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INDEPENDENT REGULATORY REVIEW COMMISSION

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

April 22, 2009

Eva J. Bering, Chair
State Board of Examiners of Nursing Home Administrators
2601 North Third Street
Harrisburg, PA 17110

Re: Regulation #16A-6212 (IRRC #2747)
State Board of Examiners of Nursing Home Administrators
Continuing Education

Dear Chair Bering:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
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

Comments of the Independent Regulatory Review Commission



State Board of Examiners of Nursing Home Administrators Regulation #16A-6212 (IRRC #2747)

Continuing Education

April 22, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the February 21, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Examiners of Nursing Home Administrators (Board) to respond to all comments received from us or any other source.

Section 39.61. Requirements. – Need; Reasonableness; Implementation procedures.

Subsection (f) is being amended to allow the Board to grant an extension of time for a licensee to complete continuing education requirements if the licensee has *not* met the “illness, emergency or hardship” requirement. We have four concerns. First, the Board has failed to explain why this subsection is being amended. What is the need for this provision?

Second, the Board should explain why is it reasonable to grant an extension of time to a licensee that has *not* meet the “illness, emergency or hardship” requirement found in the existing regulation.

Third, how will the Board implement this provision if the regulation contains no standards for granting an extension of time? On what grounds will the Board base its decision?

Fourth, how and when will licensees be notified of the Board’s decision to grant a waiver or extension of time? We note that although existing language of Subsection (f) allows the Board to waive continuing education requirements for reasons related to “illness, emergency or hardship,” it does not specify how and when the licensee will be notified of the Board’s decision. We suggest that the Board add language to this subsection that specifies how and when a licensee will be notified of the Board’s decision.

Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Tom Blackburn ✓
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200
3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: April 22, 2009
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Examiners of Nursing Home Administrators' regulation #16A-6212 (IRRC #2747). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:

Angie Johnston

Date:

4/22/09