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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN
PROFESSIONAL LICENSURE COMMITTEE

2003 DEC -5 AM 0:30

REVIEW COMMISSION

12/3/03

Original: 2360

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 November 17, 2003.

The Committee voted to approve Regulation 16A-4912, Final Rulemaking of the State Board of Medicine pertaining to physician delegation of medical services.

The Committee voted to approve Regulation 16A-5115, Final Rulemaking of the State Board of Nursing pertaining to oral orders.

The Committee voted to approve Regulation 16A-497, Final Rulemaking of the State Board of Medicine pertaining to sexual misconduct.

The Committee voted to approve Regulation 16A-539, Final Rulemaking of the State Board of Osteopathic Medicine pertaining to sexual misconduct.

The Committee voted to take no formal action on Regulation 16A-561, Proposed Rulemaking of the State Real Estate Commission pertaining to education until final form regulations are promulgated. However, the Committee submits the following comments:

1. The Committee requests an explanation as to why the Commission proposes eliminating the per-student calculation for determining the amount of the surety bond to be posted by an education provider, and how the Commission determined that a \$10,000 bond sufficiently protect a student's contractual rights. Is a \$10,000 bond adequate when an increase in students can be expected now that distance learning will be permitted?
2. In regard to distance learning, the Committee requests an explanation as to what is involved in the review of delivery systems and examples of delivery systems that have been approved or rejected.
3. The Committee requests an explanation as to why the 21 year old age requirement for ownership of an education provider would be deleted.
4. The Committee requests an explanation as to why the requirement that education provider applicants provide a notarized pro forma profit and loss statement and balance sheet would be deleted.
5. In regard to education providers located in other jurisdictions, the Committee requests an explanation as to how the Commission will conduct inspections and enforce its regulatory requirements pertaining to a provider's facility, director,

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Page 2
Chairman McGinley
1/3/03

instructors, record keeping, etc.. How will the Commission gain access to records and documentation maintained in other jurisdictions?

6. The Committee requests an explanation as to why the Commission proposes to eliminate the requirements as to floor space, illumination, etc.. in provider facilities.
7. The Committee requests an explanation as to why continuing education course transcripts and certificates of instruction will be issued to students only upon request.
8. The Committee requests an explanation as to why "management of real estate brokerage operations" as an acceptable topic for continuing education. Section 404.1(c) of the Act expressly provides that no continuing education credit shall be given for courses in office management.
9. The Committee requests an explanation as to why reference to a misdemeanor involving moral turpitude would be deleted in Sec. 35.344(b)(5). Has approval of an educational provider director ever been withdrawn due to his or her involvement in a crime of moral turpitude?
10. Sec.35.341(4) requires an education provider to designate a person or entity to serve as custodian of records if the provider were to terminate records. However, the Commission proposes to delete the requirement that the custodian be located in the Commonwealth. The Committee requests an explanation as to how the Commission would be able to gain access to these records if the custodian is located in another jurisdiction.

The Committee voted to take no formal action on Regulation 16A-489, Proposed Rulemaking of the State Board of Funeral Directors pertaining to continuing education, until final form regulations are promulgated.

The Committee voted to approve Regulation 16A-417, Final Rulemaking of the State Architects Licensure Board pertaining to firm practice.

The Committee voted to approve Regulation 16A-5714, Final Rulemaking of the State Board of Veterinary Medicine pertaining to continuing education provider appeal.

The Committee voted to approve Regulation 16A-4811, Final Rulemaking of the State Board of Funeral Directors pertaining to renewal fee.

The Committee voted to take no formal action on Regulation 16A-426, Proposed Rulemaking of the State Board of Barber Examiners pertaining to barber schools until final form regulations are promulgated.

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Page 3
Chairman McGinley
1/3/03

The Committee voted to take no formal action on Regulation 16A-647, Proposed Rulemaking of the State Board of Auctioneer Examiners pertaining to exam fee deletion until final form regulations are promulgated.

The Committee voted to take no formal action on Regulation 16A-606, Proposed Rulemaking of the State Board of Vehicle Manufacturers, Dealers, and Salespersons pertaining to emergency vehicles until final form regulations are promulgated.

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

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Gannon".

Thomas P. Gannon
Chairman
House Professional Licensure Committee

TPG/sjh

cc: Charles D. Hummer, Jr., M.D., Chairman, State Board of Medicine
K. Stephen Anderson, Ph.D, CRNA, Chairperson, State Board of Nursing
Brian V. Harpster, V.M.D., Chairman, State Board of Veterinary Medicine
Ralph M. Stewart, Chairperson, State Board of Auctioneer Examiners
Ann Shepard Houston, President, State Architects Licensure Board
Silvia Ferretti, D.O., Chair, State Board of Osteopathic Medicine
Helen Billak, Chairman, State Real Estate Commission
James O. Pinkerton, Chairperson, State Board of Funeral Directors
Lee Cameroni, Chairperson, State Board of Barber Examiners
Edward Cernic, Jr., Chairman, State Board of Vehicle Manufacturers, Dealers and Salespersons