

# PROPOSED RULEMAKING

## SUSQUEHANNA RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 806 ]

### Review and Approval of Projects

*Summary:* This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule program.

*Dates:* Comments on these proposed rules may be submitted to the Commission on or before November 17, 2014. The Commission has scheduled a public hearing on the proposed rulemaking, to be held November 6, 2014, in Harrisburg, Pennsylvania. The location of the public hearing is listed in the addresses section of this notice.

*Addresses:* Comments may be mailed to: Jason E. Oyler, Esq., Regulatory Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788, or by e-mail to [regcomments@srbc.net](mailto:regcomments@srbc.net).

The public hearing will be held on November 6, 2014, at 1:30 p.m., at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa. 17101. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

*For Further Information Contact:* Jason E. Oyler, Esq., Regulatory Counsel, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: [joyler@srbc.net](mailto:joyler@srbc.net). Also, for further information on the proposed rulemaking, visit the Commission's web site at [www.srbc.net](http://www.srbc.net).

#### *Supplementary Information:*

#### *Background and Purpose of Amendments*

The basic purpose of the regulatory amendments set forth in this proposed rulemaking is to clarify the water uses involved in hydrocarbon development that are subject to the consumptive use regulations, as implemented by the Approval By Rule (ABR) program.

Currently, certain hydrocarbon development projects and unconventional natural gas development projects are subject to the Commission's consumptive water use regulations. The Commission is proposing changes to the definitions in 18 CFR § 806.3 to clarify the water uses subject to regulation along with corresponding changes to 18 CFR § 806.22 pertaining to the ABR program. The Commission is also considering whether to increase the duration of approvals issued under the ABR program in 18 CFR § 806.22(f)(10) and is seeking public comment regarding a longer term.

The Commission is proposing a number of changes to the definitions in 18 CFR § 806.3. The Commission proposes to clarify and expand the definition of "hydrocarbon development" to "hydrocarbon development project." The new definition would retain the current language referring to "the drilling, casing, cementing, stimulation and completion" of oil and gas wells, and would add new

language to cover all water-related activities and facilities on the drilling pad site as well as specific uses of water off the drilling pad site. On the drilling pad site, the definition would cover activities and facilities associated with the production, maintenance, operation, closure, plugging and restoration of wells or drilling pad sites that would require consumptive water usage. The revised definition contains an illustrative, but not exhaustive, list of water uses on the drilling pad site. Off the drilling pad site, the regulated uses would be water used for hydro-seeding, dust suppression, and hydro-excavation of access roads and underground lines, as well as tank cleanings, related to a drilling pad site or centralized impoundments. The Commission's jurisdiction under § 806.22(f) would cease after all post-plugging restoration is completed according to applicable member jurisdiction regulations.

The Commission also proposes to add a new definition of "drilling pad site." This term is currently used in SRBC regulations, but is not defined. The Commission's intent with the proposed definition is to cover the physical four corners of the well site where drilling actually occurs or is intended to occur and not to activities and facilities off the pad site.

The Commission has also proposed corresponding changes to the definition of "project," "unconventional natural gas development," and "construction." The last sentence in the definition of "project" is deleted in this proposal, as it is not necessary with the changes proposed to "hydrocarbon development project." The definition of "unconventional natural gas development" is proposed to be amended to "unconventional natural gas development project" to match the "hydrocarbon development project" definition. As is currently the case, an "unconventional natural gas development project" remains a subset of the more broadly defined term "hydrocarbon development project."

The Commission also proposes changes to 18 CFR § 806.22—Standards for consumptive uses of water. The Commission proposes changes to clarify 18 CFR §§ 806.22(f)(1) and (f)(4). The term "dust control" in 18 CFR § 806.22(f)(4) has been replaced with the broader term "other project related activity." In addition, changes are proposed to 18 CFR §§ 806.22(f)(11) and (f)(12) to reflect changes in the definitions as proposed. The Commission is proposing revisions to 18 CFR § 806.22(f)(10) to note that the approvals under the ABR program shall be effective upon issuance by the Executive Director. In this subsection, the Commission is also considering whether to change the duration of approvals issued under the ABR program from 5 years to a longer term of up to 15 years and is specifically seeking public comment regarding such change. The Commission is also proposing changes to 18 CFR § 806.22(e)(7) to mirror subsection (f)(10). Nothing in the proposed rulemaking changes the existing overall regulatory structure between hydrocarbon development projects generally versus unconventional natural gas projects specifically.

In addition, the Commission finds it necessary to revise the provisions of 18 CFR § 806.15(e) to reflect proposed revisions in § 806.3.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

Part 806—Review and Approval Of Projects

Subpart A—General Provisions

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definitions below to read as follows:

§ 806.3. Definitions

\* \* \* \* \*

Construction. To physically initiate assemblage, installation, erection or fabrication of any facility, involving or intended for the withdrawal, conveyance, storage or consumptive use of the waters of the basin. For purposes of unconventional natural gas development projects subject to review and approval pursuant to § 806.4(a)(8), initiation of construction shall be deemed to commence upon the drilling (spudding) of a gas well, or the initiation of construction of any water impoundment or other water-related facility to serve the project, whichever comes first.

\* \* \* \* \*

Drilling Pad Site. The area occupied by the equipment or facilities necessary for or incidental to drilling, production or plugging of one or more hydrocarbon development wells and upon which such drilling has or is intended to occur.

\* \* \* \* \*

Hydrocarbon development project. A project undertaken for the purpose of extraction of liquid or gaseous hydrocarbons from geologic formations, including but not limited to the drilling, casing, cementing, stimulation and completion of unconventional natural gas development wells, and all other activities and facilities associated with the foregoing or with the production, maintenance, operation, closure, plugging and restoration of such wells or drilling pad sites that require water for purposes including but not limited to, re-stimulation and/or re-completion of wells, fresh water injection of production tubing, use of coiled tubing units, pumping, cement hydration, dust suppression, and hydro-seeding, until all post-plugging restoration is completed in accordance with all applicable member jurisdiction requirements. The project includes water used for hydro-seeding, dust suppression and hydro-excavation of access roads and underground lines, as well as cleaning of tanks, related to a drilling pad site and centralized impoundments.

\* \* \* \* \*

Project. Any work, service, activity or facility undertaken, which is separately planned, financed or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources, which can be established and utilized independently, or as an additional to an existing facility, and can be considered as a separate entity for purposes of evaluation.

\* \* \* \* \*

Unconventional natural gas development project. A hydrocarbon development project undertaken for the purpose of extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation or recovery techniques.

\* \* \* \* \*

3. In § 806.15, revise paragraph (e) to read as follows:

§ 806.15 Notice of application

\* \* \* \* \*

(e) For applications submitted under § 806.22(f)(13) for a wastewater discharge source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in each area within which the water obtained from such source will initially be used for hydrocarbon development.

\* \* \* \* \*

4. In § 806.22, revise paragraphs (e)(7), (f)(1), (f)(4), (f)(10), (f)(11) and (f)(12) as follows:

§ 806.22 Standards for consumptive uses of water.

\* \* \* \* \*

(e) Approval by rule for consumptive uses. (1) Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section . . .

\* \* \* \* \*

(7) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall expire 15 years from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

\* \* \* \* \*

(f) Approval by rule for consumptive use related to unconventional natural gas and other hydrocarbon development projects.

