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January 25, 2008

The Honorable Arthur Coccodrilli  
Independent Regulatory Review Commission  
14th Floor, Harristown 2, 333 Market Street  
Harrisburg, PA 17101

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NOTICE OF WITHDRAWAL OF PROPOSED RULEMAKING

Dear Chairman Coccodrilli:

Attached please find the Board's Notice of Withdrawal of Proposed Rulemaking 16A-4923 pertaining to expert witnesses.

Sincerely,

Gerald S. Smith, Counsel  
Senior Counsel in Charge

GSS:rs

Enclosure

**Notice of Withdrawal of Rulemaking 16A-4923**  
**Pertaining to Expert Witnesses**

On August 25, 2007, the State Board of Medicine published proposed rulemaking 16A-4923 at 37 Pa. Bulletin 4647. The Board subsequently received comments from the Pennsylvania Medical Society, the Pennsylvania Academy of Family Physicians and the Independent Regulatory Review Commissions.

The goal of the Board in pursuing this rulemaking was to improve the quality of testimony provided to the Board and its hearing examiners in disciplinary matters before the Board. In this regard the substance of the rulemaking was not to impose requirements on the public. Rather, the rulemaking in essence was descriptive of the aspirational intent of the Board in assessing the quality of experts by the Board itself as well as by the Board's hearing examiners. The Rulemaking would have also communicated that aspirational intent to prosecutors and the private bar representing persons appearing before the Board.

Upon reflection of the Board's intent and upon consideration of comments received, the Board has determined the better course of action is to withdraw the rulemaking. The Board intends to review its goal regarding the improvement of the quality of experts appearing before it. Given the aspirational nature of the qualifications of the experts, the Board will pursue the development of a non-binding statement of policy designed to communicate the qualifications the Board desires experts to hold when appearing before it.