

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Interagency Regulatory Review Council

SECTION I: PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs, State Board of Physical Therapy

(2) Agency Number: 16A

Identification Number: 6513

IRRC Number: 2786

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(3) Short Title:

Continuing education providers

(4) PA Code Cite:

49 Pa. Code § 40.63

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Thomas A. Blackburn, Regulatory unit counsel, Department of State;**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; tblackburn@state.pa.us

Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; jmckeever@state.pa.us

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – **Complete if different from #5: State Board of Physical Therapy**

(717)783-7134; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-7769; st-physical@state.pa.us

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- ☐ Proposed Regulation
- ☒ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation;
 - ☐ Certification by the Governor
 - ☐ Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The rulemaking will amend existing § 40.63(d) of the Board's regulations to require that requests for approval of continuing education courses be submitted at least 60 days in advance (or request waiver with justification for applying later) and to allow for implicit approval for multiple offerings of the same course within one year. The rulemaking will also add § 40.63(h) to provide for preapproved sponsors of continuing education.

(9) Include a schedule for review of the regulation including:

- | | |
|---|---------------------------|
| A. The date by which the agency must receive public comments: | Oct. 19, 2009 |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | by 1/1/11 renewal |
| D. The expected effective date of the final-form regulation: | upon publication as final |
| E. The date by which compliance with the final-form regulation will be required: | effective date |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(10) 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. 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 (www.dos.state.pa.us/physther).

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

This rulemaking is authorized by sections 3(a) and 9(c) of the Physical Therapy Practice Act (act) (63 P.S. §§ 1303(a) and 1309(c)).

Regulatory Analysis Form

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The rulemaking is not mandated by any federal or state law or court order or federal regulation.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Board's current regulation at § 40.63(d) (relating to approved sponsors; acceptable courses and programs) sets forth standards for approval of courses of continuing education. However, although it takes time for the Board to review and approve or deny the application, that section does not set a time limit in which to apply for approval. The current regulation also appears to require an application for each of multiple offerings of a given course of continuing education. Additionally, the current regulations require approval for every course of continuing education, even though some sponsors have demonstrated that they clearly meet the requirements for approved courses and programs.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

The rulemaking is not based on any scientific data, studies, or references.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

The Board does not foresee any persons being adversely affected by the rulemaking.

(16) 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 physical therapists with direct access certification and providers of continuing education will be required to comply with the rulemaking. There are approximately 1,800 physical therapists with direct access certification from the Board.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance with the rulemaking.

(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. Explain how the dollar estimates were derived.

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. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with compliance with 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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	NA	NA	NA	NA	NA	NA
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	NA	NA	NA	NA	NA	NA

Regulatory Analysis Form

REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	NA	NA	NA	NA	NA	NA

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

Program	FY -3 (FY 06-07)	FY -2 (FY 07-08)	FY -1 (FY 08-09)	Current FY (FY 09-10)
Pa. State Board of Physical Therapy	(actual) \$345,693	(actual) \$331,882	(projected) \$431,058	(budget) \$425,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Because there are no costs or other adverse effects associated with the rulemaking, the identified benefits outweigh any costs.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Board did not solicit input from or provide an exposure draft of this proposed 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 also discussed the comments to the proposed rulemaking at its January and March, 2010, meetings.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory approaches 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 regulations.

This rulemaking is not more stringent and does not overlap or conflict with any federal requirements.

Regulatory Analysis Form

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

Licensed physical therapists in Delaware must complete continuing education; there are no minimum advance approval times, and courses approved elsewhere are deemed approved in Delaware. Physical therapists in Maryland must complete continuing education, and course providers must apply for approval at least six weeks in advance, and there are no preapproved providers. Physical therapists in New Jersey must complete continuing education, course providers must apply for approval at least 45 days in advance, and graduate and doctoral courses in approved programs are preapproved for continuing education credit. Physical therapists in Ohio must complete continuing education, and providers must apply for approval, though no specific time limitations are set. Physical therapists in West Virginia must complete continuing education, and providers must apply for approval, though no specific time limitations are set. New York does not require physical therapists to complete continuing education.

This rulemaking will not put Pennsylvania at a competitive disadvantage.

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

This rulemaking will not affect other regulations of the Board or other state agencies.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This rulemaking will not require any additional recordkeeping or other paperwork. To the contrary, the rulemaking will eliminate the need for seeking advance approval by the Board for continuing education courses offered by certain providers.

