

# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 701]

### Nurse Aide Applicant Criminal History Record Information

The Department of Education (Department) proposes to add Chapter 701 (relating to nurse aide training program applicant criminal history record information) to read as set forth under the Nurse Aide Resident Abuse Prevention Training Act (act) (63 P. S. §§ 671—680). These proposed regulations implement the act.

The process of developing Chapter 701 was undertaken in accordance with section 6 of the act (63 P. S. § 676), which directs the Department to promulgate regulations necessary to carry out the criminal history record information requirements of the act. Section 6(2) of the act further requires that the regulations provide for the confidentiality of criminal history record information.

The proposed regulations define words and terms specific to this chapter to ensure a uniform interpretation across this Commonwealth. See § 701.1 (relating to definitions).

Section 701.2 (relating to compliance) states that the Department will ensure compliance with the act.

Sections 701.11—701.15 set forth the general responsibilities of facilities that sponsor State-approved nurse aide training programs. These entities are required to have all applicants obtain criminal history record information reports before they enroll in the training program. The reports are procured from the State Police for applicants living in this Commonwealth for 1 or more years and from the Federal Bureau of Investigation for all others. Sections 701.11—701.15 specify time-lines and procedures, provide for confidentiality of the criminal history record information, prohibit enrollment of persons who have committed certain offenses (as required by the act), require the sponsoring facilities to keep a file copy of the report (signed and dated by the designated personnel) and provide written notification to applicants who are denied enrollment because of information found in the criminal history record information.

Section 701.16 (relating to violations) sets forth who is responsible for reviewing the criminal history information and the procedures to complete the review. It also proposes that the facility administrators be subject to penalties if they fail to designate the appropriate personnel, otherwise the Department cannot ensure compliance.

Section 701.21 (relating to the responsibilities of the Department) sets forth the general responsibilities to determine compliance violations as stated in the act. This section specifies the procedures, notification of violations, hearings and possible civil penalty assessment.

#### *Fiscal Impact and Paperwork Requirements*

The proposed regulations would have a fiscal impact upon the Commonwealth at the State level. During the first full year the State Police project their fiscal impact at \$31,940. This includes staffing and equipment. The Department may need to hire additional clerical assistance for the Federal Bureau of Investigation criminal background checks. This is estimated at \$14,028. The

proposed regulations would have no fiscal impact upon the local entities. The proposed regulations impose no new significant paperwork requirements beyond those required by the act. However, the Department will need to readjust the length of time for monitoring each nurse aide training program to review the criminal history record information for all enrolled nurse aide students.

#### *Effective Date*

The proposed regulations will take effect on the date of publication in the *Pennsylvania Bulletin* of the final adoption of the regulations.

#### *Sunset Date*

The effectiveness of proposed Chapter 701 will be reviewed by the Department every 4 years, in accordance with the Department's practice of examining all regulations. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 1998, the Department submitted copies of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1 Regulatory Review and promulgation. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

#### *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Jane M. Acri, Vocational Services Supervisor, Bureau of Vocational-Technical Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*, (717) 787-5530.

Persons with disabilities needing alternative means of providing public comments may make arrangements by calling Jane Acri at (717) 783-6867 or TTY (717) 783-8445.

Alternative formats of the proposed chapter (such as, braille, large print, cassette tape) can be made available to members of the public upon request to Jane Acri at (717) 783-6867 or TTY (717) 783-8445.

EUGENE W. HICKOK,  
*Secretary*

**Fiscal Note:** 006-262. (1) General Fund; (2) Implementing Year 1998-99 is \$Minimal; (3) 1st Succeeding Year 1999-00 is \$Minimal; 2nd Succeeding Year 2000-01 is \$Minimal; 3rd Succeeding Year 2001-02 is \$Minimal; 4th Succeeding Year 2002-03 is \$Minimal; 5th Succeeding Year 2003-04 is \$Minimal; (4) Fiscal Year 1997-98 \$Non-Applicable; Fiscal Year 1996-97 \$; Fiscal Year 1995-96 \$;

(7) Department of Education, General Government Operations and Pennsylvania State Police, General Government Operations; (8) recommends adoption.

This regulation may result in minor administrative costs to the General Government Operations appropriation of the Department of Education for Federal Bureau of Investigation criminal background checks for certain applicants.

The regulation will result in increased costs to the General Government Operations appropriation of the State Police to perform the background checks on applicants. These costs are not expected to be significant and will be offset, to some extent, from increased revenue from the \$10 fee.

