

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

## STATE BOARD OF NURSING

[ 25 PA. CODE CH. 78 ]

[ 49 PA. CODE CH. 21 ]

### Environmental Protection Performance Standards at Oil and Gas Well Sites Rulemaking; Public Comment Period Extension

### Continuing Education; Reporting of Crimes and Discipline

The public comment period on the proposed environmental protection performance standards at oil and gas well sites rulemaking for 25 Pa. Code Chapter 78 (relating to oil and gas wells) is extended to March 14, 2014. In addition to the comment period extension, the Environmental Quality Board (Board) will be holding two additional public hearings on the proposed regulation to gather public comments.

The State Board of Nursing (Board) proposes to amend §§ 21.29, 21.131—21.134, 21.156, 21.332 and 21.723 and to add §§ 21.29a, 21.156b and 21.723a (relating to reporting of crimes and disciplinary action) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The first additional hearing will be held on February 10, 2014, at the Troy High School, 150 High Street, Troy, PA 16947. The second additional hearing will be held on February 12, 2014, at the Warren County Courthouse, 204 4th Avenue, Warren, PA 16365.

The proposed amendments regarding registered nurses and licensed dietitian-nutritionists are proposed under the authority of sections 2.1(k) and 12.1(a) of The Professional Nursing Law (RN Act) (63 P.S. §§ 212.1(k) and 222(a)) which provide the general authority to the Board to establish rules and regulations for the practice of professional nursing, the practice of dietetics-nutrition and administration of the RN Act and requirements of continuing nursing education for registered nurses. The proposed amendments regarding practical nurses are proposed under the authority of section 17.6 of the Practical Nurse Law (PN Law) (63 P.S. § 667.6) which authorizes the Board to establish rules and regulations for the practice of practical nursing and the administration of the PN Law.

The proposed rulemaking was published at 43 Pa.B. 7377 (December 14, 2013) and is available online at [www.dep.state.pa.us](http://www.dep.state.pa.us) by clicking on "Proposed Oil and Gas Regulations."

#### *Background and Purpose*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by March 14, 2014. Comments submitted by facsimile will not be accepted. In addition to the submission of comments, interested persons may also submit a one-page summary of their comments to the Board. The summary of comments must also be received by March 14, 2014, and will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered by the Board.

This proposed rulemaking aims to accomplish two goals: (1) amend current continuing education regulations for registered nurses; and (2) require licensees to report criminal and disciplinary actions sooner than currently required. The Board published continuing education regulations implementing section 12.1 of the RN Act at 38 Pa.B. 3796 (July 12, 2008). To ease implementation, the Board provided registered nurses with a grace period of 6 months to cure deficiencies. Now that licensees have had an opportunity to obtain the continuing education and seek renewal, the Board believes that this grace period is no longer warranted and wishes to implement a procedure for continuing education compliance identical to that applied by the other licensing boards within the Bureau of Professional and Occupational Affairs. Additionally, the Board wishes the flexibility to require licensees to complete continuing education on a specific topic as the necessity arises. This is particularly important when there are advances or changes in practice that affect the entire profession or significant modifications to the Board's regulations.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Regarding the reporting of criminal and disciplinary actions, § 21.29(c)(4) (relating to expiration and renewal of license) requires registered nurses to report these actions on their biennial renewal. Similarly, § 21.723 (relating to license renewal) requires licensed dietitian-nutritionists to report criminal and disciplinary actions at biennial renewal. Conversely, § 21.156 (relating to renewal of license), which applies to practical nurses, does not mention the requirement to report criminal and

Comments may be submitted to the Board by accessing the Board's online Regulatory Comment System at <http://www.ahs.dep.pa.gov/RegComments>. Comments may be submitted to the Board by e-mail to [RegComments@pa.gov](mailto:RegComments@pa.gov). Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

[Pa.B. Doc. No. 14-239. Filed for public inspection January 31, 2014, 9:00 a.m.]

disciplinary actions at all. In many circumstances, especially in cases when these licensees enter into an Accelerated Rehabilitation Disposition (ARD) Program, licensees avoid notifying the Board of the criminal action because the matter has been expunged by the time of renewal. The Board is authorized to discipline licensees who receive ARD, disposition instead of trial or probation without verdict in the disposition of felony charges. In addition, licensees who receive ARD or other pretrial disposition of DUIs and other drug offenses may suffer from mental or physical illnesses or conditions or physiological or psychological dependence on alcohol, hallucinogenic or narcotic drugs, or other drugs which test to impair judgment or coordination, authorizing the Board to require mental and physical examinations under section 14(a)(2) and (2.1) of the RN Act (63 P. S. § 224(a)(2) and (2.1)) or section 16(a)(6) of the PN Law (63 P. S. § 666(a)(6)). It is therefore imperative that the Board receive these reports in a timely manner.

