

# Regulatory Analysis Form

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REGULATORY REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Podiatry

(2) I.D. Number (Governor's Office Use)

16A-446

IRRC Number: 2314

(3) Short Title

Continuing Education

(4) PA Code Cite

49 Pa. Code §§ 29.61 – 29.68

(5) Agency Contacts & Telephone Numbers

Primary Contact: Roberta L. Silver, Assistant Counsel  
Bureau of Professional and Occupational Affairs  
State Board of Podiatry  
717-783-7200

Secondary Contact: Joyce McKeever,  
Deputy Chief Counsel  
717-783-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking  
Omitted

(7) Is a 120-Day Emergency Certification Attached?

No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulation lists a preapproved course provider from which licensees can obtain the requisite amount of continuing education credits in a biennial period.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulatory amendments are authorized under Sections 9, 9.1 and 15 of the Podiatry Practice Act, Act of December 20, 1985, P.L. 384, No. 107, as amended, 63 P.S. §§ 42.9, 42.9a and 42.15.

## **Regulatory Analysis Form**

**(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.**

Sections 9 and 9.1 of the Act, 63 P.S. §§ 42.9 and 42.9a, require that an applicant for biennial license renewal furnish satisfactory evidence that he/she has completed the requisite hours of approved educational conferences, as determined by the board by regulation, during the two intervening license years.

**(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?**

Currently, the board must approve each educational conference individually. Most often, conference approval is ratified at a subsequent board meeting. During the biennial renewal period, licensees who rely on obtaining course credit for educational conferences given by providers that have not yet been approved by the board cannot renew their licenses. This leaves the licensee open to unauthorized practice of podiatry and inability to obtain insurance during the time that the licensee is not licensed.

The addition of a pre-approved course provider would eliminate the problem of potential unlicensed practice. Licensees would be assured that, so long as they attended conferences given by the Council on Podiatric Medical Education, they would not run the risk of unlicensed practice because of their lack of fulfilling the continuing education requirement.

**(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.**

It is imperative that licensees remain current with skills, new technologies, procedures and pharmacology in the field of podiatric medicine.

**(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)**

Licensees, the public and the Board will benefit from the increase in knowledge and skills of practitioners.

## Regulatory Analysis Form

**(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)**

The Board has not identified any group of individuals or entities who will be adversely affected by the regulation.

**(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)**

All licensees seeking biennial renewal will be required to comply with this regulation. The Board anticipates 1331 licensees will renew their licenses.

**(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.**

On May 31, 2001, the Board solicited input from and provided an exposure draft of the proposed amendments to the Pennsylvania Podiatric Medical Association and Temple University School of Podiatric Medicine, as required under the directives of Executive Order 1996-1 (February 6, 1996). The Pennsylvania Podiatric Medical Association objected to preapproval of courses given by the American Medical Association and the American Osteopathic Association. The Board agreed to delete the two above-named associations from the list of preapproved providers at its November 28, 2001 meeting. The Board also considered Temple University's request that colleges of podiatric medicine be added to the list of preapproved providers, but did not agree to make the addition.

**(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.**

The proposed regulations will not provide additional costs or savings to the regulated community associated with compliance. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.

**(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.**

**Local governments will not be affected by the regulation.**

**(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.**

**The Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments may alter the focus during board meetings. Presently, the Board has the arduous task, during its bi-monthly meetings, of approving or disapproving courses individually. The amended regulations would provide for a pre-approved provider, largely eliminating the task of approving or disapproving each individual course. The Board would, therefore, have additional time during the meetings to focus on disciplinary and regulatory matters.**

**Additionally, there would be less cost to course sponsors. So long as a course has been approved by the Council on Podiatric Medical Education, the individual course sponsor would avoid time and cost of completing and filing an application for course approval with the Board.**

## Regulatory Analysis Form

**(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.**

	Current FY 7/1/01	FY +1 7/1/02	FY +2 7/1/03	FY +3 7/1/04	FY +4 7/1/05	FY +5 7/1/06
<b>SAVINGS:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

**(20a) Explain how the cost estimates listed above were derived.**

**There are no cost estimates listed above because there will be no fiscal savings or costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.**

### Regulatory Analysis Form

**(20b) Provide the past three year expenditure history for programs affected by the regulation.**

Program	FY -3 FY 98-99	FY -2 FY 99-00	FY -1 FY 00-01	Current FY FY 01-02
N/A	\$158,000.00	\$158,405.80	\$110,170.71 (as of 2/28/02)	\$217,000.00 (current budget)

**(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.**

N/A

**(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.**

No nonregulatory alternatives were considered because the Board's enabling statute requires the Board to promulgate regulations for continuing education.