**Annex A**

**TITLE 22. EDUCATION**

**PART XIX. CRIMINAL HISTORY RECORD INFORMATION**

**CHAPTER 701. NURSE AIDE TRAINING PROGRAM APPLICANT CRIMINAL HISTORY RECORD INFORMATION**

**GENERAL**

- Sec. 701.1. Definitions.
- 701.2. Compliance.

**RESPONSIBILITIES OF FACILITIES AND DESIGNATED PERSONNEL**

- 701.11. Submission of CHRI report.
- 701.12. Receipt of CHRI report by facility.
- 701.13. Nonacceptance of certain applicants.
- 701.14. Notification to applicant regarding CHRI report.
- 701.15. Confidentiality of information.
- 701.16. Violations.

**RESPONSIBILITIES OF THE DEPARTMENT**

- 701.21. Responsibilities of the Department.

**GENERAL**

**§ 701.1. Definitions.**

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

*Act*—The Nurse Aide Resident Abuse Prevention Training Act (63 P. S. §§ 671—680).

*Applicant*—An individual applying for admission into a program.

*CHRI—Criminal History Record Information*—A report of criminal history from the State Police, or a statement that their central repository contains no information or, a report of criminal history from, or a statement that no information is on file with the Federal Bureau of Investigation.

*Department*—The Department of Education of the Commonwealth.

*Enrollment*—Approval of an applicant for admission in a program.

*Facility*—An institution or agency that sponsors a program.

*Nurse aide*—An individual providing nursing or nursing-related services to residents in a nursing facility or skilled nursing facility. The term does not include an individual who is a licensed health professional or an individual who volunteers to provide services without monetary compensation.

*Program*—The State-approved nurse aide training program.

**§ 701.2. Compliance.**

It is the policy of the Department to ensure compliance with the act.

**RESPONSIBILITIES OF FACILITIES AND DESIGNATED PERSONNEL**

**§ 701.11. Submission of CHRI report.**

The facility shall require an applicant to submit a CHRI report prior to enrolling as a nurse aide student into the program, according to one of the following:

(1) The facility shall require an applicant who has resided in this Commonwealth for a minimum of 1 year to obtain a CHRI report from the State Police.

(2) The facility shall require an applicant who has resided in this Commonwealth less than 1 year to obtain a CHRI report from the Federal Bureau of Investigation by contacting the Department for the required form.

**§ 701.12. Receipt of CHRI report by facility.**

In receiving and reviewing CHRI reports, the facility and its personnel shall do the following:

(1) The facility administrator shall designate in writing and at the administrator's discretion the appropriate facility personnel to review the CHRI report for enrollment eligibility and maintain a copy of the designation in the facility's file.

(2) The facility's designated personnel shall receive the applicant's original CHRI report.

(3) The facility's designated personnel shall review the CHRI report in the following manner:

- (i) Make a photocopy of the original CHRI.
- (ii) Sign and date the copy of the CHRI report.
- (iii) Review the CHRI report for the offenses listed in § 701.13 (relating to nonacceptance of certain applicants).
- (iv) Place the signed and dated copy of the CHRI report in a specific file for all CHRI reports.
- (v) Return the original CHRI report to the applicant.

**§ 701.13. Nonacceptance of certain applicants.**

The facility and its designated personnel may not enroll a nurse aide applicant whose CHRI indicates the applicant has been convicted of any of the following offenses:

- (1) An offense designated as a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).
- (2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):
  - (i) Chapter 25 (relating to criminal homicide).
  - (ii) Section 2702 (relating to aggravated assault).
  - (iii) Section 2901 (relating to kidnapping).
  - (iv) Section 2902 (relating to unlawful restraint).
  - (v) Section 3121 (relating to rape).
  - (vi) Section 3122.1 (relating to statutory sexual assault).
  - (vii) Section 3123 (relating to involuntary deviate sexual intercourse).
  - (viii) Section 3124.1 (relating to sexual assault).

(ix) Section 3125 (relating to aggravated indecent assault).

(x) Section 3126 (relating to indecent assault).

(xi) Section 3127 (relating to indecent exposure).

(xii) Section 3301 (relating to arson and related offenses).

(xiii) Section 3502 (relating to burglary).

(xiv) Section 3701 (relating to robbery).

(xv) A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

(xvi) Section 4101 (relating to forgery).

(xvii) Section 4114 (relating to securing execution of documents by deception).

(xviii) Section 4302 (relating to incest).

(xix) Section 4303 (relating to concealing death of child).

(xx) Section 4304 (relating to endangering welfare of children).

(xxi) Section 4305 (relating to dealing in infant children).

