

**INDEPENDENT REGULATORY REVIEW COMMISSION  
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held April 4, 2013

Silvan B. Lutkewitte, III, Chairman  
George D. Bedwick, Vice Chairman  
John F. Mizner, Esq.  
Lawrence J. Tabas, Esq.  
Dennis A. Watson, Esq.

Order Issued April 15, 2013  
Regulation No. 16A-4320 (#2907)  
State Board of Chiropractic  
Licensure by Reciprocity

On September 6, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Chiropractic (Board). This rulemaking amends 49 Pa. Code § 5.13. The proposed regulation was published in the September 17, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 21, 2013.

According to the Board, the purpose of the rulemaking is to simplify the process for licensure by reciprocity, make clear what the standards are and permit more chiropractors to qualify for licensure.

Section 504 of the Chiropractic Practice Act (Act) (63 P.S. § 625.504) is entitled "Reciprocity." It allows the Board to grant licenses without further examination to individuals from other states and provinces of Canada if all of the following conditions are met:

- The standards for licensing in such states or provinces are substantially the same as those provided in the Act.
- Similar privileges are accorded persons licensed in this Commonwealth.
- The applicants hold valid licenses.
- The applicable rules and regulations prescribed by the Board are complied with.

The Board has eliminated language from § 5.13(a)(4) of the regulation that conveyed the requirement of section 504(2) of the Act (63 P.S. § 625.504(2)). The language being eliminated from the final-form regulation stated, "whose standards for licensure by examination are substantially equivalent to those required by the act and this chapter for licensure." We note that the following language was also eliminated from § 5.13(a)(4) during the proposed rulemaking stage, "accepts Pennsylvania licensees for licensure by reciprocity." These deletions nullify the "Similar privileges are accorded persons licensed in this Commonwealth" standard required by the Act. The deletions do not simplify the process of licensure by reciprocity, rather, they eliminate it completely from the regulation. This makes the regulation inconsistent with the Act and with the intent of the General Assembly.

We have determined that this regulation is not consistent with the intention of the General Assembly in the enactment of the statute upon which the regulation is based. Section 5.2(a) of the Regulatory Review Act (71 P.S. §745.5b(a)). Therefore, we find promulgation of this regulation is not in the public interest.

**BY ORDER OF THE COMMISSION:**

The regulation # 16A-4320 (IRRC # 2907) from the \_\_\_\_\_

State Board of Chiropractic

was disapproved on April 4, 2013.



A handwritten signature in black ink, appearing to read "Silvan B. Lutkewitte, III", is written over a horizontal line.

Silvan B. Lutkewitte, III, Chairman