(1) Any unconventional natural gas development project subject to review and approval under § 806.4(a)(8), or any other hydrocarbon development project subject to review and approval under §§ 806.4, 806.5, or 806.6 of this part, shall be subject to review and approval by the Executive Director under this paragraph (f) regardless of the source or sources of water being used consumptively.

\* \* \* \* \*

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. Daily use monitoring shall include amounts delivered or withdrawn per source, per day, and amounts used per gas well or drilling pad site, per day, for well drilling, hydrofracture stimulation, hydrostatic testing, and other project-related activity. The foregoing shall apply to all water, including stimulation additives, flowback, drilling fluids, formation fluids and production fluids, utilized by the project. The project sponsor shall also submit a post-hydrofracture report in a form and manner as prescribed by the Commission.

\* \* \* \* \*

(10) Approval by rule shall be effective upon issuance by the Executive Director to the project sponsor, shall

expire five years\* from the date of such issuance, and supersede any previous consumptive use approvals to the extent applicable to the project.

(11) In addition to water sources approved for use by the project sponsor pursuant to § 806.4 or this section, a project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site, subject to such monitoring and reporting requirements as the Commission may prescribe: . . .

\* \* \* \* \*

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water approved by the Commission pursuant to § 806.4(a), or by the Executive Director pursuant to paragraph (f)(14) of this section, and issued to persons other than the project sponsor, provided any such source is approved for use in hydrocarbon development, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in the manner prescribed by the Commission.

\* \* \* \* \*

*Dated:* September 12, 2014.

ANDREW D. DEHOFF,  
*Executive Director*

**Fiscal Note:** 72-11. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART IV. SUSQUEHANNA RIVER BASIN  
COMMISSION  
CHAPTER 806. REVIEW AND APPROVAL OF  
PROJECTS**

**§ 806.1. Incorporation by reference.**

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2014) (relating to review and approval of projects) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 14-2254. Filed for public inspection October 31, 2014, 9:00 a.m.]

**STATE POLICE**

**[ 37 PA. CODE CH. 41 ]**

**Designation of Emergency Vehicles**

The State Police proposes to amend § 41.5 (relating to eligibility) 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 proposed rulemaking is authorized under 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by Pennsylvania State Police).

\* Per the preamble to this proposed rulemaking, the Commission is considering a change of the duration of approval in this subsection from 5 years to a longer term of up to 15 years and is seeking public comment regarding the proposed change.

*Background and Need for the Proposed Rulemaking*

The Philadelphia Prison System has identified the need to escort ambulances which are transporting inmates identified as sick or injured from correctional facilities to hospitals or other medical treatment facilities. Prison officials fear that inmates could escape with or without the help of confederates who could be armed. It is also feared that inmates who are witnesses in pending criminal cases could be murdered once outside prison facilities.

Ambulances are defined as emergency vehicles in 75 Pa.C.S. § 102 (relating to definitions). Therefore, an ambulance is permitted under 75 Pa.C.S. § 3105(a) and (b) (relating to drivers of emergency vehicles) to exercise certain special privileges that include proceeding past red traffic signals, and disregarding rules for direction of travel and overtaking vehicles. Prison vehicles that accompany or escort ambulances are not currently designated as emergency vehicles. These vehicles are not privileged to disregard any sections of 75 Pa.C.S. (relating to Vehicle Code). There is not a derivative privilege gained by escorting the ambulance.

It is, therefore, common that an ambulance will exercise the privilege to run a red light or overtake a vehicle on the right and thereby lose contact with the escort vehicle which must wait for the light or for a slow vehicle to change lanes. When contact is lost, the ambulance crew is vulnerable to attack or escape attempts.

In consideration of these points, the Philadelphia Prison System has specifically requested that escorts be designated as emergency vehicles. The State Police feels that this designation cannot be properly accomplished without amending § 41.5 to include this class of vehicle.

*Description of the Proposed Rulemaking*

The proposed rulemaking would amend § 41.5 to add to the class of vehicles eligible to be considered for “emergency vehicle” designation to include Philadelphia Prison System vehicles used to escort ambulances which are transporting sick or injured prisoners. This is accomplished under proposed § 41.5(a)(4). The Philadelphia Prison System requested that this designation be extended only to official vehicles owned or operated by the Philadelphia Prison System. The State Police concurs that private vehicles should not be used for escort purposes. For these reasons, private vehicles of prison personnel are specifically excluded. That exclusion is accomplished under proposed § 41.5(b)(7).

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. If the proposed rulemaking is adopted, the Philadelphia Prison System would submit a single application for approval as already required by regulation. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 16, 2014, the State Police submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Law and Justice Committee and the House Judiciary 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 any comments, recommendations or objec-

tions 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 State Police, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Director, Policy Office, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, MARSHMARTI@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 17-79, Designation of Emergency Vehicles, when submitting comments.

COLONEL FRANK NOONAN,  
*Commissioner*

**Fiscal Note:** 17-79. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 37. LAW**

#### **PART I. STATE POLICE**

#### **CHAPTER 41. DESIGNATION OF EMERGENCY VEHICLES**

#### **§ 41.5. Eligibility.**

(a) *Considerations.* The following vehicles may qualify for an emergency vehicle designation:

(1) [ **The** ] Pennsylvania Emergency Management Agency and local emergency management organization vehicle.

(2) Bona fide rescue organization vehicle.

(3) Department of Corrections vehicles used by members of [ **the Department's** ] its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

(4) **Philadelphia Prison System vehicles used to escort ambulances transporting sick or injured prisoners.**

(b) *Exclusions.* Private vehicles of the following persons will not be considered for an emergency vehicle designation:

\* \* \* \* \*

(6) The Department of Corrections, its personnel, and members of its Hostage Rescue Teams, Hostage Negotiation Teams, Corrections Emergency Response Teams, Corrections Rifle Specialist Teams and Central Office Special Teams Coordinator.

(7) **The personnel and members of the Philadelphia Prison System who escort ambulances transporting sick or injured prisoners.**

(c) *Restriction.* A designation will be issued only for a vehicle owned or leased by the applicant.

[Pa.B. Doc. No. 14-2255. Filed for public inspection October 31, 2014, 9:00 a.m.]

## **STATE BOARD OF NURSING**

[ 49 PA. CODE CH. 21 ]

### **General Revisions**

The State Board of Nursing (Board) proposes to amend Chapter 21 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 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 Law) (63 P. S. §§ 212.1(k) and 222(a)), which provide the Board with general authority to establish rules and regulations for the practice of professional nursing, the practice of dietetics-nutrition and the administration of the RN Law. The 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.

#### *Background and Purpose*

This proposed rulemaking is intended to: (1) establish time frames within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the applicable licensure examinations; (2) update and make uniform application and examination provisions for registered nurses, practical nurses and dietitian-nutritionists, when applicable; and (3) delete references to the National Council Licensure Examination and the Commission on Graduates of Foreign Nursing Schools and replace them with generic references.

From October 1, 2012, through September 30, 2013, 7,371 graduates of registered nurse education programs and 2,410 graduates of practical nurse education programs took the licensure examinations in this Commonwealth. Of those taking the exams, 86.22% of the registered nurse candidates and 88.17% of the practical nurse candidates passed. One year earlier, 7,629 registered nurse candidates and 2,679 practical nurse candidates took the licensure examinations. At that time, 90.77% of the registered nurse candidates and 90.03% of the practical nurse candidates passed. Nationally, from October 1, 2012, through September 30, 2013, the pass rate for registered nurses was 84.29% and the pass rate for practical nurses was 84.68%. The previous year, the pass rate for registered nurses was 90.22% and the pass rate for practical nurses was 83.99%.

