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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

2792

September 21, 2010

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

RECEIVED
IRRC
2010 SEP 23 A 9 06

RE: Final Regulation
State Board of Chiropractic
16A-4318: Continuing Education Violations

Dear Mr. Kaufman:

RECOMMENDATION: It is recommended the House Professional Licensure Committee approve Final Regulation 16A-4318.

1. 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 it will revise its renewal forms to provide an alternative to the current practice that the licensee verifies compliance with the continuing education requirements. The alternative will permit a licensee to renew without having completed the required amount of continuing education subject to paying a civil penalty and making up the deficiency within six (6) months. With this alternative arrangement, a licensee is not placed in a position of falsifying compliance with continuing education to have the license renew.

2. The Committee requested an explanation as to how a licensee makes up a continuing education deficiency after renewing a license but must provide proof of attendance at continuing education courses during the previous biennial registration period.
 - The Board responded that its intention was to reference the continuing education requirement of the previous biennium and not attendance. The Board revised the provision to clarify and explicitly acknowledge that continuing education may be completed in the current biennium, subject to the limitation that attendance at continuing education to reactivate an unregistered license cannot be applied to the requirement for the current biennium. In reviewing the proposed language, the Board realized some inconsistencies existed, and it was redrafted to be clearer.

3. 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 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 documentation showing that the licensee satisfied the continuing education required is provided within the six (6) month period, the matter ends. If the documentation is not provided, the matter will be forwarded to the professional compliance office and the prosecution division to initiate disciplinary action. It is assumed that the licensee who has renewed without completing the required continuing education will be subject to the Act 48 violation and civil penalty.

Sincerely,



Michael P. McGeehan
Chairman, House Professional Licensure Committee