

<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;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="margin: 10px 0 0 0;">RECEIVED</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">July 25, 2024</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine</p>	<p>IRRC Number: 3351</p>
<p>(2) Agency Number: 16A Identification Number: 4958</p>	
<p>(3) PA Code Cite: 49 Pa. Code §§ 16.12a, 16.12b, 16.12c and 16.13(a)</p>	
<p>(4) Short Title: Licensure by Endorsement under 63 Pa.C.S. § 3111</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Dana M. Wucinski, Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) (dwucinski@pa.gov). Secondary Contact: Jacqueline A. Wolfgang, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) (jawolfgang@pa.gov).</p>	
<p>6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" 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>Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Medicine (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is</p>	

satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates 63 Pa.C.S. § 3111.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

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

63 Pa.C.S. § 3111 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, who pays fees established by the Board by regulation, provided the applicant meets certain criteria for eligibility. 63 Pa.C.S. § 3111 also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation.

Additionally, section 8 of the Medical Practice Act (act) (63 P.S. § 422.8) and section 207 of the Naturopathic Doctor Registration Act (63 P.S. §§ 272.101—272.301) (NDRA), and section 3 of the Acupuncture Licensure Act (63 P.S. §§ 1801—1806.1) (ALA) provides the Board with broad authority to adopt regulations as are reasonably necessary to carry out the purposes of the act, the NDRA and the ALA.

(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.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) of 63 Pa.C.S. § 3111 requires the Board to set an expiration of the provisional endorsement license. Otherwise, this 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 regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories, and countries. 63 Pa.C.S. § 3111 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. 63 Pa.C.S. § 3111 eliminates unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has issued one licensure by endorsement under 63 Pa.C.S. § 3111. The reason for this is that the act has a licensure by endorsement provision under section 27 of the act (63 P.S. § 422.27), which gives the Board broad authority to grant a license by endorsement when the applicant has not met the standard requirements for licensure under the act but has

achieved cumulative qualifications equivalent to those standard qualifications. Thus, similar to 63 Pa.C.S. § 3111, the licensure by endorsement provision under the act gives the Board discretion to issue a license even when the applicant's qualifications do not meet specific licensure requirements. In fact, for the most part, section 27 of the act provides the Board with broader discretion than 63 Pa.C.S. § 3111 by allowing the Board to consider the individual qualifications and achievements of an applicant as opposed to only allowing the Board to consider the licensure requirements of the licensing jurisdiction. Because of this, most licensure by endorsement applicants qualify for an unrestricted license by endorsement under section 27 of the Medical Practice Act (act) (63 P.S. § 422.8). In the alternative, there is also an option for physician applicants to obtain an institutional license under section 32 of the act (63 P.S. § 422.32). An institutional license is most often granted to internationally educated and trained physicians who do not meet the standard requirements for licensure but who intend to teach or practice medicine and surgery in the Commonwealth in an institutional setting (medical colleges, affiliates, or hospitals). The institutional license allows the internationally educated and trained physician to gain experience practicing in a U.S. health system while ensuring that there is oversight during the transition. Typically, once the Board has received verification from the institution that the applicant has successfully practiced on the institutional license for a period of 6 months to one year, an unrestricted license is granted. While the Board does not anticipate a large number of applications under 63 Pa.C.S. § 3111, it does provide yet another pathway to licensure, which is beneficial to all applicants. Accordingly, based upon the broad nature of the existing endorsement law of the Board and the minimal number of applications received, the Board estimates considering 2 applications under 63 Pa.C.S. § 3111 on an annual basis.

(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 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. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is to reduce barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the medical field.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States to determine whether other medical state boards have similar licensure by endorsement laws and regulations applicable to the medical and allied health professions.

For those states that have similar licensure by endorsement laws and regulations applicable to the medical and allied health profession, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; English proficiency and provisional licenses, including expiration of the provisional license.

Connecticut

Connecticut licenses acupuncturists, athletic trainers, behavior analysts, genetic counselors, nurse midwives, naturopathic physicians, perfusionists, physicians, physician assistants, and respiratory care specialists but only offers a license by endorsement option to acupuncturists, behavior analysts and genetic counselors.

A license by endorsement may be granted to any acupuncturist applicant who holds a current, valid acupuncturist license in good standing in another state or territory of the U.S. if that state or territory maintains licensing standards equal to or higher than Connecticut's requirements. Unlike 63 Pa.C.S. § 3111, there is no competency requirement. There is no provisional license option for these applicants nor is there an English proficiency requirement.

