

PROPOSED RULEMAKING

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Fees

The State Board of Nursing (Board) proposes to amend §§ 21.5, 21.147 and 21.253 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective Date

The proposed amendments would be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendments are authorized under section 11.2(a) and (d) of the Professional Nursing Law (63 P. S. § 221.2(a) and (d)) and under section 17.5(a) of the Practical Nurse Law (63 P. S. § 667.5(a)).

C. Background and Purpose

Section 11.2(a) and (d) of the Professional Nursing Law and section 17.5(a) of the Practical Nursing Law require the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services for licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

number of minutes to perform the function

x

pay rate for the classification of the
personnel performing the function

+

a proportionate share of administrative overhead

As a result of the audit, the Board proposes to increase seven existing fees and to add four new fees for services which had previously not resulted in a charge to the applicant. The analysis determined that current fees do not accurately reflect the actual cost of providing the following services: license applications by endorsement, license applications for out-of-State graduates; reactivation after 5 years of inactivity; temporary practice permits; certified registered nurse practitioner (CRNP) certification; applications for new nursing program approval; and review and challenge of registered nurse (RN) and practical nurse (PN) examination.

Board fees for license applications by endorsement, CRNP certification and certification of scores have not been revised since 1987. Fees for out-of-State graduate license applications, temporary practice permits, new nursing program approval applications, and challenge of the RN and PN examinations have not been revised since

1991, and the fee for reactivating a license after 5 years of inactivity was last revised in 1993. The fee charged for review and challenge of the RN examination exceeds actual costs, but all other fees fell short of the cost to provide the service. The fees for license restoration after a sanction, applications for extending a temporary practice permit, certification of scores and certification of license history are proposed to reflect the actual cost of providing these services.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendments the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 19, 1999, the Board submitted a copy of this proposed rulemaking, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposed rulemaking, 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 this 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 rulemaking, 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 the proposed amendments to Robert G. Cameron, Counsel, State Board of Nursing, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this

proposed rulemaking. Please reference No. 16A-5112 (Fees), when submitting comments.

M. CHRISTINE ALICHNIE, Ph.D., RN,
Chairperson

Fiscal Note: 16A-5112. 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 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES

GENERAL PROVISIONS

§ 21.5. Fees.

(a) The following fees are charged by the Board:

* * * * *

Licensure by endorsement	\$[25] 100
Temporary permit	\$[20] 35
Extension of temporary permit	\$60
Application for approval of new nursing program	\$[300] 475
Fee for review and challenge of RN exams	\$[220] 170
Application fee for out-of-State graduates	\$[30] 100
* * * * *	
Reactivation of license (after 5 years or longer)	\$[20] 50
Restoration after suspension or revocation	\$50
Certification of scores	\$25
Certification of license history	\$40
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**Subchapter B. PRACTICAL NURSES
GENERAL PROVISIONS**

§ 21.147. Fees.

(a) The following fees are charged by the Board:

* * * * *

Licensure by endorsement	\$[25] 100
Temporary permit	\$[20] 35
Extension of temporary permit	\$60
Application for approval of new nursing program	\$[300] 475
Fee for review and challenge of PN exams	\$[130] 170
Application fee for out-of-State graduates	\$[30] 100
* * * * *	
Reactivation of license (after 5 years or longer)	\$[20] 50
Restoration after suspension or revocation	\$50
Certification of scores	\$25

Certification of license history \$40
* * * * *

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS
GENERAL PROVISIONS**

§ 21.253. Fees.

The following fees are charged by the Board:

Certification \$[45] 100
* * * * *

[Pa.B. Doc. No. 99-705. Filed for public inspection April 30, 1999, 9:00 a.m.]

STATE BOARD OF OPTOMETRY

**[49 PA. CODE CH. 23]
Application Fees**

The State Board of Optometry (Board) proposes to amend § 23.91 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective Date

The proposed amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendment is authorized under sections 3(b)(14), 5(b) and 9 of the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.3(b)(14), 244.5(b) and 244.9).

C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{aligned} &\text{number of minutes to perform the function} \\ &\quad \times \\ &\text{pay rate for the classification of} \\ &\text{personnel performing the function} \\ &\quad + \end{aligned}$$

a proportionate share of administrative overhead.

The analysis determined that the fees for applications for certified copies of licenses for additional practice locations, verifications of licenses, and certifications of licenses or examination scores did not accurately reflect

the actual cost of providing the services. Fees for the Board in these categories have not been revised since 1988, and current fees fell short of the cost to provide the service. With respect to continuing education program approval, the analysis determined that, although the Board has been expending funds to approve programs not otherwise offered by providers identified in the Board's regulations as meeting the Board's requirements, no fee had been charged. Rather, the costs had been absorbed by biennial renewal fees paid by all licensees.

In this proposal, fees for the various services identified would be adjusted to allocate costs to those who use the service or application. The Board would continue to apportion the enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendment the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 19, 1999, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, 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 this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration 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 amendment, 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 the proposed amendment to Deborah L. Smith, Board Administrator, State Board of Optometry, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-527 (Application Fees), when submitting comments.

JAY B. TANNER, O.D.,
Chairperson

Fiscal Note: 16A-527. 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 23. STATE BOARD OF OPTOMETRY FEES

§ 23.91. Fees.

The following is the schedule of fees for services charged by the Board:

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Certified copy of license for each additional practice location	\$ [15] 20
Certification of scores or licensure, or both .	\$ [15] 25
Verification of licensure	\$ [10] 15
	* * * * *
Application for continuing education program approval	\$45

[Pa.B. Doc. No. 99-706. Filed for public inspection April 30, 1999, 9:00 a.m.]