

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>AUG 30 2023</p> <p>Independent Regulatory Review Commission</p> <p>IRRC Number: 3381</p>	
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Nursing</p>			
<p>(2) Agency Number: 16A Identification Number: 5146</p>			
<p>(3) PA Code Cite: 49 Pa. Code §§ 21.131, 21.133, 21.134, 21.283, 21.284b, 21.289, 21.331, 21.605, 21.822</p>			
<p>(4) Short Title: Opioid Prescription and Education and Organ Donation Education</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Judith Pachter Schulder, Counsel, State Board of Nursing, Department of State; (717)783-7200; P.O. Box 69523, Harrisburg, PA 17106-9523; (717)787-0251; jschulder@pa.gov</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Regulatory Counsel, Department of State (717)783-7200; P.O. Box 69523, Harrisburg, PA 17106-9523; (717)787-0251; jawolfgang@pa.gov</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation: <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This rulemaking is needed to update the Board's existing certified registered nurse practitioner (CRNP) continuing education regulations to add training on three topics of (1) pain management, (2) the identification of addiction, and (3) the practices of prescribing or dispensing of opioids (collectively, "opioid education") consistent with amendments to Section 9.1(a) the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. § 872.9a), act of November 2, 2016 (P.L. 980, No. 124) (Act 124 of 2016). Section 9.1(a) requires prescribers and dispensers to obtain two hours of mandatory education regarding pain management or the identification of addiction, two hours of education in the practices of prescribing or dispensing of opioids within one year of obtaining prescriptive authority, and an additional two hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. For licensees of the State Board of Nursing, this requirement only applies to CRNPs who have prescriptive authority and hold a current Drug Enforcement Administration (DEA) registration number or utilize the DEA registration number of another person or entity who is legally authorized to prescribe controlled substances in any manner.</p> <p>This rulemaking also updates current CRNP prescription requirements for controlled substances found in § 21.284b to incorporate by reference the prescribing restrictions on opioid drug products for</p>			

individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital under the Safe Emergency Prescribing Act (35 P.S. §§ 873.1-873.9), act of November 2, 2016 (P.L. 976, No. 122) (Act 122 of 2016), a concomitant law enacted with ABC-MAP, by adding new subsection (e). In addition, this rulemaking would add new § 21.289 to notify CRNPs that in addition to the in grounds for discipline in 63 P.S. § 224(a), a violation of the Safe Emergency Prescribing Act subjects a CRNP to discipline.

Finally, this rulemaking updates existing continuing education regulations for registered nurses (RNs), RN Volunteer Licensees (RN Volunteer), CRNPs and clinical nurse specialists (CNSs) to add organ and tissue donation and recovery process (collectively, “organ donation”) education consistent with the amendment in Section 8628 of the Probate, Estates and Fiduciaries Code (Probate Code) (20 Pa. C.S. § 8628), act of October 23, 2018 (P.L. 594, No. 90) (Act 90 of 2018). The amendment requires completion of at least 2 hours of Board-approved continuing education in organ donation one time within 5 years of initial licensure or within five years of licensure renewal, whichever occurs first.

The amendments do not include licensed practical nurses in the educational requirements.

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

Section 2.1(k) of the Professional Nursing Law (RN Law) (63 P.S. § 212.1(k)) sets forth the Board’s general rulemaking authority. Under the amendments to section 9.1 of the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) (35 P.S. § 872.9a) and section 6383 of the Probate, Estates and Fiduciaries Code (Probate Code) (20 Pa. C.S. § 8628), the Board is required to implement the mandatory education requirements.

(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.

Yes, Section 9.1 of the ABC-MAP (35 P.S. § 872.9a) and Section 6383 of the Probate Code (20 Pa. C.S. § 8628) requires the Board to implement the mandatory education requirements for licensees and certificate holders of the Board.

(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.

Act 124 of 2016 requires CRNPs who possess prescriptive authority authorizations and who hold either a DEA registration or use the DEA number of another to obtain two hours of mandatory education in pain management or the identification of addiction and two hours of education in the practices of prescribing or dispensing of opioids within one year of obtaining prescriptive authority and an additional two hours of opioid education per biennium as a condition of prescriptive authority biennial renewal. In addition, Act 90 of 2018 requires RNs, RN Volunteer Licensees, CRNPs and CNSs to complete at least 2 hours of Board-approved continuing education in organ donation one time within 5 years of initial licensure or within five years of licensure renewal. The proposed amendments update the Board’s existing continuing education regulations on both subjects to be consistent with the aforementioned acts.

All RNs, RN Volunteer Licensees, CRNPs and CNSs will benefit by receiving mandatory training about their responsibilities under the Probate Code and all potential organ donors and recipients will benefit

from this information. As of June 8, 2023, there are 240,920 RNs of which 2 are Volunteer RNs, 19,004 are CRNPs and 277 are CNSs.

Similarly, as the cases and dangers of opioid addiction are being readily discussed in the media and in healthcare communities, patients of CRNP care will benefit from CRNPs' with prescriptive authority enhanced knowledge of this opioid education. That benefit is already being felt as CRNPs have been verifying that they have completed the opioid education at the time of application and on renewal since January 1, 2017.

Additionally, while the Safe Emergency Prescribing Act only imposes an obligation on the Department of Health to promulgate regulations, because the Board has opioid prescribing regulations, it believes it is in the interest of CRNPs who prescribe these substances to know their obligations under Act 122 of 2016.

(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.

No. There are no federal standards on the topic.

(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 the region, nine require between one and three hours of education regarding opioid prescription pain management or substance use disorder.

In Maine, in accordance with Me.R. tit. 02-380 Ch. 21 § 5, 3 contact hours of Category 1 credit must be taken every two years on the prescribing of opioid medication as a condition of prescribing opioid medication.

In New York, in accordance with PHL § 3309-A(3), prescribers who have a DEA registration number to prescribe controlled substances as well as medical residents who prescribe controlled substances under a facility DEA registration number, must complete at least three (3) hours of course work or training in New York State and federal requirements for prescribing controlled substances, pain management, appropriate prescribing, managing acute pain, palliative medicine, prevention, screening and signs of addiction, and Responses to abuse and addiction every three years. Similar to the Pennsylvania requirement, this education must also be taken as within one year of registration or as part of a NY-approved CRNP Program.

In Rhode Island, RNs, LPNs, CRNPs and CNSs are required to complete 2 hours of continuing education in substance abuse.

In West Virginia, in accordance with W. Va. Code R. 30-1-7a, licensees must complete three hours of best practice prescribing and drug diversion training.

In New Jersey, in accordance with N.J. Admin Code 13:37-5.3, all licensees must complete at least one hour of continuing education on topics concerning opioid prescription, alternatives to opioids, and the risks of abuse. Similar to the Pennsylvania and New York requirements, the initial education may be taken as a part of an approved CRNP Program.

In Connecticut, in accordance with C.G.S.A. § 20-94d, CRNPs and CNSs must complete 1 contact hour of continuing education in substance abuse, including prescribing controlled substances and pain management.

In Delaware, in accordance with Code Del. Regs. § 1900-9.2.1.1.1, RNs and LPNs must complete at least 3 contact hours in the area of substance abuse.

In Massachusetts, in accordance with M.G.L.A. 94C §18(e), like in Pennsylvania, CRNPs who prescribe controlled substances are required, as a prerequisite to obtaining or renewing their licenses, to complete appropriate training in effective pain management, the risks of abuse and addiction associated with opioid medication, identification of patients at risk for substance use disorders, counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications, appropriate prescription quantities for prescription medications that have an increased risk of abuse, and opioid antagonists, overdose prevention treatments and instances in which a patient may be advised on both the use of and ways to access opioid antagonists and overdose prevention treatments.