From January 1, 2012, through June 30, 2013, Nationally, because there is not a Pennsylvania-specific examination, 6,514 dietitian-nutritionist candidates took the dietitian-nutritionist examination. Of that total, 69.3% of

test takers passed. Excluding repeat test takers, 83% first time test takers passed. The previous year, 3,617 dietitian-nutritionist candidates took the examinations. Of that total, 71% of test takers passed. Excluding repeat test takers, 85% first time test takers passed.

Sections 21.33b and 21.162b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination) tie a nursing education program's approval status to the pass rate of its first time test taker graduates. Under these regulations, since October 1, 2010, a nursing education program must achieve a minimum pass rate of 80%. Currently 22 of the approximately 142 approved nursing education programs are on provisional approval due to their pass rates which did not reach the 80% threshold.

In 2007, the National Council of State Boards of Nursing (NCSBN) examined the relationship between passing the National Council Licensing Examination (NCLEX) and the elapsed time between becoming eligible and taking the NCLEX for 421,739 registered nurse candidates and 183,546 practical nurse candidates who took the NCLEX during calendar years 2003–2005. Eich, M., and O'Neill, T. (2007). "NCLEX(r) Delay Pass Rate Study." The study concluded that for the overall testing population, pass rates decreased as the time between the date of becoming eligible to sit for the examination and the actual test date increased. Additionally, the study concluded that repeat testers waiting longer to test produced some of the lowest passing rates. These results were confirmed in a subsequent 2009 NCSBN study using logistic regression that further investigated the effect of exam delays and retake attempts for 176,539 registered nurse and 67,849 practical nurse candidates. Woo, A., Wendt, A., and Liu, W. (2009). "NCLEX Pass Rates: An Investigation Into the Effect of Lag Time and Retake Attempts." *JONA's Healthcare Law, Ethics, and Regulation*, 11(1). The 2009 study revealed again that pass rate results inversely relate to the amount of time candidates wait to take the NCLEX as candidates were less likely to pass the NCLEX as lag time increased.

The Board's examination statistics from January 2011 to December 2012 support the conclusions of these studies that the more times a candidate takes either the registered nurse or practical nurse licensure examinations, the less likely the candidate is to pass either examination. During this 24-month period, 2,947 registered nurse candidates and 1,124 practical nurse candidates retook the licensure examinations. The numbers of repeats range from 1 to 34 for registered nurse candidates and from 1 to 40 for practical nurse candidates. First time repeaters (those taking the examination a second time) formed the largest group of the repeaters and passed at the highest rate with 66.34% of the registered nurse candidates and 51.75% of the practical nurse candidates passing. Thereafter, the pass rate dropped precipitously. For registered nurse candidates, with one exception, the percentage of pass rates for second through eighth time repeaters (those having taken the test three through nine times) decreased as follows: 51.28%, 38.35%, 30.95%, 29.03%, 36.54%, 20.69% and 10.53%. Beginning with the 15th retake and extending through the 34th retake, 100% of registered nurse candidates examined failed. The distinction between the number of retakes and pass rates is even more dramatic for practical nurse candidates. The percentage of pass rates for second through seventh time repeaters (those having taken the test three through eight times) decreased as follows: 34.91%, 22.96%, 14.86%, 13.64%, 16.00% and 9.09%. Beginning with the 9th and continuing through the 40th retake, except for 1

candidate who passed on the 11th retake, 100% of the practical nurse candidates examined failed.

Although there are not statistical breakdowns by the number of times the dietitian-nutritionist examination was taken by a particular candidate, 65.5% of repeat test takers failed that examination in calendar year 2013, 64.5% failed in calendar year 2012 and 65% failed in calendar year 2011.

Administrators of professional and practical nursing education programs provided similar anecdotal information to the Board as part of their input regarding this proposed rulemaking. They requested that the Board insert a provision into the regulations requiring candidates for the licensure examinations to take the examinations for the first time within 1 year of completing their education programs. Additionally, with few exceptions, the administrators either wished that the examinations be passed within 2 years or within a shorter time frame. Almost all stakeholders supported the requirement that candidates who fail to pass the examinations within 2 years be required to complete remediation to retake due to their concern that there may be a deficiency resulting in repeated failures of the licensure examinations.

#### *Description of Proposed Amendments*

##### *§ 21.2. Scope*

Current § 21.2 (relating to scope) delineates the Board's scope regarding registered nurses and the practice of professional nursing. In this proposed rulemaking, the Board would amend subsection (d) to include the range of statutorily permitted sanctions. The Board proposes to delete subsection (f) because the Board does not approve applications for inactive status, registered nurses merely advise the Board of their wish to revert to inactive status. The Board proposes to amend current subsections (e) and (g) to clarify that they apply only to professional nursing education and the practice of professional nursing.

##### *§ 21.3. Purposes of the Board*

The Board proposes to rescind § 21.3 (relating to purposes of the Board) as this section is unnecessary.

##### *§ 21.7. Temporary practice permits*

Current § 21.7(b)(2) (relating to temporary practice permits) requires applicants for temporary practice permits who are licensed in another state or jurisdiction to demonstrate proficiency in English. Subsection (b)(3)(iii) requires applicants to submit an application for education credentials review to the Commission of Graduates of Foreign Nursing Schools (CGFNS) and retain a copy of that application to provide to the Board if requested. In this proposed rulemaking, the Board proposed to replace the specific reference to the CGFNS in subsection (b)(3)(iii) with a reference to "a Board-approved foreign credentials evaluator" to expand the list of acceptable evaluators. Instead of providing a copy of the list of Board-approved English proficiency examinations upon request, proposed amendments to subsection (b)(2) permit the Board to post the list on its web site.

##### *§ 21.21. Application for examination*

Current § 21.21(a) (relating to application for examination) permits candidates for licensure by examination to apply to take the registered nurse examination during the last term of their nursing education program with scheduling, according to the latter portion of the provision, to occur at the subsequent examination. Because the examination is administered daily, the latter clause is obsolete

and is proposed to be deleted. Additionally, the proposed rulemaking would clarify that applicants may apply 90 days prior to completion of their education programs. However, under subsection (b) they would not be authorized to take the examinations prior to confirmation of actual completion.

Proposed amendments to subsection (b) track current practice regarding authorizations to test. Upon application and confirmation of nursing education program completion, the Board notifies the examiner who issues an "authorization to test" enabling a candidate to schedule an examination date. Current subsection (c) requires a candidate to provide a copy of the transcript validating program completion within 2 weeks of taking the examination. The Board proposes to delete this requirement for graduates of nursing education programs in this Commonwealth as the Board approves these programs and receives this information directly from the programs electronically. The Board would maintain the requirement only for graduates who attend programs outside of this Commonwealth as it does not approve these programs. Current subsection (d) is proposed to be deleted as examinations are no longer proctored by state boards under section 6(b)(4) of the RN Law (63 P. S. § 216(b)(4)). Instead, the Board proposes to add a provision to require an applicant seeking a waiver of the requirement to take the examination within 1 year of completion of the nursing education to submit documentation to demonstrate that an emergency, illness or military service prevented compliance with proposed § 21.23(c) (relating to qualifications of applicant for examination).

#### § 21.22. *Date and location of examinations*

The Board proposes to rescind § 21.22 (relating to date and location of examinations) which requires that the examination be conducted at least twice a year and that the examination schedule be published annually. Currently, the licensing examinations are administered from Monday through Saturday Nationally and internationally. Specific examination locations are selected and posted by the examination administrator.

