

# Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

## (1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Examiners of Nursing Home Administrators

## (2) Agency Number: 16A

Identification Number: 6219

IRRC Number:

3250

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## (3) PA Code Cite: 49 Pa. Code §§ 39.1, 39.11, 39.11a, 39.11b, 39.44, 39.51, 39.52, 39.61, and 39.71

## (4) Short Title: Continuing Education

## (5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Alexandra E. Sacavage, Counsel, State Board of Examiners of Nursing Home Administrators, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) [alsacavage@pa.gov](mailto:alsacavage@pa.gov)

Secondary Contact: Cynthia K. Montgomery, Deputy Chief Counsel, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) [cymontgome@pa.gov](mailto:cymontgome@pa.gov).

## (6) Type of Rulemaking (check applicable box):

- Proposed Regulation  
 FINAL REGULATION  
 Final Omitted Regulation

- Emergency Certification Regulation;  
 Certification by the Governor  
 Certification by the Attorney General

## (7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This final form regulation clarifies current biennial renewal procedures, updates the Board's continuing education requirements to include a provision requiring at least 12 of the required 48 clock hours to be completed in the subject areas of emergency preparedness and infection control beginning in July of 2022, and adds a provision addressing continued competence for individuals whose licenses have been expired or inactive for 5 years or longer.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Section 9(b) of the Nursing Home Administrators License Act (act) (63 P.S. § 1109(b)) requires licensees to complete not less than 24 hours of board-approved continuing education courses and programs as a condition of biennial renewal. Section 9(e) of the act (63 P.S. § 1109(e)) addresses renewal/reactivation of expired or inactive licenses. Section 4(a)(9) of the act (63 P.S. § 1104(a)(9)) provides the statutory authority for the proposed continued competency provision. Paragraph (9) authorizes the Board to develop standards of professional practice and standards of professional conduct appropriate to establish and maintain a high level of integrity and performance in the practice of nursing home administration. Additionally, section 4(c) of the act (63 P.S. § 1104(c)) authorizes the Board to promulgate regulations to effectuate the act.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No, this regulation is not mandated by Federal or State law, court order or regulations.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final-form regulation updates the Board's continuing education regulations to include a provision requiring at least 12 of the required 48 clock hours be completed in the subject areas of emergency preparedness and infection control. Originally, the Board has proposed a reduction in the number of continuing education clock hours from 48 to 36, but general opposition to the reduction by the regulated community and stakeholders caused the Board to reconsider. However, during the course of developing the final-form rulemaking, the Board witnessed how the novel coronavirus (COVID-19) pandemic affected the industry and recognized the importance of nursing home administrators being prepared to handle and navigate emergency situations to protect the residents in the facilities which they oversee. And although it was a pandemic that was the impetus for this change, emergency preparedness extend not only to pandemics, but to many other occurrences that can, and have, affected nursing homes across the country, including fire, floods, hurricanes and other natural disasters, as well as situations such as extended power outages. The Board also notes that infection control in a nursing home is not limited to the novel corona virus but extends to other viruses and bacterial infections which are common in nursing homes. The Board believes an emphasis on these subject areas will help to protect the health and safety of nursing home residents.

The final rulemaking would also institute a continued competence provision. The Board believes that it is appropriate to require licensees whose licenses have been expired or inactive for 5 years or longer to demonstrate their competence to resume the practice of nursing home administration by passing the licensure examinations; taking additional coursework; or otherwise demonstrating that they are or have been actively engaged in the practice of nursing home administration in another jurisdiction, have been employed by a nursing home in a supervisory or consultant capacity, or have been teaching long term care subject matter in an accredited college or university or in a board-approved 120-hour training program.

According to the Pennsylvania Health Care Association (PHCA) there are approximately 700 nursing homes in Pennsylvania, with more than 80,000 residents. It is these residents who stand to benefit from the increased competency provisions provided for by this final-form regulation.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal licensure standards that are implicated by this regulation.

**(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?**

Of the 12 states within this region, 1 state will have minimum continuing education hours higher than Pennsylvania, 2 have the same continuing education requirement as Pennsylvania, and 9 will have lower clock hour requirements. Specifically, New Jersey requires a minimum of 60 hours, New York and Delaware require a minimum of 48 hours, Connecticut, Massachusetts, Maryland, Rhode Island, Vermont and New Hampshire require a minimum of 40 hours, Maine requires a minimum of 24 hours and Ohio and West Virginia require a minimum of 20 hours. Of these states, only three designate specific subject areas that must be completed: Delaware, Massachusetts and Vermont. Delaware requires that continuing education courses cover one or more of the following topics: applicable standards of environmental health and safety, local health and safety regulations, general administration, psychology of patient care, principles of medical care, personal and social care, therapeutic and supportive care and services in long-term care, department organization and management, community interrelationships, and business or financial management. Massachusetts requires courses to fall in the following areas: resident care management; personnel management; financial management; environmental management; or community relations. Vermont requires continuing education be completed in the following subject areas: patient and resident care; personnel relations; management and law; business and finance; governmental regulations and promoting culture change. The remainder require the continuing education to be generally in the area of nursing home administration or be approved by the Board or the NAB. The Board does not believe that the changes to its continuing education requirements will have any effect on Pennsylvania's ability to compete with other states.

As for the continued competence requirement, 7 states within this region—Delaware, Connecticut, Maine, Ohio, Maryland, West Virginia and Vermont—require licensees whose licenses have lapsed or expired to retake the National Association of Long Term Care Administrator Boards' (NAB) licensure examinations or apply anew meeting the education and examination requirements. Of those states, the time frame for lapse/expiration varies by state, from 1 year (i.e. Delaware and Ohio) to 5 years of lapse/expiration (i.e. Vermont). Like the Board's current requirement, New Hampshire, Massachusetts, New Jersey, New York and Rhode Island require licensees to complete continuing education for the years that the licensee does not have a current license. Thus, it does not appear that the addition of a continued competence requirement would adversely affect Pennsylvania's ability to compete with other states.

**(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

The regulation will not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

During the development of this final-form regulation, the Board discussed the rulemaking in open session at its public board meetings which are routinely attended by individuals from the professional associations representing members of the regulated community. Specifically, the Board discussed the rulemaking at its meetings on August 1, 2018; November 14, 2018; February 27, 2019; February 6, 2020; August 26, 2020; February 24, 2021; and December 1, 2021. In addition, in 2018, an "exposure draft" of the proposed rulemaking was shared with interested parties and stakeholders, soliciting informal input. Stakeholder comments were received from: Thomas A. Farley, MD, MPH, Health Commissioner, Philadelphia Department of Health; Kelly Andrisano, JD, Executive Director, Pennsylvania Coalition of Allied Healthcare & Living Committees; Terence Brennan, NHA, Administrator, Berks Heim Nursing and Rehabilitation; Brittany Countis, Symtech Solutions; Ginny Johnson, HNA, Mennonite Home Communities; Jackie McKenna, RD, LDN, NHA, Pocopson Home; John Tarson, NHA, Mary K. Hess, RN, NHA, Executive Director, Philadelphia Nursing Home/Fairmount Long Term Care; W. Russell McDaid, President and CEO, Pennsylvania Health Care Association; Raymond Soto, MSN, NHA, Gracedale Nursing Home; Sheri C. Gifford, LCSW, NHA, Associate Administrator, Philadelphia Nursing Home/Fairmount Long Term Care; Mary Marshall, Director, Workforce and Professional Development, Hospital Association of Pennsylvania; Thomas Parsons, NHA, Premier Armstrong Rehabilitation and Nursing; and Beth Greenberg, Senior Director of Regulatory Affairs, LeadingAge PA.

Thereafter, the proposed rulemaking was published at 50 Pa.B. 668 (February 1, 2020) for 30 days of public comment during which time the Board received comments from Leading Age Pam and the Pennsylvania Coalition of Affiliated Healthcare and Living Communities (PACAH). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC), as well as the House Professional Licensure Committee (HPLC). These comments were discussed at the Board's public meeting on August 26, 2020.