In New Hampshire, in accordance with N.H. Rev. Stat. Ann §126-A:97, CRNPs who possess DEA registrations must complete 3 hours of continuing education or pass an online examination as a condition of licensure and renewal on opioid prescribing, pain management or substance abuse disorder.

Ohio, Vermont and Maryland do not have a specific opioid education requirement.

Since other surrounding states have similar opioid education requirements, the Board believes that this regulation will not place Pennsylvania at a competitive disadvantage by requiring the opioid education. Further the required opioid education is a statutory requirement for which the Board did not use any discretion.

Regarding the proposed organ donation education, only New York and New Jersey, out of the other states in the region, require organ donation education. New York requires end of life care, which includes a discussion about organ donation. New Jersey's one-hour course is specifically dedicated to organ donation. Nonetheless, the Board does not believe that this regulation will result in a competitive disadvantage as no additional continuing education hours must be taken to satisfy this requirement; it is bundled within the 30 hours required for RNs, CRNPs, CNSs and Volunteer RNs in Section 8.1(c) of the RN Law (63 P.S. § 258.1(c)). Here too, the required organ donation education is a statutory requirement for which the Board did not use any discretion. Both licensees and the public they treat will benefit from this additional education

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

No. The regulation does not affect any other regulations of the agency or other state agencies. However, there are additional boards that will be promulgating similar regulations.

(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.)

The Board discusses its regulatory proposals at regularly scheduled public meetings of the Board. Representatives of the professional associations representing the regulated community routinely attend those meetings.

Beginning in February 2021 and continuing through March, 2023, representatives from the Department of Health's Division of Nutrition and Physical Activity, Bureau of Health Promotion & Risk Reduction, Center for Organ Recovery and Education (CORE), Donate Life PA (Donate PA) and Gift of Life Donor Program (Gift of Life), organ procurement organizations (OPOs) designated for the region by the United States Secretary of Health and Human Services, and Counsel for the State Board of Medicine, State Board of Osteopathic Medicine and State Board of Nursing formed a workgroup to discuss implementation of Act 90 of 2018 and the development of the required curriculum by the OPOs. Because the OPOs expect that the curriculum will be available for providers when this regulation is published in final form, the Board has tied the implementation date for Act 90 of 2018 to the publication date of this regulation.

The Board discussed this regulation or information contained in this regulation at its meetings on September 1 and October 21, 2021, March 22 and June 10, 2022, and March 6, 2023. The Board authorized sending the regulation for pre-draft comment on October 21, 2021. The Board mailed it to approximately 72 stakeholder groups and individuals who indicated an interest in the Board's regulatory agenda on October 22, 2021. A list of stakeholders is attached as Attachment A. The Board received no comments to the exposure draft. The Board adopted the Annex in proposed form on June 10, 2022, and adopted a revised Annex containing the six mandatory modules and a reference to the Safe Emergency Prescribing Act (35 P.S. §§ 873.1-873.9) on March 6, 2023.

(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?

Except for LPNs and LDNs, all other licensees of the Board must comply with the regulation, including those that are or work for small businesses. As of June 8, 2023, there are 240,920 RNs of which 2 are Volunteer RNs, 19,004 are CRNPs and 277 are CNSs. The impact of the regulation on these licensees is minimal, because the regulations do not increase the number of continuing education hours that must be completed per biennium, just a portion of the course content.

In addition, since January 1, 2017, CRNPs with prescriptive authority have been required to verify completion of the two hours of education in any of the three ABC-MAP topics per biennium as a condition of prescriptive authority biennial renewal. Although it is rare that the CRNP's nursing education program does not verify at the time of application that the opioid education has been provided, when a prescriptive authority is issued without a verification of completion, the Board sends a letter to the CRNP reminding the CRNP that the education must be completed and the verification submitted within one year from issuance of the prescriptive authority and that failure to do so may result in disciplinary action. The Board has not yet effectuated the requirements of Act 90 of 2018 because unlike the opioid education, there was not an approved curriculum for continuing education in organ donation. Nonetheless, the OPOs expect that the curriculum will be available for providers when this regulation is published in final form.

According to the Pennsylvania Department of Labor and Industry in 2020, nurses provide their services for a variety of private and public sector employers. The majority of RNs work in general medical &

surgical hospitals (60.0%) while a minority work in ambulatory healthcare services, including physician offices (18%). Other RNs are employed by nursing and residential care facilities (7%), government (5%) and in educational services (3%).

The majority of CRNPs work for offices of physicians (47%) while a minority work for general medical and surgical hospitals (27%), and outpatient care centers (8%). Others work in educational services (4%) and offices of other health practitioners (3%). The majority of CNSs work for hospitals (60%) while a minority work in ambulatory healthcare services (18%) including physician' offices, home healthcare and outpatient care centers. Other CNSs work for nursing and residential care facilities (7%), government (5%), and educational services (3%).

According to the Small Business Administration (SBA), there are approximately 1,079,103 businesses in Pennsylvania; of which 1,074,787 are small businesses. Of the 1,074,787 small businesses, 225,751 are small employers (those with fewer than 500 employees) and the remaining 849,036 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

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).

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where licensees may work, for all types of hospitals (#622110, 622210 and 622310), the small business threshold is \$41.5 million or less in average annual receipts. Nursing care facilities (#623110) have a small business threshold of \$30 million or less in average annual receipts. Outpatient care centers (#621498) have a small business threshold at \$22 million or less. For miscellaneous ambulatory health care services (#621999), the small business threshold is \$16.5 million or less. For home health care services (#621610), the small business threshold is \$16.5 million or less. For offices of physicians (#621111), the small business threshold would be \$12.0 million or less. For all other residential care facilities (#623990), the small business threshold is also \$12.0 million or less in average annual receipts. Finally, for offices of other miscellaneous health care practitioners, the small business threshold is \$8.0 million or less.

Many of the hospitals and health systems in Pennsylvania would not be considered small businesses under these thresholds. However, the Board does not collect information on the size of the businesses where its licensees are employed. For purposes of determining the economic impact on small businesses, the Board assumes that a large number of its licensees either are owners of or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

(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.

Except for LPNs and LDNs, all other licensees of the Board must comply with the regulation, including those that are or work for small businesses. As of August 4, 2022, there are 237,811 RNs of which 17,938 are CRNPs and 279 are CNSs; 13,462 CRNPs hold prescriptive authority. The impact of the regulation on these licensees is minimal because the regulations do not increase the number of

continuing education hours that must be completed per biennium, just a portion of the course content.

In addition, since January 1, 2017, CRNPs with prescriptive authority have been required to verify completion of the two hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. Although it is rare that the CRNP's nursing education program does not verify at the time of application that the opioid education has been provided, when a prescriptive authority is issued without a verification of completion, the Board sends a letter to the CRNP reminding the CRNP that the education must be completed and the verification submitted within one year from issuance of the prescriptive authority and that failure to do so may result in disciplinary action. The Board has not yet effectuated the requirements of Act 90 of 2018 because unlike the opioid education, there was not an approved curriculum for continuing education in organ donation. Nonetheless, the OPOs expect that the curriculum will be available for providers when this regulation is published in final form.

(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.

The Board does not anticipate significant fiscal impact or paperwork requirements relating to the rulemaking. Because RNs, including RN Volunteer licensees, CRNPs, and CNSs are already required to complete mandatory continuing education, and the additional hours for opioid related education and organ donation are incorporated in the existing requirement, there would be no increased burden. Also, because licensees and certificate holders are already required to maintain evidence to support their completion of the continuing education requirement, there are no additional paperwork requirements imposed on licensee and certificate holders. There are no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act. The regulation benefits all licensee and certificate holders, by requiring additional education in the aforementioned areas which in turn will benefit Pennsylvania patients.

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

Education on pain management, the identification of addiction and the practices of prescribing and dispensing of opioids as well as organ donation benefits both the regulated community and patients of these caregivers. The regulation does not impose any increased costs, as the number of continuing education hours that must be completed by licensees per biennium is not being increased, and there are no adverse effects.