Similarly, in spite of the statutory requirements in section 11.1 of the RN Act (63 P. S. § 221.1) and section 13.2 of the PN Law (63 P. S. § 663.2), at times the Board does not learn that disciplinary actions, including the immediate and temporary suspension of a license, were taken against a licensee in another state until the licensee reports it upon biennial renewal. To ensure that the Board receives information about these criminal and disciplinary actions in a timelier manner, the Board proposes to update the regulations to clarify the requirements and to expedite the reporting of crimes and disciplinary actions.

#### *Description of Proposed Amendments*

##### *Reporting convictions and disciplinary sanctions*

Current § 21.29(c)(4) requires registered nurses to disclose discipline imposed by a state licensing board and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict, disposition instead of trial or ARD during the previous biennial period on their biennial renewal applications. Similarly, current § 21.723(b)(4) requires licensed dietitian-nutritionists to disclose criminal and disciplinary actions at the time of biennial renewal. In this proposed rulemaking, the Board would modify this requirement to note that reporting is not required if previously made under proposed § 21.29a or § 21.723a.

The relevant renewal provision for practical nurses is § 21.156, however unlike current §§ 21.29(c)(4) and 21.723(b)(4), in spite of the fact that section 13.2 of the PN Law requires reporting of disciplinary actions within 90 days of final disposition or on the biennial renewal application, current § 21.156 does not mention the reporting of crimes or disciplinary actions at biennial renewal for practical nurses. Therefore, the Board proposes amending this section to update it to conform to current administrative procedures for renewal and to add an identical subsection to clarify the requirements for reporting criminal and disciplinary actions by practical nurses.

Proposed §§ 21.29a, 21.156b and 21.273a would require licensees to report crimes and disciplinary actions to the Board. Subsection (a) in these three sections would require licensees to report convictions, pleas, probations without verdict, disposition instead of trial and ARD to the Board within 30 days of disposition or upon biennial renewal, whichever is sooner. Subsection (b) in these three proposed sections would require licensees to report disciplinary actions taken by the licensing authorities of

other states, territories or countries to the Board within 90 days of receiving notice of the final order imposing disciplinary action or upon biennial renewal, whichever is sooner.

##### *Continuing education*

Section 21.131(a) (relating to continuing education) sets forth the requirement that registered nurses complete 30 hours of continuing education each biennial renewal period. The proposed amendment in subsection (a) would notify registered nurses that the Board will not renew licenses and registered nurses may not practice until and unless the continuing education requirement is satisfied. Subsection (b) contains the exception to 30-hour completion requirement for registered nurses in the first renewal period following licensure if the applicant completed an approved nursing program within 2 years of the date of application for licensure by examination. The Board's intent in promulgating this regulation was to create an exception for registered nurses in their first renewal cycle. To eliminate current confusion over this exception, subsection (b) is proposed to be amended to clarify that the continuing education need not be completed in the first renewal cycle following initial licensure.

Technical amendments are proposed to subsections (c), (d) and (e) and renumbered subsections (g) and (h) which would amend "registered nurse" to "licensee" and "registered" for "professional" nurse. Similar amendments are proposed to §§ 21.133(f) and 21.134(b)(1) and (f) (relating to continuing education content; and continuing education sources).

Proposed subsection (f) addresses carry over. Under this proposed subsection, registered nurses may not carry over excess continuing education hours from one renewal period to another. The Board certainly encourages registered nurses to take excess continuing education hours for their own professional development, but believes that 30 hours is the minimum amount of continuing education that should be completed each biennium.

Subsection (g) addresses waivers. Under the current provision, registered nurses are required to submit their requests for waivers no later than 90 days prior to their expiration date. The Board proposes to amend this provision to permit registered nurses to submit the waiver request within the 90-day period if there is an emergency or hardship which occurs during that period. A similar change is being proposed to § 21.332(2) (relating to requirement of continuing education) which contains an identical requirement for certified registered nurse practitioners. Subsection (h) regarding disciplinary action for continuing education violations would be amended but retains the requirement that deficient continuing education be made up within 6 months of receiving notice of a deficiency, notwithstanding disciplinary action taken, and adds a provision in paragraph (4) making the failure to comply with the Board's audit request an offense subject to discipline under section 14(a)(4)(i) of the RN Act.

