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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 7, 2005

Oliver C. Bullock, D.O., Chairperson  
State Board of Osteopathic Medicine  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-5317 (IRRC #2496)  
State Board of Osteopathic Medicine  
Respiratory Therapists

Dear Chairperson Bullock:

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 regulatory review criteria that have not been met.

The comments will be available on our website at [www.irc.state.pa.us](http://www.irc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

sfn

Enclosure

cc: 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 Thomas P. Gannon, Majority Chairman, House Professional Licensure  
Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure  
Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

**Comments of the Independent Regulatory Review Commission**  
**on**  
**State Board of Osteopathic Medicine Regulation #16A-5317 (IRRC #2496)**  
**Respiratory Therapists**  
**December 7, 2005**

We submit for your consideration the following comments on the proposed rulemaking published in the October 8, 2005 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Osteopathic Medicine (Board) to respond to all comments received from us or any other source.

**Section 25.509a. Requirement of continuing education. – Reasonableness; Clarity.**

*Subsection (a)*

We have two concerns with this subsection.

First, we concur with the House Professional Licensure Committee's (Committee) request that the Board clearly state its intention that the continuing education requirements set forth in this regulation would be effective starting with the biennial period that begins on November 1, 2006.

Second, we believe that the Board should consider allowing certain non-traditional continuing education methods for a portion of the 20 hour continuing education requirements. This subsection requires the certificate holders to complete the 20 hours of continuing education "as set forth in section 10.2 of the act." Act 56 of 2004 (Act) states that certificate holders "shall be required to attend and complete 20 hours of mandatory continuing education. . . ." The Pennsylvania Society for Respiratory Care is concerned that this means that the certificate holder must be physically present at a live presentation and the regulation would not permit other non-traditional continuing education methods. We share this concern.

*Subsection (c)*

We have two concerns with this subsection.

First, to be consistent with Section 10.2(f)(4) of the Act, the phrase "all or a portion of" should be inserted after the word "waive" in the first sentence.

Second, we agree with the Committee that specific language from Section 10.2(f)(4) of the Act would add clarity to the waiver provision and should be added.

FROM

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## Facsimile Cover Sheet

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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** Suzanne Hoy  
**Agency:** Department of State  
Licensing Boards and Commissions  
**Phone:** 7-2628  
**Fax:** 7-0251  
**Date:** December 7, 2005  
**Pages:** 3

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Osteopathic Medicine's regulation #16A-5317 (IRRC #2496). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: \_\_\_\_\_

*Suzanne Hoy*

Date: \_\_\_\_\_

*12/7/05*