(xxii) Section 4952 (relating to intimidation of witnesses or victims).

(xxiii) Section 4953 (relating to retaliation against witness or victim).

(xxiv) A felony offense under section 5902(b) (relating to prostitution and related offenses).

(xxv) Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

(xxvi) Section 6301 (relating to corruption of minors).

(xxvii) Section 6312 (relating to sexual abuse of children).

(3) A Federal or out-of-State offense similar in nature to those crimes listed under paragraphs (1) and (2).

**§ 701.14. Notification to applicant regarding CHRI report.**

The facility's designated personnel shall notify the applicant in writing that is clear and understandable, if the decision not to admit the applicant is based in whole or in part on the CHRI report.

**§ 701.15. Confidentiality of information.**

(a) The facility's designated personnel shall establish two policies to ensure that:

(1) The confidentiality of the CHRI report is maintained by placing it in a locked file cabinet or similar storage area.

(2) The CHRI report is not available to anyone who is not directly involved in evaluating the applications for enrollment into the program, except State and Federal personnel who monitor the program.

(b) The Department will record the name of the designated facility personnel.

**§ 701.16. Violations.**

An individual who is responsible for reviewing and approving applications for enrollment into the program (that is the facility's designated personnel) and who willfully fails to comply with § 701.12(2) and (3) or § 701.13 (relating to receipt of CHRI report by facility;

and nonacceptance of certain applicants) shall be subject to a civil penalty as provided for in § 701.21 (relating to responsibilities of the Department).

**RESPONSIBILITIES OF THE DEPARTMENT**

**§ 701.21. Responsibilities of the Department.**

(a) The Department will determine compliance violations.

(b) As part of the routine monitoring of facilities, the Department's monitoring staff will review the facility's files of nurse aide students who are enrolled in the program after \_\_\_\_\_. (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.)

(c) The Department will receive and investigate complaints which allege violations of the act or this chapter.

(d) Based upon the information gathered as part of its routine monitoring or its investigation of a complaint, the Department may hold a hearing to determine violations of § 701.16 (relating to violations).

(1) The procedures for a hearing will conform to 2 Pa.C.S. (relating to administrative law and procedure).

(2) After the hearing, the Department may assess a civil penalty of not more than \$2,500 per violation.

[Pa.B. Doc. No. 98-1150. Filed for public inspection July 17, 1998, 9:00 a.m.]

## STATE BOARD OF LANDSCAPE ARCHITECTS

### [49 PA. CODE CH. 15] Continuing Education

The State Board of Landscape Architects (Board) proposes to amend §§ 15.12 and 15.63 and add §§ 15.71—15.82, to read as set forth in Annex A.

*A. Effective Date*

The amendments will go into effect upon publication as final rulemaking in the *Pennsylvania Bulletin*. The continuing education requirements would apply to the biennial period commencing June 1, 1999. Licensees would be required to accrue continuing education hours through the 1999—2001 biennium.

*B. Statutory Authority*

The proposal is made under the authority of section 9.1 of the Landscape Architects Registration Law (act) (63 P. S. § 909.1).

*C. Purpose*

Section 9.1 of the act requires the Board to adopt regulations which implement a 10-hour mandatory continuing education requirement for biennial renewal, to establish fees necessary to implement the requirement and to establish the initial renewal period for which continuing education will be required.

*D. Persons Affected*

All licensees seeking to biennially register as a landscape architect with the Board will be affected by this proposal. In addition, persons seeking approval of the Board to offer approved continuing education programs will be required to meet the Board's standards for the content and conduct of courses.

*E. Requirements of the Proposal*

This proposal would require landscape architects to accrue 10 hours of continuing education in the preceding biennial period as a condition of biennial renewal. The requirement would apply to renewal periods commencing June 1, 2001.

Section 15.12 (relating to fees) adds fees for approval of courses submitted by providers and licensees.

Section 15.63(10) (relating to misconduct) adds, as additional grounds for misconduct, failure to furnish evidence of satisfaction of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.

Section 15.71 (relating to definitions) would define the terms biennium, clock hour, office management and provider.

Section 15.72 (relating to requirement for biennial renewal) would establish, as a licensure renewal in 1999 and thereafter, 10 clock hours of continuing education in acceptable courses for the landscape architects as required by section 9.1(b) of the act.

Section 15.73 (relating to acceptable continuing education courses) would describe acceptable courses as being those which enhance the landscape architect's professional skills. A maximum of 5 hours of satellite seminars and electronic presentations are permitted so long as certain requirements are met. It would preclude credit for courses in office management.

