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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE – MAJORITY CHAIRMAN  
FINANCE  
RULES  
MAJORITY POLICY  
CAPITOL PRESERVATION

#2678

April 7, 2008

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

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2008 APR -9 AM 9:29

RECEIVED

RE: Proposed Regulation 16A-629  
State Board of Examiners of Nursing Home Administrators  
Temporary Permits

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action on Regulation 16A-629 until final regulation is promulgated and submit the following comments:

1. The committee suggests a technical change in the definition section. The definition for temporary permit "authorizes a person." Person, as defined in the statutory construction act would include a corporation, LLC, etc. The committee suggests that the definition read "A permit issued by the Board authorizing an individual..."
2. The committee requests elaboration on the reasoning for §39.4 (3)(ii). What is the reasoning for not wanting the temporary permit holder to be qualified or eligible to sit for the exam? The committee understands the language to mean that merely because one holds a temporary permit, they are not automatically qualified to sit for the licensing examination. However, the committee believes it would be beneficial for an individual holding a temporary permit to be otherwise qualified to be a nursing home administrator. The statute states that a temporary permit holder must meet certain criteria, including "suitability as provided in this act," however that phrase is left open to interpretation and there is no requirement stating that a temporary permit holder must comply with any part of the education or experience requirements.
3. The committee also suggests that in Section 39.17(b) the Board delete the first sentence. The first sentence may be unnecessary as any applicant for licensure as an administrator would need to demonstrate suitability as a candidate to the board. It is implicit that such time in the position of a temporary permit holder would not "count" as anything else.

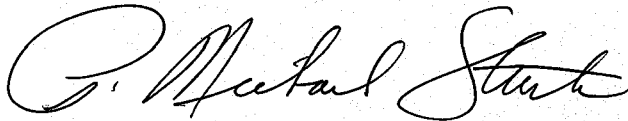
Mr. Kim Kaufman

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4. The committee questions (17) of the Regulatory Analysis Form regarding the disciplinary process. The committee would like further clarification as to how often the board prosecutes or disciplines a temporary permit holder, what they are disciplined for, and the cost incurred. Is the discipline of fully licensed nursing home administrators similar?

Sincerely,

A handwritten signature in cursive script, reading "P. Michael Sturla". The signature is written in black ink and is positioned above the typed name and title.

P. Michael Sturla

Chairman, House Professional Licensure Committee