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John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on February 11, 2003.

The Committee voted to approve Regulation 16A-696, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The Committee voted to take no formal action on Regulation 16A-5117, State Board of Nursing, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee requests an explanation as to why, pursuant to Sec. 21.334(g), 50 minutes is counted as a continuing education hour, rather than 60 minutes.
- (2) The Committee questions whether or not a limit should be placed on the number of credit hours a CRNP may obtain through correspondence courses, taped study courses and other independent study courses.

The Committee voted to take no formal action on Regulation 16A-446, State Board of Podiatry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) Although primary responsibility rests with licensees to documents continuing education compliance, the Committee suggests that the Board continue to require course providers to authenticate attendance and retain documentation of attendance for a period of time equal to that required of licensees. The Committee notes that Dental Board regulations require both licensees and course providers to retain documentation for a period of four years. This provides a backup means to authenticate attendance should a licensee's documentation be lost or come into question.
- (2) The Committee notes that the exposure draft of the proposed amendments included courses given by the American Medical Association and the American Osteopathic Association as being preapproved. Reference to these organizations was withdrawn after objection by the Pennsylvania Podiatric Medical Association (PPMA). The Committee requests an explanation as to the grounds for the PPMA's objection, and questions why courses offered by the excluded associations cannot be of some educational value to licensees.



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

February 12, 2003

COMMITTEES

PROFESSIONAL LICENSURE,  
MAJORITY CHAIRMAN  
LIQUOR CONTROL  
FIREFIGHTERS' CAUCUS,  
COCHAIRMAN EMERITUS

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- (3) Section 29.61(a)(2) allows a maximum of 10 hours of continuing education through computer/internet, magazine or journal article courses. The Committee requests an explanation as to how continuing education is accomplished through those means.

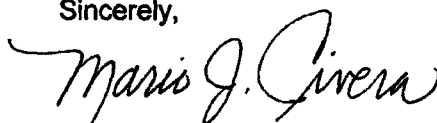
The Committee voted to take no action on Regulation 16A-4613, State Board of Dentistry, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) The Committee recommends that the Board adopt a similar approach to the other licensing boards that have promulgated regulations pertaining to sexual misconduct. These boards have defined the prohibited conduct with much greater specificity in the definitions sections of their regulations. The definitions of sexual exploitation and sexual behavior proposed by the Board are vague and open to interpretation.
- (2) The Committee suggests that the Board address the issue of what is prohibited or acceptable behavior between licensees and former patients, as well as licensees and current "significant others" who become patients.

The Committee voted to take no formal action on Regulation 16A-4612, State Board of Dentistry, until final form regulations are promulgated. However, the Committee encourages the Board to seek bids for the EFDA examination from the widest possible array of sources, including the State of Ohio, which already examines and certifies EFDAs.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms  
Enclosures

cc: Thomas F. Matta, Ph.D., Chairperson  
State Board of Social Workers, Marriage and Family  
Therapists and Professional Counselors  
K. Stephen Anderson, CRNA, Chairperson  
State Board of Nursing  
Jeffrey S. Gerland, D.P.M., Chairman  
State Board of Podiatry  
Veasey B. Cullen, Jr., D.M.D., Chairman  
State Board of Dentistry  
Honorable Benjamin Ramos, Acting Secretary of the Commonwealth  
Department of State

**Regulation 16A-4612**

**State Board of Dentistry**

**PROPOSAL:** Regulation 16A-4612 amends 49 PA Code, Chapter 33, regulations of the State Board of Dentistry. The amendment would delete the requirement that a certification examination for expanded function dental assistants (EFDAs) include a clinical component.

The proposed Rulemaking was originally published in the Pennsylvania Bulletin on October 26, 2002, and was resubmitted for Committee review on January 29, 2003. The Professional Licensure Committee has until February 13, 2003 to submit comments on the regulation.

**ANALYSIS:** Act 160 of 1994 amended the Dental Law to require EFDAs to pass a certification examination. Although an EFDA certification examination has yet to be implemented, the Board originally promulgated Regulation 33.103 to require any prospective exam to be comprised of both written and clinical components. Due to a number of factors, including a small candidate population and the lack of a national exam for EFDAs, the Board estimates that the exam application fee would be between \$700 and \$900. The Board believes that the clinical portion of the exam contributes to the prohibitive cost. After a public hearing on the issue held on July 20, 2001, the Board concluded that the clinical portion of the exam would not be necessary to adequately protect the public.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee encourages the Board to seek bids for the EFDA examination from the widest possible array of sources, including the State of Ohio, which already examines and certifies EFDAs.

House of Representatives  
Professional Licensure Committee  
January 31, 2003