

Original: 2262
MARIO J. CIVERA, JR., MEMBER
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 787-3850
FAX: (717) 705-1851

830 N. LANSDOWNE AVENUE
DREXEL HILL, PENNSYLVANIA 19026
PHONE: (610) 853-4115
FAX: (610) 853-4116

232 LONG LANE
UPPER DARBY, PENNSYLVANIA 19082
PHONE: (610) 352-7800
FAX: (610) 352-3389



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

May 7, 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:

I am writing to inform you that the House Professional Licensure Committee held a meeting on May 7, 2002. The committee voted to approve Regulation 16A-656, State Board of Physical Therapy; Regulation 16A-5210, State Board of Optometry; and Regulation 16A-662, Navigation Commission for the Delaware River and its Navigable Tributaries.

In addition, the committee voted to take no formal action on Regulation 16A-416, State Architects Licensure Board; and Regulation 16A-539, State Board of Osteopathic Medicine, until final form regulations are promulgated.

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

Sincerely,

A handwritten signature in black ink that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: James J. Irrgang, Chairperson
State Board of Physical Therapy
Steven Reto, O.D., Chairperson
State Board of Optometry
C. Michael Weaver
Acting Secretary of the Commonwealth and
Chairperson of Navigation Commission for the
Delaware River and its Navigable Tributaries
Ann Shepard Houston, President
State Architects Licensure Board
Daniel D. Dowd, Jr., D.O., Chairperson
State Board of Osteopathic Medicine

RECEIVED
2002 MAY -8 PM 3:45
INDEPENDENT REGULATORY REVIEW COMMISSION

RECEIVED

2002 MAY -8 PM 3:43

PROFESSIONAL LICENSURE DIVISION
REVIEW COMMISSION

Regulation 16A-539

State Board of Osteopathic Medicine

PROPOSAL: Regulation 16A-539 amends 49 PA Code, Chapter 25, regulations of the State Board of Osteopathic Medicine. The amendment adds a section pertaining to sexual misconduct.

The proposed Rulemaking was published in the Pennsylvania Bulletin on April 6, 2002. The Professional Licensure Committee has until May 28, 2002 to submit comments on the regulation.

ANALYSIS: The Board proposes to add Sec. 25.215, 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
April 29, 2002