

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission September 3, 2026	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Examiners of Nursing Home Administrators		IRRC Number: 3479	
(2) Agency Number: 16A Identification Number: 6220			
(3) PA Code Cite: 49 Pa. Code §§ 39.1, 39.4, 39.8, 39.8a, 39.8b, and 39.92			
(4) Short Title: Licensure by endorsement under 63 Pa.C.S. § 3111			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Addie A. Abelson, Regulatory Counsel, Department of State, phone (717)783-7200; P.O. Box 69523, Harrisburg, PA 17106-9523; fax (717)787-0251; adabelson@pa.gov Secondary Contacts: Michael P. Merten, Board Counsel, State Board of Examiners of Nursing Home Administrators; (717)783-7155; P.O. Box 2649, Harrisburg, PA 17105-2649; fax (717)787-7769; mmerten@pa.gov			
(6) Type of Rulemaking (check applicable box): ☐ Proposed Regulation ☒ FINAL REGULATION ☐ Final Omitted Regulation		☐ Emergency Certification Regulation ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) This final rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the State Board of Examiners of Nursing Home Administrators (board). The board is required to determine methods of demonstrating competency, including completion of continuing education (CE) or experience in the profession or occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. This rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. Section 3111(a) of 63 Pa.C.S. requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant provided the applicant meets certain criteria for eligibility. The board amends regulations to implement § 3111 (a)(1)–(5), relating to information required to determine: whether			

another jurisdiction is substantially equivalent; the methods of competency; whether an applicant has committed an act that would be grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice in the profession or occupation in this Commonwealth, and whether such acts should be an impediment to licensure; whether an applicant has had disciplinary actions taken in another jurisdiction and whether such discipline should be an impediment to licensure; and the fee as established by the board by regulation. Section 3111(b) of 63 Pa.C.S. also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards, or commissions.

Finally, section 4(a)(1) and (c) of the Nursing Home Administrators License Act (act) (63 P.S. § 1104(a)(1) and (c)) sets forth the board's function, duty and authority, including, among other things, "[t]o develop, impose, and enforce standards which shall be met by individuals in order to receive a license as a nursing home administrator" and "to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties..."

(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.

Section 3111(a)(5) of 63 Pa.C.S. requires the board to set the fee to be charged by regulation and subsection (b)(2) requires the board to set an expiration of the provisional endorsement license. Section 2 of Act 41 directed that each licensing board and commission promulgate final regulations implementing Act 41. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

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

This regulation as amended is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. Section 3111 of 63 Pa.C.S. enables boards and commissions under the Bureau of Professional and Occupational Affairs (bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the board has received and considered 0 licensure by endorsement under 63 Pa.C.S. § 3111 applications. Therefore, the board has issued 0 licenses by endorsement. Based upon the number of applications received, the board estimates receiving 0 applications on a biennial basis or an average of 0 yearly.

The board offers many pathways to licensure, and applicants are allowed to decide for themselves which pathway is the least burdensome and most appropriate. Applicants overwhelmingly choose to provide the board with proof the applicant meets the educational requirements, which can be as simple as proof of having earned a high school diploma and completion of the board-approved 120-hour program. The board has not yet received any applications for licensure by endorsement under 63 Pa.C.S. § 3111. The board anticipates that licensure by endorsement under 63 Pa.C.S. § 3111 may be a viable pathway for applicants from other countries because the board's current reciprocity requirements only relate to applicants from other states. Since the effective date of Act 41, the board has not received an application from another country. Accordingly, the board has not yet issued a license by endorsement under 63 Pa.C.S. § 3111.

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

There are no federal standards applicable to the subject matter of the regulation.

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

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the board's regulations as amended will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the nursing home administration field(s).

In comparing this regulation to other states, the board researched states in the Northeastern region of the United States. The board identified two other States (New Jersey and Ohio) that have comprehensive license by endorsement laws applicable to the various professional licensing boards in their respective states. Similar to 63 Pa.C.S. § 3111, New Jersey and Ohio require their professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of the State. New Jersey and Ohio require applicants to demonstrate competency through experience in the practice of the profession within 5 years prior to the filing of the application. Unlike the board's proposed regulations, New Jersey does not provide discretion to issue a discretionary provisional endorsement license. Pennsylvania also allows for additional methods of competency, including completion of continuing education. Thus, Pennsylvania's competency requirements are similar to New Jersey and Ohio, and even provide for more ways to demonstrate competency.

The board also researched whether other nursing home administrator (NHA) state boards have similar licensure by endorsement laws and regulations applicable to the NHA profession. For those states that have similar licensure by endorsement laws and regulations applicable to the NHA profession, the board

compared other states standards in areas where the board is using its discretion in proposing regulations for competency methods and provisional licenses, including expiration of the provisional license, if any.

