

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0;"><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></p> <p style="margin: 10px 0 0 0;">RECEIVED</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">February 9, 2026</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Podiatry</p>	<p>IRRC Number: 3477</p>
<p>(2) Agency Number: 16A Identification Number: 4420</p>	
<p>(3) PA Code Cite: 49 Pa. Code §§ 29.13, 29.81, 29.82, 29.83 and 29.84</p>	
<p>(4) Short Title: Performance of Radiologic Procedures by Auxiliary Personnel</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone 717-783-7200; fax (717) 787-0251; tmdavis@pa.gov</p> <p>Secondary Contact: Ashley D. Keefer, Board Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; askefer@pa.gov</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><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) has determined that the Podiatry Practice Act (act) does not provide express statutory authority or otherwise require the board to issue permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures. Accordingly, the board ceased requiring auxiliary personnel to apply and pay a fee for the authorization to perform radiologic procedures on the premises of a podiatrist, and discontinued issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.</p> <p>This rulemaking is needed to amend §§ 29.13, 29.81, 29.82, and 29.83 and to rescind § 29.84 to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Additionally, the board proposes to add definitions for the two board-approved organizations offering examinations in radiologic</p>	

procedures.

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

Section 15 of the act (63 P.S. § 42.15) authorizes the board to “make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of [the] act within the scope of [the] act.” Additionally, section 21.2(a) of the act (63 P.S. § 42.21c(a)) allows auxiliary personnel to perform radiologic procedures (also known as X-rays) on the premises of a podiatrist as long as the auxiliary personnel are under the direct supervision of a podiatrist who is on the premises at the time the X-ray is taken and the auxiliary personnel have passed an examination approved by the board and administered in accordance with section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a).

(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.

The rulemaking 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 has determined that the act does not provide express statutory authority or otherwise require the board to issue permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures. Accordingly, the board ceased charging fees for and issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, auxiliary personnel have not had to pay a fee for the authorization to perform radiologic procedures since April 12, 2018, which saves the regulated community approximately \$625 (25 applications × \$25) per year.

According to the act, all auxiliary personnel who have passed an approved examination may perform radiologic procedures on the premises of a podiatrist when such auxiliary personnel are under the direct supervision of a podiatrist who is on the premises at the time the radiologic procedure is performed. Therefore, it is incumbent upon the supervising podiatrist to assure that auxiliary personnel have passed one of the required examinations prior to performing radiologic procedures.

This rulemaking is needed to amend §§ 29.13, 29.81, 29.82 and 29.83 and rescind § 29.84 to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Licensees and businesses will be positively affected by the clarity of regulations that reflect the act and current board procedures.

(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 provisions that are more stringent than federal standards, because 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. In comparing the proposed regulation to other states, the board researched podiatric state boards in the six contiguous states. When comparing this Commonwealth to the six contiguous states, including, Delaware, Maryland, New Jersey, New York, Ohio, and West Virginia, this Commonwealth's board is the only podiatric licensing board with regulations that require auxiliary personnel to pay a fee and maintain a certificate of authorization to perform radiologic procedures. Accordingly, the Board proposes to amend its regulations to clarify that auxiliary personnel who wish to perform radiologic procedures are no longer required to register with the board, and to accomplish this, the rulemaking removes the applicable fee, and clarifies that examination fees shall be made directly to the board-approved examination provider.

Based on these regulations from other states, this regulation will not place this Commonwealth at a competitive disadvantage but increase its competitiveness through clarity of regulations that reflect current board procedure and by eliminating an unnecessary administrative and financial burden, similar to other states in the region.

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

The regulation will not affect any other regulations of the Department of State 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 compliance with Executive Order 1996-1, on April 19, 2023, the board extended an invitation to its stakeholders to preliminarily review and comment on the board's draft regulatory proposal. The board did not receive any comments related to the proposal. Additionally, at the October 15, 2024, board meeting, the board voted to proceed with promulgating this rulemaking. In attendance were representatives from the Pennsylvania Podiatric Medical Association and the Physicians' Health Program, Foundation of the Pennsylvania Medical Society.

(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?

The board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Therefore, no one will be directly affected by the regulation. This rulemaking is needed to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees.

According to the Small Business Administration (SBA), there are approximately 1,169,008 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,169,008 small businesses, 230,244 are small employers (those with fewer than 500 employees) and the remaining 938,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

No statistics are available for podiatry office auxiliary personal. However, statistics are available for medical assistants and podiatrists.