A license by endorsement may be granted to any behavior analyst who is licensed in another state or jurisdiction, or as a person entitled to perform similar services under a different designation, in another state or jurisdiction, that has requirements for practicing in such capacity that are substantially similar to, or higher than, those of Connecticut as long as there are no disciplinary actions or unresolved complaints pending. Unlike 63 Pa.C.S. § 3111, there is no competency requirement. There is no provisional license option for these applicants nor is there an English proficiency requirement.

A license by endorsement may be granted to any genetic counselor applicant who presents satisfactory evidence that the applicant is licensed or certified in another state or jurisdiction that has requirement for practicing in such capacity that are substantially similar to, or higher than, those of Connecticut, as long as there are no disciplinary actions or unresolved complaints pending in Connecticut or any other state. A temporary permit is available to genetic counselors who hold a master's degree or higher in genetic counseling or a related field. Unlike 63 Pa.C.S. § 3111, there is no competency requirement. The temporary permit is valid for one year and the permit holder must practice under the general supervision of a licensed genetic counselor or a licensed physician. There is no English proficiency requirement.

There is no endorsement option offered to naturopathic physicians, physicians, physician assistants, athletic trainers, nurse midwives, perfusionists or respiratory care specialists. However, physicians may be offered a license without examination provided that the applicant obtained a license after an examination substantially similar to, or of higher quality, than that required in Connecticut and has met all other qualifications for licensure in Connecticut, except the examination (education and training).

Connecticut does not license orthotists, orthotic fitters, prosthetists or pedorthists.

Delaware

Delaware licenses acupuncturists, Eastern medicine practitioners, genetic counselors, nurse midwives, physicians, physician assistants, polysomnographers, and respiratory care practitioners, but does not offer licensure by endorsement or a provisional license for any of those license types.

Delaware does offer a license by reciprocity for athletic trainers licensed, in good standing, in another state, the District of Columbia or other territory of the U.S., who received a passing score on a Board approved national examination. A temporary license is offered to reciprocity applicants but requires direct supervision of either a licensed physical therapist or a licensed athletic trainer. The temporary permit expires at a time determined by the Board. There is no English proficiency requirement for licensure by endorsement for athletic trainers.

Delaware does not license behavior specialists, naturopathic doctors, perfusionists, orthotists, orthotic fitters, prosthetists or pedorthists.

Maine

Maine licenses acupuncturists, athletic trainers, naturopathic doctors, nurse midwives, physicians, physician assistants and respiratory therapists.

Maine offers a license by endorsement for acupuncturists who are licensed in a jurisdiction whose standards for licensure are substantially equivalent to Maine's requirements for licensure.

Maine does not offer licensure by endorsement for naturopathic doctors, physicians or physician assistants; however, it does offer licensure by reciprocity for physicians in which the Board may, at its discretion, grant licensure without written examination to a physician in good standing who has been examined and licensed by a board of another state, if the applicant has taken and passed an equivalent examination.

Maine does not offer provisional licenses but offers a temporary license for physicians only when the action is necessary to provide relief for local or national emergencies or for situations in which the number of physicians is insufficient to apply adequate medical services or for physicians to serve as locum tenens for another licensed physician.

There is no English proficiency requirement for endorsement or reciprocity in Maine; however, the examinations accepted by the Board for physicians are conducted in English. Unlike 63 Pa.C.S. § 3111, there is no competency requirement.

Maine does not license behavior specialists, genetic counselors, perfusionists, practitioners of Oriental medicine, orthotists, orthotic fitters, prosthetists or pedorthists. Maine does license respiratory therapist and nurse midwives; however, they do not offer an endorsement option for those professions.

Maryland

Maryland licenses acupuncturists, athletic trainers, behavior analysts, naturopathic doctors, nurse midwives, perfusionists, physicians, physician assistants, practitioners of Oriental medicine and respiratory therapists. Of those professions, Maryland only offers a license by endorsement to perfusionists who have active licenses in another state with substantially equivalent standards for licensure and a clear criminal history.

Maryland does not offer a license by endorsement to physicians but does offer a license by reciprocity to physician applicants who have an active, unrestricted license to practice medicine in another jurisdiction that at the time the applicant was licensed, had licensure requirements substantially equivalent to the Board's current licensure requirements and offers a similar reciprocal licensure process to physicians licensed by the Board. The applicant must be in good standing under the laws of every jurisdiction where the individual is licensed and must submit to a State and national criminal history records check in accordance with the Maryland code.

Maryland requires English proficiency as requirement for initial licensure for acupuncturists, naturopathic doctors, physicians, physician assistants, practitioners of Oriental medicine, which may be taken into

consideration when evaluating the substantial equivalence standard for a license by reciprocity. Unlike 63 Pa.C.S. § 3111, there is no competency requirement.

Maryland does not offer a provisional license option for perfusionists applying by endorsement or for other applicants applying by reciprocity.