Section 15.74 (relating to approval of continuing education providers) would provide for the registration of continuing education providers, establish procedures for the review of provider applications and mandate that applications be submitted 120 days before the date of the course.

Section 15.75 (relating to standards for courses) would establish standards for continuing education programs, including adequate facilities, instructors and course content, and mandate that providers inform the Board of material modification in courses.

Section 15.76 (relating to sources of continuing education courses) would establish a list of approved providers which currently meet established standards and provide for ongoing requirements.

Section 15.77 (relating to licensee application for nonpreapproved continuing education courses) would provide for alternate sources of continuing education submitted by licensees within 60 days prior to the course, establish standards for supporting document and verification of attendance.

Section 15.78 (relating to withdrawal of approval of program sponsors) would provide for withdrawal of approval of program sponsors.

Section 15.79 (relating to reporting of hours spent in continuing education) would provide for the reporting of hours spent in continuing education.

Section 15.80 (relating to retention of records) would require licensees to retain copies of renewal forms and continuing education records for 4 years.

Section 15.81 (relating to waiver) would authorize the Board to waive the continuing education requirement upon written documentation of serious illness, military service or hardship, as required by section 9.1(a) of the act.

Section 15.82 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) would require licensees to meet the continuing education requirement for the preceding biennium to reactivate inactive or lapsed licenses.

*F. Fiscal Impact and Paperwork Requirement*

Registered landscape architects seeking renewal of registration must complete 10 continuing education clock hours. Providers of continuing education courses must submit applications to the Board for approval of programs, along with an appropriate fee. Registered landscape architects must retain continuing education records for 4 years. The Board must maintain records pertaining to provider and course approval and licensees' completion of continuing education. The Board will randomly audit its licensees to ensure compliance.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 8, 1998, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments by the Board, the General Assembly and the Governor of objections raised.

*H. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Shirley S. Klinger, Board Administrator, State Board of Landscape Architects, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

DAVID M. DUTOT, L.A.,  
*Chairperson*

**Fiscal Note:** 16A-612. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS**

**APPLICATION PROCEDURES**

**§ 15.12. Fees.**

Following is the schedule of fees charged by the Board:

\* \* \* \* \*

**(11) Continuing education provider application fee ..... \$65**

**(12) Continuing education licensee application fee (non preapproved course) ..... \$25 (per clock hour)**

**PROFESSIONAL OBLIGATIONS, COMPETENCE AND CONDUCT**

**§ 15.63. Misconduct.**

A landscape architect who is found guilty by the Board of misconduct in the practice of landscape architecture is subject to disciplinary action under section 4(4) of the act (63 P. S. § 904(4)). Misconduct in the practice of landscape architecture includes[ , but is not limited to, ] the following:

\* \* \* \* \*

**(10) Failure to furnish evidence of completion of continuing education as requested by the Board or the furnishing of false or fraudulent information pertaining to the completion of continuing education.**

**CONTINUING EDUCATION**

*(Editor's Note: Sections 15.71—15.82 are new. They have been printed in regular type to enhance readability.)*

**§ 15.71. Definitions.**

The following words and terms, when used in this section and §§ 15.72—15.82 (relating to continuing education), have the following meanings, unless the context clearly indicates otherwise:

*Biennium*—The period from June 1 of an odd-numbered year to May 31 of the next odd-numbered year.

*Clock hour*—Fifty minutes of instruction or participation in an approved course, not including keynote speeches, luncheon speeches or breaks and marketing or product presentations.

*Office management*—Activity supportive of administrative or business activities and not related to professional practice including bookkeeping, business development, finance, marketing, taxes, human resources and the use of office equipment or computers.

*Provider*—An agency, organization, institution or association approved by the Board to offer an organized course.

**§ 15.72. Requirement for biennial renewal.**

As a condition of biennial renewal commencing with the 2001 biennium and thereafter, licensees shall have completed during the preceding biennium 10 hours of continuing education in acceptable courses offered by approved providers.

**§ 15.73. Acceptable continuing education courses.**

(a) Only courses approved by the Board will be accepted for continuing education credit. The licensee is responsible for ascertaining the approved status of the provider before undertaking a continuing education activity.

(b) Acceptable subject matter for continuing education courses is limited to courses pertaining to the enhancement of the landscape architect's professional skills. The Board will not approve courses in office management.

(c) The Board will accept no more than 5 credit hours per biennium of satellite seminars and electronic presentations if the hours comply with this chapter and meet the following requirements:

(1) Satellite seminars viewed at other sites by electronic transmission shall have a moderator present or available by telecommunication facility.

