

# Regulatory Analysis Form

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational  
Affairs, State Board of Chiropractic

(2) I.D. Number (Governor's Office Use)

16A-4314

IRRC Number: 2626

(3) Short Title

Reactivation of lapsed license

(4) PA Code Cite

49 Pa. Code § 5.17(m)

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Thomas A. Blackburn, Counsel,**  
**State Board of Chiropractic (717) 783-7200**

Secondary Contact: **Joyce McKeever, Deputy Chief**  
**Counsel, Department of State (717) 783-7200**

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Policy Statement

(7) Is a 120-Day Emergency Certification  
Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and non-technical language.

**This rulemaking replaces § 5.17(m) to provide that a chiropractor whose license has been inactive for over 5 years may reactivate that license by (i) successfully completing all parts of the national board examination within 1 year of reactivation, (ii) qualifying for licensure by reciprocity from another state, (iii) having continuously practiced chiropractic for at least 5 years in another jurisdiction and successfully completing the state jurisprudence examination, or (iv) successfully completing the special purpose examination in chiropractic and the state jurisprudence examination. Under the existing regulations, only the first two options are available.**

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

**The rulemaking is adopted under sections 302(3) and 501(b) of the Chiropractic Practice Act (63 P.S. §§ 625.302(a) and 625.501(b)).**

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

## Regulatory Analysis Form

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**A chiropractor whose license has been inactive for more than 5 years is required by section 501(b) of the Chiropractic Practice Act (63 P.S. § 625.501(b)) to apply anew for a license to practice chiropractic. The Board's current regulations recognize only licensure by examination or by reciprocity. Unless also licensed in a state that has reciprocity with Pennsylvania, a chiropractor licensed in Pennsylvania before all four parts of the national board examination were required would have to take all parts of the examination, and a chiropractor licensed after all four parts were required would have no examination to take, in order to reactivate after 5 years. Unless the chiropractor currently qualifies for licensure by examination, a chiropractor who has been practicing in a state that does not have reciprocity with Pennsylvania would not be able to reactivate after 5 years of inactivity.**

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

**Without amending the Board's regulations, a Pennsylvania-licensed chiropractor who is qualified to practice could be required to either go through all licensure examinations again or become licensed in another state that has reciprocity with Pennsylvania in order to reactivate after a period of inactivity of 5 years or more in Pennsylvania, regardless of the chiropractor's continued practice in another jurisdiction.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**Those licensed chiropractors who seek reactivation after 5 years will benefit from the proposed rulemaking, because it provides additional bases upon which to reactivate the license. Less than a dozen licensees each year seek to reactivate after 5 years.**

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The Board has identified no persons that will be adversely affected by the proposed rulemaking.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**All persons licensed to practice chiropractic in this Commonwealth will be required to comply with the rulemaking. Approximately 4000 chiropractors hold an active license to practice chiropractic in this Commonwealth. The rulemaking will be applied only to those licensees who seek reactivation after being inactive for at least 5 years.**

## Regulatory Analysis Form

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**The Board did not solicit input from or provide an exposure draft of this rulemaking to interested parties. However, the proposed rulemaking was extensively discussed at public meetings of the Board, which are routinely attended by members of the regulated community and their professional associations. The Board received no comments from the public or the regulated community upon publication as proposed rulemaking.**

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no costs to members of the regulated community associated with compliance with the rulemaking. There should be an unquantifiable savings for those few members of the regulated community who will be able to reactivate after 5 years without having to retake examinations or obtain licensure in another state.**

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There are no costs or savings to local governments associated with compliance with the rulemaking.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**There are no costs or savings to state government associated with implementation of the rulemaking.**

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY+1	FY+2	FY+3	FY+4	FY+5
<b>SAVINGS:</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>						

## Regulatory Analysis Form

<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

(20a) Explain how the cost estimates listed above were derived.

