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**INDEPENDENT REGULATORY REVIEW COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
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November 20, 2003

Thomas R. Czarnecki, D.O., Chairperson  
State Board of Osteopathic Medicine  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-539 (IRRC #2262)  
State Board of Osteopathic Medicine  
Sexual Misconduct

Dear Chairperson Czarnecki:

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](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,

John R. McGinley, Jr.  
Chairman

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Enclosure

cc: 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 Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House 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-539  
State Board of Osteopathic Medicine  
Sexual Misconduct

On March 27, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Osteopathic Medicine. This rulemaking amends 49 Pa. Code Chapter 25. The proposed regulation was published in the April 6, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2003.

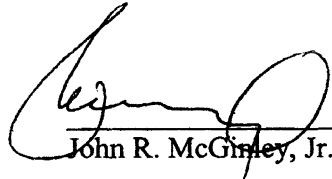
This regulation provides guidance to practitioners and the public regarding sexual misconduct. Regulated practitioners include: osteopathic physicians; physician assistants; respiratory care practitioners; athletic trainers; acupuncturists and applicants for a license or certificate issued by the Board.

We have determined this regulation is consistent with the statutory authority of the State Board of Osteopathic Medicine (63 P.S. §§ 271.10a(c), 271.15(a)(8), 271.15(b)(9) and 271.16) 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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John R. McGinley, Jr., Esq., Chairman