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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

ORIGINAL: 2215

October 24, 2001

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

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?

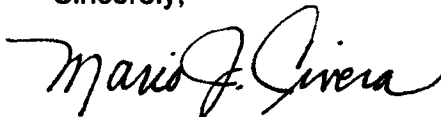
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3. The Committee requests clarification of proposed Sec. 18.401(b). Specifically, what kinds of medical services do not require medical education and training as opposed to those that do require medical education and training?
4. The Committee questions 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-639

State Board of Psychology

PROPOSAL: Regulation 16A-639 amends 49 PA Code, Chapter 41, regulations of the State Board of Psychology. The amendment clarifies the manner in which continuing education hours in excess of the minimum requirement may be carried over to the next biennial period.

Regulation 16A-639 is Proposed Rulemaking which was published in the Pennsylvania Bulletin on September 15, 2001. The Professional Licensure Committee has until November 5, 2001 to submit comments on the regulation.

ANALYSIS: The proposal would amend Section 41.59(b), which sets forth the continuing education requirement for biennial licensure renewal. Psychologists are required to complete 30 contact hours of continuing education per biennium, at least three hours of which must be in ethical issues. Up to 10 contact hours in excess of the required 30 hours may be carried over from one biennium to the next. The proposal clarifies that only excess hours from the immediately preceding biennium may be carried over to the next biennium. Additionally, the proposal clarifies that excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium, but may be credited toward the total requirement.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no action until a Final Form regulation is submitted.

House of Representatives
Professional Licensure Committee
October 15, 2001