#### § 21.23. *Qualifications of applicant for examination*

The Board proposes to delete current § 21.23(a) because the examination is not administered in written form and the requirement that the examinations be passed is in § 21.24 (relating to passage of the licensure examination). The Board also proposes to delete current subsection (b) as it simply recites statutory references without amplification. Current subsection (c) requires applicants who were educated outside of the United States or Canada to prove that either their nursing education programs were conducted in English or they passed the English proficiency examination of the CGFNS. Tracking current practice, the proposed amendments require that applicants demonstrate this proficiency unless it was already met as part of an application for temporary practice permit. The Board believes that the same standard regarding English proficiency should be applied to all applicants because the Board is aware, for example, that not all nursing education programs in North America are conducted in English.

Also, similar to proposed § 21.7(b)(3)(iii) and § 21.149(b)(3)(iii) (relating to temporary practice permits), the Board proposes to replace the specific reference to the CGFNS examination with "Board-approved English proficiency examination" in proposed subsection (a) to include other proficiency examinations, such as the International English Language Test System, Test of English

for International Communication and Test of English as a Foreign Language in addition to the CGFNS. Also, as in proposed §§ 21.7(b)(2) and 21.149(b)(2), proposed subsection (a) indicates that the list of Board-approved English proficiency examinations will be posted on its web site.

Proposed § 21.23(b) would institute current Board procedure of requiring graduates of nursing education programs outside of the United States and Canada to have their education evaluated by Board-approved foreign credentials evaluators. The Board believes that these evaluations assure that professional nursing education programs outside of the United States and Canada are equivalent to programs of study in this Commonwealth at the time the programs were completed as required under section 5(b) of the RN Law (63 P. S. § 215(b)). This proposed subsection is identical for endorsement candidates in §§ 21.28(c) and 21.155(d) (relating to licensure by endorsement).

Proposed subsection (c) would require registered nurse candidates to take the licensing examinations for the first time within 1 year of completing their professional nursing education programs unless prevented by emergency, illness or military service. This subsection is proposed to be added at the behest of nursing education program administrators who highlighted decreasing pass rates as the time between completing the education program and taking the examination increases.

#### § 21.24. *Passage of the licensure examination*

Current § 21.24 includes outdated references to passing the licensure examination by achieving a minimum passing score mandated by the Board. This proposed rulemaking would incorporate current requirements by amending this section to require candidates for licensure to pass the examination approved by the Board.

#### § 21.25. *Re-examination*

Current § 21.25 (relating to re-examination) addresses re-examination requirements including the authority in subsection (c) to take the examination as many times as necessary to complete the examination process. Proposed subsection (a) tracks current practice which requires a candidate who fails the examination to file a re-examination application with the Board allowing the candidate to obtain new "authorization to test." Proposed subsection (b) requires a candidate to pass the licensure examination within 2 years of completing the professional nursing education program. To preserve the integrity of the examination, it may be administered to a single applicant every 45 days. Under proposed subsection (b), candidates are allowed to take the licensure examination up to 16 times without additional requirements.

In the event that a candidate does not pass within the 2-year time frame in proposed subsection (b), proposed subsection (c) would require the candidate to complete a remedial plan developed by a Board-approved nursing education program. During the drafting of this proposed rulemaking, stakeholders endorsed the proposition that candidates be required to complete additional education after repeated failures. They recommended a full panoply of education alternatives ranging from remedial and review courses to completing anew another nursing education program. The Board appreciates the time and financial commitment to complete additional education. However, it balances those commitments against the Board's obligation to assure that those practicing professional nursing are competent to do so. In the view of the Board and the nursing community, passing the examination is a measurement of the competencies needed to

perform safely and effectively as a newly licensed entry level nurse. The Board believes that a candidate who is unable to pass the licensure examination within 2 years has deficiencies in education such that, at the very least, remediation is warranted. The Board rejected the recommendation that the candidates complete postexamination review courses based upon its understanding that these courses, routinely taken by candidates following failure, do not include the breadth of coursework or clinical components necessary to assure competence. At the same time, while the Board would have liked candidates who have failed the examination within a 2-year period to complete another full nursing education program, it is cognizant that this requirement could lead to an inability to obtain financial aid. Additionally, as stakeholders advised the Board during its October 18, 2013, meeting, nursing education programs may be reluctant to accept students who have repeatedly failed the examination even though these re-examinees would not constitute "first-time test takers" for purposes of § 21.33b(3).

Proposed subsection (d) clarifies that at the expiration of the 2-year period, candidates must again meet the licensure requirements to be qualified to retest.

#### § 21.27. *Unlicensed candidate*

The Board proposes to rescind § 21.27 (relating to unlicensed candidate) as it explicitly conflicts with the requirement in section 4.1 of the RN Law (63 P.S. § 214.1) that a temporary practice permit expire immediately following an examination failure. Further the provision is unnecessary as it is properly addressed in § 21.7.

#### § 21.28. *Licensure by endorsement*

The Board proposes to add examination, education and English-proficiency requirements for endorsement applicants identical to those proposed for examination applicants. Current § 21.28(a) delineates the endorsement requirements for applicants who completed nursing education programs within the United States or Canada. The Board would amend subsection (a) to require these endorsement applicants to pass an equivalent examination to that required for examination applicants in § 21.24 under section 7(a) of the RN Law (63 P.S. § 217(a)). Current § 21.28(c) delineates the endorsement requirements for applicants who completed nursing education programs and passed licensure examinations outside of the United States or Canada. The Board proposes to amend subsection (c) to clarify that the nursing education programs and the licensure examinations must be equivalent to those required for examination applicants in §§ 21.23 and 21.24. The Board also proposed to amend subsection (c) to remove the reference to the CGFNS.

Proposed subsection (e) tracks the proposed requirement in § 21.23(a) that applicants for examination demonstrate proficiency in English. Like the examination applicants, proposed subsection (e) would require all endorsement applicants to prove that either their nursing education program was conducted in English or they passed an English proficiency examination. If proficiency was demonstrated during an application for a temporary practice permit it need not be proven again.

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

The Board proposes making technical amendments to § 21.29 (relating to expiration and renewal of license) by correcting the reference from "professional nurse" to "registered nurse." Under the RN Law, registered nurses engage in the practice of professional nursing. However, the Board does not issue a professional nurse license.

#### § 21.29b. *Reporting of address changes*

Proposed § 21.29b (relating to reporting of address changes) would require registered nurses to notify the Board of address changes within 14 days of the change. Enabling the Board to have current addresses saves money and resources in returned postage and remailing when the Board sends notices, renewal information and legal documents to its licensees.

#### § 21.30. *Registered nurses licensed outside of the United States or Canada*

The Board proposes to amend subsection (a) to clarify existing Board practice that requires registered nurses educated and licensed outside of the United States or Canada to practice to hold either a Commonwealth-issued license or temporary practice permit to practice professional nursing in this Commonwealth. In that there are no longer visitor-exchange programs in nursing, the Board proposes to delete the reference to these programs in subsection (b). Subsection (c) is proposed to be deleted as it does not relate to the prior subsections which address the ability to provide licensed services as a licensee or as part of a nursing education program. Subsection (c) relates to educational requirements. The Board intends to reinsert this provision in a subsequent education rulemaking.

