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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

2952

July 27, 2012

David Sumner, Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, PA

Dear Mr. Sumner,


On behalf of the House Professional Licensure Committee we are writing to inform you the Committee wishes to take no formal action on Proposed Regulation 16A-5324 of the State Board of Osteopathic Medicine until final regulation is promulgated and to submit the following comments:

1. The Committee brings to the Board's attention that proposed Regulation 16A-5324 was published in the June 23, 2012 issue of the *Pennsylvania Bulletin*, approximately 803 days past the eighteen (18) months from the effective date of Act 19 of 2008. The regulations were due on April 12, 2010.
2. The Committee raises issue with the Board's language in § 25.806. The statute, Act 20 of 2008, clearly specifies that the out of state perfusionist must submit a notification of emergency practice with an acknowledgement that the out of state perfusionist is subject to the jurisdiction of the Board. The statute also clearly specifies that the health care facility must certify certain information to the Board. The Committee takes exception to the proposed regulatory language that combines notification by the perfusionist and the certification by the health care facility. The health care facility cannot acknowledge that the perfusionist is subject to the jurisdiction of the Board. Likewise, the perfusionist cannot certify certain information about the health care facility.
3. The Committee questions whether there is a fee for an out of state emergency service perfusionist registration.

4. The Committee requests that it be clarified whether an out of state emergency service perfusionist needs individual professional liability insurance or is covered by a facility policy and suggests the Board require proof of insurance prior to the perfusionist performing any services.
5. The Committee questions whether the District of Columbia should be added to a list of jurisdictions in §25.807 to be more consistent with language in § 25.809(c) (2).
6. The Committee recommends a typographical correction in § 25.810(b) (5) “complete” citation reference.
7. The Committee questions whether in § 25.810(b) (6) the word “sponsor” means continuing education provider as referenced in § 25.810(b)(1)(ii).
8. The Committee recommends that § 25.810(b) (11) *Documentation of continuing education* be corrected to read: *Proof of participation in a site visitors’ workshop or as an official site visitor consists of a letter from the ABCP* which would then be similar to language found in § 25.810(c) (1)(vii) *Continuing education activities*.
9. The Committee suggests that § 25.810 (b) (12) be written to read: *Proof of completion of continuing education shall be retained by a licensee for 5 years after completion of the continuing education or after the completion of the biennial registration period for which the continuing education was required, whichever is later.*
10. The Committee requests a response as to whether there are any sanctions for a licensee who fails to submit proof of meeting continuing education requirements upon the Board’s request pursuant to § 25.810(b)(13).
11. The Committee requests correction of a typographical error in § 25.811(c) which should read...after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage...

Sincerely,

  
Julie Harhart, Majority Chair  
Professional Licensure Committee

  
Harry Readshaw, Minority Chair  
Professional Licensure Committee

JH/mmgw

Cc: Wayne Crawford, Majority Committee Executive Director  
Sharon Engdahl, Majority Committee Analyst  
Marlene Tremmel, Minority Committee Executive Director