

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>SEP - 2 2021</p> <p>Independent Regulatory Review Commission</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board Optometry</p>		<p>IRRC Number: 3314</p>
<p>(2) Agency Number: 16A Identification Number: 5218</p>		
<p>(3) PA Code Cite: 49 Pa. Code §§ 23.27, 23.27a and 23.27b</p>		
<p>(4) Short Title: Licensure by Endorsement</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact Ariel E. O'Malley, Board Counsel, State Board of Optometry, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) (aomalley@pa.gov).</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Acting Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) jawolfgang@pa.gov.</p>		
<p>6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> FINAL REGULATION <input type="checkbox"/> Final Omitted Regulation</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>Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Optometry to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established</p>		

by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020, (P.L. 545, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

(8) State the statutory authority for the regulation. Include specific statutory citation.

63 Pa.C.S. § 3111 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, who pays fees established by the Board by regulation, provided the applicant meets certain criteria for eligibility. 63 Pa.C.S. § 3111 also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation. Additionally, section 3(b)(14) of the Optometry Practice Act, 63 P.S. § 244.3(b)(14) provides the Board with authority to promulgate all rules and regulations necessary to carry out the purposes of the act.

(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.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. 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 regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has received and considered three licensure by endorsement applications. Of the three applications, the Board has issued three provisional licenses. All three applicants completed the requirements put forth in the order granting provisional licenses and now hold unrestricted licenses. Based upon the number of applications received, the Board estimates receiving 3-5 applications on an annual basis.

(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.

There are no federal standards applicable to the subject matter of the regulation.

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

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the optometry field.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other State (New Jersey) that has a comprehensive license by endorsement law that is applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Unlike 63 Pa.C.S. § 3111, New Jersey does not require applicants to demonstrate competency and does not provide discretion to issue a discretionary provisional license. While Pennsylvania's competency requirements may be more stringent than New Jersey, demonstration of competency is statutorily required under 63 Pa.C.S. § 3111. Moreover, other states require similar continuing education for renewal; therefore, for the most part, showing competency will not negatively impact Pennsylvania's ability to compete.

The Board also researched whether other optometry state boards have similar licensure by endorsement laws and regulations applicable to the optometry profession. For those states that have similar licensure by endorsement laws and regulations applicable to the optometry profession, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and provisional licenses, including expiration of the provisional license.

Connecticut

Connecticut offers licensure by examination and provides for an exception to licensure by examination. An applicant must have a valid license in good standing in another state/territory of the United States and must demonstrate verification of all current and expired licenses from other state's that applicant has ever acquired. Connecticut also requires proof of successful completion of an examination by the board of registration of optometry in another state. The licensure requirements in the state where the applicant holds a current license must be equivalent to, or higher, than the requirements to obtain licensure in Connecticut. The licensure requirements of

Connecticut do not contain a competency requirement, nor do they provide for provisional licensure.

Delaware

Delaware offers licensure by reciprocity if the requirements of the state where the applicant currently holds a license are equal to or greater than the licensure requirements of Delaware. The applicant must hold a current license and provide a statement from each jurisdiction where applicant is currently licensed, or has previously been licensed, confirming that there are no disciplinary proceedings or unresolved complaints against applicant. Delaware also has a competency requirement in which the applicant must have practiced for at least 5 years in any one jurisdiction (not aggregate from all jurisdictions) where they hold a license. Delaware does not offer a provisional license.

Maryland

Maryland offers an "examination waiver" to an applicant that is licensed to practice optometry in any other state if the applicant can prove that they were licensed by examination in another jurisdiction and that the applicant has not failed the licensing examination within the last five years. The applicant must also demonstrate competency by providing proof of completion of the continuing education requirements of the other jurisdiction for the three years preceding the application and must provide proof of actively practicing optometry for the three years preceding the application. Maryland also has a provision to grant a limited, 1-year license to an out-of-state applicant, while the applicant completes additional requirements. This 1-year license may be limited in scope to institution or patients.

