

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

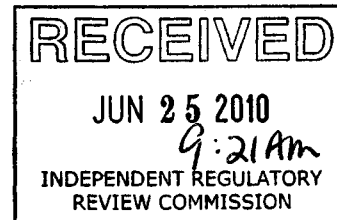
7731 FRANKFORD AVENUE
PHILADELPHIA, PENNSYLVANIA 19136
PHONE: (215) 333-9760
FAX: (215) 333-5891

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

2849

June 23, 2010

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



RE: Proposed Regulation
State Board of Osteopathic Medicine
16A-5320 - Perfusionist

Dear Mr. Kaufman:

RECOMMENDATION: It is recommended the House Professional Licensure Committee take no formal action until final regulations are promulgated and submit the following comments.

1. The Committee brings to the Board's attention that proposed Regulation 16A-5320 was published in the May 22, 2010 issue of the *Pennsylvania Bulletin*, approximately 101 days past the eighteen (18) months from the effective date of Act 20 of 2008.
2. The Committee requests an explanation as to how the Board will enforce Section 13.3 (a) of the Act. It reads: "[T]wo years after the effective date of this section, it shall be unlawful for any person to hold himself out to the public as a perfusionist or to practice or offer to practice perfusion unless the person holds a valid, current license issued by the board or the State Board of Medicine." Act 20 became effective on August 11, 2008 and the statutory two years expire on August 11, 2010.
3. The Committee requests an explanation of how the Board is notified when a temporary graduate perfusionist fails the Nationally-recognized certifying agency's certification examination upon which failure the license expires.
4. The Committee brings to the Board's attention that in §25.615(c), Application for temporary provisional perfusionist license, there is a reference to an application

for certification as a perfusionist. Act 20 of 2008 which amended the Osteopathic Medical Practice Act of 1978 provides for the licensure of perfusionists not certification.

5. The Committee recommends that, for consistency, language referring to various jurisdictional entities read “another state (even though, Commonwealth is used), U.S. territory or possession, the District of Columbia or another country” with similar descriptions for the courts.
6. The Committee requests an explanation as to how continuing education other than category I credit hours are quantified since it can include, in particular, reading or viewing medical journals, audio-visual, or other educational materials, participation in electronic forums.
7. The Committee questions why “working as a clinical or didactic instructor in an accredited school of perfusion” should earn continuing education credit. How many can be earned? Can a full-time instructor complete the entire amount of continuing education by working as a clinical or didactic instructor?
8. The Committee requests a rationale for not allowing some minimum amount of surplus continuing education credits from being carried over into the next biennial renewal period.
9. The Committee requests an explanation as to how the Board will handle the implementation of Section 13.3(g) of the Osteopathic Medical Practice Act. It permits licensure of an applicant who was not a graduate of an accredited program prior to 1981, but met the then-current eligibility requirements for certification as a certified clinical perfusionist and subsequently was certified within two years of the effective date of the Act which basically creates a “grandfather clause”. The Act 20 became effective on August 11, 2008 and the statutory two years expire on August 11, 2010. The time frame for notice and issuing licenses to those who may wish to take advantage of this opportunity is closing in quickly.

Sincerely,



Michael P. McGeehan
Chairman, House Professional Licensure Committee