

Comments of the Independent Regulatory Review Commission



State Board of Nursing Regulation #16A-5126 (IRRC #3046)

Continuing Education; Reporting of Crimes and Discipline

April 2, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the February 1, 2014 *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 21.29a. Reporting of crimes and disciplinary action. – Protection of the public health, safety and welfare.

This new section requires registered nurses to report crimes and disciplinary actions to the Board within specified time frames. We note that § 21.29(c)(4) of the Board's existing regulations requires registered nurses to disclose, among other things, *pending* criminal charges on their application for license renewal. We believe that the public safety may be better protected if this new section included a similar requirement to disclose any *pending* criminal charges and disciplinary actions. We ask the Board to consider this recommendation as it prepares the final-form regulation.

Similar language is being proposed for practical nurses at § 21.156b and at § 21.723a for licensed dietitian-nutritionists. We ask the Board to consider this recommendation for those sections as well.

2. Section 21.131. Continuing education. – Statutory authority; Reasonableness; Clarity.

Under Subsection (b), applicants for initial licensure are not required to meet continuing education requirements for the first renewal immediately following licensure. One of the proposed amendments to this subsection deletes the phrase "by examination." Does the deletion of this phrase allow applicants for initial licensure by reciprocity in the Commonwealth to be exempt from continuing education requirements for the first renewal immediately following licensure? If so, we ask the Board to provide the statutory basis for this exemption and why it believes this is reasonable.

3. Miscellaneous clarity.

Section 21.131(h)(4) includes a reference to Section 14(a)(4)(i) of the Professional Nursing Law. To be consistent with other sections of the Board's regulations, we recommend that the appropriate *Purdon's* citation be included in the final-form regulation.