Massachusetts

Massachusetts offers an exemption from written examination to any person who can present to the board a certified copy or certificate of registration or license which was issued to the applicant after examination by a board of registration in optometry in any other state, where the requirements for registration are in the opinion of the board equivalent to those of Massachusetts. The applicant's state of licensure must allow for a similar privilege to holders of certificates of registration issued in Massachusetts. The applicant must also provide proof that they have not previously failed to pass the examination required in Massachusetts. Massachusetts also has a competency requirement in that the applicant must have engaged in the reputable practice of optometry continuously for not less than three years immediately preceding their application. Massachusetts does not offer a provisional license.

Maine

Maine does not currently have a provision to obtain licensure by reciprocity/endorsement.

New Hampshire

New Hampshire offers licensure to an applicant who is licensed in any other state, provided the other state's licensing requirements are substantially equivalent to, or higher, than those of New Hampshire. There are no provisions establishing a competency requirement or providing for a provisional license.

New York

New York offers licensure by endorsement to an applicant who can demonstrate competency by providing proof of practicing optometry for at least five years following initial licensure and within the ten years immediately preceding the application for licensure by endorsement. An applicant must also provide proof of passing an examination that is approved by the New York board and must complete the practical examination. New York does not offer a provisional license.

Ohio

Ohio offers licensure by reciprocity if an applicant can demonstrate that their state's licensure requirements are at least as stringent as Ohio's standards and provide proof of successful completion of a written licensure exam. An applicant must also provide certification that they are licensed in good standing with the out-of-state optometry board. Ohio also requires that the applicant demonstrate competency by providing proof that they have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application. Ohio also requires that the applicant participate in a two-hour instruction session provided by the board, which focuses on Ohio optometry statutes and rules, and must pass a test on the subject matter afterwards. Ohio offers a provisional license under limited circumstances, to a military member, or their spouse, who is in the state on a temporary basis.

Rhode Island

Rhode Island offers registration to optometrists from other states if the applicant provides evidence that the other states registration requirements are equivalent to those of Rhode Island. An applicant must demonstrate competency by completing an internship program or providing proof of a minimum of six months full-time practice in another jurisdiction. The other state must also acknowledge reciprocity with Rhode Island before a registration will be issued. Rhode Island does not offer a provisional license.

Vermont

Vermont offers licensure by endorsement to an applicant who is licensed and currently in good standing in a United States jurisdiction which has license requirements that are substantially equivalent to the requirements of Vermont. Vermont does not have a competency requirement and does not offer a provisional license.

West Virginia

West Virginia offers reciprocal licensure to an applicant who is of good moral character and holds a current optometry license in good standing from another state, or states, which requirements are substantially equivalent to those required in West Virginia. Applicant must not have committed any acts that would constitute grounds for disciplinary action in West Virginia and must provide proof of successfully passing an examination approved by the West Virginia board. West Virginia requires that an applicant demonstrate competency by providing evidence that the applicant engaged in the active practice of optometry for five of the past seven years immediately preceding the submission of the application. West Virginia does not offer a provisional license.

Based on this information, the Board does not believe the proposed amendments will put Pennsylvania at a competitive disadvantage. Pennsylvania's endorsement requirements are on par with most states that offer licensure by endorsement, and in some cases are more competitive. Pennsylvania requires other jurisdictions' standards to be substantially equivalent, which provides a safeguard to people of the Commonwealth, without creating a barrier to licensure. Some neighboring states require standards to be equivalent, which makes those states more stringent than Pennsylvania. Pennsylvania will also be at a competitive advantage in that the proposed regulations offer three different pathways to establishing competency, while some of the other jurisdictions only offer one method to demonstrate competency. Pennsylvania's competitive advantage is even more noticeable when considering the Board's ability to grant a provisional license, which allows an applicant to begin practicing the profession while completing remaining licensure requirements, an option not offered by many other states. Furthermore, Pennsylvania is offering licensure by endorsement to individuals that hold a license in another state, territory or country, while many other states only offer a license by endorsement to individuals licensed in another state. Pennsylvania also charges an application fee which is a commonality between all of the states that offer reciprocity or endorsement.

