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INDEPENDENT REGULATORY REVIEW COMMISSION

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

February 18, 2010

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

Re: Regulation #16A-5136 (IRRC #2809)
State Board of Nursing
Biennial Renewal Fees

Dear Ms. O'Sullivan:

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, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



State Board of Nursing Regulation #16A-5136 (IRRC #2809)

Biennial Renewal Fees

February 18, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 Nursing (Board) to respond to all comments received from us or any other source.

1. Section 21.5. Fees. – Duplication; Clarity.

In its comments on the proposed regulation on January 25, 2010, the House Professional Licensure Committee (House Committee) suggested deletion of the “Examination and Licensure” fee of \$35, which is listed twice in the existing schedule of fees in Subsection (a). We agree.

2. Section 21.705. Fees. – Clarity.

The House Committee noted errors in the website references in Subsections (c) and (d). In Subsection (c), the proposed regulation would delete the reference to “www.cdrnet.org” and replace it with a different one. This change is unnecessary since “www.cdrnet.org” is still the correct link for the website of the Commission on Dietetic Registration. We recommend that the Board retain the correct reference in its existing language, which is being reformatted as Subsection (c), in the final-form regulation. In Subsection (d), the existing reference for the website for the Certification Board for Nutrition Specialists is incorrect. This organization’s website can be found at “www.cbns.org.” We recommend that the correct reference be placed in the final-form regulation.

3. General – Fiscal impact.

The Board did not submit a “fee report form” with the proposed regulation that was delivered to the House and Senate Committees and this Commission. In previous rulemakings, other licensure boards submitted fee report forms for biennial renewal fees that documented the effect of the proposed increase on biennial revenue cycles. See Regulations #16A-6915 (IRRC#2638), #16A-5512 (IRRC #2759), and #16A-5723 (IRRC#2788). The Board should submit a fee report form for the increases in the final-form regulation.

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: February 18, 2010
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Nursing's regulation #16A-5136 (IRRC #2809). 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: Kai Hunter

Date: RECEIVED

PROSECUTION DIVISION

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