

**BOARD OF REGISTERED NURSING  
INITIAL STATEMENT OF REASONS  
REVISED SECTION 1502(c) (page 4)**

(c) Denial of Request to Participate – This section sets forth the criteria under which the Board must or may deny a request for authorization to participate.

***Factual Basis/Rationale:*** The statute provides that the Board must authorize the participation of out-of-state practitioners in sponsored events, but it does not list specific criteria for denial of authorization other than if a practitioner “fails to comply with the requirements of this section or for any act that would be grounds for denial of an application for licensure.” Therefore, it is necessary to provide at least some specific detail as to the criteria the Board will use beyond the general authorization to deny an application.

The Board has determined that the failure of an applicant to respond within seven days to a request for additional information will result in an automatic denial of a request. Because the Board only has 20 days in which to grant or deny a request, timing is critical and the Board’s opinion is that failure of an applicant to respond within seven calendar days will sufficiently jeopardize the Board’s ability to effectively review a complete application within the allotted time.

Further, a failure to meet any of the specified educational and experience requirements determined by the Board and discussed under section 1502(a) of these proposed regulations will constitute an automatic denial of the application. The Board has determined that these criteria are necessary to protect the public from inexperienced or unqualified registered nurses who have not met the Board’s full requirements for licensure. Similarly, current participation in a health care professional diversion program for chemical dependency or mental illness is grounds for denial of a request.

The proposed regulations also set forth discretionary reasons for denying a request. The first of these is that the application is not received within 60 days prior to the sponsored event. This timeframe was set to provide sufficient time for the Board to receive the criminal history reports on the applicant and to notify the applicant and sponsoring entity of its decision on the application within 20 days prior to the sponsored event. If the criminal history reports are received, the applicant meets all other requirements, and the 20-day notification requirement can be met, the Board has determined that failure to submit the application within 60 days prior to the event should not be an absolute barrier to issuance of the authorization to participate in the sponsored event.

The other discretionary reasons are previous denial of request for authorization to participate and termination of previous authorization to participate in a sponsored event. The Board is of the opinion that it is reasonable to consider any subsequent requests to participate from such applicants on a case-by-case. The underlying circumstances as well as any changes that have occurred since the denial or termination would be evaluated to determine if the applicant meets all the requirements and whether or not public protection would be compromised by issuance of the authorization to participate.

~~The proposed regulation also sets forth discretionary reasons for denying a request. The first of these is that the application is not received within 20 days prior to the event. § 901(b)(1)(A) provides that the Board shall use reasonable efforts to notify the sponsoring entity within this time. The proposed regulation, however, provides needed clarity to the statute that, in the event that the statutorily required reasonable efforts are insufficient to review the application in advance of the event, the Board may then deny the request. It would be counter to the Board’s consumer protection mandate to require it to grant authorization to an individual whose request is submitted in so short a time before the scheduled event that it cannot adequately be reviewed.~~

~~The other discretionary reasons for denial are based upon the past actions of the Board with respect to that particular individual. The Board is of the opinion that if an applicant has previously had a request denied or~~

~~an authorization terminated, this alone may be cause for a subsequent denial. Because the time for review of the authorization is only 20 days, the Board may not have time to revisit the case of an individual who has already been determined by the Board as unfit to participate. The Board feels that it is reasonable, however, to consider this a discretionary decision so that, on a case by case basis, the Board can reevaluate a particular individual's circumstances as appropriate if sufficient time exists to do so without compromising public protection.~~