

<h1 style="text-align: center;">Regulatory Analysis Form</h1> <p style="text-align: center;">(Completed by Promulgating Agency)</p> <p style="text-align: center;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED</b></p> <p><b>APR 27 2022</b></p> <p><b>Independent Regulatory Review Commission</b></p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Podiatry</p>		
<p>(2) Agency Number: 16A Identification Number: 4417</p>		<p>IRRC Number: 3257</p>
<p>(3) PA Code Cite:  49 Pa. Code §§ 29.60, 29.61 and 29.68</p>		
<p>(4) Short Title: Continuing Education</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):  Primary Contact: Todd P. Kriner, Board Counsel, State Board of Podiatry, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) <a href="mailto:todkriner@pa.gov">todkriner@pa.gov</a>  Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) <a href="mailto:jawolfgang@pa.gov">jawolfgang@pa.gov</a></p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation <input checked="" type="checkbox"/> <b>Final Regulation</b></p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The State Board of Podiatry ("Board") amends §§ 29.60, 29.61 and 29.68 (relating to definitions; requirements for biennial renewal and eligibility to conduct educational conferences; and continuing education exemptions) to update the Board's continuing education requirements.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Section 15 of the Podiatry Practice Act (act) (63 P. S. § 42.15) authorizes the Board to promulgate and enforce such rules and regulations to carry out the intent and purposes of the act. Section 9 of the act (63 P.S. § 42.9) requires licensees to apply for biennial renewal and submit evidence that the licensee completed "such hours of approved educational conferences as determined by the board by regulation." Thus, the Board has the authority to determine the number of hours of continuing education required for biennial renewal, and to set those hours by regulation. Additionally, section 9.1 of the act (63 P.S. § 42.9a) requires licensees to furnish evidence satisfactory to the Board that the licensee has completed mandated</p>		

continuing education and authorizes the Board to determine whether or not to approve proposed continuing education courses.

The act of December 22, 2021 (P.L. 488, No 100) was added to title 63 at 63 Pa.C.S. § 3107.1 (relating to virtual operation). 63 Pa.C.S. § 3107.1 requires licensing boards and commissions to establish rules and regulations for continuing education that provides for distance education if continuing education is required for license, certificate, registration or permit in a practice act. Additionally, 63 Pa.C.S. § 3102 defines distance education as instruction offered by any means where the licensee is in a separate physical location from the instructor and communication is accomplished through one or more technological media. The term includes real-time or delayed interaction using voice, video, data or text, including instruction provided online, via correspondence or interactive video.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Section 2(c) of Act 100 of 2021 (63 Pa.C.S. § 3107.1(c)) requires the Board to establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act. Otherwise, it is not mandated by any Federal or state law or court order, or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Board last updated its regulations related to continuing education at 40 Pa. B. 5805 (October 9, 2010). Inspired by the Governor Tom Wolf's initiative to reduce barriers to licensure and unnecessary burdens on licensees, this regulation eliminates the current restriction on the number of hours (currently limited to 10 hours) that may be completed through programs that involve the use of the Internet and permits an unlimited amount of continuing education credits to be obtained through distance education, consistent with a trend in licensure requirements in other states. As a safeguard to ensure appropriate education is received, the Board's regulations require a skills or knowledge assessment component for credit hours obtained through asynchronous distance education. The regulation will allow for a maximum of 10 clock hours in approved courses and programs that involve the use of reading professional journals. Finally, the regulations also add a continuing education exemption for newly licensed podiatrists and clarifies that individuals with a serious illness or demonstrated hardship may request an extension for all, or a portion, of their continuing education for a biennial renewal.

The regulation eliminates unnecessary burdens on licensees, while continuing to protect the public's health, safety and welfare through the continuing education requirements. It will benefit approximately 1,500 active podiatry licensees by reducing the costs associated with continuing education, as distance education courses are generally less costly than in-person courses and conferences. Continuing education courses vary depending on the provider, for example, the next PPMA (Pennsylvania Podiatric Medical Association) conference, May 2022 offers Credits for \$7.00 per credit to members, and \$9.00 per credit for non-members (total 25 credits being offered). The conference is being held in Atlantic City, from a Wednesday to a Saturday. Costs associated with attending the conference include meals, transportation, hotel stay, and closing the office for three business days. The hotel for this period (at a discounted rate) comes to a total of \$400, transportation and meals comes to a bare minimum of \$300 for most attendees. Accordingly, the cost is up to \$37/credit for non-members. Factoring in closing the office for three

business days, the Board assumes the minimum of \$157 per credit. In contrast, distance education has no cost for transportation, lodging, meals, or office closures. Present Podiatry offers a \$625 subscription that allows podiatrists to achieve over 150 credits online. When considering the 50 credits that are needed for renewal, this would equal approximately \$12.50 per credit. Podiatry Management Online sells blocks of courses for \$18.60 per credit. CME Online has online courses available for \$9-15 per credit (depending on memberships). PPMA sells online lectures for \$30 a credit for members. Accordingly, for purposes of this rulemaking, the Board assumes an average of \$157 per credit hour for in-person courses and \$17.02 per credit hour for online courses based on a review of available courses. Under the current limitation of 10 distance learning credits and applying the overall continuing education requirements of 50 credits, if a podiatrist completed 10 credits using distance education and 40 credits in person, it will result in each podiatrist paying \$6,450.20. However, for purposes of this rulemaking, the Board assumes that if the limitation on distance education is removed, podiatrists will increase the number of distance education courses from 10 to 50 hours each biennium. If a podiatrist is now permitted to spend \$17.02 for each of the 50 distance education credits, it will result in an overall expenditure of \$851 for each of the 1,500 podiatrists per biennium. This will result in an average savings of \$5,599.20 biennially or \$2,799.60 annually – a savings of \$4,199,400 annually for the regulated community of 1,500 podiatrists. This creates a more favorable environment for the regulated community by reducing the cost of continuing education. Distance education is not mandatory; podiatrists who prefer in person education will still be able to receive credit for in person continuing education.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No, there are no federal licensure standards for podiatrists.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

When comparing this regulation to the states in the Northeast region, Pennsylvania will be on the forefront of providing continuing education hours via distance education. Only four other states specifically provide for distance education: Delaware, Maine, Maryland, and New York. Similar to this regulation, Delaware and Maine both require a knowledge-based component in order to receive approval for the continuing medical education credits. Additionally, Delaware and New Jersey both provide for an exemption of continuing medical education credits for newly licensed podiatrists.

