

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, March 21, 2024
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The March 21, 2024 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:07 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

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

Telephone: Dennis A. Watson, Esq.

II. EMBARGOED MAIL

The commissioners took time to read the embargoed mail.

III. APPROVAL OF THE DECEMBER 7, 2023 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the December 7, 2023, public meeting minutes, as submitted. Vice Chairman Mizner made the motion and Chairman Bedwick seconded, and the motion passed 5-0.

IV. NEW BUSINESS

A. ACTION ITEMS

1. No. 3386 Pennsylvania Gaming Control Board #125-246: Table Games Side Wager and Variations – Final Regulations

Corinne Brandt, Regulatory Analyst, explained that the final-omitted regulation transitions 22 existing temporary regulations related to table games into final regulatory status.

Robert Wood, Assistant Chief Counsel, PA Gaming Control Board, was present to answer any questions.

Chairman Bedwick noted the regulation's contents are optional for licensees and that the process does not allow for modifications to the privately developed and licensed games. Mr. Wood confirmed that licensees are not mandated to offer any specific table game but must follow prescribed rules if they do.

Chairman Bedwick made a motion for approval. Vice Chairman Mizner seconded, and the motion passed 4-0, with Commissioner Ufberg recusing.

2. No. 3385 State Ethics Commission #63-08: Technical Revisions for Statutory Consistency, Clarity and Modernization

Michelle Elliott, Regulatory Analyst, said the final-omitted regulation updates regulations that have not undergone revisions in several decades. The updates include removing and adjusting outdated provisions; updating appropriate means of filing and service; updating statutory references; and clarifications and grammatical changes.

Bridget Guilfoyle, Chief Counsel, Martin Harter, Deputy Chief Counsel, and Mary Fox, Executive Director, PA State Ethics Commission, were present to answer any questions.

Ms. Guilfoyle provided background on the State Ethics Commission's regulatory overhaul efforts, highlighting the outdated nature of the Ethics Act and regulations since 1993. Ms. Guilfoyle and Ms. Fox focused on updating regulations to allow electronic filing.

Commissioner Watson asked for justification on the new change allowing the electronic filing of ethics statements, noting that the current regulations did not permit this. Ms. Fox explained that the practice of electronically filing ethics forms was initiated due to COVID-19 concerns by the previous administration but was deemed unacceptable until a regulatory change could officially permit electronic submissions.

Commissioner Ufberg inquired about the discussions and decision-making process regarding the implementation of changes to the filing system. Ms. Guilfoyle mentioned that the Ethics Commission members have fully supported the review of regulations, with a committee formed to discuss potential changes. Chairman Bedwick emphasized the importance of making necessary updates swiftly to avoid delays.

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

3. No. 3377 Environmental Hearing Board #106-14: Practice and Procedure

Ms. Elliott said the final regulation amends the rules of practice and procedure of the Environmental Hearing Board (Board) to provide the Department of Environmental Protection

and persons challenging Department of Environmental Protection actions before the Board with more specific guidance on how to represent their interests. The regulation also includes clarifications and revisions.

Maryanne Wesdock, Judge, Environmental Hearing Board, was present to answer any questions. She explained the regulation related to the Board's rules of practice and procedure, which was recommended by the Rules Committee and approved by the Board's judges.

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

4. No. 3324 State Board of Medicine #16A-4953: Registration of Naturopathic Doctors

Ms. Brandt said this final rulemaking implements the Naturopathic Doctor Registration Act (Act 128 of 2016). It also establishes the fees for initial and biennial renewal of registration as a naturopathic doctor and removes an outdated reference in the fee schedule relating to “drugless therapists.”

Shana Walter, Board Counsel, and Cynthia Montgomery, Deputy Chief Counsel, Department of State (Department), were present to answer any questions. Ms. Walter detailed the regulation's purpose and its design to clarify responsibilities within the regulated community, noting the public comments received.