Maryland does not license genetic counselors, orthotists, orthotic fitters, prosthetists or pedorthists.

Massachusetts

Massachusetts licenses acupuncturists, athletic trainers, behavior analysts, genetic counselors, nurse midwives, perfusionists, physicians, physician assistants, practitioners of Oriental medicine and respiratory therapists.

Of these professions, Massachusetts offers a license by endorsement to acupuncturists, nurse midwives, perfusionists, practitioners of Oriental medicine and respiratory therapists if they are licensed in another state with substantially similar licensing standards. Unlike 63 Pa.C.S. § 3111, there is no competency requirement for licensure by endorsement for these professions. Massachusetts does not offer applicants a provisional license and does not require English proficiency for endorsement applicants.

Massachusetts accepts reciprocal recognition of behavior analysts if the requirements and standards of their licensing jurisdiction are substantially equivalent to Massachusetts.

Massachusetts does not license orthotists, orthotic fitters, prosthetists or pedorthists.

New Hampshire

New Hampshire licensed athletic trainers, genetic counselors, naturopathic doctors, nurse midwives, physicians, physician assistants, practitioners of Oriental medicine, but does not offer a license by endorsement to any of these professions.

New Hampshire does, however, offer a license by reciprocity to genetic counselors if the license requirements of the licensing state is equivalent or greater than the requirements of New Hampshire. There is no English proficiency requirement and no provisional license offered for a license by reciprocity. Unlike 63 Pa.C.S. § 3111, there is no competency requirement.

New Hampshire does not license behavior specialists, perfusionists, orthotists, orthotic fitters, prosthetists or pedorthists.

New Jersey

New Jersey has a comprehensive licensure by endorsement law that is applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Similar to 63 Pa.C.S. 3111, New Jersey requires applicants to demonstrate competency through its requirement of practicing within five years prior to the date of the application. Thus, Pennsylvania's competency requirements are similar to New Jersey. Additionally, unlike the

Board's proposed regulations, New Jersey does not provide discretion to issue a discretionary provisional license.

New Jersey has the authority to issue a license by endorsement to acupuncturists, athletic trainers, genetic counselors, nurse midwives, physicians, physician assistants, orthotists and perfusionists under its practice acts. New Jersey does not have an English proficiency requirement for licensure by endorsement; however, the acceptable examinations taken by the applicant for licensure by endorsement as a physician are only offered in English so that it would establish an English proficiency requirement for physicians only and not for the other allied health professionals.

New Jersey does not offer a license by endorsement for respiratory therapists, practitioners of Oriental medicine, orthotic fitters or pedorthists.

New Jersey does not license naturopathic doctors or prosthetists. New Jersey now licenses behavior specialists but have not yet promulgated regulations.

The NJ Board has many temporary license provisions for applicants, but none are under licensure by endorsement or reciprocity provisions.

New York

New York licenses acupuncturists, athletic trainers, behavior analysts, nurse midwives, perfusionists, physicians, physician assistants, practitioners of Oriental medicine and respiratory therapists.

New York only offers a license by endorsement to physicians and physician assistants who meet certain requirements. Physicians and physician assistants licensed in other states or Canada, are eligible for a license by endorsement if they have passed a comparable licensing examination acceptable to New York. These applicants may establish competency by having no less than two years of satisfactory professional experience. For those licensed in another country, competency may be established by the applicant having no less than five years of satisfactory professional experience or practice following licensure. New York does require English proficiency for all applicants. New York does not offer a provisional license to applicants.

While there is no endorsement option offered to the other allied health professionals, New York does offer a license by reciprocity to nurse midwives, acupuncturists, and practitioners of Oriental medicine if their licensing state or country is deemed satisfactorily in line with New York's regulations for licensure. New York does not offer a license by endorsement or by reciprocity to athletic trainers, behavior specialists, perfusionists or respiratory therapists.

New York does not license genetic counselors, naturopathic doctors, orthotists, orthotic fitters, prosthetists or pedorthists.

Ohio

Ohio licenses acupuncturists, athletic trainers, behavior analysts, genetic counselors, nurse midwives, orthotists, practitioners of Oriental medicine, physicians, physician assistants, prosthetics and respiratory therapists. Of these professions, Ohio only offers a license by endorsement to physicians, physician assistants and athletic trainers.

Physicians are eligible for a license by endorsement if they have diplomate or licentiate status with the National Board of Medical Examiners or licensure status with the Medical Council of Canada and have taken and passed acceptable examination.

Physician assistants are eligible for a license by endorsement if they have a current, valid license or other form of authority to practice as a physician assistant issued by another jurisdiction and if they are able to establish competency by having been in active practice in any jurisdiction throughout the two-year period immediately preceding the date of application.

