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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

CHAIRMAN  
PROFESSIONAL LICENSURE COMMITTEE

May 11, 2004

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Chairman McGinley:

The Professional Licensure Committee held a meeting on May 11, 2004, to consider the following:

Regulation 16A-4810 – Proposed rulemaking of the State Board of Funeral Directors pertaining to limited license. The committee voted to take no formal action until the final regulation is promulgated. The committee submits the following comment:

1. The committee notes a drafting error in Section 13.77(d). The proposed regulation states that “The Board will report to the reciprocal state any disciplinary action...” The committee notes that this provision imposes a duty on the board and therefore recommends the word “shall” be substituted for the word “will.”

Regulation 16A-418 – Proposed rulemaking of the State Architects Licensure Board pertaining to a definition and fees. The committee voted to take no formal action until the final regulation is promulgated.

Regulation 16A-4918 – Proposed rulemaking of the State Board of Medicine pertaining to disciplinary process and procedure. The committee voted to take no formal action until the final regulation is promulgated. The committee submits the following comments:

1. The committee notes that 2 PaCS 702 states that, “Any person aggrieved by an adjudication of a Commonwealth agency who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure),” which is an absolute right. The committee notes the right of appeal as set forth in Article V Section 9 of the Pennsylvania Constitution is an absolute right (“There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such as be provided by law...”). Consequently, the committee is concerned that the language found in Section 16.58 of the proposed regulation is too limiting and narrow in its scope. Specifically, the