After reviewing those comments, the Board elected to publish an "advance notice of final rulemaking (ANFR)" to solicit additional comment about changes it intended to make to the final-form rulemaking. The ANFR was published in the *Pennsylvania Bulletin* on February 27, 2021, and was shared with entities identified as having an interest in the rulemaking. After publication of the ANFR, the Board received additional comments from LeadingAge PA. The Board discussed those comments and voted to promulgate the final-form rulemaking at its meeting on December 1, 2021.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are approximately 1,691 active nursing home administrator licensees in Pennsylvania. According to the Pennsylvania Department of Labor and Industry in 2018, the most recent data available, in the category of "Medical and Health Services Managers," 940 individuals worked in "nursing care facilities," while 660 individuals worked in "community care facility for the elderly."

For the business entities listed above, small businesses are defined in Section 3 of Act 76 of 2012, which provides that a small business is defined by the U.S. Small Business Administration's (SBA) Small Business Size Regulations under 13 CFR Ch. 1 Part 121. Specifically, the SBA has established these size standards at 13 CFR 121.201 for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where nursing home administrators work, a small business in a nursing care facility (skilled nursing facilities) (NAICS Code 623110) is one with \$30.0 million or less in annual receipts. Likewise, "continuing care retirement communities" (NAICS Code 623311) are also considered small businesses when they have estimated annual receipts of \$30.0 million or less. In considering these small business thresholds set by NAICS for the businesses in which nursing home administrators work, it is probable that most of the 1,691 licensed nursing home administrators work in small businesses.

The Board estimates that nursing home facilities with approximately 300 beds generally have annual receipts at the threshold amount of \$30.0 million. Based on data provided by the Pennsylvania Department of Health, of the 711 nursing homes in Pennsylvania, 687 (or 97 %) have 300 or fewer beds and would be considered small businesses, while 24 nursing homes (or 3 %) have more than 300 beds. Therefore, the Board concludes that a very large majority of the Pennsylvania nursing homes should be categorized as small businesses.

Although many licensed nursing home administrators work in small businesses, all licensees will be affected equally by the provisions in this regulation, whether or not these licensees work in small or large businesses. The licensees will benefit from these amendments and clarifications to the regulations. Likewise, their clients, who are patients in nursing homes, and their employees will benefit from the professional training that the licensees will receive.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 1,691 nursing home administrators licensed by the Board, including those who work for small businesses, which will be required to comply with the rulemaking. In addition, the Board estimates no more than 10-12 reactivation applications are processed each year, and a majority of those have not been expired for 5 years or longer. Thus, the Board estimates that perhaps 3 nursing home administrators may be impacted by the continued competency requirements each year.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Because licensees will continue to renew their licenses in the same manner as they currently do, and the Board decided to maintain the requirement that a licensee complete 48 hours of continuing education clock hours per biennium, the updates to the continuing education requirements will not result in any increased fiscal impact or additional paperwork requirements on the Board or its licensees. However, new licensees (in their first renewal cycle) will see a reduction in costs related to the exemption from the continuing education requirement.

Licensees who desire to reactivate licenses that have expired or been inactive for 5 years or longer may have an increased fiscal impact depending upon the continued competence activity selected. Those who select reexamination or completion of the 120-hour course in new § 39.11b(1) and (2) will experience the highest costs as the fee for state and national portions of the examination is \$785 and an average cost for the 120-hour course is \$2,650. In both of these activities there will be no additional paperwork requirements as § 39.11 (e) currently requires submission of an application, a fee and documentation for "renewal" of an expired or inactive license. The continued competence activities in new § 39.11b(3), (4) and (5) will have no increased costs but will have some additional paperwork requirements. Each of these activities involve work experience that the licensee would need to document. However, these costs and paperwork requirements could be avoided by keeping one's license active.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The updates to the continuing education requirements do not impose any additional costs, but benefit the regulated community by allowing courses to be credited in 15 minute increments; exempting new licensees from the continuing education requirement during their first biennial renewal cycle; and clarifying the number of clock hours that can be earned through authorship. In addition, the new requirement that at least 12 of the 48 required hours be completed in the areas of emergency preparedness or infection control benefits residents of nursing homes by assuring the nursing home administrator keeps up with current developments in these areas.

As for the new continued competence requirement, given the increasing complexity of State and Federal rules affecting nursing homes and their patients, requiring licensees whose licenses have been inactive or expired for 5 years or longer to demonstrate continued competence assures their currency in nursing home administration thereby protecting the health, safety and welfare of the residents of nursing homes and their families as well as nursing home employees. For licensees who choose reexamination or completion of the 120-hour course, the costs will be higher than for those who reactivate under § 39.11b(3), (4) or (5). (See Answer to Question 17 above.) Assuming no more than 3 nursing home administrators each year would need to reactivate a lapsed or expired license after 5 years or longer, with the maximum costs associated with the continued competence requirement being \$7,950 for completing the 120-hour program or \$2,355 for passing the examination, the benefit of assuring continued competence outweighs the costs.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This regulation will reduce the costs on new licensees as they will be exempt from the continuing education cost requirement for their first biennial renewal. The Board averages about 105 new licenses granted annually. Actual savings depends on when an applicant's license is issued (based on the current rate of 2 contact hours per month), but could range from \$50 to \$63,000 annually. For purposes of this rulemaking, the Board is assuming an average savings of \$31,500 per year.

Licensees whose licenses have been inactive or expired for more than 5 years could have increased costs depending on how they demonstrate continued competence. Assuming no more than 3 nursing home administrators each year would need to reactivate a lapsed or expired license after 5 years or longer, the maximum costs associated with the continued competence requirement would be \$7,950 for completing the 120-hour program or \$2,355 for passing the examination. However, those costs could be avoided by simply keeping their licenses active.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with the rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There may be some costs to the Board associated with administering the new continued competency requirements, but it would not be significantly more than currently required when processing reactivation applications for individuals who have been expired or inactive for 5 years or longer.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Licensees will continue to renew their licenses in the same manner as they currently do. No new renewal forms are required for licensees to complete. Reactivation applications will have to be amended to include the various continued competence activities in new § 39.11b.

(22a) Are forms required for implementation of the regulation?

Yes.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The reactivation application will be modified to include a question about continued competence. See attached form.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year 21-22	FY +1 Year 22-23	FY +2 Year 23-24	FY +3 Year 24-25	FY +4 Year 25-26	FY +5 Year 26-27
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	\$0	\$31,500	\$31,500	\$31,500	\$31,500	\$31,500
Local Government						
State Government						
Total Savings	\$0	\$31,500	\$31,500	\$31,500	\$31,500	\$31,500
<b>COSTS:</b>						
Regulated Community	\$0	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950
Local Government						
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950	\$0-\$7,950
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 2018-19 (Actual)	FY -2 2019-20 (Actual)	FY -1 2020-21 (Projected)	Current FY 2021-22 (Budgeted)
State Board of Examiners of Nursing Home Administrators	\$169,315.34	\$142,298.83	\$193,600.87	\$ 147,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no small business impact. Licensees are already required to renew their licenses biennially. Employers, be they small or large businesses, have no obligations under these regulations. As noted above, there are approximately 711 nursing homes in Pennsylvania and 97% of them would be considered small businesses. There are no additional reporting, recordkeeping or other administrative costs imposed on nursing homes. Reactivation requirements are imposed on the individual licensee. The Board believes this regulation represents the least burdensome method of achieving the purpose of the proposal.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No groups with particular needs have been identified.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board initially considered the administration's proposal to reduce the required continuing education to at least 24 hours and proposed a reduction to 36 contact hours. However, the Board believes this final-form regulation, which maintains 48 contact hours with 12 hours in emergency preparedness and infection control, is the least burdensome acceptable alternative consistent with the continued protection of the public health, safety and welfare.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

There is no small business impact as the requirements fall on individual nursing home administrators and not on their employers. Less stringent compliance reporting requirements or schedules or deadlines or exemptions for licensees employed by small businesses would be contrary to the public interest. For these reasons, the Board did not conduct a regulatory flexibility analysis.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The only data that served as a basis for this rulemaking is that presented by the Executive Order 2017-03 Report – “Review of State Professional and Occupational Licensure Board Requirements and Processes.” The report can be viewed at:

<https://www.dos.pa.gov/ProfessionalLicensing/Documents/EO2017-03-Executive-Report-Occupational-Licensing.pdf>. The description of the data gathering methods are available in the report.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days
- B. The date or dates on which any public meetings or hearings will be held:  
The proposal was discussed at public Board meetings on August 1, 2018; November 14, 2018; February 27, 2019; February 6, 2020; August 26, 2020; February 24, 2021; and December 1, 2021. No specific date has been scheduled for future discussions, however, the Board discusses all regulations at regularly scheduled board meetings. A schedule is provided in item (30) below.