#### § 21.30a. *Continued competency*

Current § 21.30a (relating to continued competency) delineates reactivation requirements when licenses have lapsed or been placed on inactive status for 5 years or longer. The Board proposes amending this provision to add reactivation requirement for licenses that have been suspended for 5 years or longer. The Board believes that just as lapsed or inactive licensees require retraining on current practices to update their competences as a result of having not practiced for 5 years or longer, so too do licensees whose licenses have been suspended for 5 years or longer once they have complied with the Order suspending their licenses.

#### § 21.142. *Scope*

Current § 21.142 (relating to scope) delineates the Board's scope regarding practical nurses and the practice of practical nursing. Like proposed § 21.2(d), the Board proposes to amend subsection (c) to include the range of statutorily permitted sanctions. It would also delete subsection (d) as regulations are generally developed by committees of the Board composed of registered and practical nurses, public members and, when applicable, a dietician-nutritionist. Their proposals are then forwarded, under Executive Order 1996-1, to stakeholders for input before adoption by the full board and promulgation through the regulatory review process. Subsection (d) adds nothing to the Board's statutory authority to promulgate regulations in section 17.6 of the PN Law. Subsection (e), proposed subsection (d), is proposed to be amended to delete the requirement that a list of approved practical nursing education programs be promulgated and, in its place, require that the list be made available on the Board's web site.

#### § 21.144. *Purpose of the Board*

Like § 21.3, the Board proposes to rescind § 21.144 (relating to purpose of the Board) as this provision is unnecessary.

#### § 21.149. *Temporary practice permits*

Current subsection (b)(2), like § 21.7(b)(2), requires applicants for practical nurse temporary practice permits

who are licensed in another state or jurisdiction to demonstrate proficiency in English. Subsection (b)(3)(iii) requires applicants to submit an application for education credentials review to the CGFNS and retain a copy of that application to provide to the Board if requested. As in § 21.7, the Board proposes to replace the specific reference to the CGFNS with a reference to “a Board-approved foreign credentials evaluator” in subsection (b)(3)(iii) and amend subsection (b)(2) to indicate that the Board will post the list on its web site.

§ 21.151. *Application for examination*

The Board proposes similar amendments to § 21.151 (relating to application for examination) pertaining to examination application procedures for practical nurses, as are being proposed for registered nurses in § 21.21. Because the examination is administered daily, the Board proposes to delete subsection (a). With the exception of referencing practical nurses instead of professional nurses, identical revisions to § 21.21 are proposed to § 21.151(b)—(e).

Proposed § 21.151(d) would require that applicants for practical nurse licenses prove that either their nursing education programs were conducted in English or they passed a Board-approved English proficiency examination unless the applicants have met this requirement as part of applying for temporary practice permits. Proposed subsection (e) would institute current Board procedure of requiring graduates of nursing education programs outside of the United States and Canada to have their education evaluated by Board-approved foreign credentials evaluators. The Board believes that these evaluations assure that programs outside of the United States and Canada are equivalent to programs of study in this Commonwealth at the time the programs were completed as required under section 6 of the PN Law (63 P. S. § 656).

Proposed subsection (f) would require candidates to take the licensing examinations for the first time within 1 year of completing their practical nursing education programs unless prevented by emergency, illness or military service. This provision, like that for professional nurse candidates, is proposed to be added at the behest of nursing education program administrators who highlighted decreasing pass rates as the time between completing the education program and taking the examination increases.

§ 21.152. *Passage of the examination*

The heading of § 21.152 (relating to passage of the examination) is proposed to be amended because it includes outdated references to passing the licensure examination by achieving a minimum passing score. This proposed amendment would simply state that candidates for licensure shall pass the licensure examination approved by the Board.

§ 21.153. *Re-examination*

Current § 21.153 (relating to re-examination) addresses re-examination requirements including the authority in subsection (b) to take the examination as many times as necessary to complete the examination process. Subsection (a) would be amended to track current practice which requires a candidate who fails the examination to file a re-examination application with the Board allowing the candidate to obtain a new “authorization to test.” Subsection (b) would be amended to require candidates to pass the licensure examination within 2 years of completing the practical nursing education program. As with the examination for registered nurse licenses, the examina-

tion for practical nurse licenses may be administered to a single applicant every 45 days, enabling an applicant to take the licensure examination up to 16 times without additional requirements.

In the event that a candidate does not pass within the 2-year time frame in proposed subsection (b), proposed subsection (c) would require the candidate to complete a remedial plan developed by a nursing education program for the candidate prior to re-examination. As with the examination for registered nurse licenses, during predraft input, stakeholders also endorsed the proposition that candidates for practical nurse licensure complete additional education after repeated failures. Additionally, as with the examination for registered nurse licenses, the Board believes that a candidate who is unable to pass the licensure examination within 2 years has deficiencies in education such that, at the very least, remediation is warranted.

Proposed subsection (d) clarifies that in the addition to completion of the remediation plan, candidates must meet current licensure requirements to be re-examined.

§ 21.154. *Unlicensed candidate*

Like § 21.27, the Board proposes to rescind § 21.154 (relating to unlicensed candidate) as it explicitly conflicts with the requirement in section 3.1 of the PN Law (63 P. S. § 653.1) that a temporary practice permit expires immediately upon an examination failure. Further, the provision is unnecessary as it is properly addressed in § 21.149.

§ 21.155. *Licensure by endorsement*

The Board proposes to add examination, education and English-proficiency requirements for endorsement applicants identical to those proposed for examination applicants. Current § 21.155(a) delineates the endorsement requirements for applicants who completed a nursing education program within the United States or Canada. The Board proposed to amend subsection (a) to require these endorsement applicants to pass an equivalent examination to that required for examination applicants in § 21.152. Current § 21.155(d) delineates the endorsement requirements for applicants who completed a nursing education program outside of the United States or Canada. The Board proposes to amend subsection (d) to require these endorsement applicants to pass an equivalent examination and possess equivalent education to that required for examination applicants.

Proposed amendments to subsection (d) track the proposed amendments in § 21.28 for registered nurses, requiring practical nurse applicants for endorsement to complete a nursing education program and a licensure examination equivalent to that required of practical nurse applicants in this Commonwealth. The Board proposes to amend subsection (d) to delete the reference to the CGFNS.

Similarly, the Board proposes to add subsection (e) requiring endorsement applicants to prove that either their nursing education programs were conducted in English or they passed a Board-approved English proficiency examination, unless the applicants have already met this requirement as part of applying for temporary practice permits in § 21.149.

§ 21.156. *Renewal of license*

The Board proposes to amend § 21.156 (relating to renewal of license) by updating the Board’s renewal procedures for practical nurses so that the procedures match current practice for all licensees, except for the



requirement of continuing education, which is currently imposed only upon registered nurses. The Board proposes deleting current subsection (b) since it places a responsibility on the Board to forward renewal applications. Although the Board sends a mailing to its licensees notifying them that it is time to renew and providing the procedures to renew electronically or by paper, this is a courtesy and not a statutory obligation. Additionally, the Board proposes to amend subsection (d), proposed subsection (c), to reflect under current procedure wherein licensees are asked to disclose on their renewal applications any prior disciplinary actions and criminal charges as well as other licenses held.

§ 21.156a. *Continued competency*

Current § 21.156a (relating to continued competency) delineates reactivation requirements when licenses have lapsed or been placed on inactive status for 5 years or longer. The Board proposes to add a reactivation requirement for licenses that have been suspended for 5 years or longer. The Board believes that just as lapsed or inactive licensees require retraining on current practices to update their competences as a result of having not practiced for 5 years or longer, so too do licensees whose licenses have been suspended for 5 years or longer once they have complied with the Order suspending their licenses.