The regulation does not adversely affect Pennsylvania's ability to compete with other states, as the regulation makes Pennsylvania more attractive as it allows a licensee to obtain all of their continuing medical education credits through distance education and provides an exemption for the first renewal period for newly licensed podiatrists.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

All regulatory proposals are discussed at public meetings of the Board, which are routinely attended by representatives of the regulated community. The Board discussed this proposal at its February 15, 2017, June 20 and October 17, 2018, and August 21, 2019 meetings. In addition, on January 12, 2017, the Board released an “exposure draft” of the proposal to interested parties and stakeholders seeking informal comment prior to publication as proposed and no comments were received. A copy of the stakeholders that received the “exposure draft” is attached. See Attachment A. At the October 17, 2018, Board meeting, the Board voted to proceed with promulgating this rulemaking.

Following publication of this proposed rulemaking in the Pennsylvania Bulletin on May 30, 2020 (50 Pa. B. 2743), the Board received comments from state and national organizations and individual licensees throughout the Commonwealth. The state and national organizations, along with the support of the individual licensees, expressed their opposition to the regulation. In addition, IRRC reviewed the proposed regulation and provided comments and recommendations. The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The Board discussed and considered these public comments during public meetings held on August 19, 2020, October 21, 2020, December 16, 2020, and June 16, 2021, respectively, during which representatives from the regulated community, including the Pennsylvania Podiatric Medical Association (PPMA) were present. On June 16, 2021, the Board voted to proceed with promulgating this final rulemaking, incorporating suggestions and comments received from interested parties and stakeholders. On February 16, 2022, the Board discussed the regulation and the changes that were made to the final rulemaking to comport with 63 Pa.C.S. § 3107.1, which requires licensing boards and commissions to establish rules and regulations for continuing education that provides for distance education if continuing education is required for license, certificate, registration or permit in a practice act.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are approximately 1,500 licensed podiatrists that are impacted by the regulation. There is no negative impact on the regulated community, only a positive impact by permitting an unlimited number of distance education continuing education courses, which includes internet-based courses.

According to the Department of Labor & Industry’s Center for Workforce Information and Analysis, the majority of podiatrists (78%) work in offices of other health care practitioners. A minority of podiatrists are self-employed, work in offices of physicians, outpatient care centers, general medical and surgical hospitals and community care facilities for the elderly. A small number of podiatrists work for colleges, universities and professional schools and for the federal and state government.

For the business entities listed above, small businesses are defined in Section 3 of the Regulatory Review Act, Act 76 of 2012, which provides that a small business is defined by the U.S. Small Business Administration’s (SBA) Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where podiatrists work, a

small business in podiatrists' offices and offices of other health care practitioners is one with \$8 million or less in total income annually. Those podiatrists who work in physicians' offices are considered to work in a small business if the business has \$11.0 million or less in total income annually. Although the NAICS threshold for general medical and surgical hospitals is \$41.5 million and outpatient care centers are \$22 million, only a small number of podiatrists work in those facilities. In summary, based on the most recent data available (2019), most podiatrists appear to work in small businesses. As many as 1,500 small businesses could be impacted by the regulation. As indicated above, the economic impact of this regulation is a positive one for podiatrists and small businesses because this regulation allows podiatrists to complete distance education for all of the required continuing education, which will have a positive impact because travel and accommodations are not necessary, and the cost of each credit hour will be reduced. To the extent that there is an economic impact on businesses, the regulation's impact will only extend to those businesses if the employer voluntarily assumes the cost of continuing education. It would, therefore, be up to each individual business to determine the benefit of paying their employees' licensing fees.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 1,500 licensed podiatrists that will be required to comply with the regulation. By allowing an unlimited amount of continuing education credits to be obtained through distance education, the regulations provide additional flexibility and will lessen the burden to licensees.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulation will have a positive financial and economic impact on licensed podiatrists and small businesses that employ them because it provides more flexibility by allowing distance education which is also generally less costly. At the same time, no negative social impact is anticipated as licensees will still be required to obtain 50 clock hours of continuing education per biennial renewal and as a safeguard to ensure appropriate education is received, the Board's regulations require a skills or knowledge assessment component for credit hours obtained through asynchronous distance education. The Board also recognizes that under the current regulations most, but not all, podiatrists are exempt from continuing education in the first biennial period in which they are licensed because most podiatrists enter a residency program. The regulation provides for a similar exemption for those podiatrists who do not enter residency programs, thus, having a positive financial and economic impact on the newly licensed podiatrists and the small businesses that employ them.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Because the Board could discern no costs or adverse effects of this final regulation, the benefits of reducing unnecessary burdens on podiatrists outweigh any perceived adverse effect to the public; thus, keeping with recent innovations in course delivery online, the elimination of the 10-hour restriction will not adversely affect the quality of the continuing education taken by podiatrists overall. Additionally, the exemption from continuing education will have a positive financial and economic impact on the newly licensed podiatrists and the small businesses that employ them.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation eliminates unnecessary burdens on licensees while continuing to protect the public's health, safety and welfare through the continuing education requirements. This regulation will not require any additional legal, accounting or consulting procedures. It will benefit approximately 1,500 active podiatry licensees by eliminating the 10-hour restriction on distance education courses because they are less costly than in-person courses and conferences. The costs associated with continuing education courses varies widely depending on the provider, however, for purposes of this rulemaking, the Board assumes an average of \$157 per credit hour for in-person courses and \$17.02 per credit hour for online courses based on a review of available courses. Under the current limitation of 10 distance education credits, if a podiatrist completed 10 credits using distance education, and 40 credits in person, it will result in each podiatrist paying \$6,450.20. However, for purposes of this rulemaking, the Board assumes that if the limitation on distance education is removed, podiatrists will increase the number of distance education courses from 10 to 40 hours each biennium. If a podiatrist is now permitted to additional distance education credits at a cost of \$17.02 for each of the 40 distance education credits, this will result in an overall expenditure of \$680.80 for each of the 1,500 podiatrists per biennium. This will result in an average savings of \$5,599.20 biennially or \$2,799.60 annually – a savings of \$4,199,400 annually for the regulated community of 1,500 podiatrists. This creates a more favorable environment for the regulated community by reducing both the amount of required continuing education and the cost. Additionally, the regulation adds a continuing education exemption for newly licensed podiatrists, which would save newly licensed podiatrists \$1,000 in their first biennial period. Further, the regulation clarifies that individuals with a serious illness or demonstrated hardship may request an extension for all, or a portion, of their continuing education for a biennial renewal.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The final regulation does not have any fiscal impact on local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs to state government related to implementation of the regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The regulation does not necessitate any legal, accounting, reporting or other paperwork requirements, as electronic license renewal has already been implemented and licensees are already required to maintain certificates of attendance and other documentation evidencing completion of continuing education.

