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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 30, 2002

James J. Irrgang, Chairman  
State Board of Physical Therapy  
116 Pine Street  
Harrisburg, PA 17105

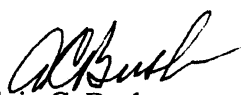
Re: Regulation #16A-656 (IRRC #2176)  
State Board of Physical Therapy  
Sexual Misconduct

Dear Chairman Irrgang:

The Independent Regulatory Review Commission approved your regulation on May 30, 2002. Our Order is enclosed and is available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

  
Alvin C. Bush  
Vice Chairman

evp  
Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable C. Michael Weaver, Acting Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held May 30, 2002

John R. McGinley, Jr., Chairman, by Phone  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli  
John F. Mizner

Regulation No. 16A-656  
Stat Board of Physical Therapy  
Sexual Misconduct

On March 6, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking adds Sections 40.301 – 40.304 to 49 Pa. Code. The proposed regulation was published in the March 17, 2001 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2002.


The final-form regulation sets forth standards relating to issues of sexual misconduct for physical therapists and physical therapist assistants. Specifically, the regulation defines the period of the professional relationship between the licensee and the patient; identifies sexual impropriety and sexual violation as prohibited conduct; precludes patient consent and the patient's past sexual conduct as defenses in proceedings alleging sexual misconduct; and excludes licensees who engage in sexual misconduct from placement in an impaired professional program.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §1303(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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Alvin C. Bush, Vice Chairman