Commissioner Ufberg asked for clarification on the use of the term "doctor" or “Dr.” by individuals in the field who pass exams and are licensed under the regulation, specifically asking if those without a doctorate, such as acupuncturists, could use the title. Ms. Walter explained that a naturopathic doctor typically holds a doctoral degree due to the required educational path and training hours, contrasting this with acupuncturists who have a different licensed classification. Ms. Walter specified that the final regulation specifies title usage and the designations allowed for individuals within the regulated community.

Chairman Bedwick asked if any other licensees under the Board's jurisdiction can use the term "doctor,” aside from medical doctors. Ms. Montgomery specified that individuals with doctoral degrees in fields such as podiatric medicine, chiropractic medicine, and nursing have the right to use the title "doctor," and the Department oversees licenses through the medical, podiatry, and chiropractic boards.

Commissioner Soroko inquired about the appropriate and inappropriate use of initials after a name for individuals permitted to use the term "doctor" as a prefix. Ms. Montgomery specified that under the regulation individuals may refer to themselves as a “Doctor of Naturopathic Medicine”, using the initials “N.D.,” and can also call themselves naturopathic doctors. Commissioner Soroko asked if the usage of titles and initials discussed was common, and Ms. Montgomery explained that the naturopathic doctor community is commonly allowed to use the term "registered naturopathic doctor," which enables them to use the initials "R.N.D." as well. Commissioner Soroko confirmed there were no other combinations. Ms. Montgomery

mentioned that while they have not contemplated any additional abbreviations or designations, it is unpredictable what people might propose in the future.

Commissioner Soroko expressed concern about the use of acronyms after a name, highlighting that consumers typically associate it with a specific meaning and rely on it to indicate a certain level of medical qualification. He questioned the approach to this issue, given the potential for confusion. Ms. Montgomery mentioned that the regulation includes a prohibition.

Commissioner Ufberg asked about the necessity of being an “M.D.” Ms. Montgomery stated that regulations prohibit the use of "M.D." unless the individual holds a medical degree. Commissioner Ufberg discussed the acceptability of a naturopathic doctor using the title "Dr." without needing to include "M.D." Ms. Montgomery explained that individuals with a doctorate can use the title "doctor." Commissioner Ufberg commented that expanding the usage of “doctor” in the health field could cause confusion. Ms. Walter explained that naturopathic doctors must inform patients about the limitations of naturopathic medicine and clearly identify themselves when using the title "doctor."

Commissioner Ufberg inquired if naturopathic doctors are limited to practicing naturopathic medicine or can also prescribe medications. Ms. Walter specified that the Naturopathic Doctor Registration Act does not allow them to prescribe medications.

Chairman Bedwick specified that individuals using the title "Dr." must further identify themselves as a naturopathic doctor to distinguish from M.D.s. Commissioner Ufberg discussed the importance of clear discussions regarding the expansion of the term "doctor" for naturopathic practitioners.

Chairman Bedwick acknowledged the potential confusion but noted the terminology is determined by the legislature. Ms. Montgomery explained that they initially attempted to regulate titles for unregistered naturopathic doctors but removed this due to lack of jurisdiction.

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

V. OTHER BUSINESS

1. Approval of Vouchers

Vice Chairman Mizner made a motion to approve vouchers and expenses for the period December 8, 2023, through March 21, 2024. Commissioner Ufberg seconded, and the motion passed 5-0.

2. Staff Vacancy and Posting

Chairman Bedwick stated that as chairman, he granted the Executive Director permission to move forward with posting the job opening, but is now seeking ratification for the decision, pursuant to section 203.1(c) of the Operations Manual.

Chairman Bedwick made a motion to ratify the approval of advertising the job opening. Vice Chairman Mizner seconded, and the motion passed 5-0.

Chairman Bedwick made a separate motion to approve filling the open position. Vice Chairman Mizner seconded, and the motion passed 5-0.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Bedwick announced that there would be no executive session held today.

VII. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, April 18, 2024, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VIII. ADJOURNMENT

Chairman Bedwick adjourned the meeting at 11:00 am.