The Delaware Board of Examiners of Nursing Home Administrators allows licensure by reciprocity where it is determined the other jurisdiction of current license and practice has licensure standards substantially similar to the standards of Delaware. The Delaware board's requirements for competency include either a NHA actively licensed in another jurisdiction that has substantially similar standards or 3 years of experience in the practice of nursing home administration. Applicants must also pay the application fees, submit the relevant law of the other jurisdictions for board review and complete a criminal history record check. The Delaware board does not currently allow for a provisional license.

The Maryland State Board of Long-Term Care Administrators allows for licensure by endorsement for applicants who meet the educational requirements and have worked as a licensed NHA in another state for at least 1 year within the past 5 years. The other licensing jurisdiction(s) must have substantially equivalent licensure standards and recognize Maryland's board licensure. By regulation, the applicant must be familiar with the state's NHA laws and take Maryland's NHA standards examination. If applicants have less than 1 year of experience in nursing home administration or the experience falls outside of the 5-year time frame, it will be necessary for applicants to meet the 1 year by either having experience in another approved category, or by going into a board-approved Administrator-In-Training (AIT) program. Maryland does not currently issue a provisional license.

The New York Board of Examiners of Nursing Home Administrators does not have reciprocity for NHAs licensed in another state but does have licensure for NHAs with 2 or more years of experience as the full-time Administrator-of-Record of an out-of-state nursing facility within the last five years. This type of licensure of out-of-state NHAs requires applicants to be 21 years old or older, of good moral character and suitability, and with a bachelor's degree (or higher) with 15 credit hours of specific education (experience may supplement the credits requirement). Applicants must have a passing scale score on the national NHA Licensing exam. The New York board does not allow for a provisional license.

The West Virginia Nursing Home Administrator's Licensing Board allows for licensure of out-of-state applicants who have Nationally approved certification or are licensed in another state that has substantially equivalent licensure standards, including education and examinations. Applicants cannot have prior discipline and must have a clean query from the Federal National Practitioner Data Bank. No allowances for a provisional license were found for NHA licenses in West Virginia.

Based on this research relating to other states' licensure by endorsement and/or reciprocity requirements, the board believes the amendments will not put Pennsylvania at a competitive disadvantage. In fact, the board believes the amendments will put Pennsylvania at a competitive advantage compared to other states that do not allow NHA applicants for licensure by endorsement/reciprocity to practice under a provisional license while they complete competency requirements. Also, the amendments allow for more methods of showing competency than the other states which were researched, including the teaching of long-term care education, additional hours in a program of study and experience in a supervisory or consultant capacity in a nursing home. This removes barriers for qualified applicants who are licensed NHAs in other jurisdictions where licensure standards are substantially equivalent and supports the same quality of care expected of currently licensed NHAs.

(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 board or other state agencies. However, there are other boards that have or 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. In drafting the proposal, on September 13, 2023, the Board solicited comments from stakeholders and interested parties. No comments were received on the exposure draft annex.

Notice of the proposed rulemaking was published at 56 Pa.B. 1815 (April 4, 2026). Publication was followed by a 30-day public comment period during which the board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or recommendations to offer. IRRC further advised that if the final form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. For these reasons, the board made no changes from the proposed rulemaking to the final-form.

(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?

All board applicants seeking licensure by endorsement under 63 Pa.C.S. § 3111 will be affected by the regulation, including those that are or work for small businesses. At the present time, there are approximately 1,729 active NHAs licensed by the board, 234 of these licensees obtained their license under § 1110 of the act concerning reciprocity and regulations under § 39.8 (currently regarded as licensure by endorsement). For purposes of this rulemaking, the board estimates 0 individuals will apply for licensure by endorsement under 63 Pa.C.S. § 3111 biennially or an average of 0 individuals annually. If an applicant for licensure by endorsement under 63 Pa.C.S. § 3111 were to apply, this individual would be required to pay a \$40 license application fee. This fee is the same amount as all applicants for initial licensure under the act.

According to the Small Business Administration (SBA), there are approximately 1,169,008 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,169,008 small businesses, 230,244 are small employers (those with fewer than 500 employees) and the remaining 938,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

According to the Pennsylvania Department of Labor and Industry (PA L&I) in 2020 (the most recent year for which data is available), licensed NHAs are categorized under Medical and Health Services Managers, which category includes employment figure nationally at state, local, and private hospitals (33%), offices of physicians (12%), nursing and residential care facilities (10%), government (9%) and outpatient care centers (7%). Within Pennsylvania, the PA L&I in 2022 (the most recent year for which data is available)

reported the top employers under Medical and Health Services Managers as general medical and surgical hospitals (24.45%), offices of physicians (12.40%), and home health care services (8.53%), with nursing care facilities (skilled nursing facilities) accounting for 3.75% of employment and continuing care retirement communities and assisted living facilities for the elderly at 3.35% employment.