(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.

There are no additional costs associated with RNs, RN-Volunteer licensees, CRNPs and CNSs' compliance with the organ donation education as it does not increase the total number of hours (30) that must be obtained by these licensees/certificate holders as a condition of biennial renewal, just the distribution of those hours.

Similarly, there are no additional costs associated with the addition of the opioid education as the initial education is routinely incorporated within a CRNP advanced pharmacology course and the continuing education credits, as explained above, are included in the total number of hours required for licensure

renewal. Additionally, there is no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act.

(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.

As with all other continuing education, there are costs incurred for auditing, verifying and prosecuting cases for failure to complete the required continuing education, however, the overhead cost involved in these activities was considered when the Board amended its fee regulations, 16A-5142, that went into effect in 2019. There are no additional costs directly associated with implementing this regulation as the addition of the opioid and organ donation continuing education does not increase the total number of hours that must be obtained by these licensees/certificate holders, just the distribution of those hours. Further, the initial opioid education is contained within the CRNP education curriculum in the advanced pharmacology course. There are no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act.

(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.

There are no additional legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork requirements required of the regulated community. RNs, RN Volunteer licensees, CRNPs and CNSs are currently required to keep records of their continuing education for submission to the Board upon audit. On renewal, they will continue to check off whether they completed the required education and minimum total. The addition of the opioid and organ donation education does not increase the total number of hours that must be obtained by these licensees/certificate holders, just the distribution of those hours.

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

Yes, current forms will have to be modified to include the new education topics.

(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.**

See the renewal applications for RNs, RN Volunteer licensees, CRNPs and CNSs attached hereto as Attachment B.

(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 FY 22-23	FY +1 FY 23-24	FY +2 FY 24-25	FY +3 FY 25-26	FY +4 FY 26-27	FY +5 FY 27-28
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
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 FY 2019-2020 (actual)	FY -2 FY 2020-2021 (actual)	FY -1 FY 2021-2022 (projected)	Current FY FY 2022-2023 (budgeted)
State Board of Nursing	\$16,491,509.70	\$16,466,067.42	\$16,845,000.00	\$16,957,000.00

(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.

The regulation has no adverse impact on small business. RNs, RN Volunteer licensees, CRNPs and CNSs are currently required to complete continuing education and maintain proof of completion in the event of an audit. Employers are not required to pay the costs associated with their employee's compliance with the continuing education requirement.

All RNs, RN Volunteer Licensees, CRNPs and CNSs will benefit by receiving mandatory training about their responsibilities under the Probate Code and all potential organ donors and recipients will benefit from this information. Similarly, as the cases and dangers of opioid addiction are being readily discussed in the media and in healthcare communities, patients of CRNP care will benefit from CRNPs' with prescriptive authority enhanced knowledge of this opioid education.

(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.

The Board has identified no special groups that needed special provisions. ABC-MAP and the Probate Code applies equally to all mandated licensees and certificate holders.

(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.

No alternative regulatory provisions have been considered as the additional continuing education content added by these regulations is mandated by the statutes. Further, the Board believes that these regulations provide the least burdensome means of complying with amendments to ABC-MAP and the Probate Code.

(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.

Because there is minimal anticipated adverse impact on small business, a regulatory flexibility analysis was not conducted. No less stringent compliance or reporting requirements or less stringent schedules or deadlines for compliance for small businesses would be consistent with the goals of ABC-MAP and the Probate Code. There are no design or operational standards in the regulation. Exempting small businesses or employees of small businesses from any of the requirements contained in the regulation would not be consistent with the intent of ABC-MAP and the Probate Code.

(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.

No data is the basis for this regulation.

(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:
- No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings on September 1 and October 21, 2021, March 22 and June 10, 2022, and January 20 and March 6, 2023.
- C. The expected date of the final-form regulation: Winter of 2023
- D. The expected effective date of the final-form regulation: Upon notice or publication as final.
- E. The expected date by which compliance with the final-form regulation will be required: Upon notice or publication as final.
- 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 continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following dates in 2023-2025:

July 20, September 15, October 30, and December 11, 2023
January 23, March 14, May 2, June 12, July 23, September 10, October 29, and December 12, 2024
January 22, March 6, April 16, June 5, July 16, September 4, October 15, and December 4, 2025

More information can be found on the Department's website at www.dos.pa.gov.

ATTACHMENT A

STATE BOARD OF NURSING

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ATTACHMENT B

STATE BOARD OF NURSING

Mailing Address
 State Board of Nursing
 P.O. Box 2649
 Harrisburg, PA 17105

Telephone: 717-783-7142
 www.dos.pa.gov/nurse

Application for Renewal of a Registered Nurse License
 Expiration Date: 10/31/____

<p>Warning: Practicing on an expired license may result in disciplinary actions and additional monetary penalties.</p>	<p>Name _____ (Last) (First) (Middle)</p> <p>Maiden Name _____</p> <p>All last names you have used _____</p> <p>Notice: License cannot be forwarded by post office. The address listed below is my current address and should be updated on my license if appropriate.</p> <p>Current address _____</p> <p>City _____ State _____ Zip _____</p> <p>Telephone # _____ Date of Birth _____ (include the area code) (Month) (Day) (Year)</p> <p>Email Address _____</p> <p>PA License #: RN _____</p>
<p><input type="checkbox"/> I will not be practicing this profession in Pennsylvania and request inactive status. No fee is required</p>	

	YES	NO
1. Are you submitting a name change with this renewal?		
<p>Change name to: You must submit a copy of a legal document verifying the name(s). The following are acceptable name change verification documents:</p> <ul style="list-style-type: none"> • Marriage Certificate: • Divorce decree which indicates the retaking of your maiden name: • Other "legal" document indicating the retaking of a maiden name: • For a "legal" name change, a copy of the court document must be provided. 		
	YES	NO

Print your NAME: _____

PA license # _____

<p>2. With the exception of the one you are currently renewing, do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?</p>		
<p>Please provide the profession and state or jurisdiction.</p>		
<p>If you answer yes to questions 3, 4 and 5, provide copies of all disciplinary actions from the Boards that imposed actions and a personal detailed statement. If you answer yes to questions 6 through 9, provide copies of pertinent documents and a personal detailed statement.</p>		
<p>3. 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>4. 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>5. 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>6. Since your initial application or your 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?</p>		
<p>7. Since your initial application or your last renewal, whichever is later, have you ever had practice privileges denied, revoked, suspended, or restricted by a hospital or any health care facility?</p>		
<p>8. Since your initial application or your 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?</p>		
<p>9. 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>		
<p>10. Have you <u>completed</u> a minimum of 30 hours of Board-approved continuing education within the last 2 years? To renew the license you are required to complete at least 30 hours of Board-approved continuing education within the past two years.</p>		
<p>Continuing Education Requirement: You are required to complete a minimum of 30 hours of Board-approved continuing education during the period November 1, ____ and October 31, _____. Of the 30 hours:</p> <ul style="list-style-type: none"> *2 hours of Board-approved continuing education in child abuse recognition and reporting shall be completed for renewal. *2 hours of Board-approved continuing education in organ and tissue donation and recovery process one time within 5 years of initial licensure or within five years of licensure renewal <p>Your license will not be renewed if you have not completed the entire continuing education requirement. In the event you are audited you will be required to produce documentation of the continuing education.</p>		

Print your NAME: _____ PA license # _____

ACKNOWLEDGEMENT OF DUTY TO SELF-REPORT DISCIPLINARY CONDUCT AND CERTAIN CRIMINAL ACTIVITY

I, _____, hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am **REQUIRED** pursuant to Act 6 of 2018 to **NOTIFY** the Bureau of Professional and Occupational Affairs **WITHIN 30 DAYS of the occurrence of any of the following**: (1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction; (2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. **I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board.** I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) at www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."

Licensee Signature

Date

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. 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.

