



JOHN R. MCGIRLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DANIEL F. CLARK, ESQ.
ARTHUR COCCODRILE
MURRAY UEBERG, ESQ.
ROBERT E. NACE, EXECUTIVE DIRECTOR
MARY S. WAACH, CHIEF COUNSEL

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

irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>
(717) 783-5417
Fax (717) 783-2664

November 20, 2003

Charles D. Hummer, Jr., M.D., Chairman
State Board of Medicine
2601 North 3rd Street
Harrisburg, PA 17110

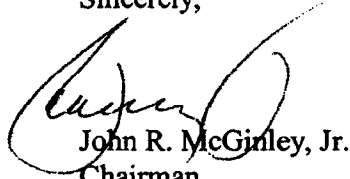
Re: Regulation #16A-497 (IRRC #2230)
State Board of Medicine
Sexual Misconduct

Dear Chairman Hummer:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at 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,



John R. McGirley, Jr.
Chairman

sfh

Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held November 20, 2003

John R. McGinley, Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman, by Phone
Daniel F. Clark, Esq.
Arthur Coccodrilli
Murray Ufberg, Esq.

Regulation No. 16A-497
State Board of Medicine
Sexual Misconduct

On November 7, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapter 16. The proposed regulation was published in the November 24, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

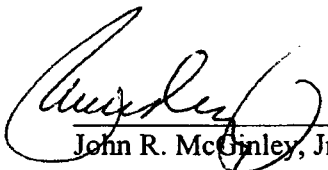
This regulation provides guidance to practitioners and the public regarding sexual misconduct. Regulated practitioners include: medical doctors; midwives; physician assistants; drugless therapists; athletic trainers; acupuncturists and applicants for a license or certificate that the Board may issue.

We have determined this regulation is consistent with the statutory authority of the State Board of Medicine (63 P.S. §§ 422.8 and 422.41(8)) 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.





John R. McGinley, Jr., Esq., Chairman