

ARTHUR COCCODRILLI, CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DAVID J. DEVRIES, ESQ.
JOHN F. MIZNER, ESQ.
KIM KAUFMAN, EXECUTIVE DIRECTOR
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

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

December 19, 2007

Charles P. Fasano, D.O., Chairperson
State Board of Osteopathic Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5318 (IRRC #2644)
State Board of Osteopathic Medicine
Prescriptive Privileges for Physician Assistants

Dear Chairperson Fasano:

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.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
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 P. Michael Sturla, Majority Chairman, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Minority 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-5318 (IRRC #2644)

Prescriptive Privileges for Physician Assistants

December 19, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the October 20, 2007 *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.

1. Possible conflict with existing regulations.

This regulation will allow osteopathic physicians to delegate the prescribing, dispensing and administering of drugs and therapeutic devices to physician assistants. Under current regulations of the State Board of Medicine found at 49 Pa. Code §§ 18.158 and 18.159, medical doctors can delegate this authority to physician assistants. As noted by the Board, this situation has caused confusion in health care settings.

Commentators have stressed the importance of aligning this proposed rulemaking exactly with the existing regulations of the State Board of Medicine. This would eliminate any confusion that two different sets of regulations would create amongst the regulated community. We agree and urge the Board to amend the following sections of the proposed rulemaking to be consistent with the State Board of Medicine's regulations: § 25.177(a)(3); § 25.177(c); § 25.177(d)(1); § 25.177(d)(4); and § 25.178.

2. Written agreement. – Clarity.

The phrase "written agreement" is used in §§ 25.177(a)(4) and 25.177(d)(5). This phrase is not defined in 49 Pa. Code Chapter 25. We note that the phrase is defined in § 18.122 of the State Board of Medicine's regulations on physician assistants. We suggest that a definition of "written agreement" be added to this rulemaking.

DEC-19-2007 WED 09:55 AM

FAX NO.

P. 01

Facsimile Cover Sheet

RECEIVED

2007 DEC 19 AM 9:04

INDEPENDENT REGULATORY
REVIEW COMMISSION

Phone: (717) 783-5417

Fax #: (717) 783-2664

E-mail: irrc@irrc.state.pa.us

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

To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200 or 3-3394 (Cynthia)
Fax: 7-0251
Date: December 19, 2007
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Osteopathic Medicine regulation #16A-5318 (IRRC #2644). 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:

Date:

12/19/07