Currently, § 21.132(b) (relating to continuing education hours) refers to "units." The Board proposed to amend "course" to "unit" throughout to accurately reflect current educational references.

The Board also proposes to add a subsection to § 21.133 authorizing it to require completion of a designated course by registered nurses in a biennial period. Prior to requiring a course, the Board will provide adequate notice to licensees. The Board notes that a similar provision is in the regulations of the State Real Estate Commission in § 35.384(b) (relating to qualifying

courses). The Board believes that this provision will enable it to rapidly relay information to registered nurses about substantial modifications to the laws and regulations, as well as advances or changes in practice that affect the nursing profession.

Current § 21.133(d), proposed subsection (e), addresses continuing education credit for research. The Board proposes amending this provision to clarify that credit for research will be granted in the year completed.

The Board proposes an amendment to § 21.134. Currently, the Board only credits activities sponsored by a Board-approved professional nursing program. In the proposed amendment to subsection (a)(1), the Board expands sponsors to include Board-approved practical nursing programs.

#### *Fiscal Impact and Paperwork Requirements*

The Board and registered nurses should have a reduced fiscal and paperwork impact by the amendment regarding continuing education because the regulation originally permitted registered nurses to renew prior to completing the continuing education requirement. Under that provision, the review process would necessarily occur twice—once when licensees renew with deficient credits and again when licensees submit documentation evidencing completion to the Board for review. Under this proposed rulemaking, registered nurses may only renew after completing their continuing education. However, should an audit reveal deficiencies, the regulation retains the requirement that deficiencies be made up within 6 months.

There is not additional fiscal or paperwork impact associated with the audit requirement or mandatory designated continuing education course as audits are currently occurring and the designated course can be completed as part of the 30 hours of continuing education that registered nurses shall complete each biennium.

The requirement that registered nurses, practical nurses and licensed dietitian-nutritionists report criminal actions and disciplinary sanctions to the Board within 30 and 90 days, respectively, should have a slight fiscal and paperwork impact on the Board and licensees. Currently, licensees report this information on their biennial renewal application. Under this proposed rulemaking, these reports shall be made sooner, triggering additional paperwork responsibilities for licensees. The Board anticipates that it will see an increase in reports as licensees comply with the regulatory requirement thereby incurring additional enforcement costs.

#### *Sunset Date*

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 17, 2014, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form 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. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Judith Pachter Schulder, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, jschulder@pa.gov within 30 days of publication of this proposed rulemaking. Reference No. 16A-5126 (Continuing Education; Reporting of Crimes and Discipline) when submitting comments.

ANN M. COUGHLIN, MSN, RN,  
Chairperson

**Fiscal Note:** 16A-5126. 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**

#### **LICENSES**

#### **§ 21.29. Expiration and renewal of license.**

\* \* \* \* \*

(c) The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a [ **professional** ] **registered** nurse shall:

\* \* \* \* \*

(4) Disclose any discipline imposed by a state licensing board on any nursing or allied health profession license or certificate in the previous biennial period and any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period **unless prior notification has been made under § 21.29a (relating to reporting of crimes and disciplinary action).**

\* \* \* \* \*

(*Editor's Note:* The following section is new and printed in regular type to enhance readability.)

#### **§ 21.29a. Reporting of crimes and disciplinary action.**

(a) A registered nurse shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or an admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.29(c)(4) (relating to expiration and renewal of license), whichever is sooner.



(b) A registered nurse shall notify the Board of disciplinary action in the nature of a final order taken against the registered nurse by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.29(c)(4), whichever is sooner.

**CONTINUING EDUCATION**

**§ 21.131. Continuing education.**

(a) *Requirement of continuing education.* [ **Beginning with the license period commencing on July 12, 2010, an applicant for renewal of a professional nursing license** ] A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial renewal period immediately preceding the application for renewal in accordance with section [ 12 ] 12.1 of the act (63 P. S. § 222) and this subchapter. **The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial renewal period may not engage in the practice of professional nursing until the continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.**

(b) *Exception.* An applicant applying for initial licensure [ **by examination** ] in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure [ **if the applicant completed an approved nursing education program within 2 years of the date of application for initial licensure by examination** ].