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 2023 NAICS standards to the types of employment where specifically NHAs may work, Nursing Care Facilities (Skilled Nursing Facilities) (NAICS code #623110) and Continuing Care Retirement Communities (NAICS code #623311) would be considered a small business if their average annual receipts are \$34 million or less. Assisted Living Facilities for the Elderly (NAICS #623312) are considered small businesses if their annual receipts average \$23.5 million or less and Home Health Care Services (NAICS #621610) are considered small businesses if their annual receipts average \$19 million or less.

Based upon this information, the board believes that most NHAs in Pennsylvania are employed in small businesses. 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 work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act. For those licensees who are employees of small businesses, whether these small businesses will be impacted by the regulations depends on whether the businesses would voluntarily pay the costs associated with employees applying for licensure by endorsement under 63 Pa.C.S. § 3111 and any competency requirements. Because the license application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

The board believes that this rulemaking will have a positive impact in that it is implementing 63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(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.

Applicants for licensure by endorsement under § 3111 as an NHA will be required to comply with this rulemaking. The board has not yet received any applications for licensure by endorsement under 63 Pa.C.S. § 3111. The board anticipates that licensure by endorsement under 63 Pa.C.S. § 3111 may be a viable pathway for applicants from other countries because the board's current reciprocity requirements only relate to applicants from other states. Since the effective date of Act 41, the board has not received an application from another country, so it does not expect to receive any in the near future. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

The board offers many pathways to licensure, and applicants are allowed to decide for themselves which pathway is the least burdensome and most appropriate. The board has not yet received any applications for licensure by endorsement under 63 Pa.C.S. § 3111. Accordingly, the board has not yet issued a license by endorsement under 63 Pa.C.S. § 3111.

(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.

This Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of this Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The board has selected methods of competence, including licensed practice in the profession for any two of the last 5 years, CE and other continuing competency requirements, to effectuate this goal. These methods assure competency because they show that the applicant has remained current with technological advancements and other updates within the profession and has the requisite knowledge and skills to practice nursing home administration. The provisional endorsement license provision also allows applicants who need to satisfy outstanding requirements, such as years of experience to demonstrate competency, to practice under a provisional license while the applicant satisfies the remaining requirements for licensure by endorsement.

The financial impact of the regulation falls primarily on the applicants and the board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$40 license application fee, which covers the costs of processing the application. This license application fee is the same for other applicants applying for initial licensure under the act. For applicants from other countries and territories, if the other law, regulation or other rule is in a language other than English, § 39.8a(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The board anticipates that the translation costs will be approximately \$25 per page and range between two and five pages in length. The board has been able to accept and process licensure by endorsement application since the effective date of Act 41. To date, the board has not received any licensure by endorsement applications from applicants needing translation.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and this regulation provides a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa. C. S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa. C. S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications. Additionally, whether an applicant obtains licensure by examination or by

endorsement, applicants pay the same application fees (i.e. license application fee, Criminal History Record Check (CHRC) fee); therefore, for the most part, any additional cost to the licensure by endorsement applicant is minimal.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. The board has not yet received any applications for licensure by endorsement under 63 Pa.C.S. § 3111. The board anticipates that licensure by endorsement under 63 Pa.C.S. § 3111 may be a viable pathway for applicants from other countries because the board's current reciprocity requirements only relate to applicants from other states. Since the effective date of Act 41, the board has not received an application from another country, so it does not expect to receive any in the near future.

Regarding costs associated with demonstrating competency, the board is authorized to select the methods of competency under 63 Pa.C.S. § 3111(a)(2) and has provided applicants with multiple alternatives. Applicants for licensure by endorsement under 63 Pa.C.S. § 3111 may demonstrate competency by a method available under § 39.11b (relating to continued competence), which provides applicants with several options. For example, applicants who demonstrate competency through experience in the practice of nursing home administration in another jurisdiction for at least 2 years within the last 5 years under a current license in that jurisdiction will incur no costs to demonstrate competency. Applicants who demonstrate competency through experience by having been employed in a nursing home in a supervisory or consultant capacity for at least 3 years within the last 5 years will incur no costs to demonstrate competency. However, several of these methods may incur additional costs to complete. For example, applicants who choose to demonstrate competency through board-approved examinations or successfully completing 120 clock hours in a program of study approved by the board, where the successful completion or recompletion of part of the requirement immediately precedes the date of application, will incur costs to demonstrate competency. The methods under § 39.11b are the same for any licensed NHA reactivating a license that has been expired or inactive for 5 years or longer.