(28) 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.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

Copy below is approved as to
form and legality.
Executive or Independent
Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Physical Therapy
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-6513

DATE OF APPROVAL

DATE OF ADOPTION:

BY: _____
James L. Clahane, PT

BY: _____
Andrew C. Clark
JUL 19 2010

DATE OF APPROVAL

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

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

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] 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 PHYSICAL THERAPY

49 Pa. Code § 40.63
CONTINUING EDUCATION PROVIDERS

The State Board of Physical Therapy (Board) amends § 40.63 (relating to continuing education) to read as set forth in Annex A.

Description and Need for the Rulemaking

Section 9(a) of the Physical Therapy Practice Act (63 P.S. § 1309(a)) generally prohibits a physical therapist from treating human ailments by physical therapy except upon referral by a physician. However, under section 9(b) of the act, a physical therapist who meets certain qualifications may receive from the Board a certificate of authority to practice physical therapy without the required referral (often known as direct access). Under section 9(c)(1) of the act, a certificate holder shall complete a minimum amount of continuing education in each biennial renewal cycle to maintain direct access certification. The Board previously promulgated § 40.63 to set standards of continuing education for a direct access certificate holder.

Under § 40.63(d), a sponsor shall apply to the Board and obtain approval for each course or program of continuing education for the direct access certificate holder to receive credit that will satisfy the continuing education requirement. To avoid the need to apply for approval and review applications from providers that the Board knows currently meet the standards for approved continuing education courses, the Board proposed to preapprove those sponsors without requiring an application or specific review by the Board, to include the American Physical Therapy Association and its components, the Federation of State Boards of Physical Therapy, graduate education programs accredited by the Commission on Accreditation in Physical Therapy Education, and post-entry level doctorate of physical therapy programs in institutions accredited by the regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation. Additionally, § 40.63(d) does not currently set a time in which the sponsor shall apply for approval. The Board also proposed to require a continuing education sponsor to apply for approval at least 60 days in advance of the course or program so that the Board would have adequate time to review the application and to permit a sponsor to request a waiver of that time limitation for good cause shown. Finally, because a given course might be offered multiple times, the Board proposed to explicitly indicate through its regulations that approval of a course is good for multiple offerings of that course throughout the year.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 39 Pa.B. 5435 (September 19, 2009) with a 30-day public comment period. The Board received no comments from members of 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 any comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC first noted that § 40.63(d)(1) addresses “approved courses and providers” and recommended that this language referencing both courses and providers should be used consistently throughout the regulation. The Board agrees and has revised the final-form rulemaking accordingly.

Specific to § 40.63(d)(6), which provides that a sponsor that is scheduling multiple presentations of a course or program shall indicate dates it is to be given, the HPLC requested an explanation of how the validity of approval is affected if dates for approval or courses and programs are not firm or change. This section was not intended to address validity of multiple presentations of the course or program. Rather, it was intended to apprise the Board that the course or program is being offered multiple times and when it is being offered. For a course or program offered a single time, the date of presentation is part of the application anyway. This requirement of notice of multiple presentations is simply to identify what the sponsor is asking the Board to approve.

The HPLC next requested an explanation of how a licensee will be informed of the approval or disapproval status of a course or program. The Board will directly notify the sponsor of approval or disapproval. The Board provides confirmation of licensure status on-line with LicensePA. This database also includes approved continuing education courses and programs. Moreover, the Board will provide confirmation to anyone who contacts the Board about a particular course or program.

Finally, the HPLC questioned how the Board will address distance learning. Existing § 40.63(e) provides that a certificate holder may accrue all required hours in distance education courses offered by approved sponsors of continuing education so long as the course sponsor evaluates and assesses the extent of learning that has taken place. The Board sees nothing different about preapproved sponsors that would require deviation from this standard.

IRRC shared the concerns expressed by the HPLC as described above, but did not otherwise comment on the proposed rulemaking.

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 3(a) and 9(c) of the Physical Therapy Practice Act (63 P.S. §§ 1303(a) and 1309(c)).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 2, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5435, 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 _____, 2010, the final-form rulemaking was approved by the HPLC. On _____, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2010, and approved the final-form rulemaking.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, by mail to P.O. Box 2649, Harrisburg, PA 17105-2649, by telephone at (717) 783-7134, or by e-mail at st-physical@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 39 Pa.B. 5435.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Physical Therapy Practice Act.