(2) Electronic presentations shall consist of television viewing, use of computers, telecommunications and related correspondence work at any location which provides a mechanism to test or evaluate the licensee's successful completion of the credit hours.

**§ 15.74. Approval of continuing education providers.**

(a) An agency, organization, institution or association seeking to offer an organized course may apply to the Board for approval as a provider per biennium.

(b) An applicant for Board approval as provider of a course shall submit an application, accompanied by the fee in § 15.12 (relating to fees), at least 120 days before the date of the course.

(c) The application shall include the following information:

- (1) The full name and address of the provider applicant.
- (2) The title of the course and subjects covered.
- (3) The dates and location of the course.
- (4) The instructor's name, titles, affiliations and degrees.
- (5) The schedule of the course, syllabus and time allocated.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The course coordinator.
- (9) The materials used in the instruction of the course which shall be attached to the application.
- (10) The evidence of meeting the standards in § 15.75 (relating to standards for courses).

(d) Applicants seeking approval for satellite seminars or electronic presentations shall provide materials relating to compliance with § 15.73(c) (relating to acceptable continuing education courses).

(e) Disapproval of a course will include a statement setting forth the reasons for the disapproval. Provider applicants may submit new applications which shall document alterations made to meet Board requirements.

**§ 15.75. Standards for courses.**

(a) Providers shall supply adequate facilities that provide physical access to licensees in conformance with applicable law except for electronic presentations provided for in § 15.73(c)(2) (relating to acceptable continuing education courses).

(b) Providers shall insure that instructors are qualified.

(c) Providers seeking Board approval of a course shall present evidence that the course has the following:

(1) Subject matter pertaining to the enhancement of the landscape architect's professional knowledge and practice skills.

(2) Procedures to periodically review the qualifications of its instructor and the subject matter to ensure that it is contemporaneous.

(d) Providers shall inform the Board of material modifications in courses.

(e) Providers of satellite seminars or electronic presentations shall comply with § 15.73(c).

**§ 15.76. Sources of continuing education courses.**

(a) In addition to providers approved under § 15.74 (relating to approval of continuing education providers), the Board finds the following entities meet the standards in § 15.75 (relating to standards for courses). Accordingly, the following are approved providers:

(1) The American Society of Landscape Architects and its affiliates.

(2) The American Nurserymen's Association and its affiliates.

(3) The American Planning Association and its affiliates.

(4) The American Institute of Architects and its affiliates.

(5) The National Council of Examiners for Engineering and Land Surveying and its affiliates.

(6) The National Recreation and Parks Association and its affiliates.

(7) The Urban Land Institute.

(8) Accredited colleges and universities which offer courses in landscape architecture or related fields.

(9) Agencies of the Commonwealth and Federal Government offering training programs in landscape architecture and its related fields.

(b) Approved providers shall submit course materials and fees for courses as provided for in § 15.12 (relating to fees) and § 15.74.

(c) Approved providers shall comply with this chapter.

**§ 15.77. Licensee application for nonpreapproved continuing education courses.**

(a) The Board will consider approval of a nonpreapproved course submitted by a licensee on a one-time basis per biennium. A licensee shall submit an application for approval and required fee at least 60 days prior to the date the course commences.

(b) The application shall contain the supporting documentation provided in § 15.74 (relating to approval of continuing education providers).

(c) The Board will only consider courses that meet the requirements of this chapter.

(d) The licensee shall submit acceptable documentation of completion of this course to the Board.

**§ 15.78. Withdrawal of approval of program sponsors.**

The Board may withdraw approval of a provider for failure to comply with this section, failure to supply course information to the Board or its representatives or for other cause. The Board will provide written notice to the provider of the reasons for withdrawal of approval.

**§ 15.79. Reporting of hours spent in continuing education.**

An applicant for license renewal shall provide the following information on Board-provided forms:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course.
- (4) The course sponsor.
- (5) The location of the course.

**§ 15.80. Retention of records.**

(a) The licensee shall retain licensure renewal forms and certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for 4 years following completion of the course which shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

(b) Acceptable documentation of completion shall consist of a document prepared by the provider indicating continuing education course titles, completion dates and clock hours.

**§ 15.81. Waiver.**

The Board may waive all or part of the continuing education requirement for biennial renewal upon written documentation of illness, emergency or hardship. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

**§ 15.82. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

[Pa.B. Doc. No. 98-1151. Filed for public inspection July 17, 1998, 9:00 a.m.]