(22a) Are forms required for implementation of the regulation?

In October of 2016, the Bureau launched the Pennsylvania Licensing System (PALS), which provides for an online application and biennial renewal system. The online biennial renewal forms do not contain the required number of continuing education credits, but PALS biennial renewal forms contain information to consult the Board's online continuing education guide for this information. A copy of the modifications to the Board's online continuing education guide is attached. See Attachment B.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

See the attached copy of the modification to the Board's online continuing education guide.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

Note; Numbers updated.	Current FY 21-22	FY +1 22-23	FY +2 23-24	FY +3 24-25	FY +4 25-26	FY +5 26-27
<b>SAVINGS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$4,199,400	\$4,199,400	\$4,199,400	\$4,199,400
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$4,199,400	\$4,199,400	\$4,199,400	\$4,199,400
<b>COSTS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 17-18 (Actual)</b>	<b>FY -2 18-19 (Actual)</b>	<b>FY -1 19-20 (Actual)</b>	<b>Current FY 21-22 (Budgeted)</b>
<b>State Board of Podiatry</b>	\$217,344.96	\$335,000.00	\$349,232.07	\$358,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no adverse impact on small business as the regulation impacts licensees in a positive manner.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No groups with particular needs have been identified.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternatives have been considered as the regulation only proposes minor revisions to the requirements. The Board considers the proposed rulemaking as the least burdensome acceptable alternative consistent with the public health, safety and welfare.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Because there is no adverse impact on small business, the Board did not conduct a regulatory flexibility analysis.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The only data utilized in developing this regulation is summarized in the Executive Order 2017-03 Report – Review of State Professional and Occupational Licensure Board Requirements and Processes. The report can be viewed at:  
<https://www.dos.pa.gov/ProfessionalLicensing/Documents/EO2017-03-Executive-Report-Occupational-Licensing.pdf>.

The description of the data gathering methods are available in the report.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days
- B. The date or dates on which any public meetings or hearings will be held: The Board discussed this proposal at regularly scheduled Board meetings on February 15, 2017, June 20 and October 17, 2018, August 21, 2019, October 21, 2020 and December 16, 2020, February 17, 2021, April, 21, 2021, June 16, 2021, October 20, 2021, December 15, 2021, and February 16, 2022. All regulatory proposals are discussed in public Board meetings. The Board meets in public session 5-6 times annually (see schedule below.)
- C. The expected date of delivery of the final-form regulation: Spring of 2022
- D. The expected effective date of the final-form regulation: Upon publication as final
- E. The expected date by which compliance with the final-form regulation will be required: Upon publication as final
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board regularly evaluates the effectiveness of its regulations. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations, causing the Board to evaluate the impact and necessity of regulations. The Board meeting dates for 2022 are February 16, April 20, June 15, August 17, October 19, and December 21, 2022.

# Attachment A

Organization	Name	E-mail Address	Address 1	Address 2	City, State Zip	Phone	Fax
Pennsylvania Podiatric Medical Association		<a href="mailto:info@ppma.org">info@ppma.org</a>	757 Poplar Church Road		Camp Hill, PA, 17011	717-763-7665	717-761-4091
Pennsylvania Podiatric Medical Association	Mike Davis, Executive Director	<a href="mailto:mqu2@aol.com">mqu2@aol.com</a>	757 Poplar Church Road		Camp Hill, PA, 17011	717-763-7665	717-761-4091
Pennsylvania Podiatric Medical Association	Lindy Kelsey, Receptionist	<a href="mailto:lindy@ppma.org">lindy@ppma.org</a>	757 Poplar Church Road		Camp Hill, PA, 17011	717-763-7665	717-761-4091
The Hospital and Healthsystem Association of Pennsylvania	Jeff Bechtel, Senior Vice President, Health, Economics & Policy	<a href="mailto:jbechtel@haponline.org">jbechtel@haponline.org</a>	4750 Lindle Road	P.O. Box 8600	Harrisburg, PA 17105-8600	717-561-5345	
The Hospital and Healthsystem Association of Pennsylvania	Scott Bishop, Senior Vice President, Legislative Advocacy (MCARE)	<a href="mailto:sbishop@haponline.org">sbishop@haponline.org</a>	4750 Lindle Road	P.O. Box 8600	Harrisburg, PA 17105-8600	717-561-5345	
Temple University School of Podiatric Medicine	Dean John Mattiacei	<a href="mailto:jmattiac@tuupm.temple.edu">jmattiac@tuupm.temple.edu</a>	148 N. 8th Street		Philadelphia, PA 19107	215-629-0300	
American Podiatric Medical Association, Inc.	Scott Haag, JD, Director for State Advocacy	<a href="mailto:shaag@apma.org">shaag@apma.org</a>	9312 Old Georgetown Road		Bethesda, MD 20814-1621	301-581-9230	301-571-4903
American Podiatric Medical Association, Inc.	Dr. James Christina, Executive Director	<a href="mailto:jchristina@apma.org">jchristina@apma.org</a>	9312 Old Georgetown Road		Bethesda, MD 20814-1621	301-581-9230	301-571-4903
American Board of Podiatric Medicine	Marc A. Benard, DPM, Executive Director	<a href="mailto:mabnard@ABPMed.org">mabnard@ABPMed.org</a>					
PA Business Council	Dave Patti	<a href="mailto:dpatti@pabusinesscouncil.org">dpatti@pabusinesscouncil.org</a>					
PA Medical Society	Larry Light	<a href="mailto:light@pamedsoc.org">light@pamedsoc.org</a>					

