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**INDEPENDENT REGULATORY REVIEW COMMISSION
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March 3, 2004

Charles D. Hummer, Jr., M.D., Chairman
State Board of Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4914 (IRRC #2375)
State Board of Medicine
Continuing Medical Education

Dear Chairman Hummer:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

evp

Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Medicine Regulation No. 16A-4914

Continuing Medical Education

March 3, 2004

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Medicine (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on February 2, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 16.1. Definitions. – Reasonableness; Clarity.

We have two concerns pertaining to the definition of “approved course”. First, the definition states that the Accreditation Council for Continuing Medical Education (ACCME) must accredit a provider of a continuing education course. Did the Board intend to eliminate course accreditation provided by the state medical society to hospitals for Category I credits?

Second, Category II credits would be limited to courses provided by ACCME accredited providers. The American Medical Association Physician’s Recognition award program has a list of defined activities that qualify for Category II credits which do not have to be ACCME approved. The Board should either modify the definition of “approved course” to include Category II credits that are not formally accredited by the ACCME or add language to Section 16.19 that states the remaining 70 credit hours may be Category II credits.

2. Section 16.19. Continuing Medical Education. – Clarity.

Subsection (a) requires, “at least 10 credit hours shall be completed in approved courses in the area of patient safety and risk management”. It is not clear if the 10 credit hours required in risk management must be Category I credits. For clarity, the Board should specify whether the credits for risk management must be Category I or Category II credits.