Licensee Signature

Date

STATE BOARD OF NURSING

Mailing Address
 State Board of Nursing
 P.O. Box 2649
 Harrisburg, PA 17105

Telephone: 717-783-7142
 Fax: 717-783-0822
 E-mail: st-nurse@pa.gov
 www.dos.pa.gov/nurse

Application for Renewal of a Volunteer Registered Nurse License
 No fee required to renew this license.

<p>Note: Your volunteer registered nurse license to practice in an organized community-based clinic expires on 4/30/ ----</p> <p>Warning: Practicing on an expired license may result in disciplinary actions and additional monetary penalties.</p>	<p>Name _____ (Last) (First) (Middle)</p> <p>Maiden Name _____</p> <p>All last names you have used _____</p> <p>Notice: License cannot be forwarded by post office. The address listed below is my current address and should be updated on my license if appropriate.</p> <p>Current address _____</p> <p>City _____ State _____ Zip _____</p> <p>Telephone # _____ Date of Birth _____ (include the area code) (Month) (Day) (Year)</p> <p>Email Address _____</p> <p>PA license #: _____</p>
--	--

I will not be practicing this profession in Pennsylvania and request inactive status.

	YES	NO
1. Are you submitting a name change with this renewal?		
<p>Change name to: You must submit a copy of a legal document verifying the name(s). The following are acceptable name change verification documents:</p> <ul style="list-style-type: none"> • Birth Certificate: • Marriage Certificate • Divorce decree: • Official name change document issued by a court: • Passport • Social Security card • Driver's license or official non-driver ID card issued by a state that complies with the Federal REAL ID Act requirements. 		

Print your NAME: _____ PA license # _____

	YES	NO
2. With the exception of the one you are currently renewing, do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?		
Please provide the profession and state or jurisdiction.		
If you answer yes to questions 3, 4 and 5, provide copies of all disciplinary actions from the Boards that imposed actions and a personal detailed statement. If you answer yes to questions 6 through 9, provide copies of pertinent documents and a personal detailed statement.		
3. 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?		
4. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?		
5. 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?		
6. Since your initial application or last renewal, whichever is later, have you had your DEA registration denied, revoked or restricted?		
7. Since your initial application or your 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?		
8. Since your initial application or your last renewal, whichever is later, have you ever had practice privileges denied, revoked, suspended, or restricted by a hospital or any health care facility?		
9. Since your initial application or your 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?		
10. 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?		
11. Have you <u>completed</u> a minimum of 30 hours of Board-approved continuing education within your CRNP specialty within the last 2 years? To renew the license you are required to complete at least 30 hours of Board-approved continuing education within the past two years.		
<p>Continuing Education Requirement: You are required to complete a minimum of 30 hours of Board-approved continuing education during the period November 1, ____ and October 31, _____. Of the 30 hours:</p> <p>*2 hours of Board-approved continuing education in child abuse recognition and reporting shall be completed for renewal. *2 hours of Board-approved continuing education in organ and tissue donation and recovery process one time within 5 years of initial licensure or within five years of licensure renewal</p>		

Print your NAME: _____ PA license # _____

Your license will not be renewed if you have not completed the entire continuing education requirement. In the event you are audited you will be required to produce documentation of the continuing education.

ACKNOWLEDGEMENT OF DUTY TO SELF-REPORT DISCIPLINARY CONDUCT AND CERTAIN CRIMINAL ACTIVITY

I, _____, hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am **REQUIRED** pursuant to Act 6 of 2018 to **NOTIFY** the Bureau of Professional and Occupational Affairs **WITHIN 30 DAYS** of the occurrence of any of the following: (1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction; (2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) at www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."

Licensee Signature

Date

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. 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.

Licensee Signature

Date

Nursing- Certified Registered Nurse
 Practitioner- Certification by Endorsement
 Renewal (SP024609)
 AA0004035565



DRAFT

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

P. O. Box 2649

Harrisburg, PA 17105-2649

APPLICANT INFORMATION

PERSONAL INFORMATION							
Last Name				First Name			
Middle Name				Suffix			
Full Name	J						
SSN		Date Of Birth		Age		Gender	
ADDRESS DETAILS							
Street Address							
City/State/Zip							
County						Country	United States
CONTACT DETAILS							
Phone number				Mobile Phone number			
Primary Email Address				Secondary Email Address			
CHECKLIST ITEMS							
Checklist name	Status			Submitted Date	Expiration Date		
Application							
Application Fee							
Child Abuse CE							
LEGAL QUESTIONS							
Questions	Answer			Document Uploaded	File Name		
1	Are you submitting a name change with this renewal?			N	No		
2	First Name				No		
3	Middle Name				No		
4	Last Name				No		
5	<p>Therefore, any of the following officially issued government documents should be accepted for the purpose of changing a licensee's name in records maintained by the various professional and occupational licensing boards and commissions:</p> <p>A. A birth certificate. B. A marriage certificate (not a marriage license). C. A divorce decree. D. An official name change document issued by a court. E. A passport. F. A social security card. G. A Pennsylvania driver's license or non-driver ID card. H. A driver's license or official non-driver ID card issued by another state that complies with the federal REAL ID Act requirements (signified with a star on the front).</p>				No		

*# Have you completed at least 2 hours of Board-approved continuing education in organ and tissue donation and recovery process are true within ^{5 years of} initial licensure or within 5

years of licensure renewal?

6	Have you completed a minimum of 30 hours of Board-approved continuing education within your CRNP specialty?	Y	No	
7	With the exception of the one you are currently renewing, do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?	Y	No	
8	Please provide the profession and state or jurisdiction.	Registered Nurse-Delaware; Registered Nurse-New Jersey; Nurse Practitioner-New Jersey	No	
9	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?	N	No	
10	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	N	No	
11	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?	N	No	
12	Since your initial application or last renewal, whichever is later, have you had your DEA registration denied, revoked or restricted?	N	No	
13	Since your initial application or your 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?	N	No	
14	Since your initial application or your last renewal, whichever is later, have you had practice privileges denied, revoked, suspended, or restricted by a hospital or any health care facility?	N	No	
15	Since your initial application or your 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?	N	No	
16	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?	N	No	
17	Are you covered by liability insurance as required by the Pennsylvania Professional Nursing Law?	Y	No	
18	Do you hold current National certification as a nurse practitioner? (Note: CRNPs who were certified by the Board after February 7, 2005, are required to maintain current National certification in order to renew their Pennsylvania CRNP certification.)	Y	No	

Licenses/Certificates/Permits/Registrations in Any State/Jurisdiction

Profession	State/Jurisdiction
Registered Nurse	
Registered Nurse	
Nurse Practitioner	

PA VETERANS REGISTRY		
Questions	Answer	
1	Have you served in the U.S. Armed Forces?	N
2	Thank you for your service. Would you like to register with the PA Veterans Registry? The PA Veterans Registry provides veterans with information about federal, state and local benefits, programs and services that are available to Pennsylvania veterans and links veterans with resources that can provide assistance. Registration is quick and easy, and provides the Department of Military and Veterans Affairs (DMVA) with a way to contact you regarding the benefits and services you may be eligible for. If you check "Yes," you will receive an email with instructions to assist you in registering.	