§ 21.156c. *Reporting of address changes*

Proposed § 21.156c (relating to reporting of address changes) would require practical nurses to notify the Board of address changes within 14 days of the change.

§ 21.701. *Definitions*

The Board proposes amending the titles of two dietetic organizations to conform to their current names and acronyms. The American Dietetic Association is now known as the Academy of Nutrition and Dietetics. The Commission on Accreditation for Dietetics Education is now known as the Accreditation Council for Education in Nutrition and Dietetics. Outdated references to these organizations in the definitions of “approved program” and “CDR” are also proposed to be amended.

§ 21.722. *Education, examination and re-examination of applicants*

The Board proposes adding subsection (b)(2), identical to the proposal for registered and practical nurses in §§ 21.23(c) and 21.151(f), to require candidates to take the licensing examinations for the first time within 1 year of completing their dietitian-nutritionists education programs unless prevented by emergency, illness or military service.

The Board also proposes adding subsection (c) regarding re-examination. Identical to the proposal for registered nurses and practical nurses in proposed §§ 21.25(b) and (c) and 21.153(b) and (c), the Board proposes adding the requirements that dietitian-nutritionists pass the licensure examinations within 2 years and complete additional remedial education thereafter to again be authorized to take the licensure examinations. Although stakeholders did not seek this addition as they did for registered and practical nurses, the Board believes that all of its licensees should be subject to the same re-examination requirements.

§ 21.723b. *Reporting of address changes*

Proposed § 21.723b (relating to reporting of address changes) would require licensed dietitian-nutritionists to notify the Board of address changes within 14 days of the change.

§ 21.274. *Continuing education*

The Board proposes amending § 21.724 (relating to continuing education) to delete outdated references.

*Fiscal Impact and Paperwork Requirements*

The Board believes that this proposed rulemaking should have a minimal fiscal and paperwork impact on the Board and the regulated community. The application procedures included in this proposed rulemaking are, for the most part, currently in place and therefore will not incur additional Board time. Board staff will have to spend some additional time confirming that examination candidates first take the licensure examination within 1 year of completion of their nursing education program and complete a remediation plan to be authorized to take the examination following failure after 2 years. Similarly, applicants who fail to take the licensure examination within 1 year of their program completion will have the burden of proving to the Board that they were prevented from taking the examination due to an emergency, hardship or military service. Similarly, for those who fail to pass the examination within 2 years, they will have to provide the Board with documentation evidencing their compliance with a remediation plan developed by a Board-approved nursing education program. The remedial education costs for those candidates who fail after the 2-year period cannot be predicted as different programs will charge different fees and the amount of remedial education needed will be candidate-specific.

*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 October 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, RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking. Reference No. 16A-5125 (General Revisions) when submitting comments.

ANN M. COUGHLIN, MBA, MSN, RN,  
Chairperson

**Fiscal Note:** 16A-5125. 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

## § 21.2. Scope.

(a) The Board administers the act by providing rules and regulations on standards for nursing schools and the conduct of the programs.

(b) The Board provides for licensure of graduate nurses from approved schools by examination, by endorsement and by renewal of licenses.

(c) The Board has the right to establish rules and regulations for the practice of nursing.

(d) The Board may **[ suspend or revoke licenses ] impose disciplinary sanctions and assess civil penalties** for cause.

(e) **[ The Board will approve basic nursing programs conducted in hospitals, colleges, universities; approve foreign exchange visitor programs; and promulgate a list of approved programs. ]** The Board may approve professional nursing education programs conducted in hospitals, colleges and universities, and will make available a list of approved programs.

**[ (f) The Board will approve applications for inactive status. ]**

**(g) ] (f)** The Board will regulate the practice of professional nursing.

§ 21.3. **[ Purposes of the Board ]** (Reserved).

**[ The Board will insure safe nursing services for the citizens of this Commonwealth. Embodied in this purpose are the following responsibilities:**

**(1) To establish safe standards for the preparation of registered and practical nurses in approved educational programs.**

**(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved educational programs, through endorsement of registered and practical nurses from other jurisdictions, and through the regulation of the practice of nursing in this Commonwealth. ]**

## § 21.7. Temporary practice permits.

(a) A graduate registered nurse may only practice professional nursing under supervision and if the graduate registered nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate registered nurse is practicing. The Board may grant a temporary practice permit to a graduate registered nurse as follows:

(1) **[ An individual who wishes to practice as a graduate registered nurse during the period from the date of completion of the educational program to the notification of the results of the licensing**

**examination ] A graduate registered nurse who wishes to practice professional nursing** shall submit an application for a temporary practice permit for a graduate registered nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance, unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

\* \* \* \* \*

(b) The Board may grant a temporary practice permit to an individual who holds a current registered nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed registered nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit period in cases of illness or extreme hardship<sup>[ , ]</sup> as set forth in paragraph (5).

(1) A currently-licensed registered nurse who wishes to practice professional nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

**[ (ii) ] (i)** Submit an application for temporary practice permit for a currently-licensed registered nurse on a form provided by the Board.

**[ (iii) ] (ii)** Remit the fee specified in § 21.5.

(2) An individual applying for a temporary practice permit for a currently-licensed registered nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. **[ A ] The Board will make available a list of Board-approved English proficiency examinations [ is available upon request to the Board ] on its web site.** This information must be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of the submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of the submission of the request to provide to the Board upon request.

(iii) **[ Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements in §§ 21.23(c) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the**

Board upon request. ] Submit an application for an education evaluation to a Board-approved foreign credentials evaluator if required under §§ 21.23(b) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

\* \* \* \* \*

LICENSES

§ 21.21. Application for examination.

[ (a) An application for the licensing examination without transcript may be submitted during the last term of the nursing program. The applicant will be scheduled for the subsequent examination.

(b) A candidate will not be admitted to the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including the completion of an approved educational program.

(c) A copy of the transcript validating program completion shall be filed at least 2 weeks prior to the testing dates.

(d) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board. ]

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a professional nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved professional nursing educational program.

(c) Graduates of professional nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant seeking a waiver of the 1-year requirement in § 21.23(c) (relating to qualifications of applicant for examination) shall submit documentation to demonstrate that an emergency, illness or military service prevented compliance.

§ 21.22. [ Date and location of examinations ] (Reserved).

[ (a) The Board conducts licensing examinations at least twice a year.

(b) A list of examination dates and locations are published annually. ]

§ 21.23. Qualifications of applicant for examination.

[ (a) An applicant shall pass a written examination as provided by the Board.

(b) Additional applicant qualifications are contained in sections 5 and 6 of the act (63 P. S. §§ 215 and 216).

(c) Nurses educated in schools of nursing outside of the United States or Canada shall have successfully completed the English language and nursing practice proficiency examination of the Commis-

sion on Graduates of Foreign Nursing Schools. A school of nursing located outside of the United States or Canada will be considered a foreign nursing school. ]

(a) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has, prior to be approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination, unless the applicant has already met this requirement in satisfaction of § 21.7(a) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(b) An applicant who graduated from a professional nursing education program outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(c) A candidate for licensure shall take the examination for the first time within 1 year of completing the professional nursing education program unless prevented by emergency, illness or military service.

§ 21.24. [ Examination score requirements ] Passage of the licensure examination.

The candidate for licensure shall [ achieve a minimum score as mandated ] pass the licensure examination approved by the Board.

§ 21.25. [ Reexamination ] Re-examination.

