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November 7, 2007

John Jewett, Analyst  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

**Re: Additional Comments on State Board of Nursing  
*proposed rulemaking 16A-5130***

Dear John:

Thank you for speaking with me yesterday about IRRC's new regulations. In addition, thank you for clarifying the Commission's position that section 5(c) of the Regulatory Review Act ("Act"), 71 P.S. § 745.5(c), which requires an agency to forward comments received on proposed regulations to the Commission and Committees, applies to letters received on the topic of a proposed regulation after the close of the public comment period. It had been my understanding that only letters received during the 30-day public comment period were "comments" under the Act. Enclosed please find the additional letters that were received after the close of the public comment period regarding the State Board of Nursing proposed rulemaking implementing statutorily-mandated continuing education for professional nurses.

The first letter is from the Pennsylvania State Nurses Association, PSNA, writing to "correct errors" in the comments submitted by HAP. The second letter is from an individual nurse, and was sent to IRRC on July 31, 2007. The third letter is from Geisinger Health System and, although the letter is dated May 21, 2007, it was post-marked June 27, 2007, and received after that date. The "certification" discussed in the fourth paragraph of this letter refers to specialty certification at the RN level. Because all of the organizations that offer an RN specialty certification (which allows an RN to use the initials "R.N.C.") are pre-approved providers of continuing education for RNs, nurses would be able to apply education taken to achieve or renew their R.N.C. credential to Pennsylvania's continuing education requirement. The Board rejected the idea of granting CE credits for taking an examination, believing it would be impossible to quantify the number of CE hours that should be awarded for this activity.

The next series of e-mail communications reflect the misunderstanding, represented in many timely comments to the rulemaking, that every nurse in the Commonwealth would be required to submit a \$1250 fee to the Board biennially for approval of the nurses' CE. The Board had already added clarifying language to the final rulemaking to dispel this misunderstanding.

The final two letters reflect the authors' misunderstanding regarding the exemption for school nurses. Because the statute exempted school nurses from the mandatory CE requirement, the Board did not need to exempt school nurses in the regulation in order for school nurses to be exempt. After considering the many timely comments received on this issue, the Board had already added a provision to its regulation parroting the statutory provision.

If you have any additional comments, concerns or suggestions regarding the rulemaking, please let me know so that the Board can consider them.

Very truly yours,



Teresa Lazo  
Counsel, State Board of Nursing

- c: The Honorable Robert M. Tomlinson, Chairman  
Consumer Protection and Professional Licensure Committee
- The Honorable Lisa M. Boscola, Minority Chairperson  
Consumer Protection and Professional Licensure Committee
- The Honorable Mike Sturla, Chairman  
Professional Licensure Committee
- The Honorable William F. Adolph, Jr., Minority Chairman  
Professional Licensure Committee