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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

August 27, 1998

COMMITTEES

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ORIGINAL: 1959, 1960 & 1963

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Notebook

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, 333 Market Street  
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee was unable to convene a quorum in time to take formal committee action on Regulations 16A-464, 16A-465, and 16A-612. Committee members were forwarded copies of each regulation and asked that they forward to the Chairman any comments or suggestions.

The committee is submitting the recommendations included in the analyses of Regulations 16A-464, 16A-465, and 16A-612.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in black ink, reading "Mario J. Civera".

Mario J. Civera, Chairman  
Professional Licensure Committee

MJC/sms

Enclosures

CC: Norbert O. Gannon, D.D.S., Chairman  
State Board of Dentistry  
David M. DuTot, L.A., Chairman  
State Board of Landscape Architects  
The Honorable Yvette Kane  
Secretary of the Commonwealth

ORIGINAL: 1959

COPIES: McGinley, Smith, Sandusky, Legal, Notebook  
STATE BOARD OF DENTISTRY

**PROPOSAL:** Regulation 16A-464 amends 49 PA Code, State Board of Dentistry, to provide for continuing education (CE). The regulation is submitted as a proposed regulation. The committee has until August 31, 1998, to comment on the regulation.

**ANALYSIS:** The Dental Law was amended in 1996 to require as a condition for biennial renewal, that dentists, dental hygienists and expanded function dental assistants complete continuing education credits. Dentists must complete 30 hours of CE, dental hygienists must complete 20 hours of CE, and expanded function dental hygienists must complete 10 hours of CE. Additionally, licensees and certificate holders shall maintain CPR certification from the American Heart Association or the American Red Cross. The CE requirements are effective with the 1999-2001 renewal period.

The regulation lists examples of continuing education subject areas. Subject areas must contribute directly to the maintenance of clinical competence. No credit will be awarded in non-clinical subjects including billing and office management.

The regulation lists the pre-approved sponsors which include accredited schools and professional associations. Program sponsors are responsible for maintaining accurate attendance records and written outlines for five years. The Board may withdraw the approval of a program sponsor for cause following notice and hearing.

Applicants must provide a copy of documentation of completion of CE requirements when requested to do so by the board. Licensees must retain documentation for four years after completion of the program.

At least 50% of the required credit hours shall be taken in lecture or clinical presentations. A maximum of 50% of the required credit hours may be taken through individual study, or serving as an instructor or author of a book, article or continuing education program.

An applicant shall be exempt from continuing education requirements for only the biennial period during which the applicant passed the licensure or certification examination. The Board will review on a case-by-case basis requests for waivers for the CE requirement due to illness, emergency or hardship.

**RECOMMENDATION:** It is recommended the committee take no position on the regulation until the committee receives the public comments and the regulation is submitted in final form. However, the committee makes the following recommendations:

1) Section 33.1 Definitions. Program sponsor is defined as "The party responsible for the development and presentation of the continuing dental education program approved by the board." The committee agrees with the comments submitted by the Pennsylvania Dental Hygienists Association that the phrase "approved by the Board", should modify the word "party" as the statute provides that the Board "approve sponsors" not programs.

2) Section 33.106 states that, "Effective with the 1999-2001 renewal period, licensees and certificate holders shall also complete the continuing education requirements for the renewal periods during which the licensee or certificate was not renewed." While this provision addresses the issue of implementation of CE for periods in which licenses are not renewed, the regulation does not contain a clear statement as to the effective date to meet the CE requirements for licensees who are simply renewing and have not had a period of non renewal of the license. Additionally, the intent of the regulation is that licensees, two years prior to the biennial renewal period 2001-2003, accumulate the required continuing education credits. The committee is requesting that the Board clarify that the continuing education credits are to be earned during the two years preceding the 2001-2003 biennial and that both certification in CPR and continuing education credits be completed in order to renew a license effective for the 2001-2003 biennial period.

3) Section 33.401(d) permits a maximum of 50% of the required credit hours to be taken through individual study, serving as an instructor or author of a book, article or continuing education program. Individual study is defined as a "course of continuing education which permits the participant to learn without interacting with an instructor or interactive learning methodologies and which requires a passing grade on a written examination or workbook". There is no provision in the regulation for an individual study to be approved by the Board, yet by definition individual study is a course and individual study must be measured by a passing grade on an examination or notebook. The committee would ask the Board to consider approving individual studies to ensure the quality and content of the course.

4) Section 33.403(b)(4) requires CE program sponsors to provide "sufficient physical facilities for the number of participants and the teaching methods to be utilized". There is no reference to handicap accessibility. Section 15.75(a) of Regulation 16A-612 requires that, "Providers shall supply adequate facilities that provide physical access to licensees in conformance with applicable law except for electronic presentations provided for in Section 15.73(c)(2). It is recommended the Board incorporate the language contained in Section 15.75(A) of Regulation 16A-612 related to physical access.

5) Section 33.403(b)(6) requires program sponsors to retain attendance records and written outlines of CE programs for a five-year period. Section 33.404(d) requires applicants to maintain CE documentation for four years after completion of the program. The committee recommends that retention of records for program sponsors and applicants have the same time frame of 4 years.

Democratic House Professional Licensure Committee  
August 27, 1998