

# 2644

**EMBARGOED MATERIAL**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF OSTEOPATHIC MEDICINE**

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Harrisburg, PA 17105-2649  
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**April 2, 2009**

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

**Re: State Board of Osteopathic Medicine Final Rulemaking  
16A-5318: Physician Assistant Prescriptive Authority**

**Dear Chairman Coccodrilli:**

On February 26, 2009, the State Board of Osteopathic Medicine delivered the referenced final rulemaking package. The House Professional Licensure Committee approved the final rulemaking on March 11, 2009. The Senate Consumer Protection and Professional Licensure Committee has taken no action and therefore it has deemed the final rulemaking approved as of April 1, 2009. The Commission is scheduled to consider this final rulemaking today, April 2, 2009.

Although neither committee nor the Commission has recommended doing so, I, as Chairman of the Board, would like the opportunity to toll further review of this final rulemaking under section 5.1(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), in order to permit the Board to consider revising 49 Pa. Code § 25.177(a)(3) (relating to physician assistant prescription of Schedule II controlled substance) to address additional conditions upon prescribing for ongoing therapy.

Sincerely,

**Joseph C. Gallagher, Jr., DO, Chairperson  
State Board of Osteopathic Medicine**

JCG/TAB:rs

**cc: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Peter V. Marks, Sr., Executive Deputy Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Senior Counsel in Charge  
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Thomas A. Blackburn, Regulatory Unit Counsel  
Department of State  
Sabina I. Howell, Counsel  
State Board of Osteopathic Medicine  
State Board of Osteopathic Medicine**