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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

June 11, 2002

COMMITTEES

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

RECEIVED  
JUN 12 2002  
COMMITTEE ON PROFESSIONAL LICENSURE

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 June 11, 2002.

The committee voted to approve Regulation 16A-602, State Board of Vehicle Manufacturers, Dealers and Salespersons.

In addition, the committee voted to disapprove Regulation 16A-4913, State Board of Medicine; and Regulation 16A-5311, State Board of Osteopathic Medicine.

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

Sincerely,

Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms  
Enclosures

- cc: Edward J. Cernic, Jr., Chairperson  
State Board of Vehicle Manufacturers,  
Dealers and Salespersons
- Charles D. Hummer, Jr., M.D., Chairperson  
State Board of Medicine
- Daniel D. Dowd, Jr., D.O., Chairperson  
State Board of Osteopathic Medicine
- The Honorable C. Michael Weaver  
Acting Secretary of the Commonwealth

**Regulation 16A-5311**

**State Board of Osteopathic Medicine**

**PROPOSAL:** Regulation 16A-5311 amends 49 PA Code, Chapter 25, regulations of the State Board of Osteopathic Medicine. The amendment increases the biennial license renewal fee from \$140 to \$440.

The proposed Rulemaking was omitted and Regulation 16A-5311 was delivered to the Professional Licensure Committee on May 22, 2002 as an Order of Final Rulemaking. The Professional Licensure Committee has until June 11, 2002 to approve or disapprove the regulation.

**ANALYSIS:** Section 13.1(a) of the Osteopathic Medical Practice Act, 63 P.S. Sec. 271.13a(a), requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period. The Board anticipates a significant increase in operational costs due to the passage of Act 13 of 2002, known as the Medical Care Availability and Reduction of Error Act.

Act 13 amended the Medical Practice Act to dramatically expand the investigation and disciplinary duties of the Board. Most significantly, the Board now has the authority to initiate disciplinary action against a licensee for a single act of negligence, where previously the Board could only discipline licensees for multiple acts of negligence or a single act of gross negligence. The Board states that additional resources will be required in order to fulfill its additional obligations under the amended Act, and estimates that implementation of the Act will result in \$5,379,031 in increased costs per year between the Board and the State Board of Medicine. Without a fee increase, the Board projects a deficit of \$1.17 million by the end of fiscal year 2003-2004.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives  
Professional Licensure Committee  
June 5, 2002