Applicants who demonstrate competency by completing 48 hours of CE during the 24 months immediately preceding the date of their application, will incur minimal costs to complete necessary CE, especially if applicants are able to use all or part of the CE obtained to maintain their licensing in another jurisdiction for this requirement. Additionally, completing the mandatory child abuse recognition and reporting training will not have a negative fiscal impact if the applicant chooses a free training course. Requiring licensees to take this training will have a positive impact on the profession and for Pennsylvania citizens because NHAs will be educated on recognizing child abuse and will also have specific training on how to report child abuse in this Commonwealth.

Regardless of which alternative the applicant chooses the costs that may be incurred would be outweighed by the benefits of this regulation. Moreover, demonstrating competency is a statutory requirement; it helps to ensure applicants are safe to practice the profession and will not present a danger to the public.

(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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying the \$40 license application fee and any costs associated with demonstrating competency.

The board offers many pathways to licensure, and applicants are allowed to decide for themselves which pathway is the least burdensome and most appropriate. The board has not yet received any applications for licensure by endorsement under 63 Pa.C.S. § 3111. The board anticipates that licensure by endorsement under 63 Pa.C.S. § 3111 may be a viable pathway for applicants from other countries because the board's current reciprocity requirements only relate to applicants from other states. Since the effective date of Act 41, the board has not received an application from another country, so it does not expect to receive any in the near future.

Applicants will have to pay a fee associated with conducting a background check – currently \$22 for a Pennsylvania Criminal History Records Check (CHRC) obtained from the Pennsylvania State Police (PSP), and a recent CHRC from the state police or other state agency for every state in which the individual has lived, worked, or completed professional training/studies for the past 5 years. The cost for outside CHRC will vary depending on the states where applicant has resided for the last 5 years. For purposes of calculating an estimate of the approximate costs in this rulemaking, \$22 was chosen. These costs are required for all applicants regardless of method for licensure.

As discussed previously, completing the mandatory child abuse recognition and reporting training will not have a cost to the applicant who chooses a free training course. Also, applicants who needed to have a jurisdiction's laws or regulations translated into English may incur translation fees of approximately \$25 per page with the average length expected to range between two and five pages.

While these costs would be applicable to individuals applying for licensure, because the board has not received any applications, it does not anticipate any costs to the regulated community.

(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.

This regulation would not result in costs or savings to local governments.

(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.

The board will incur increased operational costs to implement the licensure by endorsement under 63 Pa. C. S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(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 should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the board, affected individuals will be required to submit an application for licensure accompanied by required documentation and payment of a fee.

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

Yes, applicants are required to submit an online application.

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

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in this rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline.

Applicants will have to submit a background check. These costs are required for all applicants regardless of method for licensure.

Based upon the above, applications are forwarded to the board, if necessary, to determine eligibility under 63 Pa. C.S. § 3111. The bureau is working towards creating a more detailed electronic application process specific to 63 Pa. C.S. § 3111 applications, which will decrease the need for manual review of applications. The board attaches a paper application which will be the basis for developing the electronic licensure by endorsement application. (See Attachment “A”.)

(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 2026-27	FY +1 2027-28	FY +2 2028-29	FY +3 2029-30	FY +4 2030-31	FY +5 2031-2032
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	\$0	\$0	\$0	\$0	\$0	\$0
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 2023-2024 (actual)	FY -2 2024-2025 (actual)	FY -1 2025-2026 (actual)	Current FY 2026-2027 (anticipated)
State Board of Examiners of Nursing Home Administrators	\$228,169	\$344,601	\$347,000	\$343,000

(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.

Response:

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay license application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa. C. S. § 3111 and the board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.
- (d) The board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa. C. S. § 3111 that would be consistent with the board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

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

No special provisions have been developed for any affected groups or persons.

(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 were considered and rejected. The board believes this rulemaking represents the least burdensome acceptable alternative.

(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.

Response:

- a) & b) The board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) These regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S § 3111.

(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, studies or references were used to justify the 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 August 31, 2022, March 1, 2023, May 3, 2023, November 1, 2023, May 1, 2024, and August 5, 2026.

C. The expected date of the final-form regulation: Fall of 2026

D. The expected effective date of the final-form regulation: Upon publication as final.

E. The expected date by which compliance with the final-form regulation will be required: Upon 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 remaining date in 2026: November 4, 2026. The Board will meet on the following dates in 2027: February 3, May 19, August 4 and November 3, 2027. More information can be found on the Department's website.

