

**INDEPENDENT REGULATORY REVIEW COMMISSION  
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, February 20, 2020  
14<sup>th</sup> Floor Conference Room  
333 Market Street

**I. CALL OF THE MEETING**

The February 20, 2020 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:07 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present:      George D. Bedwick, Chairman  
   John J. Soroko, Esq.  
   Murray Ufberg, Esq.

Telephone:                      John F. Mizner, Esq., Vice Chairman  
   Dennis A. Watson, Esq.

Chairman Bedwick introduced the Commission's newest member, John Soroko. He explained that Commissioner Soroko was appointed by the Honorable Mike Turzai (R-Allegheny), Speaker, House of Representatives, and began his term on February 1, 2020.

Chairman Bedwick then recognized a group of social worker students from Kutztown University in attendance.

**II. APPROVAL OF THE JANUARY 31, 2020 PUBLIC MEETING MINUTES**

Chairman Bedwick asked for a motion for approval of the January 31, 2020 public meeting minutes, as submitted. Commissioner Ufberg made the motion and Commissioner Watson seconded, and the motion passed 4-0, with Commissioner Soroko recusing.

**III. NEW BUSINESS**

**A.      ACTION ITEMS**

**1. No. 3249 Bureau of Professional and Occupational Affairs #16A-62: Technical Corrections to Schedules of Civil Penalties**

Laura Campbell, Regulatory Analyst, explained that the regulation makes technical corrections to statutory and regulatory authority listed in the schedules of civil penalties for the State Board of Auctioneer Examiners; the State Board of Barber Examiners; the State Board of Dentistry; the State Board of Vehicle Manufacturers, Dealers and Salespersons; the State Real Estate Commission; and the State Registration Board for Professional Engineers, Land Surveyors

and Geologists. She further explained the amendments update statutory and regulatory citations, correct typographical errors, remove citations to deleted statutes and regulations, and update terminology for consistency with legal authority. Ms. Campbell noted there are no substantive changes to the schedules. She stated that the amendments are intended to conform the schedules with the statutes and the regulations of each licensing board so the Act 48 of 1993 citations issued by agents of the Bureau of Professional and Occupational Affairs (BPOA) are legally valid and enforceable. Ms. Campbell reported no comments have been received on the regulation and the House and Senate committees deemed the final-omitted regulation approved.

Cynthia Montgomery, Deputy Chief Counsel, Department of State, was present to answer any questions.

Ms. Montgomery commented that this is "a fairly self-explanatory regulation." She told the Commissioners it is needed to correct the civil penalties schedules so that BPOA agents can issue citations and BPOA does not have to initiate formal disciplinary proceedings. Ms. Montgomery explained that citations are streamlined, much quicker, and they are capped at a \$1,000 civil penalty. She further explained that formal proceedings are costlier and can result in other disciplines, such as reprimands or civil penalties of up to \$10,000. According to Ms. Montgomery, these are for violations that the boards have determined should only be addressed by a monetary civil penalty. Ms. Montgomery said, "We really need to get these corrections made so that we can issue legally valid citations." She reported some of the citations have been overturned by the Office of Hearing Examiners.

Commissioner Ufberg made a motion for approval. Commissioner Watson seconded, and the motion passed 5-0.

## **2. No. 3196 State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-6922: Licensed Bachelor Social Worker; Fees**

Corinne Brandt, Regulatory Analyst, provided an overview of the regulation. She explained that Act 79 of 2014 (Act 79) required the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to promulgate regulations for the licensure of bachelor social workers. Ms. Brandt further explained that the regulation implements the requirements of Act 79 by adding licensed bachelor social workers to the Board's existing regulations regarding licensure, continuing education, sexual misconduct and the code of ethical practice and professional conduct. She said the regulation also establishes applicable fees for licensed bachelor social workers and makes adjustments to the Board's other licensure categories, which include licensed social workers, clinical social workers, marriage and family therapists, and professional counselors. Ms. Brandt also said application fees for continuing education providers seeking pre-approval are included in the rulemaking along with clarification regarding continuing education course work, course credit, and clock hours. She stated that no public comments were received on the final rulemaking and the Senate and House committees deemed the final rulemaking approved.

Ms. Montgomery and Dana Wucinski, Counsel, Board, were present to answer any questions.

Ms. Montgomery told the Commissioners that the Board has been working on this regulation for quite some time. She reported the Board received only one comment during the public comment phase. Ms. Montgomery said, "We believe we addressed it appropriately in the final-form rulemaking." She pointed out the Commission had one comment which the Board fully agreed with.

Noting Act 79 was passed in 2014, Chairman Bedwick wanted to know what caused the delay in promulgating the regulation. Ms. Montgomery explained that initially getting it to the proposed stage took a bit of time. She said the Board met to look at the statute and started working on the regulations and thought they were ready to go. Ms. Montgomery noted the Board had to add a fee for this particular license. She explained that once the fee was calculated it turned out to be higher than all the existing fees for the other licensure categories. Ms. Montgomery further explained the Board did an exposure draft to seek informal comments and participation by interested parties and stakeholders, so the Board had to do it again to address all the fees, and those were included in the rulemaking. She said once it was published as a proposed rulemaking the Board spent its time tying up the comments and finishing the rulemaking. According to Ms. Montgomery, it was delayed by the 2019 licensure renewals because the limits in staffing led the Board to hold the rulemaking back because they did not want new licenses being done at the same time as the 2019 renewals. Chairman Bedwick asked if the requirement for licensure will go into effect during this time period. Ms. Montgomery responded that the Board has not licensed any of them. She said once the final rulemaking is published the Board will begin issuing the license. Chairman Bedwick wanted to know what the fee will be for the bachelor social workers. Ms. Montgomery said it will be \$75.

Vice Chairman Mizner made a motion for approval. Commissioner Ufberg seconded, and the motion passed 5-0.

#### **IV. OTHER BUSINESS**

##### **1. Election of Officers**

Commissioner Watson made a motion for the approval of Commissioner Bedwick as Chairman. Vice Chairman Mizner and Commissioner Ufberg seconded, and the motion passed 5-0.

Commissioner Watson made a motion for the approval of Commissioner Mizner as Vice Chairman. Chairman Bedwick seconded, and the motion passed 5-0.

##### **2. Approval of Vouchers**

Commissioner Ufberg made motions to approve vouchers and expenses for the period December 6, 2019 through January 31, 2020. Commissioner Watson seconded, and the motions passed 4-0, with Commissioner Soroko recusing.

## **V. DATE AND PLACE OF SUBSEQUENT MEETING**

Chairman Bedwick announced the next public meeting is scheduled for Thursday, March 19, 2020, at 10:00 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg.

## **VI. EXECUTIVE SESSION ANNOUNCEMENTS**

Chairman Bedwick announced that no executive session would be held.

## **VII. ADJOURNMENT**

Chairman Bedwick adjourned the meeting at 10:29 a.m.