According to the Pennsylvania Department of Labor and Industry (L&I) in 2022 (the most recent year for which data is available), medical assistants held about 27,918 jobs in this Commonwealth. The largest employers of medical assistants were as follows: offices of physicians (68.18%), general medical and surgical hospitals (9.69%), offices of other health practitioners (8.49%), outpatient care centers (6.38%), and other ambulatory health care services (1.69%).

According to L&I in 2022 (the most recent year for which data is available), podiatrists held about 536 jobs in this Commonwealth. The largest employers of podiatrists were as follows: offices of other health practitioners (78.92%), self-employed workers as a primary job (8.21%), and the Federal government (5.41%). Podiatrists' offices are included in offices of other healthcare practitioners. Some podiatrists work in group practices with other physicians or specialists. Podiatrists may work closely with physicians and surgeons, physician assistants, nurse practitioners, registered nurses, and medical assistants.

Small businesses are defined in Section 3 of the Regulatory Review Act (71 P.S. § 745.3) which states 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 NAICS standards to the types of businesses that employ medical assistants and podiatrists, the small business thresholds include: offices of physicians (NAICS #621111) at \$16 million or less, general medical and surgical hospitals (NAICS #622110) at \$47 million or less, offices of other health practitioners (NAICS #621399) at \$10 million or less, all other outpatient care centers (NAICS #621498) at \$25.5 million or less, and other ambulatory health care services (NAICS #621999) at \$20.5 million or less.

Based on this variety of employers, the board believes that most podiatrists in this Commonwealth are employed in small businesses or self-employed. The board does not collect data relating to business size generally, nor does it collect information on the size of the businesses where its licensees are employed specifically. The board is not able to estimate how many healthcare offices are small businesses as the board does not collect financial or employment information from healthcare offices. It is likely that some healthcare and outpatient offices in this Commonwealth would not qualify as small businesses. Nevertheless, in view of the small business thresholds set by NAICS for the businesses in which podiatrists work, the board believes that many podiatrists in this Commonwealth work in "small businesses" as that term is defined by the SBA and the Regulatory Review Act. Similarly, NAICS does not assign thresholds for government entities or self-employed individuals. While government entities would not be considered small businesses, most, if not all, self-employed individuals would be considered small businesses. For

the 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.

Licensees or businesses, regardless of large or small, will not be adversely affected by this regulation. The board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Therefore, no one will be directly affected by the regulation. This rulemaking is needed for the regulations to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Licensees and businesses will be positively affected by the clarity of regulations that reflect the act and current board procedures.

(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 is no additional compliance required by this regulation. Auxiliary personnel are currently required to pass an examination prior to performing radiologic procedures. The board is not proposing amendments to the adopted examinations, but rather, clarifying the names and abbreviations of those examinations. Supervising podiatrists will continue to assure that auxiliary personnel have passed one of the required examinations prior to performing radiologic procedures. All auxiliary personnel who have passed an approved examination may still perform radiologic procedures on the premises of a podiatrist when such auxiliary personnel are under the direct supervision of a podiatrist who is on the premises at the time the radiologic procedure is performed. However, they no longer need to apply and pay a fee for the authority to do so.

The board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Therefore, no one will be directly affected by the regulation. This rulemaking is needed to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its 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 board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, the board does not expect this rulemaking to have any financial, economic or social impact on individuals, small businesses, businesses or labor communities or other public or private organizations. This rulemaking is needed to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Licensees and businesses will be positively affected by the clarity of regulations that reflect the act and current board procedures. Additionally, by eliminating this unnecessary administrative and financial burden, auxiliary personnel have not had to pay a fee for the authorization to perform radiologic procedures since April 12, 2018, which saves the regulated community approximately \$625 (25 applications × \$25) per year.

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

The Board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, there are no costs or adverse effects. Therefore, the benefit of clarifying the regulations and reducing administrative burdens on auxiliary personnel clearly outweighs any cost or adverse effects.

(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.

By eliminating this unnecessary administrative and financial burden, auxiliary personnel have not had to pay a fee for the authorization to perform radiologic procedures since April 12, 2018, which saves the regulated community approximately \$625 (25 applications × \$25) per year. Otherwise, there are no costs or savings to the regulated community associated with compliance with the rulemaking.

(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.

There are no costs or savings to local governments associated with compliance with the rulemaking.