**Not applicable.**

(20b) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY-3 (FY 04-05)</b>	<b>FY-2 (FY 05-06)</b>	<b>FY-1 (FY 06-07)</b>	<b>Current FY (FY 07-08)</b>
Pa. State Board of Chiropractic	\$359,324	\$412,203	\$418,659	\$513,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**No adverse effects or costs have been associated with compliance with the rulemaking. Therefore, the above-identified benefits would outweigh any cost.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**No nonregulatory alternatives were considered, because the Board determined that the current regulatory scheme was inadequate, requiring regulatory action.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**No alternative regulatory schemes were considered.**

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**The rulemaking does not overlap or conflict with any federal requirements.**

## Regulatory Analysis Form

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**A chiropractor whose license to practice in Delaware has been inactive for more than 1 year must meet the current requirements for obtaining a new license, whether by examination or by reciprocity based upon licensure in another state. A chiropractor whose license to practice in Maryland has been inactive for more than 5 years must meet the current requirements for obtaining a new license, whether by examination or waiver of examination if licensed in another state. A chiropractor whose license to practice in New Jersey has been inactive for more than 5 years must successfully complete all required licensure examinations in order to reactivate. A chiropractor whose license to practice in New York has been inactive must complete at least one additional hour of continuing education for each month of lapse. The Ohio State Chiropractic Board may require a licensee whose license has been inactive for more than 2 years to obtain training or pass examinations as a condition of reactivation. A chiropractor whose license to practice in West Virginia has been inactive for more than 2 years must meet the current requirements for licensure and may be required to complete the special purpose examination in chiropractic.**

**The rulemaking will not put Pennsylvania at a competitive disadvantage.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**This rulemaking will have no effect on other regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board reviews its regulatory proposals at regularly scheduled public meetings, generally the third Thursday of each odd-numbered month. More information can be found on the Board's website (<http://www.dos.state.pa.us/chiro>), by emailing the Board office at [st-chiro@state.pa.us](mailto:st-chiro@state.pa.us) or telephoning the Board office at (717) 783-7155.**

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**No.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

## Regulatory Analysis Form

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The rulemaking will be effective upon publication of the final form rulemaking in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1.**

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
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REVIEW COMMISSION

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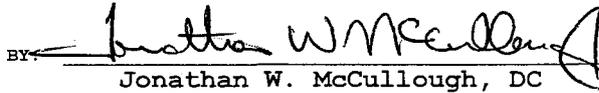
BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Chiropractic  
(AGENCY)  
DOCUMENT/FISCAL NOTE NO. 16A-4314

  
BY: Andrew C. Clark  
JUN 25 2008  
DATE OF APPROVAL

\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_

BY:   
Jonathan W. McCullough, DC

(Deputy General Counsel  
Chief Counsel,  
Independent Agency  
(Strike inapplicable title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if applicable.  
No Attorney General approval  
or objection within 30 day  
after submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF CHIROPRACTIC

49 Pa. Code § 5.17(m)  
REACTIVATION OF LAPSED LICENSE

The State Board of Chiropractic (Board) amends § 5.17 (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) to read as set forth in Annex A.

#### Description and Need for the Rulemaking

Under section 501(b) of the Chiropractic Practice Act (act) (63 P.S. § 625.501(b)), a chiropractor's license must be renewed biennially, and a licensee "who has failed to renew his license for period of longer than five years shall be required to apply for a license in accordance with subsection (a) if he desires to resume practicing chiropractic." Currently, § 5.17(m) requires a licensee whose license has been inactive for more than 5 years to apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity). In addition to the current two bases to reactivate a license that has been lapsed for more than 5 years, this rulemaking will permit the licensee to demonstrate competence to resume practice by showing at least 5 years of continuous licensed practice of chiropractic in another jurisdiction immediately preceding application for reactivation or by successfully completing, within 6 months prior to applying for reactivation, the special purpose examination in chiropractic and the Pennsylvania jurisprudence examination.

#### Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 37 Pa.B. 4627 (August 25, 2007) with a 30-day public comment period. The Board received no written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1-745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of proposed rulemaking under the Regulatory Review Act.

The HPLC first questioned the option to show continuous licensed practice in jurisdictions that do not offer reciprocity and might not have equivalent standards of practice. It is important to note that the licensee seeking to reactivate a lapsed license previously demonstrated that the licensee met the Pennsylvania standards for licensure. By comparison, a Pennsylvania licensed chiropractor who continued to renew the chiropractor's license would not have been required to demonstrate any standard of professional practice. The Board concludes that, regardless of the scope or standard of practice in another jurisdiction, active practice of chiropractic, coupled with completion of the required amount of continuing education and the Pennsylvania jurisprudence examination as discussed below, is adequate to demonstrate current competence to resume practice in this Commonwealth.