Athletic trainers are offered a license by endorsement if they are licensed in another state that has standards greater than or equal to Ohio's requirement for licensure. There is no competency requirement for athletic trainers to obtain this license.

Ohio does not offer a license by endorsement for nurse midwives but does offer a license by reciprocity for those nurse midwives who have practiced for five years prior to application.

English proficiency is a requirement for initial license in the State of Ohio for physicians and physician assistants. There is no provision which allows for a provisional license for endorsement applicants.

Ohio does not license naturopathic doctors, orthotic fitters, pedorthists or perfusionists.

Rhode Island

Rhode Island licenses acupuncturists, athletic trainers, behavioral analysts, naturopathic doctors, practitioners of Oriental medicine, physicians, and physician assistants, but only offers a license by endorsement to acupuncturists and practitioners of Oriental medicine, behavioral analysts, physicians, and nurse midwives. There are no English proficiency requirements for endorsement applicants and no provisional license offered. Unlike 63 Pa.C.S. § 3111, there is no competency requirement.

Physicians are eligible for a license by endorsement if they hold an unrestricted license in every jurisdiction the applicant holds a license, meets the minimum requirement for licensure and have no formal disciplinary actions, active or pending investigations or other sanctions.

Acupuncturist and practitioners of Oriental medicine are eligible for a license by endorsement if the applicant is licensed in good standing as a doctor of acupuncture and practitioner of Oriental medicine in all states and territories where the applicant holds a license.

Behavioral analysts are eligible for a license by endorsement if they are licensed in another state or jurisdiction where the experience and standards for licensure are substantially equivalent to Rhode Island standards.

Midwives are eligible for a license by endorsement if, in the opinion of Rhode Island, they meet the licensure requirements in place in Rhode Island at the time of licensure in the other state or territory.

Rhode Island does not license behavior specialists, genetic counselors, perfusionists, orthotists, orthotic fitters, prosthetists or pedorthists.

Vermont

Vermont licenses acupuncturists, athletic trainers, behavior analysts, naturopathic physicians, nurse midwives, physicians, physician assistants and respiratory care practitioners. Of those professions, Vermont offers licensure by endorsement for athletic trainers, behavior analysts, respiratory care practitioners and acupuncturist if the applicant is licensed in another state whose licensing requirements are substantially equivalent to Vermont's licensing requirements. There is no competency requirement for these applicants.

While Vermont does not offer an endorsement option for physicians or naturopathic doctors, they do allow for a waiver of examination if an applicant is a physician who holds an unrestricted license in another U.S. or Canadian jurisdiction. Vermont does have an English proficiency requirement for physicians for initial licensure.

Vermont does not offer a provisional license option for endorsement applicants and does not require English proficiency.

Vermont does not license genetic counselors, perfusionists, practitioners of Oriental medicine, orthotists, orthotic fitters, prosthetists or pedorthists.

West Virginia

West Virginia licenses acupuncturists, athletic trainers, nurse midwives, physicians, physician assistants and respiratory care practitioners. Of those professions, West Virginia offers licensure by endorsement to physicians and respiratory care practitioners who can establish that they hold a valid license in another jurisdiction whose licensure requirements are equivalent to or greater than those required in West Virginia. There is no competency requirement for these applicants.

Nurse midwives are not eligible for a license by endorsement but are able to obtain a license by reciprocity if they can establish that their licensing state is a member of the Nurse Licensure Compact. Similarly, acupuncturists can obtain a license by reciprocity if they can establish that their licensing jurisdiction reciprocates with West Virginia.

A temporary license is offered only to physicians applying for a license by endorsement. The temporary licenses are only valid until the application is either granted or denied.

West Virginia does not license behavior specialist, genetic counselors, perfusionists, practitioners of Oriental medicine, orthotists, orthotic fitters, prosthetists or pedorthists.

Based on the information from the other states, the Board does not believe the amendments will put Pennsylvania at a competitive disadvantage. Many of the surrounding states do not offer licensure by endorsement and, if they do, the standards are similar to those required by Pennsylvania. Furthermore, the Board offers a license by endorsement option for physicians and all allied health professions licensed under the Board, while most surrounding states only offer endorsement to certain professions while not offering endorsement to other professions. The Board's endorsement standards are consistent among all professions while most surrounding state's requirements for endorsement vary among different professions.

Of the states that offer a license by endorsement, most do not have a competency requirement. While this may place Pennsylvania at a competitive disadvantage to those few states, the competency requirement is a statutory requirement, and the law specifically authorizes experience to establish competency. While

authorized to require more competency requirements, the Board chose to limit the showing of competency to 2 years of experience in the last 5 years preceding application. Unlike Pennsylvania, very few surrounding states offer a provisional license for those applying for a license by endorsement to allow the professional to begin practice while licensure requirements are still being met.