(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 ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. There are no costs or savings to state government associated with implementation of the rulemaking.

(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.

This rulemaking will not require any additional record keeping nor will there be any legal, accounting or consulting procedures required for implementation of the rulemaking. The board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, there are no additional costs for reporting, recordkeeping and other paperwork with the promulgation of this regulation.

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

The board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, there are no additional forms, costs for reporting, recordkeeping and other paperwork with the promulgation of this regulation.

(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 board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018. Accordingly, there are no additional forms, costs for reporting, recordkeeping and other paperwork with the promulgation of this regulation.

(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 25-26	FY +1 26-27	FY +2 27-28	FY +3 28-29	FY +4 29-30	FY +5 30-31
SAVINGS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$625	\$625	\$625	\$625	\$625	\$625
Local Government						
State Government						
Total Savings	\$625	\$625	\$625	\$625	\$625	\$625
COSTS:						
Regulated Community						
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government	\$625	\$625	\$625	\$625	\$625	\$625
Total Revenue Losses	\$625	\$625	\$625	\$625	\$625	\$625

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

Program	FY -3 22-23 (actual)	FY -2 23-24 (actual)	FY -1 24-25 (budgeted)	Current FY 25-26 (proposed)
State Board of Podiatry	\$286,213.60	\$349,254.89	\$332,000.00	\$332,000.00

(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.

Response:

- (a) This rulemaking will not have an adverse impact on small businesses. The board's regulations are being amended to reflect that the board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018, due to the lack of express statutory authority.
- (b) This rulemaking will not impose additional reporting, recordkeeping, or other administrative costs on small businesses. The board's regulations are being amended to reflect that the board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.
- (c) There will be no effect on impacted small businesses. The board's regulations are being amended to reflect that the board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.
- (d) The board could discern no less costly or less intrusive alternative methods. The board's regulations are being amended to reflect that the board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.

(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.

The board has determined that there are no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(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 provision would accomplish the goal of the regulation.

(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.

Response:

- 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.
- c) There is no compliance or reporting requirements that could be consolidated or simplified.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) There are no less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Because it does not expect this rulemaking to have any adverse impact on small businesses, 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.

This rulemaking is not based upon any scientific data, studies, or references.

(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 public meetings or hearings will be held:

The board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings on February 15, 2023, April 19, 2023, June 28, 2023, August 16, 2023, and October 18, 2023. After publication of the proposed rulemaking, the board will discuss comments received subsequent, regularly scheduled board meetings. See the below response to (30) for upcoming meeting dates.

C. The expected date of promulgation of the proposed regulation as a final-form regulation: Summer 2026

D. The expected effective date of the final-form regulation: Upon publication as final.

E. The date by which compliance with the final-form regulation

<p>will be required:</p> <p>F. The date by which required permits, licenses or other approvals must be obtained:</p>	<p>Upon publication as final.</p> <p>N/A</p>
<p>(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.</p> <p>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, generally at least once every two months. Future meetings in 2025 are: October 22 and December 17. Future meetings in 2026 are: February 18, April 15, June 17, August 19, October 28 and December 16.</p>	

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

February 9, 2026

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u><i>Katherine Zimmerman</i></u> (DEPUTY ATTORNEY GENERAL)</p> <p><u>1/29/2026</u> 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-4420</u></p> <p>DATE OF ADOPTION: _____</p> <p><u><i>Eric B Greenberg</i></u></p> <p>BY: _____ ERIC B. GREENBERG, D.P.M.</p> <p>TITLE <u>Chairperson</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: <u><i>Adrian A. Nelson</i></u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>1/7/2026</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 PODIATRY

TITLE 49 PA CODE CHAPTER 29

§§ 29.13, 29.81, 29.82, 29.83 and 29.84

PERFORMANCE OF RADIOLOGIC PROCEDURES BY AUXILIARY PERSONNEL

The State Board of Podiatry (board) proposes to amend Chapter 29 (relating to the State Board of Podiatry) by amending §§ 29.13, 29.81, 29.82 and 29.83 and by rescinding § 29.84 (relating to locations and dates of examination), 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 15 of the Podiatry Practice Act (act) (63 P.S. § 42.15) authorizes the board to “make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of [the] act within the scope of [the] act.” Additionally, section 21.2(a) of the act (63 P.S. § 42.21c(a)) allows auxiliary personnel to perform radiologic procedures (also known as X-rays) on the premises of a podiatrist as long as the auxiliary personnel are under the direct supervision of a podiatrist who is on the premises at the time the X-ray is taken and the auxiliary personnel have passed an examination approved by the board and administered in accordance with section 812.1 of the act of The Administrative Code of 1929 (71 P.S. § 279.3a).

