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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

January 11, 2002

COMMITTEES

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

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown 2  
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 action on Regulation 16A-497. Committee members were forwarded a copy of the regulation and asked that they contact the Chairman with any comments or suggestions, however, none were received. Therefore, the Committee submits no comments.

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

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms  
Enclosure

cc: Charles D. Hummer, Jr., M.D., Chairperson  
State Board of Medicine  
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth  
Department of State

**Regulation 16A-497**

**State Board of Medicine**

**PROPOSAL:** Regulation 16A-497 amends 49 PA Code, Chapter 16, regulations of the State Board of Medicine. The amendment adds a section pertaining to sexual misconduct.

The proposed Rulemaking was published in the Pennsylvania Bulletin on November 24, 2001. The Professional Licensure Committee has until January 14, 2002 to submit comments on the regulation.

**ANALYSIS:** The Board proposes to add Sec. 16.110, Sexual Misconduct, to protect patients by providing guidance to licensees and the public as to prohibited conduct relating to sexual contact between licensees and patients. Definitions are provided for "sexual exploitation," sexual behavior," and "immediate family member," which would include a parent or guardian, child, sibling, spouse, or other family member with whom a patient resides.

The proposal would prohibit sexual exploitation by a licensee of a current or former patient, or of an immediate family member of a patient. Sexual behavior with a current patient would be prohibited. In cases where a licensee was involved with the treatment of a patient for a mental health disorder, sexual behavior would be prohibited with that patient prior to the two-year anniversary of the termination of the professional relationship. Any violations would constitute unprofessional conduct and subject a licensee to disciplinary action.

Patient consent to the prohibited conduct would not constitute a defense. Licensees who engage in the prohibited conduct would not be eligible for placement into an impaired professional program in lieu of disciplinary action.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated.

House of Representatives  
Professional Licensure Committee  
January 4, 2002