C. The expected date of delivery of the final-form regulation: Winter 2021-2022

D. The expected effective date of the final-form regulation:  
Bulletin as final – Anticipated in Winter 2021-2022 Upon publication in the PA

E. The expected date by which compliance with the final-form regulation will be required:  
Bulletin as final – Anticipated in Winter 2021-2022. Upon publication in the PA

F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board regularly evaluates the effectiveness of its regulations. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations causing the Board to evaluate the regulations' impact and necessity. The Board reviews all regulatory proposals at regularly scheduled public meetings. The dates for 2022 are: February 2, 2022, May 4, 2022, August 31, 2022, and November 2, 2022.

**STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

P.O. Box 2649

Harrisburg, PA 17105-2649

Telephone: (717) 783-7155

Fax: (717) 787-7769

Website: [www.dos.pa.gov/nursinghome](http://www.dos.pa.gov/nursinghome)

E-Mail: [st-nha@pa.gov](mailto:st-nha@pa.gov)

**Courier Address:**  
2601 North Third Street  
Harrisburg, PA 17110

## Reactivation Checklist

- Fully completed Reactivation Application.
- Check or money order made payable to the "Commonwealth of PA" for the biennial renewal fee(s) and applicable late fees if necessary.

**FEES ARE NOT REFUNDABLE.** *A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.*

- Fully completed Verification of Practice/Non-Practice.
- If your license has been expired/inactive for **LESS than 5 years**, submit documentation of completion of the required number of continuing education clock hours. *Please review the attached Continuing Education Information for assistance in providing acceptable continuing education documentation.*

If your license has been expired/inactive for **5 or more years**, submit one of the following:

- Documentation from NAB evidencing passage of the licensing examinations-- Core of Knowledge Exam for Long Term Care Administrators, Core of Knowledge Exam for Long Term Care Administrators, and State Based Licensing Exam – Pennsylvania, within the last 5 years.
- Successfully completing 120 clock hours in a program of study approved by the Board within the last 5 years.
- Having practiced nursing home administration in another jurisdiction for at least 2 of the last 5 years under a current license in that state.
- Having been employed in a nursing home in a supervisory or consultant capacity for at least 3 of the last 5 years.
- Having been employed to teach long term care subject matter for at least 3 years within the last 5 years.

*Please review the attached Continued Competency Requirements for assistance in providing acceptable documentation.*

- Completion of 2 hours of Department of State/Board approved training in child abuse recognition and reporting requirements as a condition of reactivation. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board. [Child Abuse Continuing Education Providers Information can be found here.](#)

Draft per 16A-6219  
(01/12/2019)

- Provide a Self-Query from the National Practitioner Data Bank completed within 90 days of submission of this application to the Board. A Self-Query can be requested online at [www.npdb.hrsa.gov](http://www.npdb.hrsa.gov) by choosing "Place a Self-Query Order". When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

**PLEASE NOTE: Licenses expire on June 30<sup>th</sup> of the even numbered year, regardless of reinstatement date.**

**STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

**Reactivation Application**

Licenses expire on June 30<sup>th</sup> of the even numbered year, regardless of reinstatement date.

PLEASE PRINT				Send to:
Full Name	Last	First	Middle	
Address				State Board of Examiners of Nursing Home Administrators P.O. Box 2649 Harrisburg, PA 17105-2649
Address				
Address	City	State	Zip	Courier address for mailing services requiring a street address:
Email				
License No.	NH			State Board of Examiners of Nursing Home Administrators 2601 North Third Street Harrisburg, PA 17110

**Name Change**

For a name change, indicate new name below and attach and 8 1/2 x 11 photocopy of a legal document verifying the name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, court order, etc.).

New Name	Last	First	Middle
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**THE FOLLOWING QUESTIONS MUST BE ANSWERED**

YES	NO	If YES to questions 2 through 12 – provide details AND attach certified copies of legal document(s).
		<p>1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any health-related profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <hr/> <hr/>
		<p>2. Since your initial application or last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?</p>
		<p>3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?</p>
		<p>4. Since your initial application or last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?</p>
		<p>5. Since your initial application or last renewal, whichever is later, have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, include any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.</p>
		<p>6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?</p>
		<p>7. Since your initial application or last renewal, whichever is later, have you engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?</p>

		8. Since your initial application or last renewal, whichever is later, have you had your DEA registration denied, revoked or restricted?
YES	NO	If YES to questions 2 through 12 – provide details AND attach certified copies of legal document(s).
		9. Since your initial application or last renewal, whichever is later, have you had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		10. Since your initial application or last renewal, whichever is later, have you had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?
		11. Since your initial application or last renewal, whichever is later, have you been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?

**Check one applicable statement.**

- YES, I have practiced as a nursing home administrator in Pennsylvania after my license expired and I want to reactivate my license at this time by paying the biennial renewal fee of \$297.00 and applicable late renewal fees (\$5.00 per month or part of the month after the expiration date).
- NO, I have not practiced as a nursing home administrator in Pennsylvania at any time after my license expired and I want to reactivate my license at this time by paying the biennial renewal fee of \$297.00.

**FEE** – Check/money order payable to “COMMONWEALTH OF PENNSYLVANIA”. Write your license number on your payment. **FEES ARE NOT REFUNDABLE**. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.

**Verification of Continuing Education:**

**VERIFICATION OF CONTINUING EDUCATION OR CONTINUED COMPETENCE:** If your license has expired or was inactive for less than 5 years, copies of certificates of attendance for the required number of continuing education clock hours must be submitted with this reactivation application. If your license has expired or was inactive for 5 or more years, documentation evidencing satisfaction of the continued competence requirement must be submitted with this reactivation application.

**SELECT ONE OF THE FOLLOWING:**

- I completed 36 clock hours of NAB or Pennsylvania-Board approved continuing education approved by the Board within the last two years. APPLICABLE ONLY FOR LICENSES THAT ARE EXPIRED/INACTIVE FOR LESS THAN 5 YEARS.
- I passed the \_\_\_\_\_ within the last 5 years. APPLICABLE ONLY FOR LICENSES THAT ARE EXPIRED/INACTIVE FOR 5 OR MORE YEARS.
- I completed 120 clock hours in a program of study approved by the Board during the period of \_\_\_\_\_. APPLICABLE ONLY FOR LICENSES THAT ARE EXPIRED/INACTIVE FOR 5 OR MORE YEARS.
- I practiced nursing home administration in another jurisdiction for at least 2 from \_\_\_\_\_ to \_\_\_\_\_ under a current license in \_\_\_\_\_, License No. \_\_\_\_\_. APPLICABLE ONLY FOR LICENSES THAT ARE EXPIRED/INACTIVE FOR 5 OR MORE YEARS.
- I was employed in at/by:  
 \_\_\_\_\_, a nursing home, in a supervisory capacity from \_\_\_\_\_ to \_\_\_\_\_.  
 \_\_\_\_\_, a nursing home, in a consultant capacity from \_\_\_\_\_ to \_\_\_\_\_.  
 \_\_\_\_\_, an educational institution teaching long term care subject matter from \_\_\_\_\_ to \_\_\_\_\_.  
APPLICABLE ONLY FOR LICENSES THAT ARE EXPIRED/INACTIVE FOR 5 OR MORE YEARS.

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

Draft per 16A-6219  
(01/12/2019)

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Signature (Mandatory): \_\_\_\_\_

Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Draft per 16A-6219  
(01/12/2019)

**State Board of Examiners of Nursing Home Administrators**  
P. O. Box 2649  
Harrisburg, PA 17105-2649

## **Verification of Practice/Non-Practice**

**\*\*\* Your reactivation cannot be processed unless this page is completed \*\*\***

Name	
License No.	NH
Profession	Nursing Home Administrator

Be sure you are familiar with the definition of your profession from the licensing law which pertains to the license you are renewing/reactivating. THEN answer the following questions.