Order

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

- (a) The regulations of the Board at 49 Pa. Code Chapter 40 are amended, by amending § 40.63, 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*.

James L. Clahane, PT, Chairperson
State Board of Physical Therapy

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. PHYSICAL THERAPISTS

* * * * *

PRACTICE WITHOUT PHYSICIAN REFERRAL

* * * * *

§ 40.63. Continuing education.

* * * * *

(d) *Approved [sponsors; acceptable] courses and programs.*

(1) Courses and programs [provided by Board-approved sponsors] approved by the Board will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificate holder to ascertain the approval status of the [sponsor] course OR PROGRAM before undertaking a continuing education activity.

* * * * *

(3) Sponsors of physical therapy continuing education seeking Board approval of individual courses AND PROGRAMS shall submit an application at least 60 days prior to the date the continuing education course OR PROGRAM is due to take place on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a [sponsor] course OR PROGRAM unless [it] the sponsor:

* * * * *

(5) A sponsor seeking approval who is unable to submit the application at least 60 days prior to the date the course OR PROGRAM is given may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(6) Approval of a course OR PROGRAM shall be valid for 1 year after approval. In the event that the sponsor is scheduling multiple courses OR PROGRAMS, the sponsor shall indicate on the application each date the course OR PROGRAM is to be given.

* * * * *

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses OR PROGRAMS that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

(1) The American Physical Therapy Association (APTA) and its components.

(2) The Federation of State Boards of Physical Therapy (FSBPT) and its jurisdictions.

(3) Graduate education programs accredited by The Commission on Accreditation in Physical Therapy Education (CAPTE).

(4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

* * * * *

LIST OF PUBLIC COMMENTATORS
16A-6513 – CONTINUING EDUCATION PROVIDERS

There were no public comments received on the proposed rulemaking.

granted include teaching, program development, authorship of [text books] textbooks or similar activities [if] which the applicant can demonstrate to the Board [that these activities] are equivalent to obtaining continuing education.

[Pa.B. Doc. No. 09-1719. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

Continuing Education Providers

The State Board of Physical Therapy (Board) proposes to amend § 40.63 (relating to continuing education) to read as set forth in Annex A.

Effective date

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

Statutory Authority

The amendment is authorized under sections 3(a) and 9(c) of the Physical Therapy Practice Act (act) (63 P.S. §§ 1303(a) and 1309(c)).

Background and Need for the Amendment

Section 9(a) of the act generally prohibits a physical therapist from treating human ailments by physical therapy except upon referral by a physician. However, under section 9(b) of the act, a physical therapist who meets certain qualifications may receive from the Board a certificate of authority to practice physical therapy without the required referral (often known as direct access). Under section 9(c)(1) of the act, a certificateholder shall complete a minimum amount of continuing education in each biennial renewal cycle to maintain direct access certification. The Board previously promulgated § 40.63 to set standards of continuing education for a direct access certificate holder.

Under § 40.63(d), a sponsor shall apply to the Board and obtain approval for each course or program of continuing education for the direct access certificate holder to receive credit that will satisfy the continuing education requirement. To avoid the need to apply for approval and review applications from providers that the Board knows currently meet the standards for approved continuing education courses, the Board proposes to preapprove those sponsors without requiring an application or specific review by the Board. Additionally, § 40.63(d) does not currently set a time in which the sponsor shall apply for approval. The Board proposes to require a continuing education sponsor to apply for approval at least 60 days in advance of the course presentation so that the Board would have adequate time to review the application and to permit a sponsor to request a waiver of that time limitation for good cause shown. Finally, because a given course might be offered multiple times, the Board proposes to explicitly indicate through its regulations that approval of a course is good for multiple offerings of that course throughout the year.

Description of the Proposed Amendments

The proposed rulemaking would first amend § 40.63(d)(1) and (3) to refer to approval status of the continuing education course, not the sponsor as the current regulation incorrectly refers. To provide the Board with adequate time in which to review the application, § 40.63(d)(3) would be amended to require that an application for course approval be submitted at least 60 days prior to the date the continuing education course is due to take place. Proposed § 40.63(d)(5) would be added to provide that a sponsor who is unable to apply at least 60 days in advance may request a waiver setting forth the reasons why the 60-day requirement could not be met. The Board may grant the waiver and review the application, if possible, within less than 60 days. Also, proposed § 40.63(d)(6) would be added to provide that course approval is valid for 1 year. The sponsor may offer other presentations of that course throughout the year, so long as they are indicated on the application.