ATTACHMENT “A”

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: 1-833-DOS-BPOA
Fax: 717-787-7769
Website:
www.dos.pa.gov/nursinghome
E-Mail: ST-NHA@PA.GOV

Courier Address:
PA Dept of State, Bureau of
Professional and Occupational
Affairs
Attn: State Board of Nursing Home
Administrators
2 Technology Park
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the State Board of Examiners of Nursing Home Administrators (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit in good standing to practice nursing home administration in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
 - Meet one or more of the standards for demonstrating continued competence of § 39.11b (relating to continued competence) during the 5 years immediately preceding the filing of the application, and verify, in a manner and format approved by the board, to having read and understood the regulations of the Board, and the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C (relating to long term care facilities).
 - Completion of 48 hours of continuing education that meets the requirements of § 39.61(a)-(c) (relating to requirements) during the 24 months immediately preceding the filing of the application, and verify, in a manner and format approved by the board, to having read and understood the regulations of the Board, and the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C (relating to long term care facilities).
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice nursing home administration under section 12(a) of the act (63 P.S. §§ 1112(a)) or section 39.9 (49 Pa.Code § 39.9) (relating to revocation or suspension of licenses) and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Has paid the application fee for licensure by endorsement, \$40.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, license, certificate or permit in good standing:

- ☐ Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the

name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- ☐ \$40 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- ☐ Have the out-of-state licensing authorities in which you hold or have held a license to practice nursing home administration submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- ☐ A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593. (If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)
- ☐ The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered “mandatory reporters” under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for issuance of an initial license shall be required to complete 3 hours of DHS-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board. [Child Abuse Continuing Education Providers Information can be found here.](#)

3. INFORMATION

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Mailing Address:

P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: 1-833-DOS-BPOA
E-Mail: ST-NHA@PA.GOV

Courier Address:

PA Dept of State, Bureau of
Professional and Occupational
Affairs
Attn: State Board of Nursing Home
Administrators
2 Technology Park
Harrisburg, PA 17110
Fax: 717-787-7769

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$40 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____

(Middle) (Last) (First)

2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES ☐ NO ☐

If yes, please provide the other name or names: _____

3. Address _____

(Street)

(City) (State) (Zip Code)

*The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are **not forwardable**.*

4. Telephone _____ Fax _____

5. E-Mail Address _____

6. Date of Birth _____

Social Security Number: _____

7. Select the license for which you are applying:

☐ **Nursing Home Administrator**

8. Competency Requirement

Experience:

Have you actively engaged in the practice of nursing home administration in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application?

☐ Yes

☐ No

Provide a curriculum vitae demonstrating this experience.

Continuing education:

Have you completed 48 continuing education hours that meet the requirements of section 39.61(a)-(c) (49 Pa. Code § 39.61(a)-(c)) (relating to continuing education), during the 24 months immediately preceding the date of this application?

☐ Yes

☐ No

If you responded “Yes”, submit proof of completion of continuing education hours.

Examination:

Have you met one or more of the standards for demonstrating continued competence of section 39.11b (49 Pa. Code § 39.11b) (relating to continued competence)?

☐ Yes

☐ No

If you responded “Yes,” provide written documentation.

Board regulations:

Have you read and understood the regulations of the Board, and the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C (relating to long term care facilities)?

☐ Yes

☐ No

9. Name state where initial license to practice nursing home administration was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice nursing home administration.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction? If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession. _____ _____ The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i>	☐	☐
<i>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</i>		YES	NO
11.	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?	☐	☐
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	☐	☐
13.	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?	☐	☐
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	☐	☐
15.	Do you currently engage in or have you ever 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?	☐	☐
16.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?	☐	☐
17.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?	☐	☐
18.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?	☐	☐

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

Applicant's Statement:

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.

Applicant's Signature

Date

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

September 3, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: _____ (DEPUTY ATTORNEY GENERAL) _____ DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached.	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: State Board of Examiners of Nursing Home Administrators (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>16A-6220</u> DATE OF ADOPTION: _____ BY: <u><i>Ilene Warner-Maron</i></u> Ilene Warner-Maron, Ph.D., RN, NHA TITLE <u>Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	Copy below is hereby approved as to form and legality. Executive or Independent Agencies. BY: <u><i>Cynthia K. Montz</i></u> (Deputy General Counsel, Chief Counsel Independent Agency) (Strike inapplicable title) <u>August 24, 2026</u> DATE OF APPROVAL ☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.
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FINAL RULEMAKING

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

TITLE 49 PA CODE CHAPTER 39

§§ 39.1, 39.4, 39.8, 39.8a, 39.8b, 39.92

LICENSURE BY ENDORSEMENT UNDER 63 Pa.C.S. § 3111

The State Board of Examiners of Nursing Home Administrators (board) hereby amends Chapter 39 (relating to State Board of Examiners of Nursing Home Administrators) by amending §§ 39.1, 39.4, 39.8 and 39.92 and adding §§ 39.8a and 39.8b (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to "issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth" provided the applicant meets the following criteria: "[h]olds a current license, certificate, registration or permit from another state, territory or country" whose licensing "requirements are substantially equivalent to or exceed the requirements...in this Commonwealth"; "[d]emonstrates competency"; "[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth unless the licensing board or licensing commission determines" such conduct is not an impediment to granting the "license, certificate, registration or permit"; "[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit unless the...board or...commission determines" such conduct is not an impediment to granting the "license, certificate, registration or permit" and the applicant pays fees, as established by regulation.

Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to "issue a provisional license, certificate, registration or permit" while an applicant is satisfying remaining requirements for licensure by endorsement, for which the board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48), (Act 48) (repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

Section 506 of The Administrative Code of 1929 (71 P.S. § 186) empowers the heads of all administrative departments, the several independent administrative boards and commissions and the several departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards or commissions.

Section 4(a)(1) and (c) of the Nursing Home Administrators License Act (act) (63 P.S. § 1104(a)(1) and (c)) sets forth the board's function, duty and authority, including among other things, "[t]o develop, impose, and enforce standards which shall be met by individuals in order to receive a license as a nursing home administrator" and "to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties"

Background and Need for the Amendments

This rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111(a). Under 63 Pa.C.S. § 3111(a)(1), the board must determine whether the

jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the board must establish, by regulation, the expiration of the provisional endorsement license.

This rulemaking sets forth the board's criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency. It also sets forth the requirements for granting a provisional endorsement license. Section 3111 of 63 Pa.C.S. further provides that the board may establish appropriate fees for this licensure. The fees established by the board for licensure by endorsement under 63 Pa.C.S. § 3111 are the same for all license applications under the board.

In accordance with the requirements of Executive Order 1996-1 (4 Pa. Code Chapter 1, Subchapter FF (relating to regulatory review and promulgation)), on September 13, 2023, the board sent an exposure draft of the proposed rulemaking to interested parties. No comments were received on the exposure draft annex.

Summary of Comments and the Board's Response

Notice of the proposed rulemaking was published at 56 Pa.B. 1815 (April 4, 2026). Publication was followed by a 30-day public comment period during which the board received no public comments. Additionally, there were no comments received from the Independent Regulatory Review Commission (IRRC) other than to say that they have no objections, comments or

recommendations to offer. IRRC further advised that if the final form rulemaking is delivered without revisions, and the committees do not take any action, it will be deemed approved. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. For these reasons, the board made no changes from the proposed rulemaking to the final-form.

Description of any Amendments Made from Proposed Stage

The board made no changes from the proposed rulemaking to the final-form.

Fiscal Impact and Paperwork Requirements

This rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the board related to processing applications for licensure by endorsement under 63 Pa.C.S. § 3111 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement under 63 Pa.C.S. § 3111 will be impacted by the \$40 initial application fee in § 39.72 and may incur expenses if they choose to demonstrate competency by completing 48 hours of continuing education, board-approved examinations or 120 clock hours in an approved program of study under § 39.11b. Applicants who choose to demonstrate competency through experience or provide written documentation showing at least 3 of 5 years teaching long-term care subject matter will not have additional expenses for competency. While all applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i), there are free in-person and online child abuse recognition and reporting training options available. Therefore, the board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The board continuously monitors the effectiveness of the board's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 18, 2026, the board submitted a copy of the notice of proposed rulemaking, published at 56 Pa.B. 1815 (April 4, 2026), and a copy of a Regulatory Analysis Form to IRRC and the chairpersons of the SCP/PLC and HPLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the board is required to submit to IRRC, the SCP/PLC and HPLC copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the board made no revisions based upon a lack of comments received from the public, IRRC, the SCP/PLC and the HPLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on September 3, 2026, the board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on _____, 2026, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), this final-form rulemaking was deemed approved by IRRC on _____, 2026.

Contact Persons/Additional Information

Additional information may be obtained by writing to Regulatory Counsel, State Board of Examiners of Nursing Home Administrators, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov. Reference 16A-6220 (Licensure by Endorsement) when submitting requests.

Findings

The board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and no comments were received.
- (3) No amendments were made in this final-form rulemaking; therefore, the final-form rulemaking does not enlarge the original purpose of the proposed rulemaking published at 56 Pa.B. 1815.
- (4) This final-form rulemaking is necessary and appropriate for the administration of 63 Pa.C.S. § 3111.

Order

The board, therefore, orders that:

- (a) The regulations of the board at 49 Pa. Code Chapter 39 are amended by amending §§ 39.1, 39.4, 39.8 and 39.92 and adding §§ 39.8a and 39.8b.
- (b) The board shall submit the final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The board shall submit the final-form regulation to IRRC, the SCP/PLC and HPLC as required by law.
- (d) The board shall certify the final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form regulation shall take effect upon publication in the *Pennsylvania Bulletin*.

