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John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on February 11, 2003.

The Committee voted to approve Regulation 16A-696, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The Committee voted to take no formal action on Regulation 16A-5117, State Board of Nursing, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee requests an explanation as to why, pursuant to Sec. 21.334(g), 50 minutes is counted as a continuing education hour, rather than 60 minutes.
- (2) The Committee questions whether or not a limit should be placed on the number of credit hours a CRNP may obtain through correspondence courses, taped study courses and other independent study courses.

The Committee voted to take no formal action on Regulation 16A-446, State Board of Podiatry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) Although primary responsibility rests with licensees to documents continuing education compliance, the Committee suggests that the Board continue to require course providers to authenticate attendance and retain documentation of attendance for a period of time equal to that required of licensees. The Committee notes that Dental Board regulations require both licensees and course providers to retain documentation for a period of four years. This provides a backup means to authenticate attendance should a licensee's documentation be lost or come into question.
- (2) The Committee notes that the exposure draft of the proposed amendments included courses given by the American Medical Association and the American Osteopathic Association as being preapproved. Reference to these organizations was withdrawn after objection by the Pennsylvania Podiatric Medical Association (PPMA). The Committee requests an explanation as to the grounds for the PPMA's objection, and questions why courses offered by the excluded associations cannot be of some educational value to licensees.



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

February 12, 2003

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

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- (3) Section 29.61(a)(2) allows a maximum of 10 hours of continuing education through computer/internet, magazine or journal article courses. The Committee requests an explanation as to how continuing education is accomplished through those means.

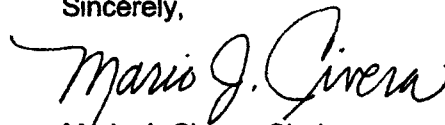
The Committee voted to take no action on Regulation 16A-4613, State Board of Dentistry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee recommends that the Board adopt a similar approach to the other licensing boards that have promulgated regulations pertaining to sexual misconduct. These boards have defined the prohibited conduct with much greater specificity in the definitions sections of their regulations. The definitions of sexual exploitation and sexual behavior proposed by the Board are vague and open to interpretation.
- (2) The Committee suggests that the Board address the issue of what is prohibited or acceptable behavior between licensees and former patients, as well as licensees and current "significant others" who become patients.

The Committee voted to take no formal action on Regulation 16A-4612, State Board of Dentistry, until final form regulations are promulgated. However, the Committee encourages the Board to seek bids for the EFDA examination from the widest possible array of sources, including the State of Ohio, which already examines and certifies EFDAs.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mário J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Thomas F. Matta, Ph.D., Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
K. Stephen Anderson, CRNA, Chairperson
State Board of Nursing
Jeffrey S. Gerland, D.P.M., Chairman
State Board of Podiatry
Veasey B. Cullen, Jr., D.M.D., Chairman
State Board of Dentistry
Honorable Benjamin Ramos, Acting Secretary of the Commonwealth
Department of State

Regulation 16A-5117

State Board of Nursing

PROPOSAL: Regulation 16A-5117 amends 49 PA Code, Chapter 21, regulations of the State Board of Nursing. The amendments set forth continuing education requirements for Certified Registered Nurse Practitioners (CRNPs) who exercise prescriptive authority.

The proposed Rulemaking was published in the Pennsylvania Bulletin on November 16, 2002, and resubmitted to the Professional Licensure Committee on January 29, 2003. The Committee has until February 18, 2003 to submit comments on the regulation.

ANALYSIS: On November 17, 2000, the Board and the State Board of Medicine jointly promulgated regulations authorizing CRNPs to prescribe certain medications. CRNPs who prescribe must complete at least 16 hours of Board approved continuing education in pharmacology per biennium.

New Sec. 21.332 provides the general requirements for continuing education. CRNPs who are on inactive status would not need to complete CE except for the biennial period immediately preceding a request for reactivation. If a CRNPs prescriptive authority has been inactive for three years or longer, reactivation could occur only if the CRNP completed at least 45 hours of course work in advanced pharmacology, or by demonstrating that he or she has been practicing with prescriptive authority in another jurisdiction for at least one of the last three years and has completed appropriate CE. The Board may grant a waiver of the CE requirement for illness or undue hardship.

New Sec. 21.333 specifies the appropriate pharmacology CE subject matter. Sec. 21.334 lists the course providers that will be recognized as preapproved as long as they agree to provide CRNPs who complete a course with a certificate of completion containing the information specified in Sec. 21.337(a). Providers are required to maintain course attendance records for at least five years. CRNPs would be able to obtain credit for courses offered by providers who are not preapproved by applying for course approval pursuant to Sec. 21.336. Credit will be given for correspondence courses, taped study courses and other independent study courses if the course is Board-approved. Up to four hours of CE will be credited for service as a teacher, preceptor, lecturer, or speaker and for publication in a refereed journal or other scholarly publication relating to pharmacology.

New Sec. 21.335 sets forth the basic requirements for CE courses, and new Sec. 21.336 establishes the procedure for CE course approval. New Sec. 21.337 provides that the CRNP is responsible for maintaining specific documentation relating to course attendance for a period of five years. Falsification of information or continuing to prescribe without completing CE requirements may result in withdrawal of prescriptive authority, suspension or revocation of certification as a CRNP, suspension or revocation of any nursing license held by the licensee, and the imposition of a civil penalty.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee requests an explanation as to why, pursuant to Sec. 21.334(g), 50 minutes is counted as a continuing education hour, rather than 60 minutes.
- (2) The Committee questions whether or not a limit should be placed on the number of credit hours a CRNP may obtain through correspondence courses, taped study courses and other independent study courses.

House of Representatives
Professional Licensure Committee
February 6, 2003