ACKNOWLEDGEMENT OF DUTY TO SELF-REPORT DISCIPLINARY CONDUCT AND CERTAIN CRIMINAL ACTIVITY	
<input checked="" type="checkbox"/>	<p>I hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am REQUIRED pursuant to Act 6 of 2018 to NOTIFY the Bureau of Professional and Occupational Affairs WITHIN 30 DAYS of the occurrence of any of the following:</p> <p>(1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction, (2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) at www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."</p> <p>(09/07/2022 09:20:49)</p>
CONFIRMATION	
<input checked="" type="checkbox"/>	Any fees paid are non refundable. (09/07/2022 09:20:49)

Nursing- Prescriptive Authority-
Application
Renewal (NPPA045853)
AA0004036815



DRAFT

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

P. O. Box 2649

Harrisburg, PA 17105-2649

APPLICANT INFORMATION

PERSONAL INFORMATION			
Last Name		First Name	
Middle Name		Suffix	
Full Name			
SSN		Date Of Birth	Age Gender
ADDRESS DETAILS			
Street Address			
City/State/Zip			
County		Country	United States
CONTACT DETAILS			
Phone number		Mobile Phone number	
Primary Email Address		Secondary Email Address	
CHECKLIST ITEMS			
Checklist name	Status	Submitted Date	Expiration Date
Application			
Application Fee			2
LEGAL QUESTIONS			
Questions	Answer	Document Uploaded	File Name
1 Are you submitting a name change with this renewal?	N	No	
2 First Name		No	
3 Middle Name		No	
4 Last Name		No	
5 Therefore, any of the following officially issued government documents should be accepted for the purpose of changing a licensee's name in records maintained by the various professional and occupational licensing boards and commissions: A. A birth certificate. B. A marriage certificate (not a marriage license). C. A divorce decree. D. An official name change document issued by a court. E. A passport. F. A social security card. G. A Pennsylvania driver's license or non-driver ID card. H. A driver's license or official non-driver ID card issued by another state that complies with the federal REAL ID Act requirements (signified with a star on the front).		No	

Have you completed at least 2 hours of Board-approved continuing education in organ and tissue donation and recovery process one time within 5 years of initial licensure or within 5 years of license renewal?

6	Have you completed at least 16 hours of Board-approved continuing education in pharmacology?	Y	No	
7	Have you completed at least 2 hours of Board-approved education in pain management, identification of addiction or the practices of prescribing or dispensing of opioids?	Y	No	
8	With the exception of the one you are currently renewing, do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction?	Y	No	
9	Please provide the profession and state or jurisdiction.		No	
10	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?	N	No	
11	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	N	No	
12	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?	N	No	
13	Since your initial application or your 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?	N	No	
14	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?	N	No	
15	Have you registered with the Pennsylvania Prescription Drug Monitoring Program?	N	No	

COLLABORATING PHYSICIAN DETAILS

Type	Physician License No.	Full Name
Collaborating Physician		EZ

SCHEDULE

Schedule Type	Control substance Schedule can be prescribed and/or dispense
Drug Schedule 2	
Drug Schedule 3	
Drug Schedule 4	

Licenses/Certificates/Permits/Registrations in Any State/Jurisdiction

Profession	State/Jurisdiction

PA VETERANS REGISTRY		
Questions	Answer	
1	Have you served in the U.S. Armed Forces?	N
2	Thank you for your service. Would you like to register with the PA Veterans Registry? The PA Veterans Registry provides veterans with information about federal, state and local benefits, programs and services that are available to Pennsylvania veterans and links veterans with resources that can provide assistance. Registration is quick and easy, and provides the Department of Military and Veterans Affairs (DMVA) with a way to contact you regarding the benefits and services you may be eligible for. If you check "Yes," you will receive an email with instructions to assist you in registering.	

ACKNOWLEDGEMENT OF DUTY TO SELF-REPORT DISCIPLINARY CONDUCT AND CERTAIN CRIMINAL ACTIVITY	
<input checked="" type="checkbox"/>	<p>I hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am REQUIRED pursuant to Act 6 of 2018 to NOTIFY the Bureau of Professional and Occupational Affairs WITHIN 30 DAYS of the occurrence of any of the following:</p> <p>(1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction;</p> <p>(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) at www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."</p> <p>(09/07/2022 12:30:02)</p>
CONFIRMATION	
<input checked="" type="checkbox"/>	Any fees paid are non refundable. (09/07/2022 12:30:02)



DRAFT

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

P. O. Box 2649

Harrisburg, PA 17105-2649

APPLICANT INFORMATION

PERSONAL INFORMATION							
Last Name				First Name			
Middle Name				Suffix			
Full Name							
SSN		Date Of Birth		Age		Gender	
ADDRESS DETAILS							
Street Address							
City/State/Zip							
County						Country	United States
CONTACT DETAILS							
Phone number				Mobile Phone number			
Primary Email Address				Secondary Email Address			
CHECKLIST ITEMS							
Checklist name	Status			Submitted Date	Expiration Date		
Application							
Application Fee							
Child Abuse CE							
LEGAL QUESTIONS							
Questions				Answer	Document Uploaded	File Name	
1	Are you submitting a name change with this renewal?			N	No		
2	First Name				No		
3	Middle Name				No		
4	Last Name				No		
5	Therefore, any of the following officially issued government documents should be accepted for the purpose of changing a licensee's name in records maintained by the various professional and occupational licensing boards and commissions: A. A birth certificate. B. A marriage certificate (not a marriage license). C. A divorce decree. D. An official name change document issued by a court. E. A passport. F. A social security card. G. A Pennsylvania driver's license or non-driver ID card. H. A driver's license or official non-driver ID card issued by another state that complies with the federal REAL ID Act requirements (signified with a star on the front).				No		

PA VETERANS REGISTRY		
Questions	Answer	
1	Have you served in the U.S. Armed Forces?	N
2	Thank you for your service. Would you like to register with the PA Veterans Registry? The PA Veterans Registry provides veterans with information about federal, state and local benefits, programs and services that are available to Pennsylvania veterans and links veterans with resources that can provide assistance. Registration is quick and easy, and provides the Department of Military and Veterans Affairs (DMVA) with a way to contact you regarding the benefits and services you may be eligible for. If you check "Yes," you will receive an email with instructions to assist you in registering.	

ACKNOWLEDGEMENT OF DUTY TO SELF-REPORT DISCIPLINARY CONDUCT AND CERTAIN CRIMINAL ACTIVITY	
<input checked="" type="checkbox"/>	<p>I hereby acknowledge that in addition to any existing reporting requirement required by a specific board or commission, I am REQUIRED pursuant to Act 6 of 2018 to NOTIFY the Bureau of Professional and Occupational Affairs WITHIN 30 DAYS of the occurrence of any of the following:</p> <p>(1) A disciplinary action taken against me by a licensing board or agency in another jurisdiction;</p> <p>(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition (ARD) of any felony or misdemeanor offense in a criminal proceeding. I further acknowledge that failure to comply with these mandatory reporting requirements may subject me to disciplinary action by the Board. I acknowledge my understanding that to self-report a disciplinary action or criminal matter as set forth above, I may log in to the Pennsylvania Licensing System (PALS) at www.pals.pa.gov and select "Mandatory Reporting by Licensee" under the heading "Your Licenses."</p> <p>(08/27/2022 19:30:50)</p>
CONFIRMATION	
<input checked="" type="checkbox"/>	Any fees paid are non refundable. (08/27/2022 19:30:50)

CDL-1

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

RECEIVED

AUG 30 2023

Independent Regulatory
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>Amy M. Elliott (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M Elliott DN: cn=Amy M Elliott, o=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General email=ae Elliott@attorneygeneral.gov, c=US Date: 2023.08.18 15:52:27 -0400</small></p> <p><u>8/18/2023</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Nursing</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO <u>16A-5146</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u><i>Linda L. Kmetz</i></u> Linda L. Kmetz, PhD, RN</p> <p>TITLE <u>Board Chair</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p>BY: <u><i>Deputy General Counsel</i></u></p> <p><u>June 15, 2023</u> DATE OF APPROVAL</p> <p>Deputy General Counsel (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF NURSING

TITLE 49 PA CODE CHAPTER 21

§§ 21.131, 21.133-21.134, 21.283, 21.284b, 21.289, 21.331, 21.605 and 21.822

OPIOID PRESCRIPTION AND EDUCATION AND ORGAN DONATION EDUCATION

The State Board of Nursing proposes to amend §§ 21.131, 21.133, 21.134, 21.283, 21.284b, 21.289, 21.331, 21.605, and 21.822 to read as set forth in Annex A.

