

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF NURSING [49 PA. CODE CH. 21] Student Health Programs

The State Board of Nursing (Board) amends §§ 21.111 and 21.222 (relating to health program; and student services) pertaining to student services health programs for both registered and practical nursing students, as set forth in Annex A.

The amendments are made under the authority of section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)), and under section 17.6 of the Practical Nurse Law (63 P. S. § 667.6), which empower the Board to establish rules and regulations for the administration of the respective acts.

The amendments will remove outdated requirements of student health programs which are unduly restrictive and unnecessary.

#### *Consideration of Suggestions During Proposed Rulemaking*

Notice of proposed rulemaking was published at 24 Pa.B. 4697 (September 17, 1994), following which the Board accepted public comment for 30 days. The Independent Regulatory Review Commission (IRRC), the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) and the House Committee on Professional Licensure (House Committee) made no comment to the proposal.

The Pennsylvania Nurses Association recommended that the Board amend §§ 21.111(d)(1) and 21.222(1)(i) by adding the term "advanced practice nurse" as another appropriate health care practitioner to administer the physical examination. The Board, however, felt that that practitioner is already included in the term "qualified nurse clinician."

The Hospital Association of Pennsylvania wrote in support of the amendments. The Board did not receive any other public comments.

#### *Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact and will require no additional paperwork by the Commonwealth, its political subdivisions or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted for review and comment a copy of the notice of proposed rulemaking, published at 24 Pa.B. 4697 to IRRC and to the House and Senate Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Board has provided IRRC and the House and Senate Committees with a copy of the comments received as well as other documentation.

In preparing these amendments, the Board has considered comments received from IRRC and the House and Senate Committees and the public.

The final-form regulations were approved by the Senate Committee on November 14, 1995, the House Committee on November 15, 1995, and were deemed approved by IRRC on November 15, 1995, in accordance with section 5(b.3) of the Regulatory Review Act.

#### *Findings*

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments 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) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments are necessary and appropriate for the administration of section 2.1(k) of the Professional Nursing Law and section 17.6 of the Practical Nurse Law.

#### *Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending §§ 21.111 and 21.222 to read as set forth in Annex A.

(b) The Board shall submit copies of this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

(d) The amendments shall take effect upon publication in the *Pennsylvania Bulletin*.

SISTER RITA MORIARTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 25 Pa.B 5667 (December 9, 1995).)*

**Fiscal Note:** Fiscal Note 16A-511 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 21. STATE BOARD OF NURSING**

#### **Subchapter A. REGISTERED NURSES**

#### **STUDENT SERVICES**

#### **§ 21.111. Health program.**

(a) There shall be written objectives and policies for the health program.

(b) The health program shall include at least the following:

(1) Preentrance and periodic health examinations.

(2) Provisions for necessary immediate professional health care.

(3) An immunization policy.

(4) A policy addressing student absences due to illness which gives the student the opportunity to attain the learning objectives not achieved due to absences.

(c) Appropriate cumulative student health records shall be maintained throughout the enrollment of the student.

**Subchapter B. PRACTICAL NURSES  
STUDENTS**

**§ 21.222. Student services.**

(a) *Health program.* There shall be written objectives and policies for the health program.

(b) *Program requirements.* The health program shall include at least the following:

- (1) Preentrance and periodic health examinations.
- (2) Provisions for necessary immediate professional health care.

(3) An immunization policy.

(4) A policy addressing student absences due to illness which gives the student the opportunity to attain the learning objectives not achieved due to absences.

(c) *Maintenance of health records.* Appropriate cumulative student health records shall be maintained throughout the enrollment of the student.

(d) *Student employment.* When part-time student employment is permitted, written policies shall include the type of employment and conditions regulating the employment, such as health, academic load and scholastic progress and consideration of current Federal and State laws affecting employment. When students are employed in health agencies, they may not perform the functions normally assigned to a professional or practical nurse unless they are currently licensed. Students in this role cannot be assigned as charge nurse of a unit. Student employment shall be on a voluntary basis and not a requirement of the institution. Remuneration for employment shall be within the range of the salary scale for the position.

(e) *Student housing.* Policies concerning housing shall include the following:

(1) Adequate space, equipment and furnishings for each student, such as desk, chairs, proper lighting, ventilation and closet space.

(2) Safe and adequately maintained facilities directly related to personal hygiene and personal security measures which include appropriate supervision of housing facilities and periodic inspection of safety devices, such as fire extinguishers, housing exits and fire drills.

(3) Provision of facilities which promote recreational and social activities.

(4) Facilities for obtaining adequate, well-balanced meals.

(f) *Counseling and guidance.* The scope of the counseling program shall be clearly defined in accordance with the objectives of the program. A program shall include

academic counseling, initiated by either faculty or students. Adequate provision shall be made for the student's referral to or consultation with skilled counselors, psychiatrists, psychologists or religious advisors when professional and personal assistance is needed for individual student problems.

(g) *Financial aid.* Policies and procedures relating to scholarships, loans and grants shall be developed within the framework of the philosophy of the controlling institution and defined in writing.

[Pa.B. Doc. No. 96-676. Filed for public inspection April 26, 1996, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

**[61 PA. CODE CHS. 853, 854, 856, 857,  
859—861 AND 864]**

#### Termination of Instant Lottery Games

The following instant games were terminated by public announcement by the Executive Director of the Lottery and are being deleted from the *Pennsylvania Code*:

Sections 853.1—853.22, Pennsylvania Zodiac '93 Instant Lottery (see § 853.22 (relating to termination of chapter)). November 1, 1993.

Sections 854.1—854.22, Pennsylvania Baseball '93 Instant Lottery (see § 854.22 (relating to termination of chapter)). November 1, 1993.

Sections 856.1—856.19, Pennsylvania Mother's Day ('93) Instant Lottery (see § 856.19 (relating to termination of chapter)). August 23, 1993.

Sections 857.1—857.22, Pennsylvania Tic-Tac-Toe ('93) Instant Lottery (see § 857.22 (relating to termination of chapter)). February 28, 1994.

Sections 859.1—859.22, Pennsylvania Monopoly Instant Lottery (see § 859.22 (relating to termination of chapter)). April 4, 1994.

Sections 860.1—860.22, Pennsylvania Football '93 Instant Lottery (see § 860.22 (relating to termination of chapter)). February 28, 1994.

Sections 861.1—861.19, Pennsylvania Cash Explosion Instant Lottery (see § 861.19 (relating to termination of chapter)). August 31, 1993.

Sections 864.1—864.19, Pennsylvania Stocking Stuffer '93 Instant Lottery (see § 864.19 (relating to termination of chapter)). February 28, 1994.

ROBERT A. JUDGE, Sr.,  
*Secretary*

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