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INDEPENDENT REGULATORY REVIEW COMMISSION

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

February 18, 2010

Mary E. Loftus, D.P.M., Chair
State Board of Podiatry
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4410 (IRRC #2811)
State Board of Podiatry
Continuing Education

Dear Ms. Loftus:

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
Honorable Pedro A. Cortes, Secretary, Department of State
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



State Board of Podiatry Regulation #16A-4410 (IRRC #2811)

Continuing Education

February 18, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the December 19, 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 State Board of Podiatry (Board) to respond to all comments received from us or any other source.

Section 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences. – Implementation procedures; Clarity.

This proposed rulemaking amends the Board's existing continuing education requirements by increasing the required clock hours from 30 to 50 in a biennial period. Thirty of those clock hours must be in courses and programs in podiatry approved by the Board or the Council of Podiatric Medical Education. The remaining 20 hours must be in courses or programs approved by those two organizations or in courses and programs in "related medical subjects" that are approved by the American Medical Association (AMA) or the American Osteopathic Association (AOA).

Both the existing and proposed rulemaking state that a licensee is responsible for ensuring that a course or program has been approved for continuing education credit prior to participating in the course or program. Although this is not a new requirement, we share the concern of the House Professional Licensure Committee and ask how a licensee can ensure that a course or program has been approved.

In addition, we believe the phrase "related medical subjects" is vague. How will a licensee know if a course approved by the AMA or the AOA meets the standard of being related to podiatry? We recommend that a more precise standard be included in the final-form regulation.

Facsimile Cover Sheet



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

To: Tom Blackburn
 Cynthia Montgomery
Agency: Department of State
 Licensing Boards and Commissions
Phone: 3-7200
 3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: February 18, 2010
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Podiatry regulation #16A-4410 (IRRC #2811). 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:

Kai Hunter

Date:

PROSECUTION DIVISION
 2010 FEB 18 AM 9:00

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