Similarly, the Board’s English proficiency requirement will not create a competitive disadvantage. While many surrounding states do not specifically require English proficiency, the acceptable examinations offered, for physicians especially, are conducted in English. Additionally, English proficiency is essential for health care professionals to have the ability communicate with one another and with their patients in emergency situations. The Board provides an extensive variety of ways that an applicant can establish English proficiency.

As mentioned above, applicants who are licensed, in good standing, in another jurisdiction can already easily obtain a license by endorsement under section 27 of the act. By adding the alternate path to licensure by endorsement under 63 Pa.C.S. § 3111, most applicants licensed in other jurisdictions will be able to obtain an unrestricted license in this Commonwealth. In the rare scenarios where the applicant does not meet the Board’s licensure standards, the option to obtain a provisional license is available. This isn’t an option available in most surrounding states and it can be used to allow the applicant to begin practicing while completing remaining licensure requirements. Therefore, the proposed regulations put Pennsylvania at a competitive advantage as compared to many other states.

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

This rulemaking does not affect other regulations of the Board 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.)

On June 25, 2020, the Board solicited comments from stakeholders and interested parties. A list of stakeholders is attached as Attachment “A.” The Board considered input and information provided by the Pennsylvania Society for Respiratory Care (“PSRC”) and Pennsylvania Medical Society. The Board published a notice of proposed rulemaking at 52 Pa.B 4923 (August 13, 2022), for thirty days of public comment. Publication was followed by a 30-day public comment period during which the Board received 36 public comments. Additionally, the Board received comments from the Independent Regulatory Review Commission (IRRC), and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments.

(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?

For purposes of this rulemaking, the Board estimates that approximately 2 applicants for a license by endorsement will be considered under 63 Pa C.S. § 3111 on an annual basis.

According to the Small Business Administration (SBA), there are approximately 1,082,000 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,082,000 small businesses, 225,401 are small employers (those with fewer than 500 employees) and the remaining 872,647 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

According to the Pennsylvania Department of Labor and Industry in 2020 (the most recent year for which data is available), physicians and allied health professionals were employed as follows:

Nurse midwives: 47% in offices of physicians, 26% in hospitals, 8% in outpatient care centers, 4% in educational services and 3% in offices of other healthcare practitioners.

Physician Assistants: 53% employed in offices of physicians, 26% in hospitals, 8% in outpatient care centers, 5% in educational services and 1% in employment services.

Respiratory Therapists: 82% in hospitals, 4% in nursing care facilities and 2% in offices of physicians.

Athletic Trainers: 38% in educational services, 20% in hospitals, 14% in offices of physical, occupational and speech therapists and audiologists, 5% in fitness and recreational sports centers and 3% self-employed.

Perfusionists: 79% in hospitals, 12% in offices of physicians, 3% in outpatient care centers and 2% in medical and diagnostic laboratories.

Genetic Counselors: 46% in hospitals, 11% in offices of physicians, 11% in colleges, universities and professional schools, 10% in medical and diagnostic laboratories and 3% self-employed.

Prosthetists and Orthotists: 27% in ambulatory healthcare services, 25% in medical equipment and supplies manufacturing, 19% in health and personal care stores, 10% in hospitals and 9% in federal government.

While there is no specific statistics on physicians and surgeons, the Department of Labor and Industry reports that many physicians and surgeons work in physician offices while others work in hospitals, academia or for the government.

No statistics were available relating to acupuncturists, behavior specialists, practitioners of Oriental medicine, orthotic fitters, pedorthists or naturopathic doctors.

For the businesses listed above, small businesses are defined in section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides 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 where licensees may work, a small business under NAICS Code 622110 (General Medical and Surgical Hospitals) are considered small businesses if they have \$47.0 million or less in average annual receipts; offices of physicians (NAICS code 621111) are considered small businesses if they have \$16.0 million or less in average annual receipts; outpatient care centers (NAICS code 621498) are considered small businesses if they have \$25.5 million or less in average annual receipts; educational services including colleges, universities and professional schools (NAICS code 611310) are considered small businesses if they have \$34.5 million or less in average annual receipts; offices of other healthcare practitioners (NAICS code 621399) are considered small businesses if they

have \$10 million or less in average annual receipts; offices of Physical, Occupational and Speech Therapists and Audiologists (NAICS code 621340) are considered small businesses if they have \$12.5 million or less in average annual receipts; and medical laboratories (NAICS code 621511) are considered small businesses if they have \$41.5 million or less in average annual receipts.

