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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

2904

September 28, 2011

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIR

CONSUMER AFFAIRS

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Fiona E. Wilmarth, Acting Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown 2, 333 Market Street
Harrisburg, PA

Dear Ms. Wilmarth,

Today the House Professional Licensure Committee voted to take no formal action on Proposed Regulation 16A-48 of the State Bureau of Professional and Occupational Affairs pertaining to schedule of civil penalties for accountants until final regulation is promulgated and to submit the following comments:

1. The Committee brings to the Board's attention that the asterisk and number sign format should not be used in formal regulations, as the committee is unaware of any previous usage in regulatory drafting. It is recommended that superscripts ¹ and ² be used for optimal clarity.
2. The Committee recommends more stringent penalties be applied in §§ 9.12(a), 9.12(c) and 9.12(j) as these offenses are considered violations of title protection for licensed CPAs, PAs and firms.
3. The Committee requests an explanation as to why firms operating when "not currently licensed" are not listed in the civil penalty section.
4. The Committee recommends under Pa. Code, Chapter 11 violations that when a second offense is adjudicated it should occur as a formal action and not simply an increased fine.
5. The Committee requests the Board more clearly distinguish between practicing on a lapsed license versus practicing without a license and make the penalties more severe for those who have never been licensed.

Sincerely,

Julie Harhart, Majority Chair
House Professional Licensure Committee

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