Effective date

This proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory authority

Section 2.1(k) of the Professional Nursing Law (RN Law) (63 P.S. § 212.1(k)) sets forth the Board's general rulemaking authority. Under the amendments to section 9.1 of the Achieving Better Care By Monitoring All Prescriptions Program (ABC-MAP) (35 P.S. § 872.9a) and section 6383 of the Probate, Estates and Fiduciaries Code (Probate Code) (20 Pa. C.S. § 8628), the Board is required to implement the mandatory education requirements.

Background and purpose

In 2016, the Legislature amended the ABC-MAP (63 P.S. §§ 872.1-872.40), including the requirement imposed by section 9.1(a) of the act of November 2, 2016 (P.L. 980, No. 124) (Act 124 of 2016) on all prescribers and dispensers to obtain two hours of mandatory education regarding pain management or the identification of addiction, two hours of education in the practices of prescribing or dispensing of opioids (collectively, "opioid education") within one year of obtaining prescriptive authority, and an additional two hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. At the same time, the Legislature enacted the Safe Emergency Prescribing Act (35 P.S. §§ 873.1-873.9), act of November 2, 2016 (P.L. 976, No. 122) (Act 122 of 2016), which imposed restrictions on certified registered nurse practitioners' (CRNPs) prescription of opioid drug products to individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital. Violation of the Safe Emergency Prescribing Act subjects CRNPs to discipline.

The Board implemented Act 124 of 2016, and since January 1, 2017, the Board has required CRNPs with prescriptive authority to verify completion of the two hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. Generally, CRNP nursing education programs verify completion of the opioid education at the time of application. If a prescriptive authority is issued without a verification of completion, the Board sends a letter to the CRNP reminding the CRNP that the education must be completed, and the verification submitted within one year from issuance of the prescriptive authority and that failure to do so may result in disciplinary action. Shortly after enactment, representatives of the Bureau of Professional and Occupational Affairs, on behalf of the impacted licensing Boards, met with representatives of the Department of Health (DOH) to discuss curricula required by Act 124 of 2016. Because the opioid education required was readily available from multiple Board-approved providers and is incorporated into many CRNP nursing education program's advanced pharmacology courses, a decision was made not to mandate a specific curriculum like what is required for organ and tissue donation and recovery process (collectively, "organ donation"), discussed below. Nonetheless, for guidance, DOH has posted seven modules that fit within the

mandated education on its webpage at
www.health.pa.gov/topics/programs/PDMP/Pages/education.aspx.

In addition, the Legislature amended the Probate Code (20 Pa.C.S. §§ 8610-8632), including the requirement imposed in section 8628 of the act of October 23, 2018 (P.L. 594, No. 90) (Act 90 of 2018) that registered nurses (RNs) complete at least 2 hours of Board-approved continuing education in organ donation one time within 5 years of initial licensure or within five years of licensure renewal, whichever occurs first. In drafting organ donation regulations, the Board has worked with the DOH and other agencies regarding the development of an approved curriculum for continuing education in organ donation. Representatives from the Department of Health's Division of Nutrition and Physical Activity, Bureau of Health Promotion & Risk Reduction, Center for Organ Recovery and Education (CORE), Donate Life PA (Donate PA) and Gift of Life Donor Program (Gift of Life), organ procurement organizations (OPOs) designated for the region by the United States Secretary of Health and Human Services, and Counsel for the State Board of Medicine, State Board of Osteopathic Medicine and State Board of Nursing formed a workgroup to discuss implementation of Act 90 of 2018 and the development of the required curriculum by the OPOs. Because the OPOs expect that the curriculum will be available for providers when this regulation is published in final form, the Board has tied the implementation date for Act 90 of 2018 to the publication date of this regulation.

The proposed amendments are required to update the Board's existing regulations on both subjects to be consistent with the aforementioned acts.

Description of the proposed amendments

The Board is proposing to add §§ 21.131(a.1), 21.331(c)(6), 21.605(b) and 21.822(f) (relating to continuing education; biennial renewal; biennial renewal of certification; and biennial renewal) to include the requirement from Act 90 of 2018 that registered nurses complete at least 2 hours of Board-approved continuing education in organ and tissue donation and recovery (organ donation) one time within 5 years of initial licensure or within five years of licensure renewal, whichever occurs first. Specifically, under section 8 of Act 90 of 2018, registered nurses must complete a two-hour course on organ donation designed to address the clinical aspects of the donation and recovery process as a condition of license renewal. The course may include information about donation of hands, facial tissue and limbs and other vascularized composite allografts. 20 Pa. C.S. § 8628. Act 90 of 2018 applies to RNs, CRNPs, registered nurse volunteer licensees (RN Volunteer) and clinical nurse specialists (CNSs). Because licensed practical nurses are not required to complete continuing education, aside from child abuse education, they were not included in Act 90 of 2018. In the future, when Act 60 of 2021 (P.L. 326, No. 60) (63 P.S. § 218.9) relating to the licensure and regulation of certified registered nurse anesthetists (CRNA) is implemented, they too will be required to comply with this requirement. The Board is currently drafting CRNA regulations.

New § 21.131(a.1)(1) would apply to existing licensees at the time the regulation is published in final form and therefore would sunset 5 years from that publication. Paragraph (2) would apply to licensees who obtain their licenses on or after the effective date and Paragraph (3) would apply to licensees who reactivate expired or inactive licenses on or after the effective date.

Concomitantly, the Board proposes to add § 21.133(a.1) which delineates the mandatory organ donation curriculum. Unlike the opioid curriculum which is established and in use by CRNP nursing education programs, there is no established organ donation curriculum. In light of the statutory mandate and the lack of an established curriculum, the Board decided that a specific pre-approved curriculum was needed. The curriculum was jointly developed by CORE, Donate PA and Gift of Life and approved by the Board at its March 6, 2023 meeting. The curriculum is composed of six parts: an overview of the organ donation & transplantation system, the tissue donation process, the organ donation process, determining death and family communication, caring for families and organ donor management. The first part describes the national, state and local systems for organ and tissue donation. Organ transplant waiting lists will be discussed as well as transplantable organs and tissues, including vascularized composite allografts. The second part describes common applications for transplantable tissue and a framework for an effective hospital process. The third part describes commonly transplantable organs, and the entire organ donation process from the initial referral to the recovery of organs. It also defines the role of the OPO and the healthcare team, including optimal practices for communication and collaboration. The fourth part describes a historical perspective for determining death and effective communication techniques to aid in family conversations. The fifth part addresses considerations for providing compassionate end of life care for families and assessing readiness for the donation conversation. It also addresses information and techniques for debunking common myths and misconceptions. The last part describes the organ donation pathways, medical assessment for eligibility and clinical management strategies for optimizing end organ function, the surgical recovery phase, and coroner/medical examiner communication. It also highlights practices for maintaining optimal communication and collaboration. Like all other providers of education, a provider of organ donation must follow existing regulations regarding continuing education. Under subsection (a.1), a copy of the Board-approved organ donation curriculum will be posted on the Board's web site. Like with other continuing education aside from child abuse, licensees/certificate holders will only be required to submit certificates of attendance upon audit pursuant to § 21.131(c) but will be required to verify completion on their biennial renewal applications under § 21.331(c)(2).

Because the organ donation education is relevant to patient care and professional nursing generally, as required by § 21.131(a), the Board has added organ donation content to the list of approved content in § 21.133(c)(7). Also, since this education may be required by facilities for licensees/certificate holders who work in emergency and operating rooms, the Board has not limited the amount of organ donation education that may be taken for continuing education credit so long as the mandatory two hours be taken within five years of licensure/certification for new licensees/certificate holders and within 5 years of licensure renewal for existing licensees/certificate holders as indicated in new §§ 21.131(a), 21.331(c)(6), 221.605(b), and 21.822(f).