(c) *Board audits; proof of completion.* The Board may perform audits on [ **professional** ] registered nurses to determine compliance with the continuing education requirements. A [ **professional** ] registered nurse shall retain documentation of the registered nurse's completion of continuing education for at least 5 years. A [ **professional** ] registered nurse shall comply with a request for submission of documents verifying the registered nurse's completion of continuing education. The following documents shall be retained and submitted upon request:

- (1) For attendance at continuing education programs or courses, the **registered** nurse shall retain the certificate of attendance provided by the program or course provider.
- (2) For academic courses taken from an accredited college or university, the **registered** nurse shall retain the [ **official** ] transcript issued by the educational institution.
- (3) For publication of a textbook or article, the **registered** nurse shall retain a copy of the published item, including the date of publication.
- (4) For a research project, the **registered** nurse shall retain a copy of the research abstract, letter from the institutional review board granting approval for the research project and list of primary and co-investigators.

\* \* \* \* \*

(d) *Reinstatement of lapsed license or reactivation of inactive license.* A [ **licensee** ] registered nurse seeking

to reinstate a lapsed license or reactivate an inactive license shall **file an application for reinstatement or reactivation and** submit documentation to demonstrate that the [ **licensee** ] registered nurse completed 30 hours of continuing education within the biennial **renewal** period immediately preceding application [ **for reinstatement** ]. [ **A refresher or reactivation course at an accredited school of nursing will be credited toward the 30-hour continuing education requirement as set forth in § 21.132 (relating to continuing education hours).** ]

(e) *Reinstatement of suspended license.* A [ **licensee** ] registered nurse seeking to reinstate a suspended license shall submit documentation to demonstrate that the [ **licensee** ] registered nurse completed 30 hours of continuing education within the biennial period immediately preceding application for reinstatement.

(f) *Carry over.* Continuing education hours may not be carried over from one biennial renewal period to the next.

[ (f) ] (g) *Waiver.* A [ **licensee** ] registered nurse may request a waiver of the continuing education requirement because of serious illness, military service or other demonstrated hardship. The [ **licensee** ] registered nurse shall submit the request and any supporting documentation to the Board in writing at least 90 days prior to the [ **licensee's** ] registered nurse's license expiration date **unless an emergency or hardship occurs within the 90-day period.** The Board will grant, deny or grant in part the request for waiver.

[ (g) ] (h) *Disciplinary action authorized.*

(1) Failure to complete a minimum of 30 hours of continuing education in a biennial period **in accordance with subsection (a)** will subject the [ **professional** ] registered nurse to discipline under section 13(b) of the act (63 P. S. § 223(b)) in accordance with the schedule of civil penalties in § 43b.18 (relating to schedule of civil penalties—nurses). A second or subsequent violation will subject the [ **professional** ] registered nurse to discipline under section 14(a)(3) of the act (63 P. S. § 224(a)(3)).

(2) A [ **professional** ] registered nurse who has not completed a minimum of 30 hours of continuing education [ **shall report the number of continuing education hours completed on the biennial renewal application and** ] shall make up the deficiency within 6 months of [ **the expiration date of the nurse's license** ] receiving notice of the deficiency. [ **The licensee shall provide documentation demonstrating the completion of the entire 30-hour requirement to the Board immediately upon completion, but no later than 6 months after the end of the biennial renewal period.** ]

(3) Notwithstanding any civil penalty assessed under paragraph (1), failure to provide the Board with documentation demonstrating the completion of 30 hours of approved continuing education within 6 months after [ **the end of the biennial period in which the professional nurse was deficient** ] receiving notice of a deficiency will subject the [ **licensee** ] registered nurse to discipline under section 14(a)(3) of the act.

(4) Failure to comply with an audit request for continuing education documentation may subject a registered nurse to additional discipline under section 14(a)(4)(i) of the act.

§ 21.132. Continuing education hours.

\* \* \* \* \*

(b) For purposes of determining acceptable hours of continuing education for academic coursework, the following apply:

(1) One academic trimester [ unit ] course is equivalent to 12 continuing education hours.

(2) One academic quarter [ unit ] course is equivalent to 10 continuing education hours.

(3) One academic semester [ unit ] course is equivalent to 15 continuing education hours.

§ 21.133. Continuing education content.