ILENE WARNER-MARON, PhD, RN, NHA,
Chairperson

16A-6220 Statement that No Commentator Requested Additional Information

The Board published a notice of proposed rulemaking at 56 Pa.B. 1815 (April 4, 2026). Publication was followed by a 30-day public comment period during which the Board received no public comments. Pursuant to 1 Pa. Code § 307.2, no commentators requested additional information on the final-form regulation. Therefore, no list of commentators is included with this final-form rulemaking.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME
ADMINISTRATORS****GENERAL****§ 39.1. Definitions.**

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

* * * * *

Individual study—A continuing education course which does not have an instructor or other interactive learning methodologies and which requires a passing grade on a written examination or workbook.

Jurisdiction—A state, territory or country.

License—Certification of an applicant who has met the requirements of the act and of this chapter that entitle the applicant to serve, act, practice and otherwise hold himself out as a licensed nursing home administrator.

* * * * *

§ 39.4. Admission to practice; temporary permits; provisional licenses.

Admission to the practice of nursing home administration in this Commonwealth will be granted by the Board as follows:

(1) By the issuance of a license by examination to an applicant who meets the requirements in section 6 of the act (63 P.S. § 1106) and in this chapter.

(2) By the issuance of a license by **[endorsement]** **reciprocity** to an applicant who has been licensed by examination in another state of the United States, if the applicant meets the requirements in section 10 of the act (63 P.S. § 1110) and of this chapter.

(3) By issuance of a temporary permit to an applicant who meets the requirements in section 14 of the act (63 P.S. § 1114) and in this chapter. The issuance of a temporary permit is subject to the following conditions:

(i) A temporary permit entitles the holder to serve in an emergency as a nursing home administrator only in the particular facility indicated on his application, and is valid for a period as determined by the Board, not to exceed 1 year from the date of issuance, and may not be thereafter renewed or continued.

* * * * *

(vii) The temporary permit holder shall notify the Board and immediately return the temporary permit to the Board if the holder fails to pass any part of the nursing home administrators licensing examination or when the facility obtains the services of a licensed nursing home administrator.

(4) By the issuance of a license by endorsement or a provisional license to an applicant who meets the requirements in §§ 39.8a or 39.8b (relating to licensure by endorsement; and provisional endorsement license).

§ 39.8. Licensure by [endorsement] reciprocity.

(a) [Application blanks for licensure by endorsement shall be obtained by writing to the State Board of Examiners of Nursing Home Administrators, Commonwealth of Pennsylvania, Department of State, Post Office Box 2649, Harrisburg, Pennsylvania 17120. The required fee shall accompany the application in the form of a certified check or money order made payable to "Commonwealth of Pennsylvania N.H.A."] An applicant for licensure by reciprocity shall submit an application in accordance with this chapter and in the manner and format prescribed by the Board.

(b) [Two unmounted, finished passport size photographs, not proofs, 3 inches by 3 inches, facial features clear, of applicant shall be submitted with the application] {Reserved}.

(c) The Board may issue a license by [endorsement] reciprocity upon evidence that:

(1) The other state where the candidate is licensed maintained a system and standard of qualifications and examinations for nursing home administrators which were equivalent to those required in this Commonwealth at the time the other license was issued by the other state.

- (2) The other state gives similar recognition and **[endorsement] reciprocity** to nursing home administrator licenses of the Commonwealth.
- (d) The applicant shall present to the Board satisfactory evidence of having met the minimum requirements of the act regarding age, education, character, citizenship and experience.
- (e) Applicants may be required to submit evidence of personal and professional standing from the appropriate State agencies, associations or the state board in the state in which they have been practicing or from another source.
- (f) Applicants may be required to appear in person before a member of the Board for oral examination and interview before the granting of any license by **[endorsement] reciprocity**.

(Editor's Note: Sections 39.8a and 39.8b are to be added and are printed in regular type to enhance readability.)

§ 39.8a. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

- (1) Have a current license, certification, registration or permit in good standing to practice nursing home administration in another jurisdiction whose licensure standards are substantially equivalent to or exceed those established under sections 6 and 8(a) of the act (63 P.S. §§ 1106 and 1108(a)) and §§ 39.5 and 39.7 (relating to requirements for

admission to licensing examination; examination procedures; and subject matter for examinations). The following apply:

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Meet one or more of the standards for demonstrating continued competence in § 39.11b (relating to continued competence) during the 5 years immediately preceding the filing of the application, and verify, in a manner and format approved by the Board, to having read and understood the regulations of the Board, and the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C (relating to long-term care facilities).

(ii) Completion of 48 hours of continuing education that meets the requirements of § 39.61(a)—(c) (relating to requirements) during the 24 months immediately preceding the filing of the application, and verify, in a manner and format approved by the Board, to having read and understood the regulations of the Board, and the regulations of the Department of Health in 28 Pa. Code Part IV Subpart C.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice nursing home administration under section 12(a) of the act (63 P.S. § 1112(a)) or § 39.9 (relating to revocation or suspension of licenses).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the license application fee as required by § 39.72 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including

supporting documentation relating to competency and experience. The applicant may request an interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 12(a) of the act or § 39.9 or disciplinary action by another jurisdiction is not an impediment to the granting of a license by endorsement under 63 Pa.C.S. § 3111.