Based on this variety of employers, the Board believes that the majority of medical professionals in Pennsylvania are employed in small businesses. The Board does not collect information on the size of the businesses where its licensees are employed. However, for purposes of determining the economic impact on small businesses, the Board must assume that many its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the fee to apply for licensure. This fee is the same amount as applicants who apply by endorsement under section 27 of the MPA, 63 P.S. § 422.27. Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the application fee for licensure by endorsement. Because the application fees are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring their employees to pay their own licensure costs.

(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.

Applicants for licensure by endorsement as a medical physician or surgeon or any allied health profession (nurse-midwife, acupuncturist, practitioner of Oriental medicine, physician assistant, respiratory therapist, athletic trainer, behavior specialist, perfusionist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter, naturopathic doctor) will be required to comply with the proposed rulemaking. The Board estimates considering an average of 2 applications for licensure by endorsement under 63 Pa.C.S. § 3111 each year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(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 Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. Another purpose of 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence like existing licensees in this Commonwealth. The Board has selected methods of competence, including licensed practice in the profession for any two of the last five years and English proficiency. These methods assure competency because an applicant with at least two years of experience without discipline provides sufficient assurance that the individual is competent to practice. The proposed regulation further ensures that applicants can communicate in English with other medical staff, patients, or their families. The English proficiency requirement of this regulation

is intentionally broad and allows for English proficiency to be demonstrated in several ways such as attendance or training at an English-speaking medical college, examinations taken in English, certification by the Educational Commission for Foreign Medical Graduates (ECFMG) or various English proficiency examinations.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the application fee, (\$35 for medical doctors who are a graduate of medical college within the United States or Canada and \$85 for medical doctors who are a graduate of medical college outside of the United States or Canada; \$75 for behavioral specialist; \$50 for nurse midwives, perfusionist, genetic counselor, prosthetists, orthotist; \$30 for physician assistant, acupuncturist, practitioner of Oriental medicine, respiratory therapist, \$25 for pedorthist, orthotic fitter; \$20 athletic trainer, \$100 for naturopathic doctor), which covers the costs of processing the application. This application fee is the same for all applicants applying for a license by endorsement. Once the applicant for a license by endorsement (a graduate from a medical college outside the U.S. or Canada) pays the initial application fee, their application is reviewed under both section 27 of the act and under 63 Pa C.S. § 3111. That way, if an applicant for initial licensure does not qualify under the very broad section 27 of the MPA, they will not have to pay a second application fee to be considered under 63 Pa.C.S. § 3111, unless they have to take an English proficiency examination, which costs approximately \$200.

For applicants who wish to be considered under 63 Pa. C.S. § 3111, if the other law, regulation, or other rule of their licensing jurisdiction is in a language other than English, § 16.12a(a)(1)(ii), they would be required to have it professionally translated at the applicant's expense. The Board has been reviewing applications under 63 Pa.C.S. § 3111 since August of 2019. Under section 27 of the MPA, the Board has broad discretion to issue a license or certificate to applicants who do not meet standard requirements if the cumulative qualifications of an applicant are considered by the Board as equivalent. As such, the Board has only processed one application under 63 Pa.C.S. § 3111. The applicant considered under 63 Pa. C.S. § 3111 was an English-speaking applicant from Australia. The applicant provided all documentation to the Board in English and the education and examinations were taken in the English language. Therefore, there was no additional cost to the applicant for consideration under 63 Pa. C.S. § 3111. For applicants who incur translation costs, the Board anticipates costs of approximately \$25 per page and range between two and five pages in length. Applicants will also have to pay a Criminal History Records Check (CHRC) fee. An applicant obtaining a Federal Bureau of Investigation CHRC is charged \$18.00 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22.00. An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction. The Board notes that all applicants, regardless of whether they apply through endorsement or by examination, would be required to submit a CHRC and would therefore incur the same costs. Regarding professional liability insurance costs, health care providers who are required to maintain professional liability insurance must do so regardless of whether they apply through endorsement or by examination. Most of the costs that would be incurred by a licensure by endorsement applicant would be incurred for all applicants. Even so, any negative impact of any costs would be outweighed by the positive impact of 63 Pa. C.S. § 3111 and this regulation because it provides a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa. C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by

the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in § 6.1 (a)(5) of 63 Pa.C.S. § 3111 against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that fees are necessary to pay for the costs associated with the filing of applications. Additionally, an applicant for licensure by endorsement only pays one application fee to be considered under all endorsement pathways.

Regarding the cost of translating the law, regulation, or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. Additionally, this cost will only be incurred if the applicant does not meet the Board's existing pathways to licensure through endorsement under section 27 of the act.

