 21.133 (relating to continuing education content).

(6) All national nursing, medical and osteopathic organizations and their state and regional affiliates.

(7) All national pharmaceutical organizations and their state and regional affiliates.

(b) The Board may approve other sources of continuing education on a case-by-case basis after the provider or professional nurse seeking approval submits the following:

(1) Full name and address of the provider.

(2) Title of the activity.

(3) Date and location of the activity.

(4) Faculty qualifications.

- (5) Schedule of the activity, including, for activities with multiple presenters, the title of each subject, lecturer and time allotted.
 - (6) Hours of continuing education.
 - (7) Method of certifying and assuring attendance, and draft of certificate of attendance to be provided to course participants.
 - (8) Course objectives.
 - (9) Curriculum.
 - (10) The target audience.
 - (11) Program coordinator.
 - (12) Instruction methods.
 - (13) Evaluation methods, including participant evaluation and activity evaluation.
 - (14) Any other information requested by the Board.
- (c) Requests for approval of a continuing education activity under subsection (b) shall be submitted at least 120 days prior to commencement of the activity and shall be accompanied by the fee set forth in § 21.5 (relating to fees).
- (d) Upon approval of a continuing education activity under subsection (b), the Board will determine the number of continuing education hours awarded for the activity.

(e) A separate application and fee, as set forth in § 21.5, shall be submitted whenever a change is made to any information submitted under subsection (b), except for information related to a change in date or location, or both, of the activity under subsection (b)(3).

(f) A continuing education provider shall award a certificate of attendance to professional nurses who complete the continuing education activity. The certificate must contain the information listed in subsection (b)(1) through (6) and the name of the individual to whom the certificate is awarded.

(g) Distance learning continuing education is acceptable for completion of all 30 continuing education hours required for license renewal.

* * * * *

FEE REPORT FORM

Agency: State - BPOA

Date: 11/02/2006

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

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Continuing Education Course Application Fee: \$75.00

Estimated Biennial Revenue: \$15,000.00 (200 applications x \$75.00)

(Estimated Biennial Revenue assumes each course awarded equals one hour)

Fee Description:

The fee will be charged to every applicant for each hour of a continuing education course submitted for approval.

Fee Objective:

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

Fee-Related Activities and Costs:

Staff time - receive application/send results	(1.50 hr)	38.37
NPA/NEA - avg. cost to evaluate application	(.50 hr)	21.69
Administrative Overhead:		<u>12.63</u>
Total Estimated Cost:		\$72.69
Proposed Fee:		\$75.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$75.00 per credit hour, 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. Clerk Typist 3 reviews, evaluates and analyzes CE application. Determines if critical elements required by regulation are evident in the application course objectives, overview and content, and determines the number of hours awarded. Questions are referred to NPA/NEA. Contacts program director if additional clarification is needed. NPA/NEA prepares and presents a written summary of findings for the Board of Nursing as needed. If necessary, Advisor requests additional information as required by the Board.



**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**

April 18, 2007

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

Re: Proposed Regulation
State Board of Nursing
16A-5130: Continuing Education for Professional Nurses

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to continuing education for professional nurses.

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

Sincerely,

A handwritten signature in black ink that reads "Mary E. Bowen".

Mary E. Bowen, R.N., C.R.N.P., Chairperson
State Board of Nursing

MEB/TAL:klh

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
Teresa Lazo, Counsel
State Board of Nursing
State Board of Nursing

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

I.D. NUMBER: 16A-5130
 SUBJECT: CONTINUING EDUCATION FOR PROFESSIONAL NURSES
 AGENCY: DEPARTMENT OF STATE
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

TYPE OF REGULATION

- 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

RECEIVED
 2007 APR 18 AM 11:40
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4/16/07	<i>[Signature]</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4/18/07	<i>Vicki Hoffman</i>	
4/18/07	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/18/07	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
4/18/07	<i>Mary Garcia</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)