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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 30, 2002

Mr. Steven J. Reto, O.D., Chairperson
State Board of Optometry
116 Pine Street
Harrisburg, PA 17105

Re: Regulation #16A-5210 (IRRC #2271)
State Board of Optometry
Therapeutic Certification

Dear Chairperson Reto:

The Independent Regulatory Review Commission approved your regulation on May 30, 2002.
Our Order is enclosed and is 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,

Alvin C. Bush
Vice Chairman

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Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional
Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional
Licensure Committee
Honorable Michael C. Weaver, Acting Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held May 30, 2002

John R. McGinley, Jr., Chairman, by Phone
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
John F. Mizner

Regulation No. 16A-5210
State Board of Optometry
Therapeutic Certification

On May 1, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Optometry (Board). This rulemaking amends 49 Pa. Code §§ 23.201 and 23.202. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.


This final-omitted regulation deletes Section 23.201 from the Board's regulations because the Commonwealth Court, in Rand v. Pennsylvania State Board of Optometry, 762 A.2d 392 (Pa. Commw. Ct. 2000), deemed the section to be beyond the Board's statutory authority. Section 23.202 is amended to update references to Section 23.201 with a citation to Section 4.1 of the Optometric Practice and Licensure Act.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 244.3(b)(14)) 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.





Alvin C. Bush, Vice Chairman