**(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.**

No alternative regulatory schemes were considered because the Board's enabling statute requires the Board to promulgate regulations for continuing education.

## Regulatory Analysis Form

**(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.**

**There are no federal licensure standards.**

**(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?**

**Maryland -- requires 50 CE credits per biennium, no preapproved course providers.**

**Ohio -- requires 100 CE credits per biennium. Preapproved course providers include, American Podiatric Medical Association, American Osteopathic Association, American Medical Association and Accreditation Council for Continuing Medical Education. If courses are not nationally accredited, course providers must apply to the local podiatry association for accreditation.**

**New York -- requires 1.4 credits for each month of the registration period. License renewal is triennial, so a total of 50 credits is required per registration period. Two-thirds of the credits earned must be in the areas of podiatric medicine and surgery; the remaining one-third may be in the areas of health sciences or in areas dealing with podiatric practice issues such as ethics or risk management. Courses must be approved by the New York State Education Department or offered by organizations/sponsors that are approved by the Council on Podiatric Medical Education.**

**New Jersey -- no CE requirement for license renewal.**

**Delaware -- required 32 CE credits per biennium. Preapproved providers include American Podiatric Medical Association (and approved affiliates), local podiatric associations and courses sponsored by hospital or clinic residency programs.**

**This regulation would not put Pennsylvania at a competitive disadvantage with other states.**

**(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

**This regulation will have no effect on other regulations of the Board or other state agencies.**

## Regulatory Analysis Form

**(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.**

The Board reviews regulatory proposals at regularly scheduled bi-monthly public meetings. However, the Board has not scheduled public hearings or informational meetings regarding this regulation.

**(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.**

No changes to reporting, record keeping, or other paperwork is required by this regulation.

**(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.**

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

**(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?**

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

**(31) Provide the schedule for continual review of the regulation.**

The Board reviews its regulations at regularly scheduled bi-monthly public meetings.



# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 5/6/2002

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Fee-Request for Extension or Waiver of Continuing Education Requirement: **\$50.00**

Estimated Biennial Revenue: **\$200.00 (4 requests x \$50.00)**

## Fee Description:

The fee will be charged to every applicant who requests a waiver of continuing education required for biennial renewal or time extension to complete continuing education for biennial renewal.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Podiatry to review and process a continuing education extension or waiver request and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Staff time- process request	(.25 hr)	8.29
Board Meeting- discuss/vote	(.08 hr)	18.75
Administrative Overhead:		<u>20.65</u>
	Total Estimated Cost:	\$47.69
	Proposed Fee:	\$50.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established to process a request for extension or waiver of continuing education required for biennial renewal.

**Page 2 Request for Waiver or Extension for Continuing Education 5/6/2002**

Board administrator receives request from licensee, reviews for completeness, contacts licensee to request additional information if necessary, places request on agenda for board meeting, notifies requestor of board decision after board meeting.

Board members evaluate circumstances leading to the request, vote to approve or deny as appropriate.

## FEE REPORT FORM

Agency: State - BPOA

Date: 5/6/2002

Contact: David Williams

Phone No. 783-7194

### Fee Title, Rate and Estimated Collections:

License Reinstatement Fee:	\$25.00
Estimated Biennial Revenue:	\$450.00 (18 applicants x \$25.00)

### Fee Description:

The fee will be charged to every applicant who requests reinstatement of license following inactive or expired status.

### Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Podiatry to review and process a reinstatement request and (2) defray a portion of the Board's administrative overhead.

### Fee-Related Activities and Costs:

Staff time- process request	(.17 hr)	3.71
Administrative Overhead:		<u>20.65</u>
	Total Estimated Cost:	\$24.36
	Proposed Fee:	\$25.00

### Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established to process a request for licensure reinstatement.