1. Have you engaged in the practice of your profession in Pennsylvania since your Pennsylvania license lapsed or since you placed it on inactive status?      CIRCLE ONE: YES    NO
2. Have you been employed by the federal government in the practice of your profession since your Pennsylvania license lapsed or since you placed it on inactive status?      CIRCLE ONE: YES    NO

I understand that any false statement made is subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my license and/or certification.

---

(Signature of Licensee)

---

(Date)

## **Continuing Education Information**

Reactivation Applications for licensees whose licenses have been inactive or expired for less than 5 years must be accompanied by proof of completion of at least 36 clock hours of acceptable continuing education completed within two years of the date of reactivation. Continuing education programs must be approved by the PA NHA Board or the National Association of Long Term Care Administrator Boards (NAB).

- ➔ All 36 clock hours of continuing education may be taken in lecture, college or university, computer interactive, distance learning or correspondence courses preapproved by NAB or the PA NHA Board.

### Documentation

Certificates of attendance/completion must contain the following information:

- Your name
- Date of course/program
- Number of continuing education hours earned
- A statement that the course/program was approved by the PA NHA Board or NAB (NAB approval may also be reflected as NCERS)

- ➔ A maximum of 9 clock hours of continuing education may be earned by serving as an instructor of an NAB or PA NHA Board approved continuing education program or a college or university course. Instructors may earn 1 clock hour for each hour of instruction up to 9 clock hours.

### Documentation

- i) For serving as an instructor of an NAB or PA NHA Board approved continuing education program, a certificate or letter from the approved sponsor identifying the following:

- Your name
- Course/program name
- Date of course/program
- Number of hours

- ii) For serving as an instructor of a college or university course, you must submit a copy of the approval letter received from the PA Board identifying the number of clock hours awarded (maximum of 9 clock hours).

- ➔ A maximum of 18 clock hours of continuing education may have been awarded by the PA Board for authoring an article on long-term care in a professional journal, if you previously submitted an NHA Request for Continuing Education Approval application and received an approval letter from the Board.

### Documentation

Copy of the approval letter received from the PA Board identifying the number of clock hours awarded.

- ➔ A maximum of 9 clock hours of continuing education may have been awarded retroactively by the PA NHA Board for attending programs, to include lectures, and college or university courses, which were not been preapproved by NAB or the PA NHA Board, if you previously submitted an NHA Request for Continuing Education application and received an approval letter from the Board.

### Documentation

Copy of the approval letter received from the PA NHA Board identifying the number of clock hours awarded.

- ➔ A maximum of 18 clock hours may be obtained by serving as a supervisor in a Board-approved Administrator In Training (AIT) program, when the AIT successfully completes the AIT program.

### Documentation

Copy of the Completed Administrator In Training Program certificate received from the PA NHA Board.

## **CONTINUED COMPETENCE REQUIREMENT**

Reactivation Applications whose licenses are expired or inactive for 5 or more years must be accompanied by proof of one of the following:

- Documentation from NAB evidencing passage of the:

Core of Knowledge Exam for Long Term Care Administrators,  
Core of Knowledge Exam for Long Term Care Administrators, and  
State Based Licensing Exam – Pennsylvania

within the last 5 years.

Candidates must apply online to take the examinations, using a credit or debit card. The application can be accessed online via the "Exam Info." link from the NAB home page ([www.nabweb.org](http://www.nabweb.org)).

- A Certificate of Completion evidencing successful completion of the 120 clock hour program of study approved by the Board within the last 5 years.

A list of approved providers is available on the Board's web page. Upon completion submit the Certificate of with your Reactivation Application.

- Having practiced nursing home administration in another jurisdiction for at least 2 of the last 5 years under a current license in that state.

Submit:

- A letter from the facility wherein you practiced as a Nursing Home Administrator with your Reactivation Application.
- A letter of good standing from the state wherein you practiced as a Nursing Home Administrator for at least 2 of the last 5 year. The letter must be sent to the Board directly from the other state.

- Having been employed in a nursing home in a supervisory or consultant capacity for at least 3 of the last 5 years.

Submit a letter from the Nursing Home Administrator explaining the capacity in which the Applicant was employed and the dates of that employment totaling at least 3 years within the last 5 years. The Applicant will be required to appear before the Board to discuss the scope and length of the employment as well as any authority to hire, terminate, discipline and monitor nursing home activities/staff.

- Having been employed to teach long term care subject matter for at least 3 years within the last 5 years.

Submit a letter from a Board-approved provider of the 120-hour program or an accredited college or university evidencing that the Applicant taught long term care for at least 3 years within the last 5 years. The Applicant may be required to appear before the Board to discuss the scope and length of the instruction.



**COMMENTERS LIST**

**16A-6219 Continuing Education**

**LeadingAge PA**

Beth Greenberg, Senior Director of Regulatory Affairs

[bgreenberg@leadingagepa.org](mailto:bgreenberg@leadingagepa.org)

717-763-5724

**Pennsylvania Coalition of Affiliated Healthcare & Living Communities**

**Brinda Penyak, Interim Executive Director**

[bpenyak@pacounties.org](mailto:bpenyak@pacounties.org)

717-497-2633



**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)**

RECEIVED  
IRRC

2022 JAN 12 A 10:59

DO NOT WRITE IN THIS SPACE		
<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ <u>(DEPUTY ATTORNEY GENERAL)</u></p> <p>DATE OF APPROVAL _____</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>State Board of Examiners of Nursing Home Administrators _____ <u>(AGENCY)</u></p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6219</u></p> <p>DATE OF ADOPTION: _____ <u>Sharon McDermond</u></p> <p>TITLE: <u>Board Chair</u> <u>(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: _____ <u>Adie Mack</u> <u>(Deputy General Counsel) (Chief Counsel, Independent Agency)</u> <small>(Strike Inapplicable title)</small></p> <p>DATE OF APPROVAL <u>January 3, 2022</u></p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>

**FINAL RULEMAKING**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF EXAMINERS OF  
NURSING HOME ADMINISTRATORS**

**49 Pa. Code §§ 39.1, 39.11, 39.11a, 39.11b, 39.44, 39.51, 39.52, 39.61, and 39.71**

**CONTINUING EDUCATION**



The State Board of Examiners of Nursing Home Administrators (Board) hereby amends §§ 39.1, 39.11, 39.44, 39.51, 39.52 and 39.61, adds §§ 39.11a and 39.11b (relating to reactivation; and continued competence) and deletes § 39.71 (relating to licensure renewal) to read as set forth in Annex A.

*Effective date*

The regulations will be effective upon final-form publication in the *Pennsylvania Bulletin*. The changes to continuing education clock hours requirements will be applied for the first time beginning with continuing education completed during the July 1, 2022 – June 30, 2024, biennial period.

*Statutory authority*

Section 9(b) of the Nursing Home Administrators License Act (act) (63 P.S. § 1109(b)) requires licensees to complete not less than 24 hours of board-approved continuing education courses and programs as a condition of biennial renewal. Section 9(e) of the act (63 P.S. § 1109(e)) addresses reactivation of expired or inactive licenses. Section 4(a)(9) of the act (63 P.S. § 1104(a)(9)) provides the statutory authority for the proposed continued competency provision. Section 4(a)(9) of the act authorizes the Board to develop standards of professional practice and standards of professional conduct appropriate to establish and maintain a high level of integrity and performance in the practice of nursing home administration. Additionally, section 4(c) of the act (63 P.S. § 1104(c)) authorizes the Board to promulgate regulations to effectuate the act.

*Background and purpose*

On October 24, 2017, Governor Wolf signed Executive Order 2017-3, requiring the Commissioner of Professional and Occupational Affairs to comprehensively review and catalog the processes, fees, training requirements, criminal history policies, portability and continuing education requirements for occupational and professional licensure within the purview of the 29 licensing boards and commissions under the Commissioner's authority. The order further directed the Commissioner to benchmark that data against regional averages from twelve states with similar or equivalent licenses that comprise the Northeast geographic region—Ohio, West Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine—to identify requirements or functions that presented unnecessary burdens to licensure and occupational employment within the Commonwealth.

That report, issued on June 12, 2018, revealed that Pennsylvania carried one of the highest continuing education requirements in the regional comparison group for seven different occupational/professional licenses, including nursing home administrators. The Wolf administration believes that public protection through the function of continuing education must be balanced against the burden to the regulated community. Therefore, the administration recommended that the Board consider reducing the biennial requirement for continuing education to the statutory minimum.

The Board initially considered reducing the required continuing education to at least 24 hours, as recommended. However, after discussion with stakeholders who opposed the reduction, the Board determined that a reduction by one-quarter to at least 36 hours per biennium would reduce the burden on the regulated community of nursing home administrations, while at the same time ensure that licensees obtain sufficient continuing education given the complexities of nursing home regulation. Therefore, the Board published the proposal to reduce the required continuing education to a minimum of 36 clock hours, with a proportional adjustment to the number of clock hours awarded for various continuing education activities. The Board also proposed additional continued competence requirements for licensees whose licenses had expired or become inactive for 5 years or longer. To demonstrate continued competence to practice, these licensees would need to either pass the licensure examinations, take additional coursework or otherwise demonstrate that they are or have been actively engaged in the practice of nursing home administration in another state, have been employed by a nursing home in a supervisory or consultant capacity or have been teaching long term care subject matter in an accredited college or university or in a Board-approved 120-hour training program.

The proposed rulemaking was published at 50 Pa.B. 668 (February 1, 2020) for 30 days of public comment during which time the Board received comments from Leading Age PA, a trade association representing more than 370 not-for-profit providers of senior housing, health care and community services across the Commonwealth, and the Pennsylvania Coalition of Affiliated Healthcare and Living Communities (PACAH), an organization that represents a wide variety of entities in the long-term care field, including 70 skilled nursing facilities. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC), as well as the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

After reviewing the comments received, which appeared to be generally opposed to the reduction in the number of required continuing education hours, the Board published an “Advance Notice of Final Rulemaking” (ANFR) to solicit additional comment with regard to a change the Board was considering. See 51 Pa.B. 1017 (February 27, 2021). In the ANFR, the Board proposed restoring the number of required clock hours to 48, but to require that 12 of the 48 clock hours be completed in the areas of emergency preparedness and infection control. During the course of developing the final-form rulemaking, the Board witnessed how the novel coronavirus (COVID-19) pandemic affected the industry and the importance of nursing home administrators being prepared to handle and navigate these difficult circumstances to protect the residents in the facilities which they oversee. Additionally, the Board proposed revisions to the allocation of continuing education clock hours awarded for authoring various types of publications, and to restore the proportions of continuing education awarded for serving as an instructor or as a supervisor in a Board-approved Administrator-in-Training (AIT) program. After publication of the ANFR, the Board received additional comments from LeadingAge PA.

The following represents a summary of the comments received relating to the proposed rulemaking and the ANFR and the Board's response, followed by a description of the amendments made to this final-form rulemaking.

*Summary of comments and the Board's response*

**Pennsylvania Coalition of Affiliated Healthcare & Living Communities (PACAH)**

PACAH commented that, while they appreciated the change from the original exposure draft of the proposal (which had proposed reducing the requirement to 24 hours), they remain opposed to any reduction in the continuing education requirement. PACAH noted that nursing home administrators are required to ensure that residents receive necessary care, that services meet stringent quality and safety standards and that the nursing facility complies with a myriad of ever-changing and complicated federal and state regulations. They opine that to suggest a reduction in the continuing education requirement is counterintuitive, especially since there is an “obvious correlation” between quality of care and increased education. PACAH goes on to note that if the Board were to reduce the continuing education requirement to 36 hours biennially, it would have one of the lowest requirements in the country. In response to PACAH’s comments, as well as comments discussed below, the Board has reconsidered the proposed reduction and has restored the minimum requirement to 48 hours per biennium in the final-form regulation.

**LeadingAge PA**

Initially, LeadingAge PA commented that it appreciated the additional flexibility provided by the Board’s proposal to permit units of continuing education consisting of programs 30 minutes or longer and for those programs to be credited in 15-minute increments. LeadingAge PA also supported the Board’s update to the methods of contacting licensees to include notice via email. However, they indicated a preference that the Board utilize both the email address and the licensee’s address of record to notify them of the availability of the renewal process. In response, the Board notes that the Pennsylvania Licensure System (PALS) permits a licensee to choose whether to receive correspondence from the Board through email or through the U.S. mail to the licensee’s address on file with the Board. At present, the two options are mutually exclusive – that is, one can accept email notifications or choose instead to request notification through the U.S. mail. This is the case for all 29 professional and occupational licensing boards within the Bureau of Professional and Occupational Affairs (Bureau). The Board will explore with the Bureau the possibility of offering a third option – to receive notifications by both email and U.S. mail.

Next, LeadingAge PA indicated that they appreciate that the regulations will continue to recognize the educational value of mentoring, teaching and scholarly writing, but asked the Board to consider restoring the number of hours that can be attained through serving as an instructor, authoring an article, or serving as a supervisor in a Board-approved Administrator in Training (AIT) program. In response to LeadingAge PA’s comment, the Board restored the prior levels of credit available for serving as an instructor and for serving as a supervisor in a Board-approved AIT program. With regard to credit for authorship, the Board revised the final-form rulemaking to restore the prior maximums and also added additional types of professional writing for which

credit would be granted, including authoring a book or a chapter in a book. In addition, rather than the Board determining on a case-by-case basis the appropriate number of clock hours to award, the Board determined that licensees would benefit from more certainty as to the number of credit hours that would be awarded for professional writing activities. Therefore, the Board determined that authoring a book relating to long-term care will earn 18 clock hours of continuing education credit, authorizing a chapter in a book will earn 4 clock hours of credit, authoring an article published in a peer-reviewed journal will earn 3 hours of continuing education credit, and authoring an article in a non-peer-reviewed journal, magazine, newsletter or other publication will earn 2 hours of continuing education credit.

LeadingAge PA also commented that it appears that the Board is contemplating moving to a fully online license renewal system, which would appear to streamline the licensing process and is likely to be beneficial to most NHAs and their employers. However, because of the rural nature of many parts of the Commonwealth and the lack of internet coverage in some areas of the state, LeadingAge PA suggests that the Board consider providing an alternative renewal process for NHAs residing or working in these areas. While this comment is beyond the scope of this rulemaking, the Board notes that the Bureau has shifted to online renewals for all 29 professional and occupational licensing boards.

Next, LeadingAge PA commented on the proposed continued competency requirements for individuals seeking to reactivate a license that had been lapsed for 5 years or longer where the Board initially sought to require a personal interview with the applicant. LeadingAge PA suggested that, due to the potentially lengthy time between Board meetings and the lack of qualified NHAs, the Board consider a way for these applicants to work temporarily prior to appearing personally before the Board. Upon considering this comment, the Board decided instead to make the personal appearance optional, at the discretion of the Board.

LeadingAge PA further suggested that the Board reconsider the requirement for continuing education course providers to include the course provider number on the participant's certificate of attendance, noting that the National Association of State Boards of Nursing Home Administrators (NAB) does not include that field, and NAB has indicated an unwillingness to conform to any additional state guidelines. In response, the Board notes that all continuing education courses must be approved by either NAB or the Board. The Board assigns provider numbers to those course providers approved by the Board. It was not the Board's intention to regulate NAB, but rather only those course providers approved by the Board. Therefore, the final-form rulemaking has been amended to clarify that the provider number is only required for those continuing education course providers approved by the Board.

Finally, after publication of the ANFR, LeadingAge PA submitted additional comments. First, they appreciated the Board's decision to restore the 48 hours of continuing education required, but oppose the proposal that 12 of the 48 hours be in the areas of emergency preparedness and infection control. LeadingAge PA noted that while these have been extremely important topics through 2020, the field of nursing home administration is constantly changing and needs to respond to current issues rather than the past. In response, the Board notes that emergency preparedness does not only apply to pandemics, but many other occurrences that can, and do, affect nursing homes across the country, including fire, floods, hurricanes, and other natural disasters, as well as

extended power outages. And infection control is not limited to the novel corona virus. While the Board appreciates the need for nursing home administrators to evaluate and determine the areas in which they personally need additional education, there are still 36 of the 48 hours that can be dedicated to other topics. In addition, the Board notes that nothing in the rulemaking restricts a nursing home administrator from completing more than 48 hours of continuing education per biennium.

Additionally, LeadingAge PA suggested that due to the “significant changes” envisioned in the final-form rulemaking, that the Board should have released a second proposed rulemaking rather than an ANFR. Generally, the Board would be required to publish anew as proposed if the changes to the final-form rulemaking expand the scope beyond that proposed by the Board. The Board does not believe that the changes to the final-form rulemaking expand the scope of the regulation which pertains to continuing education and continued competence. However, because the Board recognized that the public did not have an opportunity to comment on the proposal to dedicate 12 hours of continuing education to these specific topic areas, the Board decided to publish the ANFR to solicit additional comment. The ANFR was published in the *Pennsylvania Bulletin* and was shared with entities identified as having an interest in the rulemaking. In addition, these changes were discussed in public board meetings in 2020 and 2021. For these reasons, the Board has elected to proceed with the final-form rulemaking.

#### House Professional Licensure Committee

The HPLC submitted two comments for the Board’s consideration. First, the HPLC commented that the reduction in the required continuing education credits will make Pennsylvania’s requirement lower than the contiguous states of New Jersey, New York, Delaware, Maryland, Ohio and West Virginia, and asks whether the change would have any impact on Pennsylvania licensees seeking licensure in one of those contiguous states. The Board does not believe that the change would have had any impact on individuals seeking licensure in these states. However, based on the objections of the regulated community, the Board has restored the continuing education requirement to 48, so this should no longer be a concern.

Additionally, the HPLC asked if the Board will develop a process to offer its licensees a choice of which method they prefer for notices relating to biennial renewal (email or U.S. mail). As noted previously, the PALS system offers all applicants and licensees the choice of accepting email notifications or to be notified by U.S. mail.

#### Independent Regulatory Review Commission

IRRC asked the Board to explain how lowering the continuing education requirements for nursing home administrators will adequately protect the public health, safety and welfare. IRRC additionally asked the Board to explain how reduced continuing education requirements will affect members of the regulated community who seek licensure in states with higher continuing education requirements. The Board considered this and other comments from stakeholders opposing the proposal and concluded that a reduction of the continuing education units from 48 biennial to 36 would not be in the best interests of the licensees or the public. Instead, the Board

will keep the current continuing education requirement at 48 hours biennially and require that 12 of the 48 hours be completed in emergency preparedness and infection control, as discussed above. The Board accepts all continuing education courses approved by NAB. NAB's approved CE Database includes a significant number of courses in emergency preparedness and infection control that can be completed in-person or virtually. For this reason, the Board does not believe this change will be overly burdensome.

IRRC asked whether it is the Board's intent not to renew a license of a nursing home administrator who fails to meet continuing education requirements. The Board will not renew a license of a nursing home administrator who is unable to certify on the renewal application that they have met their continuing education requirements. In follow-up, IRRC asked the Board to amend the final regulation to include clear notice that the Board will not renew a license if the licensee fails to complete the continuing education required by the act. The Board maintains that § 39.11(c) (relating to biennial renewal) gives clear notice that completion of the required continuing education is a condition of biennial renewal. In addition, the Board has amended § 39.61 (relating to requirements) to reiterate that a licensee shall complete at least 48 hours of continuing education during the preceding biennial period as a condition of renewal.

IRRC also commented that the language of § 39.11b(4) (relating to continued competence) was ambiguous where the proposed regulation requires "significant" and not "sporadic or occasional" involvement in a supervisory or consultant capacity to demonstrate continued competence. IRRC asked the Board to revise the language to establish a standard that is predictable for the regulated community and enforceable by the Board. In response, the Board has amended paragraph (4) to eliminate the ambiguous language so that a licensee seeking to reactivate a license that has been expired for 5 or more years needs to provide documentation demonstrating that the licensee has been employed in a nursing home in a supervisory or consultant capacity for at least 3 of the last 5 years, a standard which is predictable and enforceable.

Next, IRRC noted that in § 39.61(c)(3), the Board provides for continuing education credit for authoring an article on long-term care and that additional credit may be awarded based on the complexity of the subject matter. IRRC asked the Board to revise the language to establish a standard that is predictable for the regulated community and enforceable by the Board. In response, the Board has replaced subsection (c) in the final-form rulemaking with a new subsection (c.1) that not only establishes predictability, but also will grant continuing education credits for other types of professional writing beyond simply "articles" to include a book, a chapter of a book, an article in a peer-reviewed journal and an article in a non-peer-reviewed journal, magazine, newsletter or other publication relating to long-term care.

Finally, IRRC also questioned whether the Board will develop a process to offer active licensees a choice of notification of the availability of the renewal process to the licensee's address of record or current e-mail address on file with the Board. In response, the Board notes that the PALS system provides the opportunity for applicants and licensees to accept email notifications or choose to receive notices by U.S. mail at the address on file with the Board. As mentioned above, the Board will explore with the Bureau the possibility of offering a third option – to receive notifications by both email and U.S. mail.

*Description of the amendments to the final-form rulemaking*

The following is a description of all amendments made to the final-form rulemaking in response to comments from the public, the HPLC and IRRC.

Section 39.11 (relating to biennial renewal) is amended to restore the minimum of 48 clock hours of continuing education required as a condition of renewal of a nursing home administrator's license.

Section 39.11b (relating to continued competence) is amended to make the personal appearance of the applicant discretionary, rather than mandatory, thus permitting the Board to require a personal appearance if there are questions relating to the documentation submitted by the applicant to demonstrate their continued competence. Paragraph (4), pertaining to licensees seeking to establish continued competence who have been employed in a nursing home in a supervisory or consultant capacity, is amended to eliminate ambiguous language and make the standard more certain and enforceable as suggested by IRRC.

The Board has amended § 39.44 (relating to provider responsibilities) to clarify that only those continuing education providers approved by the Board must include their provider number on certificates of attendance issued to each licensee who completed the course, in recognition of the fact that NAB does not include a provider number on their certificates.

Section 39.61 (relating to requirements) is amended to restore the minimum of 48 clock hours of continuing education and to reiterate the fact that completion of the required continuing education is a condition of renewal. Subsection (a) is also amended to provide that beginning with the continuing education completed during the July 1, 2022 – June 30, 2024 biennial renewal period, at least 12 of the 48 hours shall be completed in the subject areas of emergency preparedness and infection control. The Board will enforce this provision for the 2024 renewal and thereafter. Subsection (c) is amended to restore the previous proportion of continuing education that can be completed as an instructor (maximum of 12 clock hours), serving as a supervisor in a Board-approved AIT program (up to 24 clock hours), and attending programs which have not been preapproved (maximum of 12 clock hours). The Board has also revised the number of clock hours provided for professional writing activities to make it more certain for licensees, to address other professional writing beyond articles, including authoring a book or a chapter in a book, and to distinguish between articles published in a peer-reviewed journal from those published in a non-peer-reviewed journal, magazine, newsletter or other publication relating to long-term care.

*Fiscal Impact and Paperwork Requirements*

Because the Board is not changing the total number of continuing education clock hours required as a condition of renewal, the revised continuing education requirements will not result in any fiscal impact or additional paperwork requirements on the Board or the regulated community.

Licensees who wish to reactivate licenses that have expired or been inactive for more than 5 years may have an increased fiscal impact depending upon the continued competence activity selected. Those who select completion of the 120-hour course in new § 39.11b(2) will experience the highest costs as the average cost for the 120-hour course is currently \$ 2,650. Individuals who chose to complete the licensure examinations would be required to pay the fee for the state and national portions of the examination, which is currently \$ 785. For either of these activities there will be no additional paperwork requirements, as § 39.11(e) currently requires application, a fee and documentation.

The continued competence activities in new § 39.11b(3), (4) and (5) will have no increased costs but will have some additional paperwork requirements. Each of these activities involve work experience, requiring the licensee to document that the licensee practiced as a nursing home administrator in another jurisdiction for at least 2 of the last 5 years prior to application for reactivation, has been employed in a nursing home in a supervisory or consultant capacity for at least 3 of the last 5 years, or has been teaching long term care subject matter for at least 3 of the last 5 years. That involvement may include, for example, serving as an assistant nursing home administrator or department head or teaching a nursing home administration course within the 120-hour program or bachelor's degree program. There may also be costs involved if the Board requests a personal appearance by the applicant, however, consideration will be given to permitting such personal appearances by video conference.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)) on January 16, 2020, the Board submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 668 (February 1, 2020), to IRRC and to the Chairpersons of the HPLC and the SCP/PLC.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments received from the public, the HPLC and IRRC. The Board received no comments from the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on January 12, 2022, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on \_\_\_\_\_, 2022. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2022, and approved the final-form rulemaking.

#### *Additional Information*

Additional information may be obtained by writing to Christina Stuckey, Board Administrator, State Board of Examiners of Nursing Home Administrators, P.O. Box 2649, Harrisburg, PA 17105-2649, [ST-NHA@pa.gov](mailto:ST-NHA@pa.gov).

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.
- (3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 50 Pa.B. 668.
- (4) This final-form rulemaking is necessary and appropriate for the administration of the Nursing Home Administrators License Act (act) (63 P.S. §§ 1101—1114.2).

*Order*

The Board, therefore, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 39 are amended by amending §§ 39.1, 39.11, 39.44, 39.51, 39.52 and 39.61, adding §§ 39.11a and 39.11b, and deleting § 39.71.
- (b) The Board shall submit the final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit the final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify the final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form regulation shall take effect upon publication in the *Pennsylvania Bulletin*.

Sharon McDermond  
Chairperson



**ANNEX A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 39. STATE BOARD OF EXAMINERS OF**

**NURSING HOME ADMINISTRATORS**

**GENERAL**

**§ 39.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \*

*Clock hour*—A [minimum] unit of education consisting of 60 minutes of instruction. Programs longer than [60] 30 minutes will be credited in [30] 15-minute increments.

\* \* \* \*

**§ 39.11. Biennial renewal.**

- (a) Licenses are renewable each biennium, in the even-numbered years.
- (b) [Applications for renewal] Notice of the availability of the renewal process will be forwarded to each active licensee at the licensee's address of record or current email address on file with the Board, or both, prior to the expiration of the current biennial period.
- (c) As a condition of biennial renewal, licensees shall complete [48] a minimum of 36 48 clock hours of continuing education during the preceding biennial period as required in § 39.61 (relating to requirements).

(d) Renewal applications shall be completed in a format and manner required by the Board and [returned to the Board office] accompanied by the required renewal fee in § 39.72 (relating to fees). Upon [approval of each] Board acceptance of the biennial renewal application, the license will be renewed and the applicant [shall] will receive a certificate of registration for the current renewal period.

[(e) An application for the renewal of a license which has expired shall be accompanied by a late fee or a verification of nonpractice, the renewal fee and documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.]

**§ 39.11a. Reactivation.**

(a) A nursing home administrator who desires to reactivate a license that has been expired or inactive shall file an application for reactivation in a format and manner required by the Board and shall provide:

(1) A late fee as required by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) or a verification of nonpractice, as applicable.

(2) The renewal fee in § 39.72 (related to fees).

(3) Documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.

(b) In addition to complying with the requirements in subsection (a), a nursing home administrator whose license has been expired or inactive for 5 years or longer shall demonstrate continued competence under § 39.11b (relating to continued competence).

**§ 39.11b. Continued competence.**

A nursing home administrator applying to reactivate a license that has been expired or inactive for 5 years or longer shall demonstrate continued competence by doing one of the following:

- (1) Passing the licensure examinations approved by the Board.
- (2) Successfully recompleting 120 clock hours in a program of study approved by the Board as prescribed in § 39.14 (relating to approval of programs of study).
- (3) Providing written documentation to the Board evidencing that the licensee has practiced nursing home administration in another jurisdiction for at least 2 years within the last 5 years under a current license in that jurisdiction. The licensee ~~shall~~ MAY BE REQUIRED TO appear personally before the Board to demonstrate that practice.
- (4) Providing written documentation to the Board that the licensee has been employed in a nursing home in a supervisory or consultant capacity for at least 3 years within the last 5 years. The licensee ~~shall~~ MAY BE REQUIRED TO appear personally before the Board to demonstrate, to the Board's satisfaction, a significant involvement in the field of nursing home administration during the time the license has been expired or inactive. Sporadic or occasional involvement is not sufficient to demonstrate continued competence THAT PRACTICE.
- (5) Providing written documentation to the Board that the licensee has been teaching long-term care subject matter for a continuing educational provider approved by the Board to offer the 120-hour program or an accredited college or university for at least 3 years within the last 5 years. The licensee ~~shall~~ MAY BE REQUIRED TO appear personally before the Board to discuss the scope of the education provided during the time the license has been expired or inactive.

\* \* \* \*

## APPROVAL PROCESS – PROVIDERS

\* \* \* \*

### § 39.44. Provider responsibilities.

For each program, providers shall:

\* \* \* \*

(7) Issue continuing education records[.] to each licensee who completed the course, which must include:

- (i) The name of the licensee.
- (ii) The title of the course or program.
- (iii) The date of the course or program.
- (iv) The number of continuing education clock hours provided.
- (v) The name of the course provider and, IF APPROVED BY THE BOARD, the provider number.
- (vi) A statement that the course or program was approved by the Board or NAB, which must include the program approval number.

(8) Retain attendance records, written outlines and a summary of evaluations for a 5-year period.

## APPROVAL PROCESS – PROGRAMS

### § 39.51. Standards for continuing education programs.

- (a) A program shall consist of the subjects listed in § 39.41(a)(2) (relating to approval of programs of study).
- (b) The Board does not deem the following programs acceptable:

- (1) Inservice programs which are not open to licensees.
- (2) Programs limited to the organization and operation of the employer.
- (3) Programs consisting of less than 30 minutes of instruction.

**§ 39.52. Program registration.**

- (a) All programs require preapproval, except as in § [39.61(b)(4) and (5)] 39.61(c)(2) – (5) (relating to requirements).

\* \* \* \* \*

**[CLOCK HOURS REQUIREMENT] CONTINUING EDUCATION**

**§ 39.61. Requirements.**

- (a) A licensee shall complete at least [48]36 clock hours of continuing education during the preceding biennial period AS A CONDITION OF RENEWAL. BEGINNING WITH THE CONTINUING EDUCATION COMPLETED DURING THE JULY 1, 2022 THROUGH JUNE 30, 2024 BIENNIAL RENEWAL PERIOD, AT LEAST 12 OF THE REQUIRED 48 CLOCK HOURS SHALL BE COMPLETED IN THE SUBJECT AREAS OF EMERGENCY PREPAREDNESS AND INFECTION CONTROL.
- (b) All continuing education clock hours shall be completed in courses preapproved by NAB or the Board, except as provided in subsection (c)(2)–(5).
- (c) Of the [48]36 clock hours required, the following apply:
  - (1) Up to [48]36 clock hours may be taken in lecture, college or university, computer interactive, distance learning or correspondence courses preapproved by NAB or the Board.
  - (2) A maximum of [12]9 clock hours may be earned by serving as an instructor of a NAB or Board-approved continuing education program or as an instructor of a college or

university course approved by NAB or the Board. Instructors may earn 1 clock hour for each hour of instruction up to [12] 9 clock hours.

