

Comments of the Independent Regulatory Review Commission



Bureau of Professional and Occupational Affairs

Regulation #16A-723 (IRRC #3069)

Schedule of Civil Penalties - Massage Therapists

October 15, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the August 16, 2014 *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 Bureau of Professional and Occupational Affairs (Bureau) to respond to all comments received from us or any other source.

Consistency with the Statute and Clarity.

As explained below, some of the citations to the Massage Therapy Law (Law) and the “Title / Description” are not clear. We ask the Bureau to review and amend the following for consistency with the statute and clarity:

- The first two citations to §§ 627.6(b)(i) and (ii) of the Law omit Paragraph (1) and should actually reference 63 P.S. §§ 627.6(b)(1)(i) and (ii).
- The reference to § 627.14 of the Law appears to be too broad. We presume it should be narrowed to § 627.14(a), based on the corresponding description.
- There is a citation to § 627.14(b) of the Law, but the corresponding description discusses an expired license, whereas the cited Law addresses the use of titles, and does not mention expiration of a license.
- Section 627.14(e) of the Law describes three conditions in the requirement to practice with “a valid, unexpired, unrevoked and unsuspended license.” However, the regulation only describes one category of a penalty for practicing on an expired license. The regulation should be consistent with the statute by including all three conditions set forth in the Law.