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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 25, 2009

Honorable Pedro A. Cortes, Secretary
Department of State
302 North Office Building
Harrisburg, PA 17120

Re: Regulation #16-44 (IRRC #2791)
Department of State
Schedule of Civil Penalties - Chiropractors

Dear Secretary Cortes:

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, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



Department of State Regulation #16-44 (IRRC #2791)

Schedule of Civil Penalties - Chiropractors

November 25, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the September 26, 2009 *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 Department of State (Department) to respond to all comments received from us or any other source.

House Professional Licensure Committee comment - Protection of the public health, safety and welfare; Clarity.

In a letter dated October 21, 2009, the House Professional Licensure Committee commented on the following issues:

- How were the amounts of the new civil penalties determined?
- Is the licensee sanctioned for falsifying a biennial registration as well as failing to comply with the continuing education requirements?
- The Department should explain the failure to address a sanction for a second offense relating to the violation for “practice on a lapsed license in compliance with CE and malpractice insurance requirements.”
- How is a licensee monitored for compliance after a civil penalty is imposed for a deficiency in continuing education?

We will review the Department’s responses to these issues in our consideration of whether the final-form regulation is in the public interest.



Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
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To: Elsa Mangual
Agency: Department of State
Phone: 7-6458
Fax: 7-1734
Date: November 25, 2009
Pages: 3

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2009 NOV 25 AM 8:43
INDEPENDENT REGULATORY
REVIEW COMMISSION

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Department of State's regulation #16-44 (IRRC #2791). 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: Karen Weiss Date: 11/25/09

Fax5

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