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

This rulemaking does not affect other regulations of the Board or other state agencies.

(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.)

In drafting the proposal, the Board sent an exposure draft to stakeholders and interested parties in February of 2020. The Board did not receive any comments from stakeholders and interested parties.

(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?

For purposes of this rulemaking, the Board estimates that approximately 3-5 individuals will apply for licensure by endorsement on an annual basis.

According to the Pennsylvania Department of Labor and Industry in 2019, optometrists provide their services for a variety of private and public sector employers. Licensees are employed in the following private sector positions: offices of optometrists, offices of physicians, health and personal care stores and self-employed workers.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's 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 2017 NAICS standards

to the types of businesses where licensees may work, to be considered a small business an office of a physician must have \$12 million or less in average annual receipts, an office of an optometrist must have \$8 million or less in average annual receipts and an optical goods store must have \$22 million or less in average annual receipts.

Based on this variety of employers, the Board believes that most optometrists in Pennsylvania are employed in small businesses. The Board does not collect information on the size of the businesses where its licensees are employed. However, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the \$25 fee to apply for licensure. The \$25 fee is provided for at section 23.91 of the Board's regulations, 49 Pa. Code § 23.91, for which the license application has been designated a \$25 fee. This fee is the same amount as applicants who apply by reciprocity or initial licensure by examination under the Optometric Practice and Licensure Act, act of June 6, 1980, P.L. 197, No. 57. Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the application fee for licensure by endorsement and whether employers voluntarily pay the costs of completing competency requirements, which may include completion of continuing education and achieving a passing score in a Board-approved skills examination. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

(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.

Individuals applying for licensure as an optometrist by endorsement will need to comply with this rulemaking. The Board estimates an average of 3-5 licensure by endorsement applications a year for this profession. Small businesses will only need to comply with this rulemaking to the extent they voluntarily pay licensure fees and other costs for applicants.

(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 Commonwealth will benefit by licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The Board has selected methods of competence, including practicing optometry

for two of the five years immediately preceding the date of application, completing 30 hours of continuing education or achieving a passing score in a board-approved skills examination. These methods assure competency because practicing for two of the previous five years establishes that applicant has remained current in optometric treatment by physically practicing the profession within the past five years. Additionally, completing 30 hours of continuing education in compliance with the Board's requirements establishes that the applicant has remained abreast of current issues and new developments in the practice of optometry, as this is the requirement for optometry licensees in the Commonwealth to maintain competency for renewal of their license. Also, completion of a board approved skills examination establishes that an individual is up to date on current practices in optometry, as passing a skills examination is required of initial licensees to establish minimum competency in the practice of optometry.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$25 application fee, which covers the costs of processing the application. This application fee is the same for other applicants applying by reciprocity or initial licensure by examination authorized by the Optometry Practice and Licensure Act. The applicant must also establish competency by one of the three items delineated. If an applicant is proving competency through practicing two of the last five years, there would be no additional cost to the applicant. However, if the applicant is establishing competency by completing 30 hours of continuing education the cost to the applicant would vary. Continuing education courses can vary from no cost to the recipient, to \$15 per credit hour and approximately \$150 for conferences that provide up to eight hours of continuing education credit. If the applicant opts to establish competency by successfully passing a board-approved skills exam, the applicant would be taking the National Board of Examiners in Optometry (NBEO) clinical skills exam, which currently costs \$950. However, if the applicant has passed the NBEO skills exam or its equivalent within 2 years immediately preceding the date of the application, the applicant would not incur any expense to show competency. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 23.27a(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provides a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's

requirements, it will not be able to determine whether those requirements are substantially equivalent.