[ (a) A candidate shall submit the required fee in the form of a check for reexamination.

(b) (Reserved).

(c) The candidate may take the licensing examination as many times as necessary to complete licensure process.

(d) A request to retake an examination for the purpose of elevating a passing score will not be granted. ]

(a) A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) The candidate may take the licensing examination as many times as necessary to pass the licensure examination within 2 years of completion of the candidate's nursing education program.

(c) If a candidate does not pass the examination within 2 years of completion of the candidate's nursing education program, the candidate shall complete a plan of remediation developed by a nursing education program for the candidate prior to applying for re-examination.

(d) Candidates who apply for re-examination after the 2-year period in subsection (b) shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.27. [ Unlicensed candidate ] (Reserved).

[ The candidate may practice as a graduate nurse until the licensing examination is passed subject to the following:

(1) Unless licensed, the candidate may be employed as a graduate nurse for 1 year only from the date of completion of a nursing program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation.

(2) The candidate shall practice under the supervision of an experienced registered nurse. "Supervision," as used in this paragraph, means that the registered nurse is physically present in the area or unit where the unlicensed candidate is practicing. ]

§ 21.28. Licensure by endorsement.

(a) [ A registered nurse who has graduated from an approved nursing program in another state or territory of the United States or Canada and who is licensed by writing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth by endorsement of the original licensing board. ] A registered nurse who has graduated from an approved professional nursing education program in the United States or Canada and who obtained licensure in another jurisdiction having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth.

(b) An applicant for licensure in this Commonwealth by endorsement shall meet the requirements as stated in the act.

(c) [ A registered nurse who has graduated from a nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program. ] A registered nurse who has graduated from a professional nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(d) An applicant for endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this Commonwealth, satisfy the requirements of [ § 21.30a(1) or (2) ] § 21.30a(a)(1) or (2) (relating to continued competency).

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education

program was conducted in English or that the applicant received a passing score on a Board-approved English proficiency examination unless the applicant has met this requirement in satisfaction of § 21.7(b) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

§ 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:

(1) Complete and submit the renewal application [ form ], including disclosing any license to practice nursing or any allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of licensure fee in § 21.5 (relating to fees).

(3) [ Beginning with the license period commencing on July 12, 2010, verify that the professional ] Verify that the registered nurse has complied with the continuing education requirements mandated by section [ 12 ] 12.1 of the act (63 P. S. § 222) during the biennial period immediately preceding the application for renewal in accordance with §§ 21.131—21.134 (relating to continuing education). School nurses, who as certified educational specialists are required to obtain continuing professional education under the Public School Code of 1949 (24 P. S. §§ [ 1-100 ] 1-101—27-2702), shall verify by signed statement that the school nurse has complied with the continuing education requirements for certification by the Department of Education.

\* \* \* \* \*

§ 21.29b. Reporting of address changes.

A registered nurse shall notify the Board within 14 days of a change of address.

§ 21.30. Registered nurses licensed outside of the United States[ , its territories ] or Canada.

(a) [ A nurse educated and licensed in another country other than Canada may not be employed as a nurse in this Commonwealth until the requirements for Commonwealth licensure have been met. ] A registered nurse educated and licensed outside of the United States or Canada may not practice professional nursing in this Commonwealth until the registered nurse is issued a license or temporary practice permit by the Board.

(b) A graduate nurse licensed in another country may participate in an [ approved exchange-visitor program or in an accreditation ] accredited graduate program in nursing for [ a period of ] 2 years without licensure and compensation in this Commonwealth.

[ (c) An applicant coming from a country outside of the United States or Canada who is from a nondegree granting institution shall obtain a Certificate of Preliminary Education through the Department of Education. ]

§ 21.30a. Continued competency.

[ A ] (a) A registered nurse whose license has lapsed for 5 years or longer or [ whose license ] has been placed on inactive status for 5 years or longer, as permitted in section 11(b) of the act (63 P. S. § 221(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee [ as set forth ] in § 21.5 (relating to fees).

(2) Successfully completing a Board-approved reactivation program, which [ includes as a prerequisite to completion the passing of a Board-approved ] requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has [ practiced nursing ] a current license and has practiced as a registered nurse in another jurisdiction at some period of time within the last 5 years [ under a current license during that time ].

(b) A registered nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.5.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

**Subchapter B. PRACTICAL NURSES  
GENERAL PROVISIONS**

§ 21.142. Scope.

(a) The Board administers the act by promulgating rules and regulations which establish standards for practical nursing programs and for the conduct of programs.

(b) The Board provides for licensure of graduate practical nurses from approved programs by examination, by endorsement and by programs renewal of licenses.

(c) The Board may [ suspend or revoke licenses ] impose disciplinary sanctions and assess civil penalties for cause.

[ (d) The Board, with the approval of the Commissioner of Professional and Occupational Affairs, will appoint a committee of two licensed practical nurses and one licensed professional nurse experienced in practical nurse education and, in consultation with this committee, will have the power and duty to establish reasonable rules and regulations for the administration of the act.

(e) [ (d) The Board may approve [ basic ] practical nursing education programs conducted in hospitals, community colleges, universities and public school districts and vocational education programs under the Department of Education and [ promulgate ] make available a list of approved [ programs of ] practical nursing education programs on its web site.

[ (f) ] (e) The Board will regulate the practice of practical nursing.

§ 21.144. [ Purpose of the Board ] (Reserved).

[ The Board will insure safe nursing services for the citizens of this Commonwealth. Embodied in this purpose are the following responsibilities:

(1) To establish safe standards for the preparation of registered and practical nurses in approved educational programs.

(2) To assure safe standards of nursing practice through examination and licensure of graduates of approved educational programs, through endorsement of registered and practical nurses from other jurisdictions and through the regulation of the practice of nursing in this Commonwealth. ]

§ 21.149. Temporary practice permits.

\* \* \* \* \*

(b) The Board may grant a temporary practice permit to an individual who holds a current practical nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed practical nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit in cases of illness or extreme hardship, as set forth in paragraph (5).

(1) A currently-licensed practical nurse who wishes to practice practical nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed practical nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.

(2) An individual applying for a temporary practice permit for a currently-licensed practical nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. [ A ] The Board will make available a list of Board-approved English proficiency examinations [ is available upon request to the Board ] on its web site. This information shall be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education must be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of submission of the request to submit to the Board upon request.

(iii) [ Submit the Commission on Graduates of Foreign Nursing Schools (CGFNS) application if the applicant is required to meet CGFNS requirements set forth in § 21.155(d) (relating to licensure by endorsement) and retain documentation of the submission of the CGFNS application to provide to the Board upon request. ] Submit an application for an

education evaluation to a Board-approved foreign credentials evaluator if required under § 21.155(d) (relating to licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

\* \* \* \* \*

#### LICENSURE

##### § 21.151. Application for examination.

(a) The Board will conduct licensing examinations at least twice a year, and more often when necessary. A list of examination dates will be published annually.

(b) An application for the licensing examination, without a transcript, may be submitted during the last term of the nursing program. The applicant will be scheduled for the subsequent examination.

(c) A candidate will not be admitted to the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including the completion of an approved educational program.

(d) A copy of the transcript validating program completion shall be filed at least 2 weeks prior to the testing dates.

(e) The Board will not proctor an applicant for another state board. The Board will not permit an applicant for Commonwealth licensure to be proctored by another state board. ]

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a practical nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved practical nursing educational program.