# Attachment B

## STATE BOARD OF PODIATRY

### CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS

In order to renew a license, a podiatrist must have completed 50 hours of CME during the immediately preceding two-year license period. A license period runs from January 1 of an odd-numbered year through December 31 of the next even-numbered year.

- **Effective January 1, 2015**, Per Act 31 of 2014, two (2) hours of Board-approved continuing education in child abuse recognition and reporting requirements must be completed for renewal or reactivation of a license. Details and a list of Board-approved providers can be found at [www.dos.pa.gov](http://www.dos.pa.gov). Verification of completion must be sent electronically and directly from the course provider. It may take up to 7 days for the provider to submit the records to the Board's office.  
**\*ACT 31 OF 2014 APPLIES REGARDLESS OF WHETHER A LICENSEE IS SUBJECT TO ANY OTHER CONTINUING EDUCATION REQUIREMENTS OF THE BOARD.**
- **Effective January 1, 2017**, Section 9.1(a)(2) of ABC-MAP\* requires that all prescribers or dispensers, as defined in Section 3 of ABC-MAP, complete at least two hours of continuing education in pain management, the identification of addiction or in the practices of prescribing or dispensing of opioids as a portion of the total continuing education required.
  - The required continuing education is part of the total required and must be taken from a Board-approved continuing education provider.
  - \*The Achieving Better Care by Monitoring All Prescriptions Program Act (ABC-MAP) (Act 191 of 2014, as amended) is available on the Legislature's website at: <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=191>
- At least 30 CME hours must be in courses or programs that fall within the scope of podiatric medicine and are approved by the Board or the Council on Podiatric Medical Education ([www.cpme.org](http://www.cpme.org)).
- The remaining 20 CME hours may be in courses and programs that are in related medical subjects pertinent to the practice of podiatry, and are approved by the American Medical Association, the American Osteopathic Association, the Board, or the Council on Podiatric Medical Education or offered by an accredited school or college of podiatric medicine.
- A maximum of 10 CME hours may be obtained through approved programs and courses that involve the review of professional journals.
- **All CME hours may be obtained through distance education.**

#### The following categories of podiatrists are wholly or partially exempt from podiatric CME:

- A licensee who holds an **active/retired license** and who provides care only to immediate family members shall be exempt from continuing medical education.
- A podiatrist who has never been previously licensed in any jurisdiction is exempt from continuing education for the first renewal period immediately following licensure in this Commonwealth.
- A podiatrist who was enrolled in a podiatric residency program (during the biennial renewal period) approved by the Council on Podiatric Medical Education is exempt from continuing education.
- A podiatrist who was on active military duty, whether in the United States or elsewhere, during the biennial renewal period is exempt from continuing education.

Podiatrists who are exempt from podiatric continuing education are not exempt from:

- **2 hours of child abuse recognition and reporting requirements; and**

- *2 hours of continuing education in pain management, the identification of addiction or in the practice of prescribing or dispensing of opioids.*

**The following procedures govern the waiver of CME for non-exempt podiatrists:**

- The Board may grant a waiver of all or part of the CME requirement, on a case-by-case basis, in circumstances involving serious illness or other documented hardship, provided that the granting of the waiver will not jeopardize the public safety and welfare.
- A podiatrist seeking a waiver of CME must submit a written request to the Board together with a \$50 processing fee (no fee for a military waiver request). The waiver request must set forth in detail the circumstances that prevent compliance with the CME requirement and must include appropriate documentation.
- The waiver request should be submitted to the Board 90 days prior to the end of the biennial renewal period for which the waiver is being sought.
- The Board will provide written notification of its granting or denial of a waiver request.

**Additional information regarding the continuing medical education requirements and the Board's regulations may be found on the Board's website at [www.dos.pa.gov/pod](http://www.dos.pa.gov/pod).**

**PLEASE NOTE: THE BOARD DOES NOT RECOMMEND ANY SPECIFIC CME COURSES.**

**IT IS THE LICENSEE'S RESPONSIBILITY TO MAINTAIN/TRACK THEIR PERSONAL CME CREDIT HOURS.**

**LICENSEE SHALL RETAIN PROOF OF COMPLETION OF CME FOR AT LEAST 5 YEARS AFTER COMPLETION OF THE CME OR AFTER THE COMPLETION OF THE BIENNIAL REGISTRATION FOR WHICH THE CME WAS REQUIRED, WHICHEVER IS LATER.**

CDL-1

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

RECEIVED

APR 27 2022

Independent Regulatory  
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Podiatry</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-4417</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY:  Michael J. Paris/D.P.M</p> <p>TITLE <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY:  (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>April 19, 2022</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PODIATRY

49 PA. CODE CHAPTER 29

Continuing Education

The State Board of Podiatry (Board) hereby amends §§ 29.60, 29.61 and 29.68 (relating to definitions; requirements for biennial renewal and eligibility to conduct educational conferences; and continuing education exemptions).

