

May 14, 2007

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Ann Steffanic  
Board Administrator, State Board of Nursing  
P. O. Box 2649  
Harrisburg, PA 17105-2649

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Ms. Steffanic:

I am opposed to the proposed rule making for the regulations resulting from SB 235. Specifically, I find them fiscally irresponsible and repressive in nature to the nursing profession. To impose a \$75.00 per credit hour administrative fee on a required total of 30 credit hours per license renewal period borders on the absurd. Further to justify the fee with the cavalier comment "*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*" clearly demonstrates that no thought went into fee assessment other than how much revenue could be generated. There is no attempt at financial justification other than to say that that it won't cost anymore than other similar programs. That's the same rationale my municipality uses for assessing sewage treatment rates – find out what other municipalities charge and we'll charge that amount too.

Most importantly, the cost of this program will exacerbate the two largest concerns with healthcare in Pennsylvania today – cost and the availability of qualified nurses. The \$2,250 "approval fee" is significant and registered nurses, as do other licensed professionals, will seek assistance in raising this amount of money. Most of that assistance will come through employer subsidies via contract negotiations or benefit programs such as tuition assistance. Employers in turn will pass along this increased cost to their "customers" (patients, clients, consumers, etc.) so in the end a totally innocent group of people will find they are paying more for healthcare in order to subsidize a continuing education administrative fee imposed by the State Board of Nursing. In addition, third parties such as medical equipment and pharmaceutical manufacturers will view program subsidies as marketing tools and they will, as they do now, heavily market their willingness to provide "free" continuing education and financial assistance in exchange for registered nurse employers purchasing their equipment and products. Obviously, these programs are not free and will result in higher costs to healthcare providers which, again, are passed through to the healthcare consumer.

Likewise, adding this "approval fee" to the cost of licensure will cause many nurses to reassess the value of their license and their profession. When the registered nurse is traumatized by your announcement of increasing the total licensing process by \$2,250, a form of panic will undoubtedly ensue. I conducted a mini survey of a select group of nurses in my community. Not surprising to note was that 100% of those surveyed had no idea this regulation was in the process of being finalized. Further, over 50% of this group expressed the believe that the State Board of Nursing was not "stupid enough" to impose such a onerous financial burden upon the dwindling Registered Nurse pool and the remainder indicated they would have to quit the professional as they wouldn't be able to pay the fees. One has to wonder why a senior nursing leadership team

which endorses the findings and recommendations expressed in the study *The Registered Nurse Workforce in Pennsylvania; Supply/Demand Report Summer 2005* is rushing to impose regulations that will financially burden all Registered Nurses and will cause many to leave the profession. Everyone will obviously wonder if senior nursing leadership is working for the nurses they represent and the patients/clients they serve or is more interested in the estimated \$139,000,000 additional annual revenue this proposed program will generate.<sup>1</sup>

I believe several examples will further candidly illustrate just how nonsensical the financial aspects of this proposal truly are. I have in front of me a booklet outlining a 30 hour/credit on line continuing education program currently being offered by a reputable provider of continuing education programs. To enroll in the program, I would need to pay the provider \$30.00 and I would need to pay the State Board of Nursing \$2,250 to record those credits. This makes sense? Consider, too, a local seminar. Like all Registered Nurses, I have attended many of these and it is not uncommon for the total audience to exceed 100 registered nurses. These programs run for a day and generally result in the awarding of 8 CEU's to each of the participants. The cost to the individual participant is negligible as employers or other concerns such as professional associations sponsor these events. But, under the proposed regulations the State Board of Nursing would see a windfall of \$60,000 from just this one educational event as each participant would be required to pay the State Board of Nursing \$600 for the credits earned.<sup>1</sup> Again does this make any sense?

I don't believe I am misreading the proposed regulations as they do contain an example of the accumulating fee and I truly don't believe the Pennsylvania legislature intended for this regulation to be craftily manipulated into a revenue generating tool by a group of senior nurse leaders. The legislation obviously was intended to insure that Registered Nurses keep current in nursing practice and theory in order to better serve the patient/client population. It was not intended to financially encumber the many in order to benefit the few. So why does senior leadership feel compelled to use this legislation to generate exorbitant revenues?