Staff receives request to reinstate an expired or inactive license, reviews application and supporting documents to ensure that continuing education credits were earned in the correct time period, reviews affidavit of non-practice and C.V. to confirm that applicant was not practicing in this state, updates computer file and issues license.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED  
LEGISLATIVE REFERENCE BUREAU  
OCTOBER - 7 AM 11:17  
HARRISBURG, PENNSYLVANIA

DO NOT WRITE IN THIS SPACE

#2316

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: [Signature]  
(DEPUTY ATTORNEY GENERAL)

State Board of Podiatry  
(AGENCY)

BY: [Signature]

DOCUMENT/FISCAL NOTE NO. 16A-446

OCT 22 2002

DATE OF ADOPTION: \_\_\_\_\_

DATE OF APPROVAL

DATE OF APPROVAL

BY: [Signature]  
Jeffrey S. Gerland, D.P.M.

(Deputy General Counsel  
~~Chief Counsel,~~  
~~Independent Agency~~  
~~(Strike inapplicable title)~~)

TITLE: Chairman  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if applicable. No Attorney General approval or objection within 30 day after submission.

PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PODIATRY  
49 PA. CODE, CHAPTER 29  
CONTINUING EDUCATION

The State Board of Podiatry (Board) proposes to amend 49 Pa. Code §§ 29.61 – 29.68 (relating to continuing education), by listing a preapproved course provider from which licensees can obtain the requisite amount of continuing education credits in a biennial period, as set forth in Annex A. The Board further proposes to amend 49 Pa. Code § 29.13 (relating to fees), by instituting fees for reviewing continuing education waivers or extension requests and reinstatement of license requests following inactive or expired status, as set forth in Annex A.

A. Effective Date

The amendments will take effect when published as final rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

The amendments are authorized under Sections 9, 9.1 and 15 of the Podiatry Practice Act (Act) (63 P.S. §§ 42.9, 42.9a and 42.15).

C. Background and Purpose

Section 9 of the Act, 63 P.S. § 42.9, states the procedure that a licensee must follow in order to effectuate biennial registration of the license. One of the requirements is that the licensee must furnish "...satisfactory evidence that the applicant attended during the two preceding license years such hours of approved educational conferences as determined by the board by regulation."

Similarly, Section 9.1 of the Act, 63 P.S. § 42.9a, states that "[n]o applicant for a renewal registration shall be granted a registration for the ensuing biennial licensing period unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than the required number of hours of approved educational conferences during the two intervening license years."

Section 15 of the Act, 63 P.S. § 42.15, authorizes the Board to make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of the Act within the scope of the Act.

As a result of problems that occurred during the biennial renewal period ending December 31, 2000, the Board now proposes to amend its continuing education regulations to include a preapproved course provider. Currently, § 29.64 of the Board's regulations states that "[c]ourse applications shall be submitted to the Board for approval at least 60 days prior to the scheduled date of the proposed educational conference." However, the Act gives the Board the authority and discretion to approve a course retroactively, by ratification. See 63 P.S. § 42.9a. (stating that an "approved educational conference" shall be one "approved or ratified" by the Board). Therefore, a provider's failure to submit a course for approval at least 60 days prior to the scheduled course date

does not necessarily preclude approval of that course. At each of its meetings, the Board has the task of sifting through numerous applications setting forth, at length, the course program and contents and voting whether to approve or disapprove the individual courses.

For the biennial period ending December 31, 2000, approximately nine continuing education providers filed applications for course approval with the Board after the October 18, 2000 Board meeting. The conferences had already taken place, but had not yet been approved as providing acceptable continuing education credits for the Board's licensees. Those applications could not be considered by the Board until the following meeting, which took place in January, 2001, after the renewal period had already passed. This created an enormous problem for licensees who had relied on the credits they received from those conferences in order to effectuate their biennial registration.

The Board determined that licenses would be renewed for licensees whose applications were incomplete because they had taken a course that had not been approved by the Board. Those licensees' applications were collected and held pending the Board's January, 2001 meeting. In the end, those courses were ratified by the Board at its January, 2001 meeting and the licensees who relied on those courses renewed their licenses without any further problem. However, the board was unable to exercise its statutory responsibility to review and approve continuing education courses.