Regarding costs associated with demonstrating competency, the Board is authorized to select the methods of competency under 63 Pa.C.S. § 3111(a)(2). An applicant may incur costs when complying with the Board's competency requirements. If an applicant chooses to satisfy competency requirements through continuing education, the cost of completing 30 hours of continuing education will depend on the applicant. As the applicant would have to hold a current license to apply for licensure, it is likely that an applicant will already have completed most if not all of the 30 hours continuing education that the Board is requiring. If the applicant needs to complete additional continuing education, the costs may vary from continuing education that costs nothing or continuing education that costs roughly \$15 per credit hour, which would cost up to \$450 for 30 credits. An applicant may also prove competency through successfully passing a board-approved skills exam, the exam costs \$950. However, as previously mentioned, if an applicant passed the NBEO skills exam or its equivalent within 2 years immediately preceding the date of the application, the applicant would not incur additional costs. Similarly, if an applicant has practiced optometry for two of the last five years, there would be no costs relating to competency.

In this proposed rulemaking, the Board provides for three different pathways to establish competency. In many cases there will be no cost to applicants as the Board anticipates that many applicants will have practiced for two of the last five years or already completed continuing education. The Board is confident that each of the three mechanisms provided establishes competency in the optometric profession. Therefore, applicants may determine which method of competency best suits their situation and timeline for obtaining licensure.

(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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying the \$25 application fee and the costs associated with demonstrating competency through completion of continuing education, with a cost of up to \$450, or completion of a board-approved skills exam, with a cost of \$950. Since the effective date of Act 41, the Board has received three licensure by endorsement applications. During this period, the total costs incurred for application fees was \$75. The total costs incurred by applicants to meet the competency requirement was zero, because each of them has practiced optometry for at least two of the last five years. Based upon this information, the Board anticipates approximately five licensure by endorsement applications per year, which will result in approximate costs in the amount of \$125-\$4,875 annually, depending on which method of establishing competency is chosen by the applicant.

(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 regulation would not result in costs or savings to 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.

The Board will incur increased operational costs to implement the licensure by endorsement. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.

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

Yes, applicants are required to submit an online application, which is done through the filing an application through the Pennsylvania Licensing System (PALS). With that application the applicant must submit the \$25 application fee.

(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.**

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Currently, the State Board of Optometry has not yet developed an application specifically for those applying for licensure through 63 Pa.C.S. § 3111. Applicants are asked to submit an application through the online platform for licensure via reciprocity and this information is then manually reviewed Board counsel and the Board. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the proposed rulemaking as another state, territory or country, are instructed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must certify completion of training in child abuse recognition and reporting and provide a recent Criminal History Records Check (CHRC) from the state police or other state agency that is the official repository for criminal history record information for every state in which they have lived, worked, or completed professional training/studies for the past five (5) years. Based upon the above, applications are forwarded to Board counsel, and to the Board, to determine eligibility under 63 Pa. C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process

specific to 63 Pa. C.S. § 3111 applications, which will decrease the need for manual review of applications.

(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.

	Current FY 20-21	FY +1 21-22	FY +2 22-23	FY +3 23-24	FY +4 24-25	FY +5 25-26
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$75	\$125-4,875	\$125-4,875	\$125-4,875	\$125-4,875	\$125-4,875
Local Government						
State Government						
Total Costs	\$75	\$125-4,875	\$125-4,875	\$125-4,875	\$125-4,875	\$125-4,875
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3 2017-2018 (actual)	FY -2 2018-2019 (actual)	FY -1 2019-2020 (estimated)	Current FY 2020-2021 (budgeted)
Optometry	\$146,474.44	\$227,115.03	\$227,000	\$234,000

(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.

(a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

(b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.

(c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

(d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest. Regarding costs relating to establishing competency, it is likely that additional costs will not be incurred by the regulated community as applicants who have practiced for two out of the last five years or who have already completed sufficient continuing education will not incur costs relating to competency.