***Effective Date***

The amendments will be effective upon publication of this final-form in the *Pennsylvania Bulletin*.

***Statutory Authority***

Section 15 of the Podiatry Practice Act (act) (63 P. S. § 42.15) authorizes the Board to promulgate and enforce such rules and regulations to carry out the intent and purposes of the act. Section 9 of the act (63 P.S. § 42.9) requires licensees to apply for biennial renewal and submit evidence that the licensee completed “such hours of approved educational conferences as determined by the board by regulation.” Thus, the Board has the authority to determine the number of hours of continuing education required for biennial renewal, and to set those hours by regulation. Additionally, section 9.1 of the act (63 P.S. § 42.9a) requires licensees to furnish evidence satisfactory to the Board that the licensee has completed mandated continuing education and authorizes the Board to determine whether or not to approve proposed continuing education courses.

The act of December 22, 2021 (P.L. 488, No 100) (Act 100) was added to title 63 at 63 Pa.C.S. § 3107.1 (relating to virtual operation). 63 Pa.C.S. § 3107.1 requires licensing boards and commissions to establish rules and regulations for continuing education that provides for distance education if continuing education is required for license, certificate, registration or permit in a practice act. Additionally, 63 Pa.C.S. § 3102 defines distance education as instruction offered by any means where the licensee is in a separate physical location from the instructor and communication is accomplished through one or more technological media. The term includes real-time or delayed interaction using voice, video, data or text, including instruction provided online, via correspondence or interactive video.

***Background and Purpose***

The Board last updated its regulations related to continuing education at 40 Pa. B. 5805 (October 9, 2010). Now, this rulemaking seeks to eliminate unnecessary burdens on licensees, while continuing to protect the public’s health, safety and welfare through the continuing education requirements. Inspired by the Governor Tom Wolf’s initiative to reduce barriers to licensure and unnecessary burdens on licensees, the Board initially proposed to reduce the number of required continuing education credits from 50 hours per biennial renewal to 45 hours. However, in consideration of comments received, the Board decided not to reduce those hours.

The final-form regulation also eliminates the current restriction on the number of hours (currently limited to 10 hours) that may be completed through distance education courses and programs. The final-form rulemaking allows for an unlimited amount of continuing education

credits through distance education, consistent with trends in licensure requirements in other states. Notably, through 63 Pa.C.S. § 3107.1, the legislature expressed its intent to modernize the approach to continuing education by requiring that Boards under the Bureau of Professional and Occupational Affairs (Bureau) offer licensees the opportunity to receive distance education. As a safeguard to ensure appropriate education is received, the Board’s regulations require a skills or knowledge assessment component for credit hours obtained through asynchronous distance education.

The regulation also adds a continuing education exemption for newly licensed podiatrists and clarifies that individuals with a serious illness or demonstrated hardship may request an extension for all, or a portion, of their continuing education for a biennial renewal.

***Summary of Comments to the Proposed Rulemaking; the Board’s Response and Description of Amendments to the Final-form Rulemaking***

Notice of proposed rulemaking was published at 50 Pa.B. 2743 (May 30, 2020). Publication was followed by a 30-day public comment period. The Board received comments and objections from state and national organizations and individual licensees throughout the Commonwealth. The state and national organizations and nine individual licensees expressed opposition to three provisions of the proposed regulation. In addition, IRRC reviewed the proposed regulation and provided comments and recommendations. The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

***Public Comments***

The Pennsylvania Podiatric Medical Association (PPMA) has over 850 members who are doctors of podiatric medicine. PPMA expressed opposition regarding three issues: 1) the reduction of the number of continuing education hours from 50 to 45; 2) the expansion of distance education; and 3) providing credit hours for reading of professional journals. Nine podiatrists, including the current President of the Podiatric Medical Assurance of Pennsylvania, a past president of the Pennsylvania Podiatric Medical Association, and a clinical professor from Temple University and current PPMA board member submitted comments supporting PPMA comments and objections. One of these commentators noted that it is not the time to reduce the time or quality of continuing education given the expanded scope of practice granted by the Governor to podiatrists during the COVID-19 crisis. Additionally, the American Podiatric Medical Association (APMA) submitted a comment supporting the PPMA comments regarding the reduction of continuing education hours and also citing the profession’s proud history of obtaining parity with its allopathic and osteopathic colleagues, which APMA asserts is due to the profession being successful in demonstrating that education, training, and experience of podiatrists is similar to that of allopathic and osteopathic physicians. APMA also recommended that the Board’s regulations more closely align with the Counsel of Podiatric Medical Education (CPME) guidance on the issue of journal reading.

Regarding the comments opposing the reduction in continuing education credit hours, PPMA asserts that it runs afoul of the agreement established by the stakeholders involved in the

creation of Act 13 of 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.10 1, et seq). PPMA explained that podiatrists participate in the MCARE Fund, which means that each year the amount of each judgment and settlement reached in all claims against doctors of podiatric medicine, medical doctors, osteopathic medical doctors and hospitals are aggregated and assessed to each licensee in the form of the MCARE Assessment. As a result, PPMA asserted that podiatry has an inherent interest in patient safety and risk management practiced by medical doctors and osteopathic doctors and by the same token they have an inherent interest in podiatric patient safety practices and risk management; therefore, reducing the number of continuing education hours runs contrary to their established relationship with other MCARE Fund participants. Additionally, PPMA asserts that it does not see the current 50-hour continuing education requirement as a barrier or burden, that there is no factual basis upon which to reduce the required continuing education hours, and that the current requirement is actually below the relevant surrounding states. In response, the Board carefully considered the comments regarding the required number of credits and as a result will not be reducing the continuing education credits to 45 hours. Instead, the Board amends the final-form rulemaking to return to the 50-hour biennial credit requirement.

PPMA and nine individual podiatrists oppose the elimination of the 10-hour limitation on continuing education hours provided through distance education. PPMA bases its objection on several factors, including the value of face-to-face interaction and concerns about the quality and breadth of distance education. Notably, APMA does not oppose the Board's decision to allow for unlimited distance education continuing education hours.

The final-form rulemaking gives the licensee the option to obtain the continuing education requirements in person or through distance education. With the national and world trend moving rapidly toward advancing health information technology and remote monitoring and education, the Board anticipates that the quality of education will be enhanced as organizations will be keeping the bar high with a wide variety of topics for in person and distance education. Moreover, in enacting Act 100, the General Assembly provided boards with the flexibility to determine the appropriate amount of distance education. Additionally, providing licensees with the option of completing all continuing education credits through distance education is consistent with the State Board of Medicine (Medical Board) and State Board of Osteopathic Medicine (Osteopathic Board) continuing education requirements. The Medical Board requires 100 credit hours of continuing medical education. 49 Pa. Code § 16.19 (relating to continuing medical education). The Medical Board relies upon the American Medical Association (AMA) Physician's Recognition Award (PRA) and its related credit system for continuing medical education credit, which provides for live in person, live internet webinars, internet point of care learning via a database of accredited courses, and unstructured online searching and learning. The Osteopathic Board also requires 100 credit hours of continuing medical education. 49 Pa. Code § 25.271.(c) (relating to requirements for renewal). The Osteopathic Board relies upon the American Osteopathic Association (AOA) and its related credit system for continuing medical education credit, which provides both internet based interactive and non-interactive continuing education.

The Board submits that the final-form rulemaking provides sufficient safeguards with regard to the quality of continuing education in that the regulations require at least 30 clock hours in courses and programs in podiatry approved by the Board or approved by the Council of Podiatric Medical Education. The remaining clock hours must be in courses and programs in medical subjects pertinent to the practice of podiatry, approved by the American Medical Association, American Osteopathic Association, the Board or CPME, or offered by an accredited school or college of podiatric medicine. Therefore, the Board is ensuring that licensees maintain competencies specific to podiatry in order to protect public health, safety and welfare. To address the concern that licensees may not engage or pay attention during asynchronous distance education, the Board's final-form rulemaking requires a skills or knowledge assessment component to verify licensees receive and understand the appropriate level of education through asynchronous distance education programs. Synchronous distance learning is real-time interaction and is comparable to in person learning; therefore, a skills or knowledge assessment component is not necessary.

To clarify the definition of distance learning, the Board added and amended definitions in § 29.60. To provide consistency between the Board's regulations and 63 Pa.C.S. § 3102, the Board replaced the term distance learning with distance education. Additionally, the Board adopted the definition of distance education set forth in 63 Pa.C.S. § 3102. These revisions do not have a substantive impact, but rather, merely provide consistency in the terms and definitions. The Board added a definition of asynchronous and synchronous distance education to clarify that only asynchronous education requires a skills or knowledge assessment component.

Regarding journal reading, PPMA and other commentors oppose the proposed amendment that would allow up to 10 clock hours for the reading of professional journals. The Board considered the comments of PPMA and APMA. In doing so, the Board considered CPME Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine, which does not permit granting of CE for unsupervised study or assigned reading but allows for continuing education to utilize instructional materials including, but not limited to journals. Given the concerns raised by the commentors, the Board decided to amend the final-form rulemaking in § 29.61(a)(3) to stay consistent with CMPE's Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine. Accordingly, the Board revised this provision to allow for a maximum of 10 clock hours in approved courses and programs that involve the use of reading professional journals, which is consistent with CMPE standards. In its comment, PPMA recommended adding a definition of professional journal; however, because the Board has reverted to its existing standard on the reading of professional journals, a definition for the term professional journal is unnecessary.

***Comments from the Independent Regulatory Committee (IRRC)***

IRRC asked that the board to explain how the total number of required continuing education hours and the maximum number of hours permitted to be obtained through distance education protects the public health, safety and welfare. The Board has addressed this above in responding to PPMA's comments. As noted above, the Board amended the final-form rulemaking

to return to the 50-hour biennial credit requirement. Regarding the number of hours permitted to be obtained through distance education, as explained in detail above, the Board believes that allowing licensees the option to use distance education is a step towards modernizing the Board's approach to continuing education and puts Pennsylvania on par with other states and other boards within the Bureau.

With respect to the Board's proposed restructuring of section 29.61(a)(3) regarding professional journals, IRRC reiterated PPMA's concern that the Board's proposed amendments to this section may diminish the quality of continuing education. As discussed under Public Comments above, given the concerns regarding the proposed amendments from PPMA, APMA and IRRC, the Board made revisions in the final-form rulemaking to revert to the original, existing regulatory language that is consistent with CMPE standards and requirements.

IRRC also asked the Board to address the statutory authority for exempting an individual for the first renewal period, which could exceed a calendar year. Section 42.9a of the act exempts an individual for an initial registration during the calendar year in which the application for license is made, provided the applicant graduates from an accredited school of podiatric medicine and surgery during the calendar year. Section 42.9 of the act requires licensees to apply for biennial renewal and submit evidence that the licensee completed "such hours of approved educational conferences as determined by the board by regulation." Exempting individuals for the first renewal period meets the requirements of section 42.9a, but the Board has chosen to also use its authority to determine the number of hours of continuing education required for biennial renewal, and to set those hours by regulation. Under this broad authority, the Board in § 29.68 has set the number of credit hours for the first biennial registration at zero. The Board recognizes that under the current regulations most, but not all, podiatrists are exempt from continuing education in the first biennial period in which they are licensed because most podiatrists enter a residency program. Section 29.68(e) merely provides for a similar exemption for those podiatrists in Pennsylvania who do not enter residency programs. Furthermore, this regulation aligns with both the Medical and Osteopathic Boards which both provide that a physician applying for licensure in this Commonwealth for the first time shall be exempt from the continuing medical education requirement for the biennial renewal period following initial licensure. Accordingly, consistent with the statutory authority in section 42.9 of the act, all podiatrists will be exempt for the first calendar year and the remainder of the biennial renewal period.