Regarding costs associated with demonstrating competency, the Board is authorized to select the appropriate method of competency under 63 Pa.C.S. § 3111(a)(2) and has required that applicants demonstrate competency through experience in the practice of their profession for at least 2 of the 5 years immediately preceding the date of application in the jurisdiction that issued the license and that they received their education, training or examination in the English language or have successfully taken an English proficiency examination. Applicants will incur no costs to demonstrate competency unless they are required to take an English competency exam in lieu of the other routes to demonstrate English proficiency. This route would only be necessary if the applicant is unable to establish that their education, training or examinations were not conducted in English. If an applicant had to take the TOEFL or similar examination, the cost incurred would average around \$200. The assurance of English proficiency outweighs the cost of an English proficiency examination because it is essential that medical staff can communicate with each other. If there is a breakdown in communication among medical staff, patient care would be compromised.

(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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs including paying the application fee. However, any applicant for a license must pay the same application fee. The application fee would allow an applicant applying for a license by endorsement to receive an analysis under section 27 of the act and under 63 Pa.C.S. § 3111 without paying a second fee. Since the effective date of 63 Pa.C.S. § 3111, the Board has issued only one license by endorsement under 63 Pa.C.S. § 3111, which was for a medical doctor's license. During this time, the total costs incurred for licensure by endorsement applications is \$85. The application received by the Board was from an applicant who was licensed in another country, but there were no translation costs. If there were translation costs, the Board anticipates costs of approximately \$25 per page and range between two and five pages in length. Based upon this information, the Board anticipates no more than two licensure by endorsement applications per year, which will result in approximate costs in the amount of \$170 annually. Applicants will also have to pay a Criminal History Records Check (CHRC) fee. An applicant obtaining a Federal Bureau of Investigation CHRC is charged \$18.00 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22.00. An applicant obtaining a CHRC from any other state, territory or country would be

charged the fee assessed by that jurisdiction. The Board notes that all applicants, regardless of whether they apply through endorsement or by examination, would be required to submit a CHRC. Regarding professional liability insurance costs, health care providers who are required to maintain professional liability insurance must do so regardless of whether they apply through endorsement, examination, reciprocity or any other method.

Based upon this information, the Board anticipates approximately two applications for a license by endorsement per year throughout all its allied health professions with the approximate result of costs \$170 annually.

(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.

The regulation would not result in costs or savings to local governments.

(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 will incur operational costs to implement the licensure by endorsement under 63 Pa.C.S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by the applicants.

(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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to apply for licensure accompanied by required documentation.

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

Yes, applicants are currently required to submit an online application through PALS.

As part of the online application, the applicant answers a series of questions asking whether they graduated from a medical college within the U.S. or Canada or outside of the U.S. or Canada. Applicants who graduated from a medical college within the U.S. or Canada are directed to pay a \$35 application fee. Applicants who graduated from a medical college outside of the United States or Canada are directed to pay an \$85 application fee. There is a difference in the cost of the application fees because the Board has determined that the standards for licensure in any of the United States and Canada are substantially equivalent to those of Pennsylvania and those applications are not as time-consuming as applications where the medical college is located outside the United States and Canada. The application review process

for individuals who attended a medical college outside of the United States or Canada will be more in-depth and necessitates a higher fee. All applicants will be required to upload a criminal history record check, a National Practitioner’s Databank (NPDB) report, letters of good standing, curriculum vitae, proof of training and examinations and medical malpractice insurance, if required.

(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 Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa.C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Additionally, as part of the online application, the applicant answers a series of questions asking whether they graduated from a medical school within the U.S. or Canada, or outside of the U.S. or Canada. Applicants who graduated from a medical school within the U.S. or Canada are directed to pay a \$35 application fee. Applicants who graduated from a medical school outside the U.S. or Canada are directed to pay a \$85 application fee.

Applicants currently licensed in another jurisdiction outside the United States or Canada are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent Criminal History Records Check (CHRC) from the state police or other state or agency or other appropriate agency of a territory or country that is the official repository for criminal history record information for every state in which they have lived, worked, or completed professional training/studies for the past 5 years. Applicants also must upload a National Practitioner’s Databank (NPDB) report, letters of good standing, curriculum vitae, proof of training and examinations and medical malpractice insurance, if required. Based upon the above, applications are forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa.C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa.C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board attaches a paper application which will be the basis for developing the electronic licensure by endorsement application. (See Attachment B)

(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 21-22	FY +1 22-23	FY +2 23-24	FY +3 24-25	FY +4 25-26	FY +5 26-27
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						

Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community		\$170	\$170	\$170	\$170	\$170
Local Government						
State Government						
Total Costs		\$170	\$170	\$170	\$170	\$170
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3 2020-2021 (actual)	FY -2 2021-2022 (actual)	FY -1 2022-2023 (estimated)	Current FY (budgeted)
State Board of Medicine	7,650,479.85	7,161,539.49	7,592,042.31	6,993,000.00

(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.
- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping, or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board’s regulations will encourage skilled workers and their families to move to

Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

(d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(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.