In order to avoid this problem during the ensuing biennial renewal periods, the Board proposes amending its continuing education regulations to include a preapproved course provider.

D. Description of Proposed Amendments

Proposed Section 29.60 adds a definitional section which defines the following terms: "biennium" as the period from January 1 of an odd-numbered year to December 31 of the next even-numbered year; "certification" as a statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course; "clock hour" as the one credit per hour of instruction which will be approved for continuing education credit, exclusive of coffee breaks, lunches, visits to exhibits and the like; and "provider" as an agency, organization, institution, association or center approved by the Board to offer an organized course or program.

Proposed Section 29.61 adds the requirements for biennial renewal, emphasizing that it is the responsibility of the licensee to ensure that he/she has met the required 30 hours of credit per biennium. Applicants for license renewal are required to provide to the Board a signed statement certifying that the licensee has complied with the continuing education requirements. The problems with non-compliance in the past have arisen because licensees have not been diligent in complying with the Board's regulations that only courses approved by the Board will be accepted as continuing education credit. Additionally, subsection (a) informs the licensee that a maximum of 10 clock hours of computer/internet, self-study magazine or journal article courses shall be accepted by the Board.

Proposed Sections 29.62 and 29.63 are amended to provide that educational conferences shall offer at least one hour of instruction, instead of the current four hours. This is intended to give both licensees and providers increased flexibility.

The most important addition to the Board's continuing education requirements is § 29.63(a) – Preapproved course provider. Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted by the Board for continuing education credit.

Proposed Section 29.64 amends the section for approval of educational conferences by having the applicant – licensee or provider -- submit an application for program/course approval if the licensee chooses to attend a program that is not offered by the preapproved provider or if a provider would like to gain Board approval for a particular program it is offering. Section 29.64(b) amends the section requiring detailed information about the prospective course. The Board felt that a copy of the program brochure and/or the course syllabus would be sufficient.

Existing Section 29.65 would be deleted because, pursuant to section 9.1 of the Act, 63 P.S. 42.9a, “[n]o applicant for a renewal registration shall be granted a registration for the ensuing biennial licensing period unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than the required number of hours of approved educational conferences during the two intervening license years.” (*Emphasis added*). It is the licensee's responsibility to show proof of attendance, not the course provider's responsibility.

Proposed Section 29.67 provides that the Board will notify the designated person stated on the application for course/conference approval as to the approval or disapproval of the application within 30 days of action taken by the Board at the next scheduled Board meeting. This amends the current regulation which requires the Board to take action on an application within 30 days of receipt of the application. The proposed regulation is necessary because the Board meets bi-monthly. When an application for approval of an educational course or conference arrives within a month subsequent to a meeting, the Board is unable to meet the current 30 day requirement because the board meets every 60 days. With the proposed regulation, even if the application arrives right after a board meeting, the board has 30 days from the time of the next board meeting to notify the designated person stated on the application whether or not the course/conference has been approved.

Proposed Section 29.68 adds a provision allowing for waivers of the continuing education requirements for serious illness or other demonstrated hardship. In addition, a fee shall be assessed for review of waiver or extension requests. Section 29.13 (relating to fees) is amended to reflect this new fee.

Proposed Section 29.69 states that a licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium. In addition, a fee of \$25 shall be assessed for reactivation of an inactive or lapsed license. This fee is reflected in § 29.13 (relating to fees).



Proposed Section 29.70 notifies the licensee that submission of fraudulent information to the Board or failure to complete the required number of continuing education credits may result in disciplinary action.

E. Compliance with Executive Order 1996-1

In compliance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation, the Board considered the purpose and likely impact of this regulation on the public and the regulated community. On May 31, 2001, the Board solicited comments and suggestions on the proposed regulations from the Pennsylvania Podiatric Medical Association and Temple University School of Podiatric Medicine. The Pennsylvania Podiatric Medical Association objected to preapproval of courses given by the American Medical Association and the American Osteopathic Association. The Board agreed to delete the two above-named associations from the list of preapproved providers at its November 28, 2001 meeting. The Board also considered Temple University's request that colleges of podiatric medicine be added to the list of preapproved providers, but did not agree to make the addition.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. To the contrary, having preapproved course providers would reduce the amount of paperwork. Course providers would no longer need to file applications for Board approval which are currently processed by Board staff.

G. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of this proposed regulation on November 7, 2002 to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). In addition to submitting the proposed rulemaking, the Board has provided IRRC, SCP/PLC, and HPLC with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the SCP/PLC and HPLC review period. The notification shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review of objections by the Board, the General Assembly, and the Governor prior to publication of the regulations.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Gina Bittner, Board Administrator, State Board of Podiatry, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 ([gbittner@state.pa.us](mailto:gbittner@state.pa.us)) within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

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Jeffrey S. Gerland, D.P.M.  
Chairman, State Board of Podiatry

ANNEX A  
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 29. STATE BOARD OF PODIATRY

\* \* \*

LICENSES

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§ 29.13. Fees

(a) The schedule of fees charged by the Board is as follows:

Initial license .....	\$30
Biennial renewal of license .....	\$395
License by reciprocity .....	\$95
Branch office certificate .....	\$20
Application for approval of educational conference .....	\$75
Certification of licensure or scores .....	\$25
Verification of licensure .....	\$15
Application for authorization to perform radiologic procedures .....	\$25
<u>Review of continuing education waiver or extension requests .....</u>	<u>\$50</u>
<u>Review of reinstatement of license requests following inactive or expired status .....</u>	<u>\$25</u>

\* \* \*

CONTINUING EDUCATION

§ 29.60. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Biennium* – The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

*Certification* – A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour – Educational conferences will be approved for continuing education credit at the rate of one credit per sixty minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

Provider – An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

**§ 29.61. [Hours of credit] Requirements for biennial renewal and eligibility to conduct educational conferences.**

(a) [An applicant for biennial registration shall offer proof that:

(1) For the January 1987 renewal period, the applicant has completed 16 hours of continuing education credit in conferences approved by the Board.

(2) For and after the January 1989 renewal period, the applicant has completed 30 hours of continuing education credit in conferences approved by the Board.] As a condition of biennial renewal of a license, licensees must have completed 30 clock hours of continuing education during the preceding biennium in acceptable courses and programs in podiatry by approved providers. It is the responsibility of the licensee to ensure that credits used to comply with this continuing education requirement have been approved by this Board. Excess clock hours may not be carried over to the next biennium. A maximum of 10 clock hours of computer/internet, magazine or journal article courses, which are approved by the Council on Podiatric Medical Education, shall be accepted by the Board.

(b) [Colleges, universities, podiatry associations or other groups] Providers approved by the Board are eligible to conduct educational conferences.

(c) Applicants for license renewal shall provide, on forms approved by the Board, a signed statement certifying that the continuing education requirements have been met and information to document their certification, including the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course or program and description of content.
- (4) The provider which sponsored the course or program.
- (5) The location of the course or program.

(d) The licensee shall retain documentation of completion of the prescribed number of clock hours for 5 years which shall be produced upon demand by the Board or its auditing agents.

**§ 29.62. Length of time of educational conferences.**

- (a) Educational conferences shall offer at least [4] 1 hour[s] of instruction.
- (b) Educational conferences will be approved for continuing education credit at the rate of one credit per clock hour of [applicable] instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

**§ 29.63. Curriculum of educational conferences.**

- (a) [At least 4 hours of educational conference shall be devoted to covering at least four of the following basic subjects:] Basic subjects for educational conferences may include: anatomy, physiology, bacteriology, mycology, pharmacy, chemistry, X-ray, surgery, preoperative care, postoperative care, biomechanics, pathology, dermatology, and law and podiatry.
- (b) In addition to the subjects listed in subsection (a), the Board may approve other subjects which it will determine appropriate for a conference. These subjects may be presented to the Board by the institute or organization sponsoring the educational conference.

**§ 29.63a. Preapproved course provider.**

Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted for continuing education credit. All courses shall fall within the scope of podiatry practice. The Board will not approve courses or programs, or portions thereof, in office management or in marketing the practice.