- (3) ~~Clock hours may be earned by authoring an article on long term care as follows:~~
- (i) ~~Authors whose articles relating to long term care are published in professional journals may earn 3 clock hours per article, up to a maximum of [12] 9 clock hours per biennium.~~
- (ii) ~~Additional credit per article, up to [12] 9 of the required clock hours, may be awarded based on the complexity of the subject matter or work.~~
- (iii) ~~In exceptional circumstances, when the article is published in a refereed journal, and the subject matter or work is complex, a licensee may be awarded up to [24] 18 clock hours.~~
- (iv) ~~Published articles used for continuing education credit shall be submitted to the Board within 60 days of publication. Upon review of the published article, the Board will determine the appropriate number of clock hours to be awarded based upon the complexity of the subject matter or work. (RESERVED.)~~

(3.1) CLOCK HOURS MAY BE EARNED BY PROFESSIONAL WRITING ON THE TOPIC OF LONG-TERM CARE AS FOLLOWS:

- (i) **AUTHORING A BOOK RELATING TO LONG-TERM CARE WILL EARN 18 CLOCK HOURS PER PUBLISHED BOOK PER BIENNIVUM.**
- (ii) **AUTHORING A CHAPTER IN A BOOK RELATING TO LONG-TERM CARE WILL EARN 4 CLOCK HOURS PER CHAPTER UP TO A MAXIMUM OF 12 CLOCK HOURS PER BIENNIVUM.**

- (iii) AUTHORIZING AN ARTICLE RELATING TO LONG-TERM CARE THAT IS PUBLISHED IN A PEER-REVIEWED JOURNAL WILL EARN 3 CLOCK HOURS PER ARTICLE UP TO A MAXIMUM OF 9 CLOCK HOURS PER BIENNIAL.
- (iv) AUTHORIZING AN ARTICLE THAT IS PUBLISHED IN A NON-PEER-REVIEWED JOURNAL, MAGAZINE, NEWSLETTER OR OTHER PUBLICATION RELATING TO LONG-TERM CARE WILL EARN 2 CLOCK HOURS PER ARTICLE, UP TO A MAXIMUM OF 6 CLOCK HOURS PER BIENNIAL.
- (v) A LICENSEE SEEKING CONTINUING EDUCATION CREDIT FOR PROFESSIONAL WRITING AS SET FORTH IN THIS PARAGRAPH SHALL SUBMIT A COPY OF THE BOOK, CHAPTER, ARTICLE, NEWSLETTER OR OTHER PUBLICATION TO THE BOARD WITHIN 60 DAYS OF PUBLICATION.
- (4) Up to ~~{24}~~18 clock hours may be obtained by serving as a supervisor in a Board-approved AIT program, when the AIT successfully completes the AIT program.
- (5) A maximum of ~~{12}~~9 clock hours may be awarded retroactively for attending programs, to include lectures, and college or university courses, which have not been preapproved. The attendee shall submit a written request for approval within 60 days of attending the program and document attendance. The attendee shall demonstrate to the Board's satisfaction that the programs meet the requirements in §§ 39.14(a)(2) and 39.51 (relating to approval of programs of study; and standards for continuing education programs).

(d) A licensee [who obtains a license after the biennial period begins shall complete a prorated amount of clock hours equal to 2 clock hours per month through the end of the biennial period. For the purpose of calculating the number of clock hours required, partial months shall count as whole months] is not required to meet the continuing education requirement on the first renewal immediately following licensure.

(e) A licensee suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(f) A licensee who cannot meet the overall continuing education clock hour requirement in subsection (a) or (d) due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for an extension of time to complete the clock hours. A licensee who cannot meet any other requirement in this section due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for a waiver of the requirement. An extension or waiver request must explain why compliance is impossible, and include appropriate documentation. An extension or waiver request will be evaluated by the Board on a case-by-case basis.

(g) A licensee will not be credited for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

(h) A licensee will not be credited for any continuing education program less than 30 minutes of instruction in duration.

#### **[RENEWAL] FEES**

##### **§ 39.71. [Licensure renewal] (Reserved).**

(a) Licensure renewal will be based on the payment of the required fee to the Commonwealth and submission of “certification of credit” form. This form is available from the State Board of

Examiners of Nursing Home Administrators, Post Office Box 2649, Harrisburg, Pennsylvania  
17105.

- (b) Total credit hours for the 1982-84 biennium consist of 48 hours.
- (c) Certification forms shall be submitted to the Board. Documentation of programs attended with proper signatures of provider and nursing home administrator shall be kept by the licensee for a period of 2 years.
- (d) Certification of credit hours submitted by the nursing home administrator shall be properly signed as being correct and true. False statements shall be grounds for licensure revocation or suspension.]

\* \* \* \*





**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF EXAMINERS OF NURSING HOME  
ADMINISTRATORS**  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-7155

January 12, 2022

The Honorable George D. Bedwick, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

**Rc:** Final Regulation  
State Board of Examiners of Nursing Home Administrators  
16A-6219: Continuing Education

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Examiners of Nursing Home Administrators pertaining to Continuing Education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon K. McDermond".

Sharon K. McDermond, Chair  
State Board of Examiners of Nursing Home  
Administrators

SKM/aes:bmz  
Enclosure

**cc:** K. Kalonji Johnson, Commissioner of Professional and Occupational Affairs  
Pamela Iovino, Deputy Secretary of Regulatory Programs  
Marc Farrell, Deputy Director of Policy, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State  
Alexandra E. Sacavage, Board Counsel, State Board of Examiners of Nursing Home  
Administrators  
State Board of Examiners of Nursing Home Administrators



**Zappasodi, Brittany**

---

**From:** Livingston, Jerry <Jerry.Livingston@pasenate.com>  
**Sent:** Wednesday, January 12, 2022 8:34 AM  
**To:** Zappasodi, Brittany; Vazquez, Enid  
**Subject:** RE: DELIVERY: REGULATION 16A-6219

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**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, January 12, 2022 8:31 AM  
**To:** Livingston, Jerry <Jerry.Livingston@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>  
**Subject:** DELIVERY: REGULATION 16A-6219  
**Importance:** High

■ EXTERNAL EMAIL ■

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**Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.**

Please be advised that the State Board of Examiners of Nursing Home Administrators is delivering the following final rulemaking:

- 16A-6219: Continuing Education

**Brittany Zappasodi | Legal Assistant II**  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Phone 717.783.7200 | Fax 717.787.0251  
[bzappasodi@pa.gov](mailto:bzappasodi@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

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## Zappasodi, Brittany

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**From:** Wilson, Marlene <MWilson@pahouse.net>  
**Sent:** Wednesday, January 12, 2022 8:36 AM  
**To:** Zappasodi, Brittany  
**Subject:** RE: DELIVERY: REGULATION 16A-6219

**Follow Up Flag:** Follow up  
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*Marlene Wilson, Esquire  
Senior Committee Executive Director  
House Professional Licensure Committee  
Rep. Jake Wheatley, Jr., Chairman  
Phone: (717) 787-4032  
Internal Phone: 6253  
Email - [mwilson@pahouse.net](mailto:mwilson@pahouse.net)*

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**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, January 12, 2022 8:31 AM  
**To:** Wilson, Marlene <MWilson@pahouse.net>  
**Subject:** DELIVERY: REGULATION 16A-6219  
**Importance:** High

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- 16A-6219: Continuing Education

Brittany Zappasodi | Legal Assistant II  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
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**Zappasodi, Brittany**

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**From:** Blauch, Tammy <tblauch@pasen.gov>  
**Sent:** Wednesday, January 12, 2022 9:55 AM  
**To:** Zappasodi, Brittany; Smeltz, Jennifer  
**Subject:** RE: DELIVERY: REGULATION 16A-6219

Good morning Brittany,  
We received your regulation delivery.

Have a great day and bundle up, its cold out there.

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**Tammy Blauch**

Executive Secretary  
Office of Senator Robert M. Tomlinson  
Room 286 Main Capitol Building  
Harrisburg, PA 17120  
(717)-787-5072  
Fax: (717)772-2991  
[tblauch@pasen.gov](mailto:tblauch@pasen.gov)

**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, January 12, 2022 8:32 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>  
**Subject:** DELIVERY: REGULATION 16A-6219  
**Importance:** High

© CAUTION : External Email ©

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Office of Chief Counsel | Department of State  
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## **Zappasodi, Brittany**

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**From:** Nicole Sidle <Nsidle@pahousegop.com>  
**Sent:** Wednesday, January 12, 2022 9:15 AM  
**To:** Zappasodi, Brittany; Emily Hackman  
**Subject:** RE: DELIVERY: REGULATION 16A-6219

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**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, January 12, 2022 8:31 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>  
**Subject:** DELIVERY: REGULATION 16A-6219  
**Importance:** High

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**Brittany Zappasodi | Legal Assistant II**  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
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