*Miscellaneous clarity*

Lastly, IRRC asks the Board to amend the name of the body which approves the Podiatric Residency Program. That entity is CPME, not the American Podiatry Association. For clarity, the board has added this acronym to the definitions in § 29.60. Additionally, the American Podiatry Association is now the American Podiatric Medical Association. The Board made corrections to the final-form rulemaking consistent with IRRC's comment.

*Fiscal Impact*

There is no fiscal impact on the Commonwealth or its political subdivisions associated with this regulation. There is a positive fiscal impact on licensees due to the elimination of the restriction in the amount of distance education courses and programs that can be completed. Licensees will have the option of choosing whichever type of continuing education is preferable and if the cost of distance education is higher, the licensee has the option of choosing in person learning if that is less expensive.

### ***Paperwork Requirements***

The regulation does not necessitate any legal, accounting, reporting or other additional paperwork requirements. Licensees are already required to retain certificates of attendance documenting completion of continuing education.

### ***Sunset Date***

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

### ***Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the HPLC and the SCP/PLC. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC and the public. The Board received no comments from the HPLC or the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on April 27, 2022, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a (g)(3) and (j.2)), on \_\_\_\_\_, 2022, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC Under section 5.1(e) of the Regulatory Review Act, the IRRC met on \_\_\_\_\_, 2022, and approved the final-form rulemaking.

### ***Additional Information***

Additional information may be obtained by contacting Nichole Wray, Administrator, State Board of Podiatry, P. O. Box 69523, Harrisburg, PA 17106-9523, or by email at [ST-PODIATRY@pa.gov](mailto:ST-PODIATRY@pa.gov).

### ***Findings***

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 50 Pa.B. 2743.
- (4) This final-form regulation is necessary and appropriate for administration and enforcement of the act.

*Order*

The Board orders that:

- (a) The regulations of the Board at 49 Pa. Code, Chapter 29, are amended by amending §§ 29.60, 29.61 and 29.68 to read as set forth in Annex A.
- (b) The Board shall submit this final-form rulemaking to the Office of General Counsel and to the Office of Attorney General as required by law.
- (c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC for approval as required by law.
- (d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form rulemaking shall take effect immediately upon publication in the Pennsylvania Bulletin.

Dr. Michael L. Paris, D.P.M.  
Board Chair

16A-4417: Continuing Education  
List of Public Commentators

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ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY

\* \* \* \* \*

CONTINUING EDUCATION

§ 29.60. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*ASYNCHRONOUS DISTANCE EDUCATION* – FORM OF DISTANCE EDUCATION THAT DOES NOT PROVIDE FOR REAL-TIME INTERACTION BETWEEN THE LEARNER AND INSTRUCTOR.

*Biennium* – The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

*Certification* – A statement signed by the licensee certifying that continuing education requirements have been met [along with information and documentation relative to the course].

*Clock hour* – Sixty minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

*CPME* – COUNCIL ON PODIATRIC MEDICAL EDUCATION

~~*Distance learning* – An education process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor. Examples include online~~

~~learning, correspondence courses and webinars.~~ *DISTANCE EDUCATION* — INSTRUCTION OFFERED BY ANY MEANS WHERE THE LICENSEE IS IN A SEPARATE PHYSICAL LOCATION FROM THE INSTRUCTOR AND COMMUNICATION IS ACCOMPLISHED THROUGH ONE OR MORE TECHNOLOGICAL MEDIA. THE TERM INCLUDES REAL-TIME OR DELAYED INTERACTION USING VOICE, VIDEO, DATA OR TEXT, INCLUDING INSTRUCTION PROVIDED ONLINE, VIA CORRESPONDENCE OR INTERACTIVE VIDEO.

*Provider*—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

*SYNCHRONOUS DISTANCE EDUCATION* — FORM OF DISTANCE EDUCATION THAT PROVIDES FOR REAL-TIME INTERACTION BETWEEN THE LEARNER AND INSTRUCTOR.

**§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.**

(a) [Effective with the renewal of licensure for the 2011-2012 biennium, a] A licensee applying for biennial renewal of a license shall have completed ~~{50}~~ ~~45~~ 50 clock hours of continuing education in approved courses and programs during the preceding biennium[.], in accordance with the following:

- (1) At least 30 [of the] clock hours must be in courses and programs in podiatry [that are] approved by the Board under § 29.64 (relating to applications for approval of educational conferences) or approved by the Council on Podiatric Medical Education (CPME) CPME.

(2) The remaining clock hours must be [either in courses and programs in podiatry that are approved by the Board or the CPME or] in courses and programs in medical subjects [that are] pertinent to the practice of podiatry approved by the American Medical Association, [or] the American Osteopathic Association, the Board, or the CPME, or offered by an accredited school or college of podiatric medicine.

(3) A maximum of 10 clock hours may be in [approved courses and programs that involve the use of the Internet or the] APPROVED COURSES AND PROGRAMS THAT INVOLVE THE USE OF reading [of] professional journals [or magazine articles].

(4) Clock hours may be obtained by completing approved SYNCHRONOUS OR ASYNCHRONOUS distance learning DISTANCE EDUCATION courses and programs.  
~~Clock hours that are obtained through distance learning courses and programs shall only be eligible for clock hours if successful completion of the distance learning course or program includes completion of a skill or knowledge assessment component.~~ APPROVED ASYNCHRONOUS DISTANCE EDUCATION COURSES OR PROGRAMS MUST INCLUDE A SKILL OR KNOWLEDGE ASSESSMENT COMPONENT IN ADDITION TO ALL OTHER REQUIREMENTS.

(5) Continuing education credit will not be awarded for [clock hours] courses or programs in office management or marketing the practice.

(6) Excess clock hours may not be carried over to the next biennium.