Background and Need for the Amendments

The board has determined that the act does not provide express statutory authority or otherwise require the board to issue permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures. Accordingly, the board ceased issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.

According to the act, all auxiliary personnel who have passed an approved examination may perform radiologic procedures on the premises of a podiatrist when such auxiliary personnel

are under the direct supervision of a podiatrist who is on the premises at the time the radiologic procedure is performed. Therefore, it is incumbent upon the supervising podiatrist to assure that auxiliary personnel have passed one of the required examinations prior to performing radiologic procedures.

This rulemaking is needed to amend §§ 29.13, 29.81, 29.82, 29.83 and to rescind § 29.84 to reflect that the board no longer requires auxiliary personnel to apply and pay a fee for the authorization to perform radiologic procedures, and no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Additionally, the board proposes to add definitions for two organizations offering examinations in radiologic procedures approved by the board.

Description of the Proposed Amendments

The board proposes to amend § 29.13 (relating to fees) by deleting the fee for the “application for authorization to perform radiologic procedures” because the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of licensees.

The board proposes to amend § 29.81 (relating to definitions) by adding the acronyms/terms ARRT (American Registry of Radiologic Technologists) and ASPMA (American Society of Podiatric Medical Assistants), two organizations offering examinations in radiologic procedures approved by the board. The board is also proposing a correction to the name of the Department of Human Services, which changed in 2014.

The board proposes to amend § 29.82 (relating to auxiliary personnel performing radiologic procedures) to clarify this section and to utilize the newly defined terms ARRT and ASPMA. While ARRT and ASPMA are the only two providers specifically identified in the board’s

regulations, the board continues to recognize examinations in radiologic procedures approved by the State Boards of Medicine, Osteopathic Medicine or Chiropractic to apply ionizing radiation to human beings for diagnostic or therapeutic purposes, as well as any other examination that may be approved by the board.

The board proposes to amend § 29.83 (relating to examinations) to clarify that applications for examination, and all fees related to examination, will no longer be submitted to the board. Instead, applications for examination and all fees related to examination shall be submitted directly to the board-approved examination provider.

Finally, it is proposed that, § 29.84 (relating to locations and dates of examinations) will be deleted and reserved because the board no longer publishes annually a list of examination locations and dates. The board-approved examination providers will continue to announce examination locations and dates on their respective websites.

Moreover, it is proposed that in §§ 29.81, 29.82, and 29.83, including the associated undesignated center head, all references to “radiology” or “radiological procedures” will be amended to read as “radiologic procedures” to coincide with the verbiage of the act.

Fiscal Impact and Paperwork Requirements

The board has not registered auxiliary personnel or otherwise issued documents authorizing auxiliary personnel to perform radiologic procedures since April 12, 2018. Accordingly, auxiliary personnel have not had to pay a fee for the authorization to perform radiologic procedures since April 12, 2018. The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions, nor will it impose additional paperwork requirements upon the Commonwealth, political subdivisions, or the private sector.

Sunset Date

The board continuously monitors the cost and 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 February 9, 2026, 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 Consumer Protection and Professional Licensure Committee of the Senate and to the Chairpersons of the Professional Licensure Committee of the House of Representatives. 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 in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to: Regulatory Counsel, State Board of Podiatry, 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*. Reference 16A-4420 (Performance of Radiologic Procedures by Auxiliary Personnel), when submitting comments.

16A-4420 – Performance of Radiologic Procedures by Auxiliary Personnel
Proposed Preamble
February 9, 2026

ERIC B. GREENBERG, D.P.M.
Chairperson

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

LICENSES

§ 29.13. Fees.

(a) The schedule of fees charged by the Board is as follows:

Initial license	\$30
Biennial renewal of license	\$395
License by reciprocity	\$95
Branch office certificate	\$20
Application for approval of educational conference	\$75
Certification of licensure or scores	\$25
Verification of licensure	\$15
[Application for authorization to perform radiologic procedures	\$25]
Review of continuing education waiver or extension requests	\$50
Review of reinstatement of license requests following inactive or expired status	\$25

* * * * *

**PERFORMANCE OF [RADIOLOGICAL] RADIOLOGIC PROCEDURES BY
AUXILIARY PERSONNEL**

§ 29.81 Definitions.