(c) Graduates of practical nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has, prior to being approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination unless the applicant has already met this requirement in satisfaction of § 21.149(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(e) An applicant who graduated from a practical nursing education program outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(f) A candidate shall take the examination for the first time within 1 year of completing the profes-

sional nursing education program unless prevented by emergency, illness or military service.

##### § 21.152. [ Date and location of examinations ] Passage of the examination.

Candidates for practical nursing licensure shall [ achieve a minimum standard score as mandated ] pass the licensure examination approved by the Board.

##### § 21.153. [ Reexamination ] Re-examination.

(a) [ Candidates shall submit the required fee to be scheduled for reexamination. ] A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) [ Candidates ] The candidate may take the licensing examination as many times as necessary to [ complete licensure process ] pass the licensure examination within 2 years of completion of the candidate's nursing education program.

(c) If a candidate does not pass the examination within 2 years of completion of the nursing education program, the candidate shall complete a plan of remediation developed by a nursing education program for the candidate prior to applying for re-examination.

(d) Re-examination applications submitted after the 2-year period shall satisfy the administrative and education requirements prevailing at the time of reapplication.

##### § 21.154. [ Unlicensed candidate ] (Reserved).

[ The candidate may practice as a graduate practical nurse until the examination is passed subject to the following:

(1) Unless licensed, the candidate may be employed as a graduate practical nurse for 1 year only from completion of the program except in the case where special permission is granted by the Board due to extenuating circumstances. In such a case the candidate shall present validating documentation.

(2) The candidate shall practice under the supervision of an experienced registered nurse. Supervision is defined to mean that the registered nurse is physically present in the area or unit where the unlicensed graduate is practicing. ]

##### § 21.155. Licensure by endorsement.

(a) [ Licensure as a practical nurse in this Commonwealth by endorsement of the original licensing board is granted to a graduate of an approved practical nursing program who is licensed in another jurisdiction by an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth. ] A practical nurse who has graduated from an approved practical nursing program in the United States or Canada and who obtained licensure in another jurisdiction of the United States or Canada upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth.

(b) **[ Applicants for licensure in this Commonwealth ]** An applicant for licensure by endorsement in this Commonwealth shall meet the requirements regarding age, good moral character, preliminary education and practical nursing education as outlined in the act.

(c) An applicant for licensure by endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this Commonwealth, satisfy the requirements of [ § 21.156a(1) or (2) ] § 21.156a(1) or (2) (relating to continued competency).

(d) **[ A practical nurse who has graduated from a practical nursing program in a country or territory outside of the United States or Canada and who is licensed by completing the National Council Licensure Examination in another jurisdiction of the United States or Canada may be granted licensure in this Commonwealth without examination if the applicant's program of study is deemed equivalent to the program of study required in this Commonwealth at the time the program was completed. The Board will base equivalency upon an evaluation performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS) as to the foreign nursing program. ]** A practical nurse who has graduated from a practical nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure in that country or territory upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement in this Commonwealth without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has received a passing score on a Board-approved English proficiency examination unless the applicant has previously met this requirement in satisfaction of § 21.7(b) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

#### § 21.156. Renewal of license.

(a) Licenses for practical nurses expire on June 30 of each biennium in the even-numbered years.

**[ (b) Application for renewal of a license will be forwarded biennially to each active registrant 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. ]

(b) When applying for licensure renewal, a licensed practical nurse shall:

(1) Complete and submit the renewal application, including disclosing a license to practice nursing or an allied health profession in any other 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 during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary action).

*(Editor's Note: Section 21.156b will be adopted on or before the date of final adoption of this proposed rulemaking.)*

**[ (d) ] (c)** When communicating with the Board, **[ registrants ]** licensed practical nurses 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.

#### § 21.156a. Continued competency.

**[ A ] (a)** A licensed practical nurse whose license has lapsed for 5 years or longer or **[ whose license ]** has been placed on inactive status for 5 years or longer, as permitted in section 13.1(b) of the act (63 P.S. § 663.1(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee **[ as set forth ]** in § 21.147 (relating to fees).

(2) Successfully completing a Board-approved reactivation program **[ , which includes as a prerequisite to completion the passing of a Board-approved ]** which requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has **[ practiced nursing ]** a current license and has practiced as a practical nurse in another jurisdiction at some time within the last 5 years **[ under a current license during that time ]**.

(b) A licensed practical nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.147.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

#### § 21.156c. Reporting of address changes.

A licensed practical nurse shall notify the Board within 14 days of a change of address.

Subchapter G. DIETITIAN-NUTRITIONISTS  
GENERAL PROVISIONS

§ 21.701. Definitions.

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

**ACEND—Accreditation Counsel for Education in Nutrition and Dietetics**—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.

*ACN*—American College of Nutrition.

[ *ADA*—American Dietetic Association. ]

**AND—Academy of Nutrition and Dietetics.**

*Act*—The Professional Nursing Law (63 P. S. §§ 211—225), which provides for the licensing of Licensed Dietitian-Nutritionists.

*Approved*—Approved by the Board.

*Approved program*—Those educational programs accredited by the [ **Commission on Accreditation for Dietetics Education** ] **ACEND** or the American Council on Education for dietetics-nutrition education.

*Board*—The State Board of Nursing of the Commonwealth.

[ **CADE—Commission on Accreditation for Dietetics Education**—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition. ]

*CBNS—Certification Board for Nutrition Specialists*—The certification body of the ACN.

*CDR—Commission on Dietetic Registration*—The credentialing agency for the [ **ADA** ] **AND**.

\* \* \* \* \*

LICENSURE REQUIREMENTS

§ 21.722. Education [ **and** ], examination **and re-examination** of applicants.

(a) **Education.** The Board approves educational programs that meet the requirements of section 6(b)(2) of the act (63 P. S. § 216(b)(2)) that are approved by [ **CADE** ] **ACEND** or the ACN.

(b) **Examination.**

(1) The Board approves the Registration Examination for Registered Dietitians and Examination of the Certification Board for Nutrition Specialists as the examinations which an applicant may complete to satisfy section 6(b)(4) of the act.

(2) A candidate shall take the examination for the first time within 1 year of completing the dietetics-nutrition education program unless prevented by emergency, illness or military service.

(c) **Re-examination.**

(1) A candidate may take the licensing examination as many times as necessary to complete the licensure process within a 2-year period of completion of the candidate's dietetics-nutrition education program.

(2) If a candidate does not successfully complete the examination within 2 years of completion of the dietetics-nutrition education program, the candidate shall complete a plan of remediation developed by a dietetics-nutrition education program for the candidate prior to applying for re-examination.

(3) Re-examination applications submitted after the 2-year period shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.723b. Reporting of address changes.

An LDN shall notify the Board within 14 days of a change of address.

§ 21.724. Continuing education.

\* \* \* \* \*

(b) *Board-approved continuing professional education.* The Board will accept for completion of the CPE requirement substantive learning experiences, subject to the limitations in paragraph (2) relating to the field of nutrition and dietetics which are not designed for the public and which are sponsored by the [ **ADA** ] **AND**, the ACN, by individual state dietetic associations, if the association is a member of the [ **ADA** ] **AND** or ACN, by approved college or dietetic programs under § 21.722 (relating to education [ **and** ], examination **and re-examination** of applicants) when a certificate of attendance is issued, and courses related to the practice of dietetics-nutrition offered by the Accreditation Council for Continuing Medical Education, the Accreditation Council on Pharmaceutical Education, the American Osteopathic Association and the American Medical Association.

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