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KIM KAUFMAN, EXECUTIVE DIRECTOR  
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 16, 2008

John W. Reitz, D.D.S., Chairperson  
State Board of Dentistry  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16A-4618 (IRRC #2573)  
State Board of Dentistry  
Sexual Misconduct

Dear Chairperson Reitz:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,



Arthur Coccodrilli

Chairman  
wbg  
Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable P. Michael Sturla, Majority Chairman, House Professional Licensure Committee  
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held October 16, 2008

Arthur Coccodrilli, Chairman  
Alvin C. Bush, Vice Chairman, by Phone  
Nancy Sabol Frantz, Esq., by Phone  
Karen A. Miller  
John F. Mizner, Esq.

Regulation No. 16A-4618 (#2573)  
State Board of Dentistry  
Sexual Misconduct

On October 4, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33. The proposed regulation was published in the October 21, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 2, 2008.

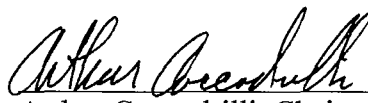
This regulation establishes standards for determining sexual misconduct between practitioners and their patients. The regulation would apply to all licensees of the Board, which include dentists, dental hygienists and expanded function dental assistants.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 122(c), (d), (d.1) and (o)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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Arthur Coccodrilli, Chairman