§ 39.8b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 39.8a (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) The provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 39.8a after expiration or termination of a provisional endorsement license; however, the Board will not issue a subsequent provisional endorsement license.

STANDARDS OF PROFESSIONAL PRACTICE AND PROFESSIONAL CONDUCT

§ 39.92. Reporting of crimes and disciplinary actions.

(a) A licensee shall notify the Board of having been convicted of a felony, or having received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, within 30 days of the conviction or other disposition, or on the biennial renewal application, whichever is sooner. As used in this section, "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another [state, territory or country] jurisdiction within 90 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.



Pennsylvania
Department of State

September 03, 2026

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
Forum Place
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Final Rulemaking
State Board of Examiners of Nursing Home Administrators
16A-6220 : Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Examiners of Nursing Home Administrators pertaining to 16A-6220.

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 blue ink that reads "Ilene Warner-Maron".

Ilene Warner-Maron, Chairperson
State Board of Examiners of Nursing Home
Administrators

IWM/MPM/ag
Enclosures

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Miguel Ruiz, Assistant Deputy Secretary of Policy and Planning
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Addie A. Abelson, Regulatory Counsel, Department of State
Michael P. Merten, Board Counsel, State Board of Examiners of Nursing Home Administrators
State Board of Examiners of Nursing Home Administrators

RECEIVED

From: [Monoski, Jesse](#)
To: [Gelal, Arjun](#); [Dimm, Ian](#); [Kelly, Joseph](#); [Vazquez, Enid](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Date: Thursday, September 3, 2026 9:06:41 AM
Attachments: [jimage001.png](#)

Independent Regulatory
Review Commission

September 3, 2026

This delivery has been received.

Jesse A. Monoski

Executive Director
Senate Consumer Protection & Professional Licensure Committee
Senator Lisa M. Boscola, Minority Chair
Room 458 Main Capitol Bldg., Harrisburg, Pa. 17120
Office: 717-787-4236 | Direct: 717-787-3506
www.senatorboscola.com

From: Gelal, Arjun <agelal@pa.gov>
Sent: Thursday, September 3, 2026 9:01 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Importance: High

EXTERNAL EMAIL

Please be advised that the State Board of Examiners of Nursing Home Administrators (Board) is electronically delivering the below-identified final rulemaking today – Thursday, September 3, 2026.

- **16A-6220 (Licensure by Endorsement)**

This final rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the State Board of Examiners of Nursing Home Administrators (board). The board is required to determine methods of demonstrating competency, including completion of continuing education (CE) or experience in the profession or occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. This rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.

The Board is requesting a written (email) confirmation of receipt of this delivery from the designated contact person(s) from your office for the Majority or Minority Chair of your office's effectuating the electronic delivery.

Thank you for your attention to this matter.



Arjun K. Gelal | Legal Assistant II (*he/him/his*)
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing Address: P.O. Box 69523 | Harrisburg, PA 17110-9523
Phone: 717.783-7200 | Fax: 717.787-0251
dos.pa.gov | vote.pa.gov | [Facebook](#) | [Twitter](#)

RECEIVED

From: Orchard, Kari L.
To: Gelal, Arjun; Barton, Jamie; Brett, Joseph D.
Cc: Roland, Joel; Worthington, Amber
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Date: Thursday, September 3, 2026 10:23:26 AM
Attachments: jmage001.png

Independent Regulatory
Review Commission

September 3, 2026

Received. Thank you!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Gelal, Arjun <agelal@pa.gov>
Sent: Thursday, September 3, 2026 9:02 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Importance: High

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Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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RECEIVED

Independent Regulatory
Review Commission

September 3, 2026

From: [Nicole Sidle](#)
To: [Gelal, Arjun](#); [Cindy Sauder](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Date: Thursday, September 3, 2026 11:17:34 AM
Attachments: [jimage001.png](#)

Good Morning—
This has been received.

Thanks!

Nicole

From: Gelal, Arjun <agelal@pa.gov>
Sent: Thursday, September 3, 2026 9:05 AM
To: Nicole Sidle <nsidle@pahousegop.com>; Cindy Sauder <csauder@pahousegop.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Importance: High

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Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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Mailing Address: P.O. Box 69523 | Harrisburg, PA 17110-9523
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From: [Smeltz, Jennifer](#)
To: [Gelal, Arjun](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Date: Thursday, September 3, 2026 9:57:08 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

September 3, 2026

Received.

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

From: Gelal, Arjun <agelal@pa.gov>
Sent: Thursday, September 3, 2026 8:59 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6220 (Licensure by Endorsement)
Importance: High

● CAUTION : External Email ●

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