(7) Continuing education courses completed in accordance with a disciplinary order of the Board may not be used to meet the biennial continuing education requirement.

(8) A licensee who wishes to use a course or program for continuing education credit

toward licensure renewal is responsible for ensuring that a particular course or program is approved for continuing education credit prior to participating in the course or program.

- (b) Providers approved by the Board are eligible to conduct educational conferences.
- (c) Applicants for license renewal shall provide, on the renewal application, a [signed statement certifying that continuing education requirements have been met] certification and [information to document their certification, including] shall electronically submit the certificates of attendance provided by the course provider, as applicable. The certificates of attendance must include the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course or program and description of content.
- (4) The provider which sponsored the course or program.
- (5) The location of the course or program.

- (d) The licensee shall retain attendance certificates to document completion of the prescribed number of clock hours for 5 years following the completion of each course, which shall be produced upon demand by the Board or its [auditing] authorized representatives or agents.

\* \* \* \* \*

**§ 29.68. Continuing education exemptions.**

- (a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service [or engaged in an American Podiatry Association approved Podiatric Residency Program]. A podiatrist exempt from continuing education under this subsection must submit verification of active military service.

(b) The Board may waive or grant an extension for all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver or extension will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver or extension request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

(d) A podiatrist is exempt from the continuing education requirements set forth in § 29.61(a) (relating to requirements for biennial renewal and eligibility to conduct educational conferences) in a renewal cycle in which the podiatrist is engaged in an American Podiatry Association A CPME approved Podiatric Residency Program.

(e) A podiatrist who has never been previously licensed in any jurisdiction is exempt from the continuing education requirements set forth in § 29.61(a) for the first renewal period immediately following licensure in this Commonwealth.

\* \* \* \* \*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PODIATRY  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-4858

April 27, 2022

The Honorable George D. Bedwick, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Podiatry  
16A-4417: Continuing Education

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Podiatry pertaining to Continuing Education.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Paris".

Michael J. Paris, D.P.M., Chairperson  
State Board of Podiatry

MJP/tpk  
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs  
K. Kalonji Johnson, Deputy Secretary of Regulatory Programs  
Marc Farrell, Deputy Director of Policy, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State  
Todd P. Kriner, Board Counsel, State Board of Podiatry  
State Board of Podiatry

**Christman, William**

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**From:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Sent:** Wednesday, April 27, 2022 9:45 AM  
**To:** Christman, William; Blauch, Tammy  
**Subject:** RE: DELIVERY: Regulation 16A-4417 (Tomlinson)

**RECEIVED**

Received.

APR 27 2022

Jen Smeltz  
Executive Director  
Consumer Protection and Professional Licensure Committee  
Office of Senator Robert M. Tomlinson  
Phone: (717) 787-5072

Independent Regulatory  
Review Commission

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**From:** Christman, William <wchristman@pa.gov>  
**Sent:** Wednesday, April 27, 2022 8:39 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>  
**Subject:** DELIVERY: Regulation 16A-4417 (Tomlinson)  
**Importance:** High

Ⓢ CAUTION : External Email Ⓢ

**Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.**

Please be advised that the State Board of Podiatry is delivering the following final rulemaking:

- 16A-4417 Continuing Education

**William Christman** | Legal Assistant  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg PA 17106 - 9523  
Phone: 717.783.7200 | Fax: 717.787.0251  
[wchristman@pa.gov](mailto:wchristman@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

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**Christman, William**

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**From:** Rolko, Seth <Seth.Rolko@pasenate.com>  
**Sent:** Wednesday, April 27, 2022 11:15 AM  
**To:** Christman, William; Vazquez, Enid  
**Subject:** RE: DELIVERY: Regulation 16A-4417 (Boscola)

**RECEIVED**

APR 27 2022

Received. Thank you.

**Independent Regulatory  
Review Commission**

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**From:** Christman, William <wchristman@pa.gov>  
**Sent:** Wednesday, April 27, 2022 8:36 AM  
**To:** Rolko, Seth <seth.rolko@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>  
**Subject:** DELIVERY: Regulation 16A-4417 (Boscola)  
**Importance:** High

■ EXTERNAL EMAIL ■

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**Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.**

Please be advised that the State Board of Podiatry is delivering the following final rulemaking:

- 16A-4417 Continuing Education

**William Christman** | Legal Assistant  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg PA 17106 - 9523  
Phone: 717.783.7200 | Fax: 717.787.0251  
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**Christman, William**

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**From:** Nicole Sidle <Nsidle@pahousegop.com>  
**Sent:** Wednesday, April 27, 2022 9:38 AM  
**To:** Christman, William; Emily Hackman  
**Subject:** RE: DELIVERY: Regulation 16A-4417 (Hickernell)

**RECEIVED**

APR 27 2022

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Review Commission**

Received.

**From:** Christman, William <wchristman@pa.gov>  
**Sent:** Wednesday, April 27, 2022 8:38 AM  
**To:** Emily Hackman <Eepler@pahousegop.com>; Nicole Sidle <Nsidle@pahousegop.com>  
**Subject:** DELIVERY: Regulation 16A-4417 (Hickernell)  
**Importance:** High

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**Christman, William**

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**From:** Orchard, Kari L. <KOrchard@pahouse.net>  
**Sent:** Wednesday, April 27, 2022 9:34 AM  
**To:** Christman, William; Barton, Jamie  
**Subject:** RE: DELIVERY: Regulation 16A-4417 (Burns)

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APR 27 2022

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Review Commission**

I've received the final rulemaking.

Thank you!

**Kari Orchard**

Executive Director (D) | House Professional Licensure Committee  
Chairman Frank Burns, 72<sup>nd</sup> Legislative District

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**From:** Christman, William <wchristman@pa.gov>  
**Sent:** Wednesday, April 27, 2022 8:37 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>  
**Subject:** DELIVERY: Regulation 16A-4417 (Burns)  
**Importance:** High

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- 16A-4417 Continuing Education

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