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# 3046



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State Board of Nursing (16A-5126) –

Continuing Education; Reporting of Crimes and Discipline

(IRRC # 3046)

Good Morning Chairman Mizner and members of the Commission. My name is Ian Harlow and I am the Acting Commissioner of Professional and Occupational Affairs. I was asked to address the Commission regarding concerns that have been expressed about the Bureau of Professional and Occupational Affairs' method of enforcing continuing education requirements. In preparation for the meeting today, I reviewed statistics from 20 boards that have most recently completed audits of their continuing education requirements. Overall, Bureau-wide, we found that 89% of those individuals randomly selected for audit were determined to be in compliance, and only 11% were referred to the Professional Compliance Office for potential disciplinary action. For the State Board of Nursing, whose final regulation is before you for consideration today, the compliance rate was 93%, while only 7% were referred to the legal office. We believe these numbers are significant. Every licensee has an equal chance of being selected for audit, and our statistics indicate that almost 90% of them are, in fact, complying.

But, of course, our enforcement effort does not end with the audit. Those licensees that appear to be out of compliance are referred to the Professional Compliance Office. With regard to the continuing education requirements, compliance is our priority. Our core mission is protecting the the public health and safety by assuring, among other things, that those professionals come into compliance and complete the required continuing education. Therefore, our first effort is to bring them into compliance. Each file is reviewed to determine the extent of the deficiency, which can vary greatly. They can range from a few missing credit hours because, for example, a course the licensee took was not an approved course or perhaps the licensee failed to complete specific requirements, to a complete failure to take any continuing education. Of those individuals referred to PCO, 69% are either subsequently found to be in compliance or are given the opportunity to remedy minor deficiencies and come into compliance. Those that come in to compliance ultimately receive a warning letter, but no formal disciplinary action. The remaining 31% receive disciplinary action either because their violation is significant or they fail to come into compliance. This discipline can range from a monetary civil penalty accompanied by a board order to complete the deficiency, to an indefinite suspension until the deficiency is cured. Our records also indicate that of those who receive discipline for a continuing education

violation, approximately 13% also receive discipline for falsifying their renewal application. The prosecution division generally exercises its discretion to bring this charge against those individuals who failed to do any continuing education, or who did so few credits that it is clear that their certification statement on the renewal application was a deliberate falsehood.

Although our numbers indicate that nearly 90% of our licensees are complying with the continuing education requirements, we are still looking for ways to improve our process. To that end, we are working toward a new continuing education system in which 100% compliance will be guaranteed. We have already moved in that direction with a pilot program which had been implemented in regard to the mandatory two hours of continuing education in child abuse recognition and reporting that was enacted by the General Assembly in Act 31 of 2014. As of January of this year, we implemented a continue education monitoring system in which all approved Act 31 child abuse recognition and reporting training providers report participation electronically to the Bureau when a licensee completes an approved course. These reports are received and automatically imported into our licensure records, so that when a licensee applies to renew a license, the system automatically checks to assure that the required child abuse training has been completed. If the training has not been completed, the license is not renewed and an automated notice is sent to the licensee.

This system is already in place for the 16 boards that are impacted by the Act 31 requirements, and we are working to implement such a system on a larger scale for all continuing education for all 22 licensing boards and commissions that have these requirements. To that end, we are in the process of upgrading the Bureau's information technology infrastructure and systems. All projects are currently on time and within budget. One of my highest priorities as Commissioner is to leverage technology and existing contracts to provide better customer service and more efficient operations. We are already moving in this direction for not only continuing education requirements but also with regard to general license processing as well as case management systems. Currently we are reviewing two options for processing continuing education records electronically – either design and build the system internally (as we did for the Act 31 training) or contract out the work to a vendor. At the present time, the Bureau is analyzing the costs and benefits of these two options. We are committed to infrastructure improvements that will allow us to upgrade our automated processes to the greatest degree possible so that our staff is available to provide better overall customer service to our 800,000 licensees. Among these many improvements will be an automated system to ensure 100% compliance with the continuing education requirements going forward.

I would like to thank the Commission for the opportunity to present this information and for your consideration of the final rulemaking of the State Board of Nursing that is before you today. Cynthia Montgomery and Judith Schulder would be happy to answer any questions that you may have.