(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 special provisions have been developed for any affected groups or persons.

(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 alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(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.

a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.

c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.

d) The regulations do not contain design or operational standards that need to be altered for small businesses.

e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with the statute, or the Board's mandate.

(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.

No data, studies or references were used to justify the regulation.

(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:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at a public board meeting on August 20, 2020 and May 13, 2021.

C. The expected date of the final-form regulation: **Spring 2022**

- D. The expected effective date of the final-form regulation: **Spring 2022**
- 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**

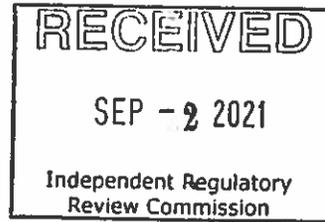
(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet on the following dates in 2021: May 13, August 26 and December 2. More information can be found on the Board website (www.dos.pa.gov/optometry).

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M Elliott DN: cn=Amy M. Elliott, ou=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General, email=ae@attoparl.state.pa.us, c=US Date: 2021.08.12 16:17:48Z</small></p> <p><u>8/12/21</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Optometry</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-5218</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Luanne K. Chubb, O.D., F.A.A.O.</u> Chairperson</p> <p>TITLE: _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>Alanna C. Koltash</u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>July 22, 2021</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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NOTICE OF PROPOSED RULEMAKING

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

TITLE 49 PA. CODE CHAPTER 23

§§ 23.27, 23.27a, and 23.27b

LICENSE BY ENDORSEMENT

The State Board of Optometry (Board) proposes to amend Chapter 23 of Title 49 of the Pennsylvania Code, by adding §§ 27, 27a, and 27b (relating to definitions, license by endorsement, and provisional endorsement license) to read as set forth in Annex A.

Effective date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 3(b)(14) of the Optometry Practice Act (act), 63 P.S. § 244.3(b)(14) provides the Board with authority to promulgate all rules and regulations necessary to carry out the purposes of the act.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years preceding the date of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific

methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Description of the Proposed Amendments

The Board proposes to add § 23.27 (relating to definitions) which will set forth the definition of “jurisdiction” consistent with 63 Pa.C.S. § 3111. Proposed § 23.27a requires an applicant to provide proof that the applicant meets seven criteria required for licensure by endorsement. The first criterion, as set forth in proposed subsection (a)(1), requires an applicant to provide proof of a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 4 of the Optometry Practice Act, 63 P.S. § 244.4 (relating to general qualifications for licensure). Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession, completion of continuing education or achievement of a passing score in a Board-approved skills examination. Regarding experience, an applicant must demonstrate active engagement in the practice of profession for at least 2 of the 5 years immediately preceding the date of the application in the jurisdiction that issued the license, certificate, registration or permit. Regarding continuing education, an applicant must submit proof of completion of 30 hours of continuing education which meets the requirements of § 23.82 (relating to continuing education hour requirements) and § 23.83 (relating to continuing education subject matter). The continuing education must be completed during the 24 months immediately preceding the date of the application. The Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board’s biennial renewal continuing education requirement. Regarding a skills examination, within 2 years immediately preceding the date of the application, the applicant must have achieved a passing score on the National Board of Examiners in Optometry (NBEO) Clinical Skills Assessment Examination or its equivalent, as determined by the Board.

Proposed § subsections (a)(3) and (4) incorporates the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) provides for payment of an application fee, as required under

63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the license application fee in § 23.91 (relating to fees) of the Board’s current fee schedule (\$25). Next, proposed subsection (a)(6) requires applicants to apply for licensure in accordance with Chapter 23, in the manner and format prescribed by the Board.

Finally, proposed subsection (a)(7) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under the Child Protective Services Law (CPSL) (23 Pa.C.S. § 6383(b)(3)(i)(relating to education and training).

