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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

February 13, 2008

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Proposed Regulation 16A-5123
State Board of Nursing
Nursing Education Programs Examination Pass Rates

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action on Regulation 16A-5123 until final regulation is promulgated and submit the following comments:

1. Sections 21.33a(g) and (i) and 21.162a(g) and (i), failure to comply with standards, state that two years will be the maximum time allowed to correct deficiencies, but if not corrected within two years, the program will be removed from the approved list. The committee would like to know if the program may reapply to be placed on the approved list and the procedure to do so.
2. The committee would like to point out that in §§ 21.33a(g) and 21.162a(g), two should be spelled out in the phrase “a period of 2 years”.
3. The committee would like to point out that the board provides for an informal process to correct deficiencies in §§ 21.33a(a) and 21.162a(a). However, a formal process will take place without due process if the school fails to cooperate with this informal process. The committee requests that the informal process remains completely informal. Perhaps this section may be rewritten to state that if the informal process does not correct the deficiency or refuses to cooperate, the formal process detailed in this act will be utilized.
4. The committee notes that in the explanation section, Wilson College requested certain restrictions, such as only daytime programming, be placed on schools with a lower pass rate than required. The committee would like to know what other restrictions the board might impose and how they may improve pass rates as stated in §§ 21.33a(d) and 21.162a(d). The committee would also like to know if the board will utilize the suggestion from Wilson College, and how this would improve the mandated pass rate of the school.
5. In §§ 21.33a(e) and 21.162a(e), the board may require a program on provisional status to prepare additional reports. The committee would like examples of the additional reports the board may require.

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6. Sections 21.33a(g) and 21.162a(g) provides for a period of two years to become compliant. The committee would like to know if the board considered a minimum period of time to correct deficiencies also.
7. Section 21.162a(h) is incomplete.
8. In regards to §§ 21.33a and 21.162a, the committee would like to know at what specific points in time may the program appeal the board's decision that a program has a deficiency. Can this be before the formal actions are taken? In regards to the restrictions in §§ 21.33a(g) and 21.162a(g), are the restrictions appealable? The committee would also like to see the appeals process enumerated in the regulation.
9. The committee questions why the regulation does not require notice to current students of changes in approval status, nor does it provide students the opportunity to transfer to another program with full approval status.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. Michael Sturla".

P. Michael Sturla
Chairman, House Professional Licensure Committee