New § 21.134(a)(11) would add the activities sponsored by OPOs designated for the region by the United States Secretary of Health and Human Services as an organ procurement organization to the list of pre-approved continuing education activities. Approved OPOs are listed on the Pennsylvania Department of Health and Human Services website at <https://www.health.pa.gov/topics/programs/Organ%20Donation/Pages/Organ%20Donation.aspx>, and the US Department of Health Resources & Services Administration at organdonor.gov.

In connection with opioid prescription by CRNPs, the Board is also proposing to amend § 21.283(b) (relating to authority and qualification for prescribing, dispensing and ordering drugs) to include the requirement from ABC-MAP in new paragraph (4) that CRNPs who hold prescriptive authority authorizations complete two hours of mandatory education regarding pain management or the identification of addiction and two hours of education in the practices of prescribing or dispensing of opioids within one year of obtaining prescriptive authority. Proposed sub-paragraph (I) would clarify that the specified opioid education may be taken as part of a Board-approved CRNP Program, a stand-alone course from a Board-approved CRNP advanced pharmacology course provider or as part of a continuing education course from a CRNP continuing education provider. Sub-paragraph (II) also clarifies that only CRNPs who hold a current Drug Enforcement Administration (DEA) registration number or utilize the DEA registration number of another person or entity are required to comply with new paragraph (4).

The Board is also proposing to amend § 21.283(c) by removing the biennial renewal requirements for prescriptive authority holders and replacing them with a reference to those requirements in 21.331(c)(2) thereby eliminating the current redundancy in §§ 21.283(c) and 21.331(c). In addition to the current requirement in 21.331(c)(2)(i) that these holders complete at least 16 hours of Board-approved continuing education in pharmacology, the Board proposes to add § 21.331(c)(2)(ii) to incorporate the mandatory 2 hours of continuing education in opioid education per biennium as a condition of prescriptive authority biennial renewal for CRNPs who hold a DEA registration or use the DEA number of another. The additional hours can be included within the mandatory 30 hours required by § 21.131(a). In recognition that CRNPs hold multiple prescriptive authorities, new paragraph (2)(ii) also clarifies that the opioid education need only be completed one time per biennium regardless of the number of prescriptive authority approvals being renewed.

Finally, in connection with the Safe Emergency Prescribing Act, the Board is proposing to amend CRNP prescription requirements for controlled substances in § 21.284b to incorporate by reference this act's prescribing restrictions on opioid drug products for individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital by adding new subsection (e). In addition, the Board is proposing to add new § 21.289 to notify CRNPs that in addition to the grounds for discipline in 63 P.S. § 224(a), a violation of the Safe Emergency Prescribing Act subjects a CRNP to discipline.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. RNs, CRNPs, CNSs and RN-volunteer license holders are already required to complete mandatory continuing education, and as these hours are incorporated in the existing requirement, there would be no increased burden. Also, like with other continuing education, aside from the mandatory child abuse education, licensees and certificate holders are required to keep copies of their continuing education certificates in the event of an audit.

There are no significant fiscal impact or paperwork requirements associated with the Safe Emergency Prescribing Act.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, except for § 21.131(a.1)(1), no sunset date has been assigned.

For § 21.131(a.1)(1), this provision sunsets five years from the effective date of the regulation.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 30, 2023, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor of comments.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to the Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-5146 (Additional Continuing Education) when submitting comments.

Linda L. Kmetz, PhD, RN
Board Chair

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES

* * * * *

CONTINUING EDUCATION

§ 21.131. Continuing education.

(a) *Requirement of continuing education.* A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial renewal period immediately preceding the application for renewal in accordance with section 12.1 of the act (63 P.S. 222) and this subchapter. At least 2 of the 30 hours shall be completed in approved continuing education in child abuse recognition and reporting requirements in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial renewal period may not engage in the practice of professional nursing until the continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.

(a.1) *Additional continuing education requirement.*

(1) Effective _____ a registered nurse shall complete at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.133(a.1) (relating to continuing education content) from the sources

identified in § 21.134(11) (relating to continuing education sources) one time within 5 years of licensure renewal.

(2) Licensees who obtain a license on or after _____ shall verify completion of the 2 hours one time within 5 years of initial licensure.

(3) Licensees who reactivate expired or inactive licenses on or after _____ shall verify completion of the 2 hours one time within 5 years of reactivation.

(Editor's Note: The blanks in subsection (a.1) refer to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin. Subsection (a.1)(1) sunsets 5 years from the effective date).

* * * * *

§ 21.133. Continuing education content.

(a) Continuing education must be relevant to patient care or professional nursing in a general or specialty area and enhance the knowledge and application of the physical, social, biological and behavioral sciences.

(a.1) The continuing education required to satisfy the organ and tissue donation and recovery process in § 21.131(a.1) consists of the following Board-approved curriculum, which is posted on the Board's website:

- (1) Overview of the Organ Donation & Transplantation System
- (2) Tissue Donation Process
- (3) Organ Donation Process
- (4) Determining Death and Family Communication
- (5) Caring for Families
- (6) Organ Donor Management

* * * * *

* * * * *

(c) Courses in areas related to the practice of professional nursing such as the following are:

* * * * *

(6) Pharmacology.

(7) Organ and tissue donation and recovery.

§ 21.134. Continuing education sources.

(a) The following continuing education activities that meet the requirements of § 21.133 (relating to continuing education content) for registered nurses are approved:

* * * * *

(10) Activities approved by a Board in another jurisdiction.

(11) Activities sponsored by an organ procurement organization as defined in 20 Pa.C.S. § 8601 (relating to definitions).

* * * * *

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

* * * * *

CRNP PRACTICE

§ 21.283. Authority and qualification for prescribing, dispensing and ordering drugs.

* * * * *

(b) To obtain prescriptive authority approval, a CRNP shall:

* * * * *

(3) Pay the fee set forth in § 21.253 (relating to fees).

(4) Complete at least 2 hours of Board-approved education in pain management or the identification of addiction and 2 hours of Board-approved education in the practices of

prescribing or dispensing of opioids within 1 year of obtaining prescriptive authority approval.

(I) The education may be taken as part of a Board-approved CRNP Program posted on the Board’s website pursuant to § 21.362(d) (relating to annual report and compliance reviews: list of approved programs), a stand-alone course from a Board-approved CRNP advanced pharmacology course provider authorized by subsection (b)(1) or a continuing education course from a CRNP continuing education provider listed in § 21.334(a) (relating to sources of continuing education.)

(II) This requirement only applies to CRNPs who hold a current Drug Enforcement Administration (DEA) registration or utilize the DEA registration number of another person or entity, as permitted by law, to prescribe controlled substances in any manner.

(c) A CRNP who has prescriptive authority shall complete [at least 16 hours of Board-approved continuing education in pharmacology in the 2 years prior to the] the continuing education set forth in § 21.331(c)(2) as a condition of biennial renewal [date of the certification. The CRNP shall verify completion of the continuing education when submitting a biennial renewal].

* * * * *

§ 21.284b. Prescribing, administering and dispensing controlled substances.

* * * * *

(d) Compliance with this section will not treated as compliance with standards of acceptable and prevailing practice as a CRNP when medical circumstances require that the CRNP exceed the

requirements of this section.

(e) A CRNP shall comply with the prescribing requirements for opioid drug products for individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital under the Safe Emergency Prescribing Act. 35 P.S. §§873.1-873.8.

* * * * *

§ 21.289. Additional grounds for discipline.

In addition to the grounds set forth in 63 P.S. § 224(a), a CRNP who fails to comply with the Safe Emergency Prescribing Act shall be subject to disciplinary action.

* * * * *

MAINTENANCE OF CERTIFICATION

§ 21.331. Biennial renewal of certification.