In proposed § 23.27a(b) the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, to the extent practicable, the Board intends to offer flexibility in the manner in which an interview is conducted to include teleconference or video conferencing.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 23.27a(c) authorizes the Board in its discretion to determine that an act prohibited under section 7 of the act (63 P.S. § 244.7), §§ 23.61-23.65 (relating to unlawful practices) or disciplinary action by a jurisdiction is not an impediment to licensure.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 23.27b provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 23.27a. Proposed § 23.27b(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 23.27b(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license. Finally, proposed § 23.27b(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 23.27a, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$25.00 application fee in § 23.91 and may incur continuing education expenses or examination expenses if they choose to demonstrate competency by completion of continuing education or through examination. All applicants must complete child abuse recognition and reporting training, as required by section 6383(b)(3)(i) of the CPSL. There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's 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 September 2, 2021, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference 16A-5218 (Licensure by Endorsement), when submitting comments.

Luanne K. Chubb O.D., F.A.A.O.
Chairperson

ANNEX A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 23. STATE BOARD OF OPTOMETRY

§ 23.27 Definitions.

The following word or term, when used in § 23.27a (relating to license by endorsement) has the following meaning, unless the context clearly indicates otherwise:

Jurisdiction—A state, territory or country.

§ 23.27a License by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following conditions:

(1) Has a current license, certification, registration or permit in good standing to practice optometry in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 4 of the act (63 P.S. §§ 244.4 - 244.4b) and §§ 23.11-23.15, 23.202 and 23.205.

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall

be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrates competency by one of the following:

(i) Experience in the practice of optometry by demonstrating, at a minimum, that the applicant has actively engaged in the practice of optometry in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of § 23.82 (relating to continuing education hour requirements) and § 23.83 (relating to continuing education subject matter) during the 24 months immediately preceding the date of the application.

(iii) Achieve a passing score on the NBEO Clinical Skills Assessment Examination or its equivalent, as determined by the Board, within 2 years immediately preceding the date of the application.

(3) Has not committed any act prohibited by section 7 of the act (63 P.S. § 244.7) or §§ 23.61-23.65 (relating to unlawful practices).

(4) Has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Has paid the license application fee as required by § 23.91 (relating to fees).

(6) Has applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Completes 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required by section 6383(b)(3)(i) of the Child Protective Services Law (23 Pa. C.S. § 6383(b)(3)(i)(relating to education and training).

(b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) Prohibited acts. Notwithstanding subsections (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section section 7 of the act (63 P.S. § 244.7) or §§ 23.61-23.65, or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 23.27b. Provisional Endorsement License.

(a) Provisional endorsement license. The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 23.27a (relating to license by endorsement).

(b) Expiration of a provisional endorsement license.

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) Termination of a provisional endorsement license. A provisional endorsement license terminates as follows:

(1) The provisional endorsement license terminates when the Board denies the license.

(2) Failure to comply with the terms of a provisional endorsement license will result in termination of the provisional endorsement license.

(d) Reapplication. An individual may reapply for licensure by endorsement § 23.27a after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OPTOMETRY
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7155

September 2, 2021

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

Re: Proposed Regulation
State Board of Optometry
16A-5218: License by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Optometry pertaining to License by Endorsement.

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 "Luanne K. Chubb".

Luanne K. Chubb, O.D., F.A.A.O., Chairperson
State Board of Optometry

LKC/aeo:bmz
Enclosure

cc: K. Kalonji Johnson, Commissioner of Professional and Occupational Affairs
Pamela Iovino, 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, Regulatory Unit Counsel, Department of State
Ariel E. O'Malley Counsel, State Board of Optometry
State Board of Optometry

From: [Smeltz, Jennifer](#)
To: [Zappasodi, Brittany](#); [Blauch, Tammy](#)
Subject: RE: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Date: Thursday, September 2, 2021 9:06:40 AM

Received.

