

# 3254



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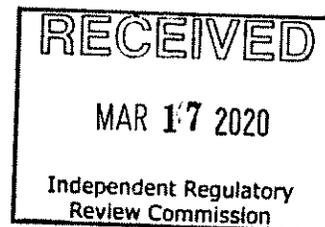
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March 17, 2020

Department of State  
State Board of Osteopathic Medicine  
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Harrisburg, PA 17106-9523  
[RA-STRegulatoryCounsel@pa.gov](mailto:RA-STRegulatoryCounsel@pa.gov)



Re: Regulation 16A-5334 (Fees)

To the Regulatory Counsel:

On behalf of the Pennsylvania Medical Society (PAMED), I want to thank the State Board of Osteopathic Medicine (Board) for the opportunity to comment on the proposed regulations regarding fees for licensees under the Board's jurisdiction.

PAMED understands that the Board is required to support its operations from the revenue it generates from fees and other sources. Further, it is required under the law that the Board increase fees when expenditures outpace revenues. Therefore, our concerns do not relate to the Board's proposed fee increases. Rather, our concerns relate to the proposal to initiate the changes effective with the biennial license period commencing in November 2020.

It is well-known and understood that Pennsylvania's regulatory process was not designed to be short. Instead, it was deliberately designed to take time in order to give both the regulator and the regulated community the opportunity to consider the impact of any regulatory package. As such, it is not uncommon for regulations to take two years or more to become effective from the time they are issued as proposed to the time they become final-form regulations.

With that said, PAMED is concerned that there is not enough time in which to implement the fee increases for the licensure renewal period that will commence in August/September of this year. As osteopathic physician licenses expire on October 31, 2020, the licensure renewal period will begin approximately 60 days prior to that date. Given that date, the licensure renewal period will open around August 31, 2020.

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The public comment period for this regulatory package ends on April 6, 2020. The Independent Regulatory Review Commission's (IRRC) comment period ends on May 6, 2020. The Board will have from May until August in which to: review and respond to all public and IRRC comments, have those responses and any changes to the regulations approved by the Board and all needed personnel within the Commonwealth, have the final-form regulations placed before IRRC for a vote and then published in the Pennsylvania Bulletin for implementation, all while the Board is communicating with its licensees about the possibility of a fee increase beginning with this licensure period.

Given those concerns, we respectfully ask the Board to address the following questions regarding this year's proposed fee increase:

1. Is there a date by which the Board must have the regulations approved for the fee increase to go into effect this year?
2. What is the Board's plan for this year's fee increase if the regulations are not promulgated by July or August of this year? Is the Board prepared to delay the opening of the licensure renewal period or cancel the fee increase for this year?
3. If the Board is prepared to delay the opening of the licensure renewal period, will the Board extend the expiration date of current licenses past October 31, 2020?
4. What is the Board's plan for this year's fee increase if the regulations are approved in September or October (after the licensure renewal period begins but before it ends) and some licensees have already submitted their renewal applications? Will the Board require those licensees to remit the balance of the fee increase or will those applicants be grandfathered under the old fee structure?
5. If revenues meet or exceed expenditures in future years, will the Board revisit the fee increases for the 2022 and 2024 renewal periods?

We understand the Board's need to raise fees over the coming years. However, we are concerned about the plan to try to enact fee increases for the upcoming licensure period when there is such a short timeframe in which to do so.

We thank you again for the opportunity to comment on these proposed regulations and we look forward to working with the Board to help facilitate the implementation of these regulations.

Sincerely,

*Lawrence R. John, M.D.*

Lawrence R. John, MD  
President

cc: Independent Regulatory Review Commission (via email)