



**PENNSYLVANIA COALITION OF
NURSE PRACTITIONERS**

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December 16, 2022

Department of State
Bureau of Professional and Occupational Affairs
Attention: Cynthia Montgomery
Counsel to the Department of State
P.O. Box 69523
Harrisburg, PA 17106-9523
RA-STRegulatoryCounsel@pa.gov

Subject: 16A-66 (Consideration of Criminal Convictions)

Dear Ms. Montgomery,

We respectfully submit this comment from the Pennsylvania Coalition of Nurse Practitioners, who represent over 17,900 Nurse Practitioners in the Commonwealth, to assist in the Independent Regulatory Review Commission's review of the above-referenced proposed rulemaking submitted by the Department of State. Nurse Practitioners are Advanced Practice Registered Nurses who are licensed Registered Nurses. The proposed regulations **do not** accomplish the goal of the legislature when passing Act 53 of 2020. The intent of Act 53 was to open licensed professions to qualified people with old and unrelated criminal convictions, benefitting workers and employers alike.

The proposed regulations do not accomplish the intent of Act 53; in fact, they do the opposite. The proposed regulations will deter and exclude persons with old and unrelated convictions, even though they do not pose a risk. As an advocate for all Pennsylvania's nurses, our organization is very concerned that these regulations will prevent qualified people from becoming or remaining licensed nurses which is an unacceptable outcome at a time when we are facing a nursing shortage and an unprecedented workforce shortage which will impact the wellbeing of Pennsylvanians.

The proposed regulations should be revised in two ways: first, the proposed lists of "directly related" crimes must be shortened. The list of "directly related" offenses promulgated by the Board of Nursing is especially overbroad. There are over 90 crimes on their list, added on top of the lists of sexual crimes, crimes of violence and drug trafficking that already apply to Nursing Board professions under Act 53. In contrast, the Medical Board's list has 34 crimes. Under this unreasonable structure, theft-related crimes of all grades (even values less than \$50), DUI, possession of a small amount of marijuana, and lower-level crimes like simple assault are related to RNs (inclusive of Nurse Practitioners) and LPNs, but not related to Physician's Assistants or Physicians.

The “**directly related**” crimes lists must be more narrowly drawn because they create substantial barriers to licensure. People with convictions on the list are much less likely to pursue a nursing career, knowing that they are presumed to be a “substantial risk” if licensed. This overbroad list will deter and exclude people from entering the nursing profession, leading to greater nursing shortages, without making patients any safer.

Second, the proposed regulations should not create lifelong barriers to licensure. According to research, people with old convictions are no more likely to commit a crime than anyone else. People with old convictions are not “unfit” for licensure and should not face a barrier that will deter and exclude them. To accomplish the intent of the law, the lists of “directly related” crimes must include time limits so that people with old convictions are not presumed “unfit.”

On behalf of the Pennsylvania Coalition of Nurse Practitioners, we strongly urge the Department to address the issues and concerns identified in this comment. If you have any questions or need further clarification, please do not hesitate to contact our office. We are attaching our letter that we previously submitted to the PA SBON for your review as well.

Sincerely



Cheryl Schlamb, DNP, CRNP
PA Coalition of Nurse Practitioners, President

Cc: Michelle Elliot, IRRC Regulatory Analyst, melliott@irrc.state.pa.us