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**Kathy Cooper**

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**From:** MJLGoogle <attorneymjl@gmail.com>  
**Sent:** Saturday, February 16, 2019 2:46 PM  
**To:** IRRC  
**Subject:** IRRC 3222 Regulation #16A-5142



Commission Members,

Thank you for the opportunity to provide public comment on the proposed Board of Nursing fee increases. I represent several nonprofit exempt health care entities in the Commonwealth. It is important the Commission and State Board of Nursing (Board) understand the difficulty of “small employers” (as outlined in the analysis) to recruit and retain licensees in the nursing profession.

Without regard to the accuracy of the Board’s comment, (“.. *the regulation’s impact, aside for the costs impose upon the nursing education programs should not extend to those [small] businesses as there are no direct costs that would be passed on to the licensee’s employer*”), as recognized by the board many nonprofit exempt organizations such as I represent offer reimbursement of nursing staff licensee fees as an incentive for recruitment and retention purposes. These proposed increases will have a negative impact on such organizations largely funded directly or indirectly by state and local county contracts with no ability to recoup these additional expenses other than to reduce or eliminate the reimbursement benefit. This proposed licensing increase by itself, but more significantly in the context of the well intentioned Governor’s proposed minimum wage increase and Dept of Labor & Industry salary basis changes, will negativity impact the nonprofit sector.

I respectfully request the Commission recommend the Board identify the impact of not increasing at least the Sec. 21.147 Practical Nurses fees given these are the lowest paid of all licensees, often making less than \$15 per hour. Treating this group differently is supported by the Board’s own conclusions of the disparity in number of LPNs and the relative low work load to the Board versus other nursing licensees. The estimated biennial reduction in Board revenue by eliminating the \$16 renewal fee for LPNs would be approximately \$864K.

I commend the Board (assuming its final FYE 2018 actual expense was in line with its 1/11/2018 expenses as shown) for effective management. One unexplained concern in its financial analysis however was the Board’s actual revenue reduction between FY2015-2016 and FY2016-2017 of over \$1.7M.

In summary, I request the Commission recommend the Nursing Board review its budget and spending to determine how it might reduce or eliminate initial and renewal license fee increases to the lowest paid licensees, i.e., Practical Nurses.

Thank you for your consideration.

Sincerely,  
/s/

Michael J. Lawson, Esq.  
*Attorney At Law*