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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

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COCHAIRMAN EMERITUS

ORIGINAL: 2164

October 24, 2001

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on October 23, 2001, and voted to approve Regulation 16A-644, State Board of Auctioneer Examiners; Regulation 16A-674, State Board of Occupational Therapy Education and Licensure; and Regulation 16A-5711, State Board of Veterinary Medicine.

The Committee voted to take no formal action on Regulation 16A-639, State Board of Psychology.

In addition, the Committee voted to take no formal action on Regulation 16A-4912, State Board of Medicine, until final form regulations are promulgated. However, the Committee submits the following comments:

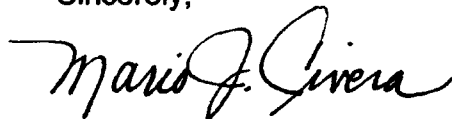
1. The Committee requests clarification as to which non-physician health care providers the proposed regulations are directed. In explaining the provisions of proposed sections 18.401(a)(3) and (4), the Board states that a medical doctor can determine if a delegee is competent to perform a delegated procedure by determining whether or not the delegee is licensed or certified. If a health care provider is licensed or certified to perform a procedure, why would a delegation by a physician to perform the procedure be necessary?
2. The Committee requests clarification of proposed Sec. 18.401(a)(6). Who is responsible for explaining a delegation of services to a patient? Should the patient's consent or objection to the delegation be written?

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3. The Committee requests clarification of proposed Sec. 18.401(b). Specifically, what kinds of medical services do not require medical education and training as opposed to those that do require medical education and training?
4. The Committee questions the necessity of including Sec. 18.401(f) in the proposed regulations. Under what circumstances would regulations of the Board prohibit another licensed or certified health care provider from practicing within the scope of that license or certificate?
5. Pursuant to Sec. 17c of the Act, a medical doctor is responsible for all medical services delegated to a health care practitioner or technician. Accordingly, the Committee recommends that proposed Sec. 18.401(a)(7) be amended to read: "The medical doctor assumes the responsibility for the delegated medical services, including performance of the service, and is available to the delegatee as is appropriate based upon the difficulty of the procedure, the skill of the delegatee and risk level to the particular patient."

If you have any questions, please feel free to contact me.

Sincerely,



Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms

Enclosures

cc: Charles D. Hummer, Jr., MD, Chairperson  
State Board of Medicine  
Brian V. Harpster, V.M.D., Chairperson  
State Board of Veterinary Medicine  
Alex M. Siegel, J.D., Ph.D., Chairman  
State Board of Psychology  
Ralph M. Stewart, Chairperson  
State Board of Auctioneer Examiners  
Melanie A. Wennick, Chairperson  
State Board of Occupational Therapy  
Education and Licensure  
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth  
Department of State

## **Regulation 16A-5711**

### **State Board of Veterinary Medicine**

**PROPOSAL:** Regulation 16A-5711 amends 49 PA Code, Chapter 31, regulations of the State Board of Veterinary Medicine. The amendment would limit the amount of credit a veterinarian could earn towards the eight-hour continuing education requirement by taking individual study or correspondence courses. A maximum of 25% of the total requirement would be allowed for continuing education obtained through these methods, beginning with the December 2000 to December 2002 renewal period.

Regulation 16A-5711 is Final Rulemaking which was delivered to the Professional Licensure Committee on October 5, 2001. The Professional Licensure Committee has until October 25, 2001 to approve or disapprove the regulation.

**ANALYSIS:** Pursuant to Section 18 of the Veterinary Medicine Practice Act, 63 P.S. Sec. 485.18, veterinarians are required to obtain eight clock hours of continuing education per biennium for license renewal. The Board indicates that an increasing number of continuing education providers are seeking Board approval for continuing education through individual study programs. The Board has granted approval for some of these programs, but wishes to limit the number of individual study course credits a licensee may apply to meet continuing education requirements for two reasons. First, the Board indicates that it is impossible for the Board to independently verify a licensee's completion of an individual study course. Second, individual study courses do not provide licensees with an opportunity to interact with their colleagues, which the Board believes is an integral component of traditional continuing education courses. Accordingly, the Board proposes a maximum of 25% of the total continuing education requirement that may be earned through individual study or correspondence courses for which third-party verification of satisfactory completion is provided.

The Committee questioned the Board's intention of making this revision effective for the 2000 – 2002 biennial renewal period in that licensees might not have sufficient notice of the change. The Board states that this timetable will create no hardship on licensees, in that there have been very few requests for independent study course approval. Additionally, it is both convenient and inexpensive for licensees to obtain non-independent study continuing education credits. The Board corrected a technical drafting error noted by the Committee, and at the Committee's recommendation, changed the word "attend" eight clock hours to "complete" eight clock hours of continuing education.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives  
Professional Licensure Committee  
October 15, 2001