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

ARRT—The American Registry of Radiologic Technologists.

ASPMA—The American Society of Podiatric Medical Assistants.

Auxiliary personnel—A person other than a podiatrist, medical doctor, osteopathic doctor, dentist or chiropractor.

Direct supervision—Directly controlling the performance of a procedure by authorizing performance of that procedure only under the specific instructions of a podiatrist, and monitoring performance of the procedure to ensure compliance with the instructions.

Ionizing radiation—Gamma rays and X-rays; and alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles. The term does not include ultrasound, sound or radio waves or visible, infrared or ultraviolet light.

Premises of a podiatrist—A location at which a podiatrist practices podiatric medicine, other than a health care facility regulated by the Department of Health, the Department of **[Public Welfare] Human Services** or the Federal government.

Radiologic procedure—A medical diagnostic or therapeutic procedure that utilizes ionizing radiation.

§ 29.82. Auxiliary personnel performing radiologic procedures.

(a) A person may, within the practice of podiatric medicine, perform radiologic procedures on the premises of a podiatrist and under the direct supervision of the podiatrist, if **[one of the following applies] the person has passed a Board-approved examination. Board-approved examinations are any of the following:**

(1) **[The person has passed an examination in radiology] An examination in radiologic procedures** conducted by the **[American Society of Podiatric Medical Assistants] ASPMA** or the **[American Registry of Radiologic Technologists] ARRT**.

The examination shall at least cover the use of ionizing radiation, for diagnostic or therapeutic purposes, in areas of the human body within the scope of the practice of podiatric medicine.

(2) **[The person has passed an] An** examination approved by the State Boards of Medicine, Osteopathic Medicine or Chiropractic to apply ionizing radiation to human beings for diagnostic or therapeutic purposes.

(3) **[The person has passed an] Any other** examination approved **[and administered]** by the Board.

(b) The podiatrist is not required to personally observe the performance of radiologic procedures, but shall be on the premises at the time of performance.

§ 29.83. Examinations.

(a) An examination in **[radiology] radiologic procedures** shall cover the subjects of anatomy, physiology and physics for technicians and radiographers, with emphasis being placed on the scope of the practice of podiatric medicine.

(b) Applications for examination shall be **[completed on forms furnished by the Board and submitted at least 60 days prior to the scheduled date of the examination to the address indicated on the application materials with the fee as required by the examination administrator.] submitted to the Board-approved examination provider for admission to the examination in radiologic procedures and payment shall be made at the direction of the Board-approved examination provider.**

§ 29.84. [Locations and dates of examinations] {Reserved}.

[The Board will publish annually a list of examination locations and dates.]



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

Post Office Box 2649
Harrisburg, PA 17105-2649
1-833-367-2762

February 9, 2026

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

Re: Proposed Rulemaking
State Board of Podiatry
16A-4420: Radiologic Procedures

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Podiatry pertaining to Radiologic Procedures.

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 that reads "Eric B. Greenberg".

Eric B. Greenberg, DPM, Chairperson
State Board of Podiatry

EBG/JAW/dps
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Miguel Ruiz, Assistant Deputy Secretary of Policy and Planning
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Ashley D. Keefer, Counsel, State Board of Podiatry
State Board of Podiatry

February 9, 2026

From: [Leah Brown](#)
To: [Solomon, Douglas](#); [Bulletin](#); [Adeline E. Gaydosh](#)
Cc: [Abelson, Addie](#); [Rizzi, Alicia \(GC\)](#); [Keys, Jaclyn \(GC\)](#); [GC, Regulations](#); [Giurintano, Jason](#); [Wolfgang, Jacqueline](#); [Worthington, Amber](#); [Fuhrman, Rebecca](#); [Roland, Joel](#); [DeLaurentis, Carolyn](#); [Farrell, Marc](#); [Turek, Priscilla](#); [Keefer, Ashley](#); [Montgomery, Cynthia](#)
Subject: [External] RE: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Date: Monday, February 9, 2026 8:44:24 AM
Attachments: [image001.png](#)

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Good morning Douglas!

Thank you for sending this proposed rulemaking. Someone from our office will be in contact with you concerning the publication date.

Have a great week!