\* \* \* \* \*

(b) The Board may, for any given biennial license period and with adequate notice to registered nurses, require that up to 4 hours of continuing education be completed in designated topics.

[ (b) ] (c) Courses in areas related to the practice of professional nursing such as the following are acceptable:

\* \* \* \* \*

[ (c) ] (d) Courses in areas impacting the practice of professional nursing [ practice ], such as nursing administration, management, education and diagnostic and procedural coding are acceptable.

[ (d) ] (e) Group or individual research, as the principal or co-principal investigator, if approved by the institutional review board of the sponsoring institution, is acceptable and will be credited in the year completed as 15 hours of continuing education.

[ (e) ] (f) Nonprofessional course content not directly related to patient care, such as courses in self-improvement, changes in attitude, financial gain, courses designed for lay people, basic life support or cardiopulmonary [ resuscitation ] resuscitation, mandatory annual education on facility specific policies unrelated to the practice of professional nursing [ practice ] (such as facility leave policies) and employment orientation programs are not acceptable for meeting requirements for license renewal.

§ 21.134. Continuing education sources.

(a) The following continuing education activities that meet the requirements of § 21.133 (relating to continuing education content) for [ professional ] registered nurses are approved:

(1) Activities sponsored by a Board-approved practical or professional nursing [ or CRNP education ] program or a Nationally accredited graduate nursing program.

\* \* \* \* \*

(b) The Board may approve other sources of continuing education on a case-by-case basis after the provider or [ professional ] registered nurse seeking approval submits the following:

\* \* \* \* \*

Subchapter B. PRACTICAL NURSES  
LICENSURE

§ 21.156. Renewal of license.

\* \* \* \* \*

(b) [ Application for renewal ] Notice of the renewal period of a license will be forwarded biennially to each active [ registrant ] licensee prior to the expiration date of the current renewal biennium.

(c) [ Application forms shall be completed and returned, accompanied by the required renewal fee. Upon approval of an application, the applicant will receive a license for the current renewal period. The display portion of the renewal license shall be retained by the current employer of the registrant. The pocket card portion shall be retained by the registrant. ] The applicant for license renewal may complete and submit an application in a form acceptable to the Board. When applying for licensure renewal, an LPN shall:

(1) Complete and submit the renewal application, including disclosing a license to practice nursing or an allied health profession in another state, territory, possession or country.

(2) Pay the biennial renewal of license fee in § 21.147(b) (relating to fees).

(3) Disclose discipline imposed by a state licensing board in the previous biennial period and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary action).

(d) When communicating with the Board, [ registrants ] LPNs shall identify themselves by their full name, [ including maiden name, ] current address and [ their Commonwealth certification number, which shall be typed or printed ] license number.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 21.156b. Reporting of crimes and disciplinary action.

(a) An LPN shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.156 (relating to renewal of license), whichever is sooner.

(b) An LPN shall notify the Board of disciplinary action in the nature of a final order taken against the LPN by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.156, whichever is sooner.

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**MAINTENANCE OF CERTIFICATION**

**§ 21.332. Requirement of continuing education.**

\* \* \* \* \*

(b) Continuing education requirements shall be completed each biennial renewal cycle.

\* \* \* \* \*

(2) The Board may waive the requirements of continuing education in cases of illness or undue hardship. It is the duty of each CRNP who seeks a waiver to notify the Board in writing and request the waiver at least 90 days prior to the end of the renewal period **unless an emergency or hardship occurs within the 90-day period**. The Board will grant, deny or grant in part the request for waiver.

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**Subchapter G. DIETITIAN-NUTRITIONISTS  
LICENSURE REQUIREMENTS**

**§ 21.723. License renewal.**

\* \* \* \* \*

(b) When applying for renewal of licensure, an LDN shall:

\* \* \* \* \*

(4) Disclose any discipline imposed by a state licensing board in the previous biennial period or any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period **unless prior notification has been made under § 21.723a (relating to reporting of crimes and disciplinary action)**.

*(Editor's Note: The following section is new and printed in regular type to enhance readability.)*

**§ 21.723a. Reporting of crimes and disciplinary action.**

(a) An LDN shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.723 (relating to license renewal), whichever is sooner.

(b) An LDN shall notify the Board of disciplinary action in the nature of a final order taken against the LDN's license by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.723, whichever is sooner.

[Pa.B. Doc. No. 14-240. Filed for public inspection January 31, 2014, 9:00 a.m.]