* * * * *

(c) As a condition of biennial renewal, a CRNP shall:

(1) Renew the CRNP's registered nurse license.

(2) Verify completion of a minimum of 30 hours of Board-approved continuing education in the 2 years prior to renewal, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). As a condition of biennial renewal of prescriptive authority approval, in the 2 years prior to the biennial renewal date of the certification, a CRNP shall [complete] also verify completion of:

(i) _____ [a minimum of] At least 16 [of the 30] hours of Board-approved continuing education in pharmacology [in the 2 years prior to renewal].

(ii) At least 2 hours of Board-approved continuing education in pain

management. the identification of addiction or in the practices of prescribing or dispensing opioids in the 2 years prior to renewal if the licensee is renewing a prescriptive authority approval and holds a current Drug Enforcement Administration (DEA) registration or is utilizing the DEA registration of another. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed.

- (3) Demonstrate current National certification, if the CRNP was certified by the Board after February 7, 2005.
- (4) Pay the required biennial renewal fee set forth in § 21.253 (relating to fees).
- (5) Verify compliance with section 8.7 of the act (63 P.S. § 218.7) regarding liability coverage.
- (6) Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

(Editor's Note: The blank in paragraph (6) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

* * * * *

Subchapter F. VOLUNTEER LICENSES

* * * * *

§ 21.605. Biennial renewal.

(a) A volunteer license shall be renewed biennially on forms provided by the Board. In accordance with section 6(c) of the Volunteer Health Services Act 35 P.S. § 449.46(c), a volunteer

license holder shall comply with the applicable continuing education requirements imposed by the Board, including at least 2 hours of training in approved child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement), and if the licensee is renewing a prescriptive authority approval and holds a current DEA registration or is utilizing the DEA registration of another, at least 2 hours of Board-approved continuing education in pain management, the identification of addiction or in the practices of prescribing or dispensing opioids in the 2 years prior to renewal. If required, this education shall be completed once per renewal regardless of the number of prescriptive authority approvals being renewed. The applicant shall be exempt from payment of the biennial renewal fee of § 21.5, § 21.147 or § 21.253 (relating to fees), as applicable.

(b) Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of licensure renewal. Licensees who obtain licensure on or after the effective date shall verify completion of the 2 hours within 5 years of initial licensure.

(Editor's Note: The blank in subsection (b) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

* * * * *

Subchapter H. CLINICAL NURSE SPECIALISTS

* * * * *

MAINTENANCE OF CERTIFICATION

§ 21.822. Biennial renewal of certification.

* * * * *

(e) The applicant shall remit the required renewal fee in § 21.805 (relating to fees) with the

applicant's renewal application forms. Upon approval of the renewal application, the CNS will receive a certification for the current renewal period.

(f) _____ Effective _____, verify completion of at least 2 of the 30 hours in Board-approved continuing education in organ and tissue donation and recovery process in accordance with § 21.131(a.1) (relating to continuing education) within 5 years of certification renewal. Certificate holders who obtain certification on or after the effective date shall verify completion of the 2 hours within 5 years of initial certification.

(Editor's Note: The blank in subsection (f) refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF NURSING

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7142

August 30, 2023

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Nursing
16A-5146: Opioid Prescription and Education and Organ Donation Education

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to Opioid Prescription and Education and Organ Donation 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 cursive script, appearing to read "Linda L. Kmetz".

Linda L. Kmetz, PhD, RN, Chairperson
State Board of Nursing

LLK/jps
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Executive Policy Specialist, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State
Judith Pachter Schulder, Counsel, State Board of Nursing
State Board of Nursing

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AUG 30 2023

Independent Regulatory
Review Commission

From: [Nicole Sidle](#)
To: [Christman, William](#); [Francesca Summa](#)
Subject: RE: [EXTERNAL]: DELIVERY: Regulation 16A-5146 (Metzgar)
Date: Wednesday, August 30, 2023 9:14:57 AM

Good Morning—

This has been received.

From: Christman, William <wchristman@pa.gov>
Sent: Wednesday, August 30, 2023 8:41 AM
To: Francesca Summa <fsumma@pahousegop.com>; Nicole Sidle <nsidle@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY: Regulation 16A-5146 (Metzgar)
Importance: High

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

Please be advised that the State Board of Nursing is delivering the following proposed rulemaking:

- **16A-5146 – State Board of Nursing – Opioid Prescription and Education and Organ Donation Education**
 - This rulemaking updates the Board’s existing regulations to incorporate the requirements of Act 124 of 2016, Act 122 of 2016 and Act 90 of 2018. Act 124 of 2016 requires certified registered nurse practitioners (CRNPs) who hold prescriptive authority to obtain two hours of mandatory education regarding pain management or the identification of addiction and two hours of education in the practices of prescribing or dispensing of opioids within one year of obtaining prescriptive authority and an additional two hours of education in any of the three topics per biennium as a condition of prescriptive authority biennial renewal. Act 122 of 2016 imposes restrictions on CRNPs’ prescription of opioid drug products to individuals seeking treatment in an emergency department, urgent care center or in observation status in a hospital and subjects violators to discipline. Lastly, Act 90 of 2018 requires that registered nurses, including CRNPs, clinical nurse specialists and related volunteer licensees, complete at least 2 hours of Board-approved continuing education in organ and tissue donation and recovery process one time within 5 years of initial licensure or within five years of licensure renewal, whichever occurs first.

William Christman | 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
wchristman@pa.gov | www.dos.pa.gov

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From: Smeltz, Jennifer
To: Christman, William
Subject: RE: DELIVERY: Regulation 16A-5146 (Stefano)
Date: Wednesday, August 30, 2023 8:56:22 AM

Received.

Jen Smeltz
Executive Director
Office of Senator Pat Stefano
Consumer Protection and Professional Licensure Committee
Phone: (717) 787-7175

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From: Christman, William <wchristman@pa.gov>
Sent: Wednesday, August 30, 2023 8:41 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY: Regulation 16A-5146 (Stefano)
Importance: High

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William Christman | Legal Assistant II
Office of Chief Counsel | Department of State

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From: [Orchard, Kari L.](#)
To: [Christman, William](#); [Barton, Jamie](#); [Brett, Joseph D.](#)
Subject: Re: DELIVERY: Regulation 16A-5146 (Burns)
Date: Wednesday, August 30, 2023 8:52:35 AM

Received. Thank you!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District
Phone 717-787-6882 x6241
Mobile: 717-480-9045

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From: Christman, William <wchristman@pa.gov>
Sent: Wednesday, August 30, 2023 8:40:57 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY: Regulation 16A-5146 (Burns)

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William Christman | Legal Assistant II
Office of Chief Counsel | Department of State

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From: Rolko, Seth
To: Christman, William; Vazquez, Enid
Subject: RE: DELIVERY: Regulation 16A-5146 (Boscola)
Date: Wednesday, August 30, 2023 9:28:23 AM

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Received. Thanks.

From: Christman, William <wchristman@pa.gov>
Sent: Wednesday, August 30, 2023 8:41 AM
To: Rolko, Seth <seth.rolko@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: DELIVERY: Regulation 16A-5146 (Boscola)
Importance: High

■ EXTERNAL EMAIL ■

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From: [Bulletin](#)
To: [Christman, William](#)
Cc: [Adeline E. Gavdosh](#)
Subject: [External] Re: DELIVERY: Regulation 16A-5146 (LRB)
Date: Wednesday, August 30, 2023 8:59:39 AM

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Good morning, William,

Thank you for sending this proposed rulemaking. It is scheduled for publication in the 9/16 issue of the *Pennsylvania Bulletin*.

Have a terrific day!

Adeline

From: Christman, William <wchristman@pa.gov>
Sent: Wednesday, August 30, 2023 8:41 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY: Regulation 16A-5146 (LRB)

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Please be advised that the State Board of Nursing is delivering the following proposed rulemaking:

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AUG 30 2023

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