

MICHAEL PATRICK MCGEEHAN

PROFESSIONAL LICENSURE COMMITTEE
MAJORITY CHAIRMAN



107 IRVIS OFFICE BUILDING
P.O. BOX 202173
HARRISBURG, PENNSYLVANIA 17120-2173
PHONE: (717) 772-4031
FAX: (717) 772-9862

7731 FRANKFORD AVENUE
PHILADELPHIA, PENNSYLVANIA 19136
PHONE: (215) 333-9760
FAX: (215) 333-5891

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

2791

September 21, 2010

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

RE: Final Regulation
Bureau of Professional and Occupational Affairs
16-44 – Schedule of Civil Penalties - Chiropractors

Dear Mr. Kaufman:

RECOMMENDATION: It is recommended the House Professional Licensure Committee approve Final Regulation 16-44.

1. The Committee questioned how the amounts of the new civil penalties were determined to assure that the goals are achieved.
 - The Board responded that in order to provide a significant deterrent against failing to complete the mandatory continuing education requirement in a timely manner, the maximum amount of civil penalty is appropriate and the penalties are consistent with those historically imposed by the Board.

RECEIVED
IRRC
2010 SEP 23 A 9 06

2. The Committee requested an explanation for the jeopardy of a licensee having to certify that he/she has complied with the mandated continuing education requirements on the biennial registration renewal and having the registration issued, when the licensee may have failed to complete the required amount of continuing education during the previous biennial renewal period. Is the licensee sanctioned for falsifying a biennial registration as well as failing to comply with the continuing education requirements?
 - The Board responded that under the current practice, a licensee must verify compliance with the continuing education requirements. In addition, the Board noted that it will revise its renewal forms to provide the alternative that the licensee has not completed the required amount of continuing education, but acknowledges that the licensee must pay a civil penalty and make up the deficiency within six (6) months.

3. The Committee requested an explanation for the failure to address a sanction for a second offense of practice on a lapsed license in compliance with continuing education and malpractice insurance requirements.
 - The Board responded that it chose to retain formal action as the means to address repeat offenders. In addition, the Board listed a number of State Boards that currently provide for formal action for a second offense violation.

4. The Committee requested information on how the Board monitors the six (6) month grace period within the new biennial period that the proposed §5.77(d) permits a licensee who has renewed his/her registration to make up any deficiency in continuing education and when the Board imposes the civil penalty for the failure to complete the continuing education requirement.
 - The Board responded that their administrative office will monitor completion by those licensees who renew without having completed the required amount of continuing education. In addition, the Board noted that they will also contact those licensees who have renewed without having completed the required amount of continuing education. If licensees do not provide the proper documentation stating that they fully satisfied the requirement, the matter will then be forwarded to the professional compliance office and the prosecution division to initiate disciplinary action.

Sincerely,



Michael P. McGeehan
Chairman, House Professional Licensure Committee