One final note if I may. Given the far reaching consequences of your proposed actions, it would have been wise to have broadcast them in as many ways possible to the Registered Nurse community within the Commonwealth. That you chose to bury them within the Pennsylvania Bulletin, a document very few Registered Nurses routinely read let alone know about, speaks volumes as to your intentions. In the not too distant past, Pennsylvania Legislators employed a similar clandestine route in securing for themselves at the expense of the community additional personal financial gains. We all know what happened to them. In light of this proposed regulation is it time to review the composition of our senior nursing leadership and look to replace them with leaders who are more in tune with the professionals they represent and the programs they administer? We need leadership that works to create a professional environment which attracts new entrants to the field and continually strives to develop meaningful programs targeted to alleviating the ever increasing nursing shortage. We don't need a leadership that proscribes additional financial hardships on a hard working professional who is already dealing with compensation issues, mandatory overtime, dwindling resources, local, state, and national competency requirements, unionization drives, professional certifications, advanced educational

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<sup>1</sup> 15 credit hours per year multiplied by \$75.00 per credit multiplied the 2007 estimated RN's in the Commonwealth of Pennsylvania (123,700)

degrees, and a whole host of other time consuming and mentally and physically draining issues while delivering the best possible patient care.

I thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Carol A. Fenton".

Carol A. Fenton, RN, MS

cc: The Honorable Edward Rendell, Governor, Commonwealth of Pennsylvania  
The Honorable John Eichelberger, Senator, District 30  
The Honorable Jerry Stern, Representative, District 80



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COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF STATE  
OFFICE OF CHIEF COUNSEL  
2601 NORTH THIRD STREET, P.O. BOX 2649  
HARRISBURG, PA 17105-2649

Teresa Lazo, Assistant Counsel  
Counsel Division

Telephone: (717) 783-7200  
FAX: (717) 787-0251  
E-Mail: [tlazo@state.pa.us](mailto:tlazo@state.pa.us)  
Department's Website: [www.dos.state.pa.us](http://www.dos.state.pa.us)

May 22, 2007

Carol A. Fenton  
35 Aggie Court  
Holidaysburg, PA 16648

Dear Ms. Fenton:

Thank you for providing comments to the State Board of Nursing regarding the proposed rulemaking implementing Act 58 of 2006 (Act of June 29, 2006, P.L. 275, No. 58), which would require professional nurses (RNs) to complete 30 hours of continuing education as a condition of licensure renewal. It appears that you misunderstand the Board's rulemaking.

The Board's rulemaking was designed so that Pennsylvania's RNs would not incur any expense in meeting the new CE requirement. For this reason, the Board provided for an extensive list of "pre-approved" providers of continuing education. The list is in § 21.134 of the proposed regulatory language.<sup>1</sup> There will be no approval fee incurred by an RN who takes CE courses from a pre-approved provider. The \$75.00 per credit hour fee will be imposed in two ways:

(1) A continuing education provider who is not on the list of pre-approved providers and who has not had their continuing education course approved by a pre-approved credentialing organization<sup>2</sup> will have to pay the fee to cover the expenses of the Board in reviewing the proposed continuing education course. By imposing the fee on the prospective provider of CE, no fee will be imposed on Pennsylvania RNs.

<sup>1</sup> The pre-approved providers include all Board-approved professional nursing or CRNP education programs, all accredited professional nursing, CRNP, CRNA, CNS and nurse midwifery education programs, all programs sponsored by accredited hospitals and health care facilities, all programs sponsored by hospitals and health care facilities licensed by the Pennsylvania Department of Health, all programs sponsored by regionally-accredited institutions of higher education offering courses that comply with § 21.133, all national nursing, medical and osteopathic organizations and their state and regional affiliates, and all national pharmaceutical organizations and their state and regional affiliates.

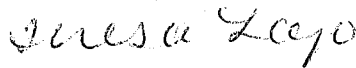
<sup>2</sup> The \$75.00/credit fee is consistent with the fee charged to CE providers by the pre-approved credentialing organizations.

(2) An individual nurse who wishes to use for licensure renewal a CE course that is not offered by a pre-approved provider or approved by a pre-approved credentialing organization will have to pay the fee to cover the expenses of the Board in reviewing the proposed CE course. The Board believes it is appropriate to impose the fee on the individual nurse who wishes to obtain CE from a provider that is not pre-approved rather than spreading the cost among all of the Commonwealth's RNs.

In your comments, you give two examples of CE that a Pennsylvania RN might take: an on-line course from a reputable provider of CE and a local seminar offered by a nursing organization. Although you do not specifically name the CE providers in your letter, it would appear that both sources of continuing education are pre-approved, and thus would not require the individual nurse to pay any fee to the Board for approval of the courses. The Board is not aware of any reputable on-line providers of RN CE that are not credentialed by a national nursing organization. Similarly, all national and state nursing organizations and their regional affiliates are pre-approved as CE providers.

I hope this has clarified the rulemaking and responded to your concerns.

Very truly yours,



Teresa Lazo  
Counsel, State Board of Nursing

TL:klh

cc: The Honorable Arthur Coccodrilli  
The Honorable Robert M. Tomlinson  
The Honorable Lisa M. Boscola  
The Honorable Mike Sturla  
The Honorable William F. Adolph, Jr.  
The Honorable John Eichelberger  
The Honorable Jerry Stern