The HPLC also questioned the option for a licensee to complete the Pennsylvania Chiropractic Law Examination, noting that this examination does not focus on the ability to practice as a chiropractor. The Board intended to require this examination in addition to the Special Purpose Examination in Chiropractic in order to demonstrate current competence to resume the practice of

chiropractic in Pennsylvania. Accordingly, the Board has revised § 5.17(m)(4) to clarify the requirement to successfully complete both examinations. In light of this comment, the Board reconsidered the value of requiring the jurisprudence examination and concluded that it is an appropriate requirement for reactivation where the licensee has not practiced in Pennsylvania for more than 5 years. Notably, under the existing regulations for reactivation based upon either taking the licensure examinations or qualifying for licensure by reciprocity, successful completion of the Pennsylvania jurisprudence examination is required. Accordingly, the Board also revised § 5.17(m)(3) to require successful completion of the Pennsylvania jurisprudence examination, in addition to continuous practice of chiropractic in another jurisdiction, in order to reactivate a license that has been lapsed for more than 5 years.

IRRC commented that the option to reactivate a license that has been lapsed for more than 5 years based upon practice in another jurisdiction should explicitly state that completion of the continuing education requirement is required. Section 5.17(f)(3) requires a licensee renewing a current license to provide proof of attendance at continuing education courses during the previous biennial renewal period; and § 5.17(j) requires a licensee applying to reactivate a lapsed license (without reference to the period of lapse) to submit evidence of compliance with the continuing education requirements. The Board agrees with IRRC that explicitly stating this requirement in § 5.17(m) would improve the clarity of the rulemaking. Accordingly, the Board has revised § 5.17(m) to explicitly require compliance with all other requirements for reactivation, including the continuing education requirement.

#### Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### Effective date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### Statutory Authority

The final rulemaking is authorized under sections 302(3) and 501(b) of the Chiropractic Practice Act (63 P.S. §§ 625.302(3) and 625.501(b)).

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 4627 (August 25, 2007), to IRRC and the chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_, 2008, the final-form rulemaking was approved by the HPLC. On \_\_\_\_\_, 2008, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2008, and approved the final-form rulemaking.

#### Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Deborah Smith, Administrator, State Board of Chiropractic, by mail to P.O. Box 2649, Harrisburg, PA 17105-2649, by telephone at (717) 783-7155, or by e-mail at st-chiro@state.pa.us.

#### Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 37 Pa.B. 4627.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Chiropractic Practice Act.

#### Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 5 are amended, by amending § 5.17(m), to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Jonathan W. McCullough, DC, Chairperson  
State Board of Chiropractic

**ANNEX A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 5. STATE BOARD OF CHIROPRACTIC**

\* \* \* \* \*

**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND  
REGISTRATION PROVISIONS**

\* \* \* \* \*

**§ 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.**

\* \* \* \* \*

(m) [If a licensee’s license has been placed on inactive status for longer than 5 years, in addition to the statutory requirements of section 501(a) of the act (63 P.S. § 625.501(a)), the Board will require that a personal interview be conducted to ascertain the licensee’s ability to practice with reasonable skill and safety to patients and the licensee’s knowledge of the requirements of the act, this chapter and other pertinent health laws of this Commonwealth. If the licensee’s license has been placed on inactive status for more than 5 years, the licensee shall apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity).] To reactivate a license that has been inactive for more than 5 years, the licensee shall SATISFY ALL OTHER REQUIREMENTS FOR REACTIVATION REQUIRED BY THIS SECTION, INCLUDING THE CONTINUING EDUCATION REQUIREMENTS, AND establish current

competence to practice by at least one of the following:

(1) Successful completion of the examinations required by § 5.15(a) (relating to licensure examinations) within 1 year prior to application for reactivation.

(2) Compliance with § 5.13 (relating to licensure by reciprocity).

(3) Proof of continuous licensed practice of chiropractic in one or more other jurisdictions of the United States or Canada for at least 5 years immediately preceding application for reactivation AND SUCCESSFUL COMPLETION OF THE EXAMINATION REQUIRED BY § 5.15(A)(2).

(4) Successful completion of BOTH OF the following examinations within 6 months prior to application for reactivation:

(i) The examination required by § 5.15(a)(2).

