

ORIGINAL: 2316
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

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, HARRISTOWN 2
333 Market Street
Harrisburg, PA 17101



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

February 12, 2003

COMMITTEES

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

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on February 11, 2003.

The Committee voted to approve Regulation 16A-696, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The Committee voted to take no formal action on Regulation 16A-5117, State Board of Nursing, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee requests an explanation as to why, pursuant to Sec. 21.334(g), 50 minutes is counted as a continuing education hour, rather than 60 minutes.
- (2) The Committee questions whether or not a limit should be placed on the number of credit hours a CRNP may obtain through correspondence courses, taped study courses and other independent study courses.

The Committee voted to take no formal action on Regulation 16A-446, State Board of Podiatry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) Although primary responsibility rests with licensees to documents continuing education compliance, the Committee suggests that the Board continue to require course providers to authenticate attendance and retain documentation of attendance for a period of time equal to that required of licensees. The Committee notes that Dental Board regulations require both licensees and course providers to retain documentation for a period of four years. This provides a backup means to authenticate attendance should a licensee's documentation be lost or come into question.
- (2) The Committee notes that the exposure draft of the proposed amendments included courses given by the American Medical Association and the American Osteopathic Association as being preapproved. Reference to these organizations was withdrawn after objection by the Pennsylvania Podiatric Medical Association (PPMA). The Committee requests an explanation as to the grounds for the PPMA's objection, and questions why courses offered by the excluded associations cannot be of some educational value to licensees.

John R. McGinley, Jr., Chairman
Page 2
February 12, 2003

- (3) Section 29.61(a)(2) allows a maximum of 10 hours of continuing education through computer/internet, magazine or journal article courses. The Committee requests an explanation as to how continuing education is accomplished through those means.

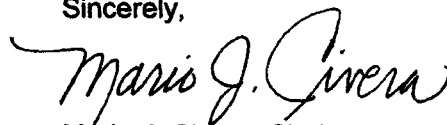
The Committee voted to take no action on Regulation 16A-4613, State Board of Dentistry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee recommends that the Board adopt a similar approach to the other licensing boards that have promulgated regulations pertaining to sexual misconduct. These boards have defined the prohibited conduct with much greater specificity in the definitions sections of their regulations. The definitions of sexual exploitation and sexual behavior proposed by the Board are vague and open to interpretation.
- (2) The Committee suggests that the Board address the issue of what is prohibited or acceptable behavior between licensees and former patients, as well as licensees and current "significant others" who become patients.

The Committee voted to take no formal action on Regulation 16A-4612, State Board of Dentistry, until final form regulations are promulgated. However, the Committee encourages the Board to seek bids for the EFDA examination from the widest possible array of sources, including the State of Ohio, which already examines and certifies EFDAs.

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: Thomas F. Matta, Ph.D., Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
K. Stephen Anderson, CRNA, Chairperson
State Board of Nursing
Jeffrey S. Gerland, D.P.M., Chairman
State Board of Podiatry
Veasey B. Cullen, Jr., D.M.D., Chairman
State Board of Dentistry
Honorable Benjamin Ramos, Acting Secretary of the Commonwealth
Department of State

Regulation 16A-446

State Board of Podiatry

PROPOSAL: Regulation 16A-446 amends 49 PA Code, Chapter 29, regulations of the State Board of Podiatry. The amendment revises the Board's regulations pertaining to continuing education.

The proposed Rulemaking was originally published in the Pennsylvania Bulletin on October 26, 2002, and was resubmitted for Committee review on January 29, 2003. The Professional Licensure Committee has until February 18, 2003 to submit comments on the regulation.

ANALYSIS: Licensees of the Board are required to complete 30 clock hours of continuing education from Board approved providers as a condition of biennial license renewal. The Board proposes amending Sec. 29.61(a) to clarify that licensees are responsible for ensuring that the courses taken have been approved by the Board. Excess clock hours may not be carried over to the next biennium, and a maximum of 10 clock hours of computer/internet, magazine or journal article courses, which are approved by the Council on Podiatric Medical Education, will be accepted by the Board.

Applicants for license renewal will be required to document completion of the continuing education requirement, providing specific information about the courses attended. Licensees must retain documentation of continuing education hours for 5 years. Educational conferences must offer at least one hour of instruction, and the basic subjects for educational conferences are set forth in Sec. 29.63(a).

The Board intends to designate courses or programs offered or approved by the Council on Podiatric Medical Education as being pre-approved. All other courses must be approved by the Board. Applications for course approval must be submitted at least 60 days prior to the scheduled date of the proposed course, and must include a copy of the full program brochure and/or course syllabus. The Board will notify an applicant of approval or disapproval within 30 days of action taken by the Board at the next scheduled Board meeting.

The proposal would delete the requirement for course providers to authenticate licensee attendance at a conference and to submit an official attendance list to the Board within 30 days following the conference. A provision for requesting waivers from the continuing education requirement would be included. A fee of \$50 would be established for reviewing waiver or extension requests, and a \$25 fee would be established for review of requests to reinstate inactive or expired licenses.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comments:

1. Although primary responsibility rests with licensees to document continuing education compliance, the Committee suggests that the Board continue to require course providers to authenticate attendance and retain documentation of attendance for a period of time equal to that required of licensees. The Committee notes that Dental Board regulations require both licensees and course providers to retain documentation for a period of four years. This provides a backup means to authenticate attendance should a licensee's documentation be lost or come into question.
2. The Committee notes that the exposure draft of the proposed amendments included courses given by the American Medical Association and the American Osteopathic Association as being preapproved. Reference to these organizations was withdrawn after objection by the Pennsylvania Podiatric Medical Association (PPMA). The Committee requests an explanation as to the grounds for the PPMA's objection, and questions why courses offered by the excluded associations cannot be of some educational value to licensees.
3. Section 29.61(a)(2) allows a maximum of 10 hours of continuing education through computer/internet, magazine or journal article courses. The Committee requests an explanation as to how continuing education is accomplished through those means.

House of Representatives
Professional Licensure Committee
February 5, 2003