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



From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, September 2, 2021 8:59 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>
Subject: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
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 Medicine and State Board of Optometry are delivering the following proposed rulemakings:

- State Board of Medicine 16A-4948 Examinations
- State Board of Optometry: 16A-5218 License by Endorsement

Brittany Zappasodi | *Legal Assistant II*
Department of State | Counsel Division Legal Office
2601 North Third Street, P.O. Box 69523
Harrisburg, PA 17106-9523
Phone: 717.783.7200 | Fax: 717.787-0251
www.dos.pa.gov

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From: [Emily Hackman](#)
To: [Zappasodi, Brittany](#)
Cc: [Nicole Sidle](#)
Subject: RE: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Date: Thursday, September 2, 2021 9:34:50 AM

Received.

EMILY EPLER HACKMAN | ADMINISTRATIVE ASSISTANT II

David S. Hickernell, Majority Chairman

Professional Licensure Committee

98th Legislative District

Room 43, East Wing

Harrisburg, PA 17120-2098

717-783-2076

Representative Mindy Fee

37th Legislative District

Room 47, East Wing

Harrisburg, PA 17120-2037

717-772-5290



From: Zappasodi, Brittany <bzappasodi@pa.gov>

Sent: Thursday, September 2, 2021 9:02 AM

To: Nicole Sidle <nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>

Subject: DELIVERY: REGULATIONS 16A-4948 & 16A-5218

Importance: High

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Please be advised that the State Board of Medicine and State Board of Optometry are delivering the following proposed rulemakings:

- State Board of Medicine 16A-4948 Examinations
- State Board of Optometry: 16A-5218 License by Endorsement

Brittany Zappasodi | Legal Assistant II

Department of State | Counsel Division Legal Office

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From: [Livingston, Jerry](#)
To: [Zappasodi, Brittany](#)
Subject: Read: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Date: Thursday, September 2, 2021 9:37:06 AM
Attachments: [Read DELIVERY REGULATIONS 16A-4948 16A-5218.msg](#)
Importance: High

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From: [Wilson, Marlene](#)
To: [Zappasodi, Brittany](#)
Subject: RE: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Date: Thursday, September 2, 2021 10:17:09 AM
Attachments: [image001.png](#)

Received. Thank you.



Marlene Wilson, Esquire
Senior Committee Executive Director
House Professional Licensure Committee
Rep. Jake Wheatley, Jr., Chairman
Phone: (717) 787-4032
Internal Phone: 6253
Email - mwilson@pahouse.net



From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, September 2, 2021 9:01 AM
To: Wilson, Marlene <MWilson@pahouse.net>
Subject: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Importance: High

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Please be advised that the State Board of Medicine and State Board of Optometry are delivering the following proposed rulemakings:

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- State Board of Optometry: 16A-5218 License by Endorsement

Brittany Zappasodi | *Legal Assistant II*
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From: [Bulletin](#)
To: [Zappasodi, Brittany](#)
Subject: [External] RE: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Date: Thursday, September 2, 2021 9:24:56 AM

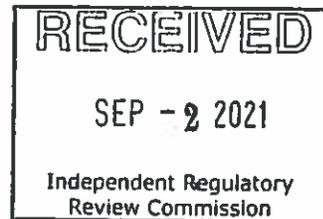
ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good morning Brittany:

Thank you for sending Proposed Rulemakings #16A-4948 and 16A-5218. Someone from our office will contact you regarding publication in the Pennsylvania Bulletin.

Thank you and have a nice day.

Coleen P. Engvall | Legal Assistant
cengvall@palrb.us | 717.783.1531
Legislative Reference Bureau
Code and Bulletin Office



From: Zappasodi, Brittany <bzappasodi@pa.gov>
Sent: Thursday, September 2, 2021 9:15 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY: REGULATIONS 16A-4948 & 16A-5218
Importance: High

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- State Board of Medicine 16A-4948 Examinations
- State Board of Optometry: 16A-5218 License by Endorsement

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