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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN
PROFESSIONAL LICENSURE COMMITTEE

Original: 2376

March 18, 2004

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

Dear Chairman McGinley:

The Professional Licensure Committee held a meeting on March 16, 2004, to consider the following:

Regulation 16A-4914 – Proposed rulemaking of the State Board of Medicine pertaining to continuing medical education. The Committee voted to take no formal action until the final regulation is promulgated. The Committee submits the following comment:

1. Proposed Sec. 16.19 provides that the continuing medical education requirement will begin with the licensure renewal period commencing January 1, 2005, so that physicians will be required to complete CE during the current biennium. The Committee questions whether licensees have received sufficient notice of the implementation of CE in order to provide them with enough time to complete the requirement.

Regulation 16A-5313 – Proposed rulemaking of the State Board of Osteopathic Medicine pertaining to continuing medical education. The Committee voted to take no formal action until the final regulation is promulgated. The Committee submits the following comments:

1. Proposed Sec. 25.271(c) provides that the continuing medical education requirement will begin with the licensure renewal period commencing November 1, 2004, so that physicians will be required to complete CE during the current biennium. The Committee questions whether licensees have received sufficient notice of the implementation of CE in order to provide them with enough time to complete the requirement.
2. In Sec. 25.27(c)(1), the Committee notes that the reference to "remaining 75 credit hours" appears to be a typo and should actually read "remaining 70 credit hours."

Regulation 16A-5312 – Proposed rulemaking of the State Board of Osteopathic Medicine pertaining to delegation of medical services. The Committee voted to take no formal action until the final regulation is promulgated.

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Regulation 16A-6314 – Proposed rulemaking of the State Board of Psychology pertaining to notice of requirement. The Committee voted to take no formal action until the final regulation is promulgated. The Committee submits the following comments:

1. The Committee notes the comments of the Pennsylvania Psychological Association(PPA) regarding the requirement for licensees to give notice of "all" misdemeanor convictions, when pursuant to Sec. 8(a)(6) of the act, the Board is authorized to take disciplinary action against a licensee for convictions for misdemeanors in the practice of psychology only. Does the Board anticipate that this requirement will identify licensees who would be subject to disciplinary action on the basis of Sec. 8(a)(8)?
2. The Committee notes the comment of the PPA regarding the inconsistency between the act and the proposed regulation in the meaning of the term "convicted." The Committee recommends that the statutory language be used.
3. The Committee recommends that the board clarify or provide a definition for the term "actively suspended or revoked."

Regulation 16A-448 – Proposed rulemaking of the State Board of Podiatry pertaining to sexual misconduct. The Committee voted to take no formal action until the final form regulation is promulgated. The Committee submits the following comment:

1. The Committee recommends that the Board adopt sexual misconduct regulations that are similar in approach to regulations recently promulgated by the State Board of Medicine. In addition to current patients, those regulations covered situations regarding immediate family members of patients and former patients.

Regulation 16A-5118 - Proposed rulemaking of the State Board of Nursing regarding approval of diploma programs in transition to degree-granting status. The Committee voted to take no formal action until the final regulation is promulgated. The Committee submits the following comments:

1. The Committee seeks clarification regarding the Board's intention under the proposed language of Section 21.51(a)(2)(iv). The regulation seems to direct that the hospital-based program retain initial approval status until the occurrence of the earlier of two events: (1) the Department of Education grants full approval status, or (2) the hospital-based program is in existence for six years. The Committee seeks clarification regarding the Board's intention with respect to the following. If the hospital-based program does not obtain full approval status from the Department of Education in under six years and the program

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has been in existence for a period longer than six years, what does the Board envision happens to the nursing program?

2. As drafted, the proposed regulation seems to make an exception for a hospital-based diploma nursing education program wishing to transition to a degree-granting program with respect to the requirement that nursing programs be under the leadership of a registered nurse. Is this the Board's intention?

Regulation 16A-5510 - Final rulemaking (proposed omitted) of the State Board of Accountancy relating to the implementation of the new computer-based CPA examination.
The Committee voted to approve the final regulation.

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
Professional Licensure Committee

TPG/sjh

cc: Hon. Pedro A. Cortes, Secretary of the Commonwealth
Department of State
Janet Shields, RN, Chairperson
State Board of Nursing
Silvia Ferretti, D.O., Chair
State Board of Osteopathic Medicine
James P. Keasey, CPA, Chairman
State Board of Accountancy
Charles D. Hummer, Jr., M.D., Chairman
State Board of Medicine
Alex M. Siegel, J.D., Ph.D., Chairperson
State Board of Psychology
Jeffrey S. Gerland, D.P.M., Chairman
State Board of Podiatry