(ii) The Special Purpose Examination in Chiropractic administered by the National Board of Chiropractic Examiners.

## GRADING AND REVIEW

## § 9.52. Grading compilation.

To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have opportunities, subject to [§ 9.46(3)] §§ 9.41a(b) and 9.46(b) (relating to adoption of National Board Examinations; and requirements for examination eligibility), to retake those portions of the examination which were failed and those portions which expire under the 5-year rolling clock requirement.

[Pa.B. Doc. No. 07-1546. Filed for public inspection August 24, 2007, 9:00 a.m.]

## STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

### Reactivation of Lapsed License

The State Board of Chiropractic (Board) proposes to amend § 5.17 (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) to read as set forth in Annex A.

#### Effective date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### Statutory Authority

The proposed rulemaking is authorized under sections 302(3) and 501(b) of the Chiropractic Practice Act (act) (63 P. S. §§ 625.302(3) and 625.501(b)).

#### Background and Need for the Proposed Rulemaking

Under section 501(b) of the act, a chiropractor's license must be renewed biennially and a licensee "who has failed to renew his license for a period of longer than five years shall be required to apply for a license in accordance with subsection (a) if he desires to resume practicing chiropractic." Currently, § 5.17(m) requires a licensee whose license has been inactive for more than 5 years to apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity). However, each of these two bases for reactivation has significant administrative limitations or drawbacks that make it inadequate.

Since 1997, the Board has required applicants for licensure by examination to successfully complete all four parts of the National board examination of the National Board of Chiropractic Examiners (NBCE). An inactive licensee who had not previously taken all parts of the exam was required to take the missing parts to reactivate the licensee's license. However, as it has now been more than 5 years since the end of the first renewal period during which applicants were first required to successfully complete all parts of the examination, some applicants who have been inactive for more than 5 years have already completed all four parts of the examination. Thus, there are no "missing parts" of the examination for those inactive licensees to take to demonstrate current competence.

Additionally, a common reason for a licensee to have been inactive for more than 5 years is that the licensee has been practicing in another state. However, reciprocity under § 5.13 is not available to licensees from every state. The Board has attempted to make reactivation administratively simple in this proposed rulemaking, while assuring that a licensee is competent to practice chiropractic after a period of inactivity.

#### Description of the Proposed Rulemaking

The proposed rulemaking would replace § 5.17(m). A licensee whose license has been inactive for more than 5 years would be permitted to demonstrate competence to resume practice on any of four bases. First, as it is the standard for licensure by examination, a licensee who has successfully completed all parts of the required examination within the year prior to applying for reactivation would be permitted to reactivate. Second, the Board would continue permitting reactivation by qualifying for licensure by reciprocity in accordance with § 5.13. Third, because a licensee who left this Commonwealth and has practiced in another jurisdiction should be as qualified to practice chiropractic today as a licensee who has remained in this Commonwealth, the Board would permit reactivation upon a showing of at least 5 years of continuous licensed practice of chiropractic in another jurisdiction immediately preceding application for reactivation. Finally, successful completion, within 6 months prior to applying for reactivation, of the special purpose examination in chiropractic, which is also offered by the NBCE and often used to demonstrate competence to practice, would be a basis to qualify for reactivation.

#### Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 15, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Deborah L. Smith, Administrator, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA

17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4314 (Reactivation of Lapsed License) when submitting comments.

JONATHAN W. MCCULLOUGH, D.C.,  
Chairperson

**Fiscal Note:** 16A-4314. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 5. STATE BOARD OF CHIROPRACTIC

#### Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS

§ 5.17. Biennial registration; unregistered status and inactive status; failure to renew; address of record.

\* \* \* \* \*

(m) [ If a licensee's license has been placed on inactive status for longer than 5 years, in addition to the statutory requirements of section 501(a) of the act (63 P. S. § 625.501(a)), the Board will require that a personal interview be conducted to ascertain the licensee's ability to practice with reasonable skill and safety to patients and the licensee's knowledge of the requirements of the act, this chapter and other pertinent health laws of this Commonwealth. If the licensee's license has been placed on inactive status for more than 5 years, the licensee shall apply for licensure in accordance with § 5.12 or § 5.13 (relating to licensure by examination; and licensure by reciprocity). ] To reactivate a license that has been inactive for more than 5 years, the licensee shall establish current competence to practice by at least one of the following:

(1) Successful completion of the examinations required by § 5.15(a) (relating to licensure examinations) within 1 year prior to application for reactivation.