**§ 29.64. Applications for approval of educational conferences.**

The Board may approve other continuing education courses or programs for credit so long as the applicant submits an application furnished by the Board for program approval in compliance with the following:

- (a) Course applications shall be submitted to the Board for approval at least 60 days prior to the scheduled date of the proposed educational conference. [Courses shall be approved prior to the solicitation of a student for the conference or the publication of an announcement pertaining to the conference.]
- (b) The application shall include a copy of the full program brochure and/or the course syllabus . Further information may be required and must be submitted in a timely fashion. [contain the following information:

- (1) Full name and address of eligible institution or organization.
  - (2) Title of the program.
  - (3) Dates for the proposed conference.
  - (4) Location of the proposed conference.
  - (5) Identification of the conference and lecturers, including names, title or affiliation, professional degree, and colleges or institutions in which the lecturers have given instruction. If the lecturers are not associated with approved schools, a memo concerning their professional activities and achievements shall be submitted.
  - (6) A schedule of the proposed conference which includes the title and brief description of each subject to be presented and the lecturer or panel to present the subject, specifying the time allotted thereto.
  - (7) The total number of educational hours included in the conference, excluding coffee breaks, lunches, visits to exhibits, and the like.
  - (8) The signature of the chief executive officer, secretary, or registrar of the eligible institution or organization, that is, the person who will authenticate the attendance at the educational conferences.
  - (9) The name and address of the person designated to receive the official notification of the action of the Board upon the application.]
- (c) The Board shall be notified immediately of material changes in any approved conference. Board approval can be withdrawn should changes in proposed conferences not adhere to the Board's requirements.

**§ 29.65. [Compilation of official attendance list] (Reserved).**

- [(a) The group, organization, or institution sponsoring an educational conference shall be responsible for designating an authorized representative to authenticate attendance and compile an official attendance list of Pennsylvania licensees in attendance at their conference.
- (b) It shall be the responsibility of the authorized representative to submit an official attendance list to the Board Office within 30 days following the final day of the conference.]

\* \* \*

**§ 29.67. Approval or disapproval of educational conferences.**

- (a) The Board will notify an applicant for course approval [the designated person stated on the application] as to the approval or disapproval of the application within 30 days of [receipt of the application by the Board.] action taken by the Board at the next scheduled Board meeting.

\* \* \*

**§ 29.68. Continuing education exemptions.**

(a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service or engaged in an American Podiatry Association approved Podiatric Residency Program.

(b) The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

**§ 29.69. Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

(a) A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium as required by § 29.61 (relating to requirements for biennial renewal).

(b) A fee shall be assessed for review of reinstatement of license requests following inactive or expired status in accordance with § 29.13 (relating to fees).

**§ 29.70. Disciplinary action authorized.**

A licensed podiatrist who submits a false report or fails to complete the required number of continuing education credits may be subject to disciplinary action.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PODIATRY  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-4858

November 7, 2002

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101


Re: Proposed Regulation  
State Board of Podiatry  
16A-446: Continuing Education

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Podiatry pertaining to Continuing Education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

  
Jeffrey S. Genand, D.P.M., Chairman  
State Board of Podiatry

JSG/RS:law

Enclosure

cc: David M. Williams, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
John T. Henderson, Jr., Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Herbert Abramson, Senior Counsel in Charge  
Department of State  
Roberta Silver, Counsel  
State Board of Podiatry  
State Board of Podiatry



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-446  
 SUBJECT: State Board of Podiatry - Continuing Education  
 AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

- X Proposed Regulation  
 Final Regulation  
 Final Regulation with Notice of Proposed Rulemaking Omitted  
 120-day Emergency Certification of the Attorney General  
 120-day Emergency Certification of the Governor  
 Delivery of Tolled Regulation  
 a. With Revisions                      b. Without Revisions

RECEIVED  
 DEPARTMENT OF STATE  
 DIVISION OF LEGISLATION  
 11/14/02 11:00 AM

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
11-7-02	<i>Lou A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
NOV 07 2002	<i>Ante Zuber</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
11/7/02	<i>Elena Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU