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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

March 19, 2009

Ann L. Sullivan, PhD FFAN, CRNP, Chair
State Board of Nursing
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5123 (IRRC #2664)
State Board of Nursing
Nursing Education Programs Examination Pass Rates

Dear Chair Sullivan:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Arthur Coccodrilli
Chairman
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Chair, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Chair, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Chair, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Chair, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held March 19, 2009

Arthur Coccodrilli, Chairman

George D. Bedwick

Nancy Sabol Frantz, Esq., by Phone

Karen A. Miller

John F. Mizner, Esq., by Phone

Regulation No. 16A-5123 (#2664)

State Board of Nursing

Nursing Education Programs Examination Pass Rates

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009.

This regulation increases the required examination pass rate for nursing education programs (programs) for both registered nurses and practical nurses. It requires programs to raise this minimum pass rate to 70 percent in the first full academic year after publication of this regulation, and to 80 percent in the next academic year.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 212.1(k), 216.1, 659 and 667.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.




Arthur Coccodrilli, Chairman