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PROFESSIONAL LICENSURE COMMITTEE
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House of Representatives
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January 25, 2010

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

RE: Proposed Rulemaking Regulation #16A-5136
State Board of Nursing
Biennial Renewal Fees

RECEIVED
2010 Feb 1 AM 9:52
INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action until final regulations are promulgated and submit the comments incorporated into the regulation analysis.

Sincerely,

A handwritten signature in cursive script, reading "Mike McGeehan".

Michael P. McGeehan
Chairman, House Professional Licensure Committee

State Board of Nursing
Regulation 16A-5136: Biennial Renewal Fees
Proposed Regulation

PROPOSAL: Regulation 16A-5136 is Proposed Regulation which was published on December 19, 2009. The House Professional Licensure Committee has until February 8, 2010 to submit comments on the Proposed Regulation.

Regulation 16A-5136 amends 49 Pa. Code §§21.5, 21.147, 21.253, and 21.705. The amendments provide for an increase in the biennial renewal fees for licensed practical nurses (LPNs), professional nurses (RNs), Certified Registered Nurse Practitioners (CRNPs) and licensed Dietitian-Nutritionists (LDNs) and they reorganize each of the sections regarding the fees.

PROPOSED REGULATION ANALYSIS: Regulation 16A-5136 amends §21.5, Fees for registered nurses. Subsection (a) is amended by clarifying that the listed fees are imposed by the Board for services provided to licensees. The category and fee for the “Application for approval of new nursing program”, “Biennial renewal of license”, and the “Request under §21.134(b) by a provider of a continuing education activity not listed in §21.134(a) or an individual seeking credit for a continuing education not pre-approved by the Board for approval of each hour of continuing education for which credit is requested” are deleted.

Subsection (b) is replaced with language which clarifies that the following fees are imposed by the Board to support its operations. The category “Biennial renewal of license” with the increased fee of \$65 is added.

New subsection (c) clarifies that the fees are imposed by the Board for services provided to nursing education programs. The category “Application for approval of new nursing program” with the fee of \$935 is added.

New subsection (d) clarifies that the following fees related to continuing education are imposed by the Board. The category of “Request, by §21.134(b) by a provider of a continuing education activity not listed in §21.134(a) or an individual seeking credit for a continuing education not pre-approved by the Board, for approval of each hour of continuing education for which credit is requested” with the fee of \$75 is added.

New subsection (e) clarifies that, in addition to the examination and licensure fee prescribed in subsection (a) which is payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee to the National Council of the State Board of Nursing (www.ncsbn.org) to cover costs associated with the preparation and administration of the examination.

A summary of the changes for this section relating to registered nurses follows:

- Application for approval of new nursing program [\$935] \$935
- Biennial renewal of license [\$45] \$ 65

- Request by §21.134(b) by a provider of a continuing education activity not listed in §21.134(a) or an individual seeking credit for a continuing education not pre-approved by the Board for approval of each hour of continuing education for which credit is requested [\\$75] \$ 75

Regulation 16A-5136 amends §21.147, Fees for practical nurses. Subsection (a) is amended by clarifying that the listed fees are imposed by the Board for services provided to licensees. The category and fee for the “Application for approval of new nursing program” and “Biennial renewal of license” are deleted.

Subsection (b) is replaced with language which clarifies that the following fees are imposed by the Board to support its operations. The category “Biennial renewal of license” with the increased fee of \$65 is added.

Subsection (b) is replaced with language which clarifies that the following fees are imposed by the Board to support its operations. The category “Biennial renewal of license” with the increased fee of \$60 is added.

New subsection (c) clarifies that the fees are imposed by the Board for services provided to nursing education programs. The category “Application for approval of new nursing program” with the fee of \$935 is added.

New subsection (d) clarifies that, in addition to the examination and licensure fee prescribed in subsection (a) which is payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee to the National Council of the State Board of Nursing (www.ncsbn.org) to cover costs associated with the preparation and administration of the examination.

A summary of the changes for this section relating to licensed practical nurses follows:

- Application for approval of new nursing program [\\$935] \$935
- Biennial renewal of license [\\$40] \$60

Regulation 16A-5136 amends §21.253 Fees for Certified Registered Nurse Practitioners. Subsection (a) is amended by clarifying that the listed fees are imposed by the Board for services provided to licensees. The category and fee for the “Biennial renewal of certification”, “Biennial renewal of prescriptive authority”, “Application for approval of new nursing program”, and “Application for approval of CRNP continuing education course” are deleted.

New subsection (b) clarifies that the fees are imposed by the Board to support its operations. The categories “Biennial renewal of CRNP certification” with a fee of \$75 and “Biennial renewal of prescriptive authority approval” with a fee of \$25 are added. Subsection (c) is added to clarify that fees for approval and review of CRNP education programs are imposed by the Board. The category “Application for approval of new nursing program” with the fee of \$735 is added.

Subsection (d) is added to clarify that fees related to continuing education are imposed by the Board. The category “Application for approval of CRNP continuing education course” with a fee of \$100 is added.

A summary of the changes for this section relating to certified registered nurse practitioner follows:

• Biennial renewal of CNRP certification	[\$50]	\$75
• Biennial renewal of prescriptive authority approval	[\$25]	\$25
• Application for approval of new nursing program	[\$735]	\$735
• Application for approval of CRNP Continuing education course	[\$100]	\$100

Regulation 16A-5136 amends §21.705, Fees for Dietitian-Nutritionists. Subsection (a) is amended by clarifying that the listed fees are imposed by the Board for services provided to licensees. The category and fee for the “Renewal fee” is deleted.

New subsection (b) clarifies that the fees are imposed by the Board to support its operations. The category “Biennial renewal of license” with a fee of \$65 is added.

A summary of the change for this section relating to dietitian-nutritionist follows:

• Biennial renewal of license	[\$45]	\$65
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Subsequent subsections are re-lettered. Subsection (c) is re-lettered repeating current language that, in addition to the application fee prescribed in subsection (a) which is payable directly to the Board, a candidate for the Registration Examination for Registered Dietitians will also pay a fee an additional examination fee. A candidate may contact the Commission on Dietetic Registration for more information regarding the examination and examination fee.

Subsection (d) is re-lettered repeating current language that, in addition to the application fee prescribed in subsection (a) which is payable directly to the Board, a candidate for the Certification Board for Nutrition Specialists examination for Certified Nutrition Specialists will also pay a fee an additional examination fee. A candidate may contact the Certification Board for Nutrition Specialists for more information regarding the examination and examination fee.

RECOMMENDATION: It is recommended the House Professional Licensure Committee take no formal action until final regulations are promulgated and submit the following comments:

1. The Committee requests the rationale for biennial renewal license fees being increased by 45%-50% for registered nurses, practical nurses, certified registered nurse practitioner and dietitian-nutritionists after nine (9) years of no increases and after having been notified of the need for increases in the fall of 2008.
2. The Committee recommends that Section 21.5 Fees for Registered Nurses be edited to delete the duplicative listing of "Examination and licensure - \$35".
3. The Committee strongly recommends that the references to the websites be checked and questions the wisdom of placing website addressed in a regulation which is relatively permanent and longstanding. Neither website address in §21.705(c) or (d), whether typographical errors or changes in the organizations, leads a visitor to information regarding their respective examinations and examination fees.

House of Representatives
Professional Licensure Committee
January 25, 2010