Proposed § 40.63(h) would be added to provide for preapproval of sponsors whom the Board has determined meet the standards for approved courses and programs. Courses that otherwise meet all requirements for required continuing education would be approved when offered by the American Physical Therapy Association and its components, the Federation of State Boards of Physical Therapy (FSBPT) and graduate education programs accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE). It should be noted that the Board is a constituent member of FSBPT and that in § 40.11 (relating to license by examination; requirements for examination) the Board requires applicants to be graduates of physical therapy programs accredited by CAPTE. However, CAPTE accredits only entry-level programs—those awarding up through a Master's Degree. To the extent they otherwise meet all requirements for required continuing education, courses offered by postentry level doctorate of physical therapy programs in institutions accredited by the regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation, would also be preapproved.

Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment will impose no 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 September 2, 2009, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee (Committees). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall 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 Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, or st-physical@state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6513 (continuing education providers), when submitting comments.

JAMES L. CLAHANE, PT,
Chairperson

Fiscal Note: 16A-6513. 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 40. STATE BOARD OF PHYSICAL THERAPY

**Subchapter A. PHYSICAL THERAPISTS
PRACTICE WITHOUT PHYSICIAN REFERRAL**

§ 40.63. Continuing education.

* * * * *

(d) *Approved [sponsors; acceptable] courses and programs.*

(1) Courses and programs [provided by Board-approved sponsors] approved by the Board will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the [sponsor] course before undertaking a continuing education activity.

* * * * *

(3) Sponsors of physical therapy continuing education seeking Board approval of individual courses shall submit an application at least 60 days prior to the date the continuing education course is due to take place, on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a [sponsor] course unless [it] the sponsor:

* * * * *

(5) A sponsor seeking approval who is unable to submit the application at least 60 days prior to the date the course is given, may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(6) Approval of a course will be valid for 1 year after approval. In the event that the sponsor is scheduling multiple courses, the sponsor shall indicate on the application each date the course is to be given.

* * * * *

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

(1) The American Physical Therapy Association (APTA) and its components.

(2) The Federation of State Boards of Physical Therapy (FSBPT) and its jurisdictions.

(3) Graduate education programs accredited by The Commission on Accreditation in Physical Therapy Education (CAPTE).

(4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

[Pa.B. Doc. No. 09-1720. Filed for public inspection September 18, 2009, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Biennial Renewal Fees

The State Board of Veterinary Medicine (Board) proposes to amend § 31.41 (relating to fees) as set forth in Annex A. The proposed rulemaking would provide for an incremental increase to the biennial license renewal fee for veterinarians and veterinary technicians over the upcoming five biennial renewal cycles.

Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The increased fees would be effective for the renewal period beginning December 1, 2010.

Statutory Authority

Section 13(b) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures. In recent years, while considering biennial renewal fee proposals from a variety of boards within the Bureau of Professional and Occupational Affairs, the House Professional Licensure Committee has suggested that the licensing boards set fee increases that are incremental over more than one biennial period. By this proposal, the Board would implement this suggestion. In addition to providing smaller increases for licensees, licensees benefit because the cost of promulgating biennial renewal fee regulations is saved.

Background and Purpose

The Board's current biennial license renewal fees for veterinarians and veterinary technicians were established in 2006. See 36 Pa.B. 4608 (August 19, 2006). At the time



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHYSICAL THERAPY**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134**

July 29, 2010

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

Re: Final Regulation
State Board of Physical Therapy
16A-6513: Continuing Education Providers

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Physical Therapy pertaining to Continuing Education Providers.

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 "James L. Clahane".

James L. Clahane, PT, Chairperson
State Board of Physical Therapy

JLC/TAB:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel & Senior Counsel in Charge
Department of State
Sabina I. Howell, Counsel
State Board of Physical Therapy
State Board of Physical Therapy

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

I.D. NUMBER: 16A-6513

SUBJECT: CONTINUING EDUCATION PROVIDERS

AGENCY: DEPARTMENT OF STATE
STATE BOARD OF PHYSICAL THERAPY

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
IRRC
200 JUL 29 A 10:20

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7/29/10	<i>Michael P. McGeehan</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
<hr/>		MAJORITY CHAIRMAN <u>Michael P. McGeehan</u>
7/29/10	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
<hr/>		MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
7/29/10	<i>K. Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
<hr/>		ATTORNEY GENERAL (for Final Omitted only)
<hr/>		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

July 21, 2010