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INDEPENDENT REGULATORY
REVIEW COMMISSION

Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

Re: Proposed Rulemaking 49 Pa.Code Ch. 43b
State Department #16-38; IRRC #2609
Schedule of Civil Penalties - Nurses



Leadership for Public Education

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James R. Weaver, *President*
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Carolyn C. Dumaresq, *Executive Director*

Dear Commissioner Merenda:

PSEA submits the following comments regarding the Bureau of Professional and Occupational Affairs' proposed rulemaking relating to Schedule of Civil Penalties - Nurses. as published in the Pennsylvania Bulletin of April 28, 2007.

These proposed changes would subject nurses to fines up to \$1,000 for a first offense of missing a continuing education deadline. These fines are excessive. Far lower fines would serve as a deterrent to any nurses who might casually decide to miss the deadline on their continuing education (if such nurses exist). No due process provision is apparent in these sections to allow a nurse to appeal the imposition of a fine, particularly before being required to pay it. Also, because the continuing education credits will be reviewed after the fact, in an audit, instead of at the time they are earned, it is foreseeable that a nurse could submit her credits in good faith, believing she has satisfied the Board's requirements, only to have some disallowed after the deadline has passed - thereby making her liable for a very high fine.

Thank you for consideration of our input on these proposed regulations.

Sincerely,

Carol L. Karl
Assistant Director for
Government Relations

cc: Senator Robert Tomlinson, Chairperson, Consumer Protection and Professional Licensure
Representative Michael Sturla, Chairperson, Professional Licensure Committee
Kim Kaufman, Executive Director, Independent Regulatory Review Commission
PSEA Executive Officers
PSEA Health Care Executive Board
PSEA School Nurse Section Executive Board

The PSEA Mission

To advance quality public education for all students while fostering the dignity and worth of members through collective action.



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