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MAJORITY CHAIRMAN



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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

2762

September 21, 2010

Mr. Kim Kaufman  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

RE: Final Regulation  
State Registration Board for Professional Engineers, Land Surveyors, and Geologists  
16A-4710: Continuing Education

Dear Mr. Kaufman:

**RECOMMENDATION:** It is recommended the House Professional Licensure Committee approve Final Regulation 16A-4710.

1. The Committee acknowledged the receipt of the delivery of this proposed regulation; however, pursuant to Act 170 of 2006, the Final Rulemaking was due on or before July 28, 2008.
  - The Board acknowledged that it did not promulgate the regulation within the eighteen (18) month time frame of Act 170.

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2. The Committee advised the Board that it was currently working on legislation addressing continuing education issues of Act 170 of 2006 from a perspective of continuing professional competency requirements which was more consistent with current national professional standards than the proposed regulation.
  - The Board acknowledged that Act 25 of 2010 was a result of that effort and substantially amended the proposed regulation to comport with the new legislation which is reflected in this final rulemaking.
3. The Committee suggested that the Board comply with the federal standard of fifty (50) minutes for a professional development hour rather than create in the Definition section an hour of continuing education at sixty (60) minutes.
  - The Board, based on Act 25, deleted hour of continuing education and added the term of professional development hour (PDH) with its statutory definition of fifty (50) minutes.
4. The Committee suggested that Section 37.111(b) be revised to allow carryover of continuing education credits in excess of the twenty-four (24) hour requirement into the next biennial renewal period.
  - The Board revised its proposed rulemaking to permit carryover of credits since Act 25 allows a licensee to carryover up to 12 PDH. The Board deleted the previously proposed restriction.
5. The Committee requested information on how the Board monitors the six (6) month grace period that Section 37.111 (d) permits within the new biennial period for a licensee to make up any deficiency in continuing education and when the Board imposes the civil penalty for the failure to complete the minimum amount of continuing education.
  - The Board responded that its administrative office will monitor licensees who renew without having completed the required amount of continuing education. In its audit of randomly selected licensees, the Board office will contact those licensees who have renewed without completing the required continuing education and request proof of continuing education for that renewal period. If the licensee provides documentation showing that the continuing education requirement was satisfied during the biennial renewal period, the matter ends. If documentation is provided that the licensee satisfied the required continuing education within the six (6) month grace period, the licensee is subject to a civil penalty based on the number of delinquent PDH. If the documentation is not provided or the licensee does not complete the 24 PDH of continuing education by the end of the six (6) month period, the matter will be forwarded to the professional compliance office and the prosecution division to initiate disciplinary action.

6. The Committee questioned what was considered a certified continuing education record as referred to in Sections 37.112(a) and 37.114(a).
  - The Board responded that Sections 37.112(a) and 37.114(a) have been deleted because Act 25 requires licensees to maintain a log of continuing education activities an attendance verification records such as completion certificates.
7. The Committee requested information regarding the reference in Section 37.115(c) which allows the Board to deny approval of a course of continuing education where the provider has failed or is not currently able to comply with provider responsibilities of subsection (f). Subsection (f) of Section 37.115 requires the Board to maintain a list of approved courses in a form accessible to licensees and the public which does not address the responsibilities of the provider.
  - The Board responded that, because it will not be approving courses, the section has been deleted.
8. The Committee suggested that Section 37.113(e) be amended to allow continuing education credits for authoring published papers, articles or books or obtaining patents, all of which are relevant to professional practice.
  - The Board responded that Section 37.113, Credit for approved continuing education, has been deleted from the final rulemaking since it now only sets forth the mechanism of enforcing the continuing education requirement.
9. The Committee requested an explanation of how the Board will implement and monitor Section 37.115(g) which permits a licensee who has attended a non-exempt or non-approved course to apply to the Board for approval and prevents the Board from collecting more than one fee from attendees who request review of applications for approval of the same course. Does the first applicant pay the only fee? Will the Board refund subsequent fee submissions for applications of approval? Will the Board pro-rate the fee among the applicants? Should attendees band together to apply for the approval and submit one fee?
  - The Board responded that, because it will not be approving courses, the section has been deleted.

Sincerely,



Michael P. McGeehan  
Chairman, House Professional Licensure Committee