Leah D. Brown

Legal Assistant

Pa. Code and Bulletin Office

501 North 3rd Street

647 Main Capitol Building

Harrisburg, PA

(717) 783-2272 (Direct Line)

(717) 783-1530 (Main Line)

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Monday, February 9, 2026 8:28 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>; Turek, Priscilla <pturek@pa.gov>; Keefer, Ashley <askefer@pa.gov>; Montgomery, Cynthia <cymontgome@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Importance: High

Please be advised that the State Board of Podiatry is **electronically delivering** the below-identified proposed rulemaking today **Monday February 9, 2026**.

- **16A-4420 Radiologic Procedures– State Board of Podiatry**

The State Board of Podiatry (board) has determined that the Podiatry Practice Act (act) does not provide express statutory authority or otherwise require the board to issue permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures. Accordingly, the board ceased requiring auxiliary personnel to apply and pay a fee for the authorization to perform radiologic procedures on the premises of a podiatrist, and discontinued issuing permits, certificates or other documents authorizing auxiliary personnel to perform radiologic procedures on April 12, 2018.

This rulemaking is needed to amend §§ 29.13, 29.81, 29.82, and 29.83 and to rescind § 29.84 to reflect that the board no longer registers auxiliary personnel or otherwise issues documents authorizing auxiliary personnel to perform radiologic procedures in the offices of its licensees. Additionally, the board proposes to add definitions for the two board-approved organizations offering examinations in radiologic procedures.

The State Board of Podiatry is requesting a written (email) confirmation of receipt of this delivery from the designated contact person(s) from your office to effectuate the electronic delivery.

Thank you for your attention to this matter.



Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor’s Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax 717.787.0251
dousolomon@pa.gov | www.dos.pa.gov

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Independent Regulatory
Review Commission

February 9, 2026

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From: [Nicole Sidle](#)
To: [Solomon, Douglas](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Date: Monday, February 9, 2026 11:35:13 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

February 9, 2026

Good Morning—

This has been received. Thanks.

Nicole

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Monday, February 9, 2026 8:45 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>; Turek, Priscilla <pturek@pa.gov>; Keefer, Ashley <askeefer@pa.gov>; Montgomery, Cynthia <cymontgome@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Importance: High

Please be advised that the State Board of Podiatry is **electronically delivering** the below-identified proposed rulemaking today **Monday February 9, 2026**.

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electronic delivery.

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Thank you for your attention to this matter.

Independent Regulatory
Review Commission

February 9, 2026



Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax 717.787.0251
dousolomon@pa.gov | www.dos.pa.gov

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From: [Monoski, Jesse](#)
To: [Solomon, Douglas](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Date: Monday, February 9, 2026 10:18:56 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission
February 9, 2026

Received.

Jesse A. Monoski

Executive Director
Senate Consumer Protection & Professional Licensure Committee
Senator Lisa M. Boscola, Minority Chair
Room 458 Main Capitol Bldg., Harrisburg, Pa. 17120
Office: 717-787-4236 | Direct: 717-787-3506
www.senatorboscola.com

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Monday, February 9, 2026 8:37 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <Ian.Dimm@pasenate.com>; Kelly, Joseph <Joseph.Kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>; Turek, Priscilla <pturek@pa.gov>; Keefer, Ashley <askeefer@pa.gov>; Montgomery, Cynthia <cymontgome@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Importance: High

■ EXTERNAL EMAIL ■

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From: [Orchard, Kari L.](#)
To: [Solomon, Douglas](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Date: Monday, February 9, 2026 9:24:52 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

February 9, 2026

Received. Thank you!

Kari Orchard

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

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Monday, February 9, 2026 8:40 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackkeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintano@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>; Turek, Priscilla <pturek@pa.gov>; Keefer, Ashley <askeefer@pa.gov>; Montgomery, Cynthia <cymontgome@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
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Independent Regulatory
Review Commission

February 9, 2026



Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax 717.787.0251
dousolomon@pa.gov | www.dos.pa.gov

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From: [Smeltz, Jennifer](#)
To: [Solomon, Douglas](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Date: Monday, February 9, 2026 8:49:48 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

February 9, 2026

Received.

*Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Monday, February 9, 2026 8:32 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackey@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>; Turek, Priscilla <pturek@pa.gov>; Keefer, Ashley <askefer@pa.gov>; Montgomery, Cynthia <cymontgome@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-4420 (Radiologic Procedures)
Importance: High

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Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
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February 9, 2026

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