(2) Compliance with § 5.13 (relating to licensure by reciprocity).

(3) Proof of continuous licensed practice of chiropractic in one or more other jurisdictions of the United States or Canada for at least 5 years immediately preceding application for reactivation.

(4) Successful completion of the following examinations within 6 months prior to application for reactivation:

(i) The examination required by § 5.15(a)(2).

(ii) The Special Purpose Examination in Chiropractic administered by the National Board of Chiropractic Examiners.

[Pa.B. Doc. No. 07-1547. Filed for public inspection August 24, 2007. 9:00 a.m.]

# STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]  
General Revisions

The State Board of Cosmetology (Board) proposes to amend Chapter 7 (relating to State Board of Cosmetology) to read as set forth in Annex A. The proposed rulemaking would implement changes made to the act of May 3, 1933 (P. L. 242, No. 86) (Act 86) by the act of July 7, 2006 (P. L. 704, No. 99) (Act 99), as well as to generally update the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

#### A. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

Section 11 of Act 86 (63 P.S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations affected by Act 86. Section 16 of Act 99 (63 P.S. § 522) requires the Board to promulgate regulations to implement Act 99 within 18 months of its effective date. The effective date of Act 99 was September 5, 2006.

#### C. Background and Need for Proposed Rulemaking

Act 99 made substantial changes to Act 86 by adding a limited license classification—the natural hair braider license; by making changes to terminology in Act 86; by making other changes within Act 86 to implement the new natural hair braider license; and by extending to all limited license classes: (1) the ability to practice outside of a licensed salon in a client's residence under specified circumstances; (2) the ability to practice on a temporary license; and (3) the prohibition on booth rental within a licensed salon. These changes require corresponding changes and additions to Chapter 7. Act 99 requires the Board to promulgate regulations to make those changes within 18 months of its effective date.

Because the Board needed to make wholesale changes to Chapter 7 to implement Act 99, the Board also took the opportunity to propose a number of other changes to the regulations. Although piecemeal changes have been made to the regulations over the years, generally in response to legislative changes to Act 86, the Board had not undertaken an overall review and update since 1975. In the intervening period, some of the Board's regulatory provisions have become obsolete, terms of art have changed, standards of sanitation have evolved, some of the Board's licensing and examination processes have changed and deficiencies or errors in the regulations have become apparent. Accordingly, in this proposed rulemaking the Board is making changes, in addition to those required by Act 99, that the Board finds necessary to update the regulations and to address the way the profession and the Board have changed since 1975.

#### D. Description of Proposed Amendments

##### *Terminology and Definitions in General*

Act 99 replaced a number of terms in Act 86 with updated terminology. This proposed rulemaking would

STATE BOARD OF CHIROPRACTIC  
16A-4314  
REACTIVATION OF LAPSED LICENSE

LIST OF PUBLIC COMMENTATORS

There were no public comments received by the Board relating to proposed rulemaking 16A-4314 – Reactivation of Lapsed License.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF CHIROPRACTIC  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-7155

September 2, 2008

The Honorable Arthur Coccodrilli, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Chiropractic  
16A-4314: Reactivation of Lapsed License

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Chiropractic pertaining to the reactivation of lapsed licenses.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan W. McCullough".

Jonathan W. McCullough, D.C., Chairperson  
State Board of Chiropractic

JWM/TAB:klh

Enclosure

cc: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Albert H. Masland, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Cynthia Montgomery, Senior Counsel in Charge  
Department of State  
Thomas A. Blackburn, Counsel  
State Board of Chiropractic  
State Board of Chiropractic

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-4314  
 SUBJECT: REACTIVATION OF LAPSED LICENSE  
 AGENCY: DEPARTMENT OF STATE  
 STATE BOARD OF CHIROPRACTIC

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

RECEIVED  
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 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
9/15/08	<i>Madeline Hemmel</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Mike Sturla</i>
9/2/08	<i>May Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Robert M. Tomlinson</i>
9/2/08	<i>Kathy Coops</i>	INDEPENDENT REGULATORY REVIEW COMMISSION  ATTORNEY GENERAL (for Final Omitted only)  LEGISLATIVE REFERENCE BUREAU (for Proposed only)