No special provisions have been developed for any affected groups or persons.

(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 provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(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.
- 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. All applicants for licensure are treated equally.
- c) There is no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(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.

No data, studies or references were used to justify the regulation.

(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:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed in public board meetings on July 23, 2019, March 17, 2020, June 23, 2020 and December 15, 2020. The Board reviewed the comments to the proposed rulemaking at its October 25, 2022 Board meeting. The final rulemaking was reviewed and approved at the Board's May 21, 2024 meeting.

C. The expected date of promulgation of the proposed regulation as a final-form regulation: Summer 2024

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 will be required: Upon publication as final.

F. The date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

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. The Board will meet on the following dates in 2024: June 25, August 6, September 17, November 5 and December 17.

ATTACHMENT “A”

16A-4958 Stakeholders List

Salutation	First Name	Last Name	Professional Designation	Business Address	Address Line 1
Dr.	Julie	Lachman	ND		1432 Easton Rd, 3G
Dr.	Marie	Winters	ND		737 Dudley St
Dr.	Heidi	Weinhold	ND	PANP	105 Rockingham Lane
Ms.	Angie	Armbrust		The Winter Group	234 N 3rd St
Ms.	Susan	DeSantis	PA-C	Pennsylvania Society of Physician Assistants	P.O. Box 128
Mr.	Alex	Bonner		PA State Nurses Association	3605 Vartan Way, Suite 204
Mr.	Ted	Mowatt	CAE	Ass'n for Prof. Acupuncture	908 N 2nd St
Ms.	Jennifer	Sporay	RDN-AP, CSO, LDN, CNSC, FAND		1438 Bridge St.
Attorney	Andrew	Harvan	Esq.	Pennsylvania Medical Society	777 E Park Dr
Mr.	Doug	Richards		Long Nyquist & Assoc.	121 State St
Ms.	Carrie	Hillman		Milliron Goodman, LLC	200 N 3rd St, Suite 1500
Mr.	Edward	Nielsen	M.H.S	Pennsylvania Chiropractic Association	1335 North Front St
Representative	Mark	Mustio			Suite 220
Representative	Mark	Mustio		PA House of Representatives	416 Irvis Office Bldg
Representative	Harry	Readshaw		PA House of Representatives	107 Irvis Office Bldg
Representative	Harry	Readshaw			1917 Brownsville Rd
Senator	Lisa	Boscola		Pennsylvania Senate	Senate Box 203018
Senator	Lisa	Boscola			Suite 120
Senator	Robert	Tomlinson			3207 Street Rd
Senator	Robert	Tomlinson		Pennsylvania Senate	Senate Box 203006
				PA Assoc of Naturopathic Physicians	P.O. Box 5615
				PA Academy of Nutrition and Dietetics	P.O. Box 211025
Dr.	Paul	Gannon	ND	Cancer Treatment Centers Of America	Eastern Regional Medical Center
Dr.	Naina	Kohli	ND	Cancer Treatment Centers Of America	Eastern Regional Medical Center
				North American Bd of Naturopathic Examiners	Suite 119, #321
Ms.	Leia	Anderson		Natural Paths To Wellness	3601 Gettysburg Rd
Dr.	Maria	Ciuferri-Wanasacz	ND, L Ac	Healing Arts Center At Northeastern	Rehabilitation Associates Pc
Dr.	John	Laird	ND	UPMC Center For Integrative Medicine	580 S Aiken Ave
Dr.	Sari	Cohen	ND	UPMC Center For Integrative Medicine	580 S Aiken Ave

16A-4958 Stakeholders List

Last Name	Address Line 2	City	State	Zip	email
Lachman		Warrington	PA	18976	jl@drlachman.com
Winters		Philadelphia	PA	19148	marie.winters@gmail.com
Weinhold		McMurray	PA	15317	drheidiproducts@aol.com
Armbrust		Harrisburg	PA	17101	aarmbrust@wintergroupa.com
DeSantis		Greensburg	PA	15601	pspa@pspa.net
Bonner		Harrisburg	PA	19110	abonner@psna.org
Mowatt		Harrisburg	PA	17102	tmowatt@wannerassoc.com
Sporay		New Cumberland	PA	17070	jsporay@pinnaclehealth.org
Harvan		Harrisburg	PA	17111	aharvan@pamedsoc.org
Richards		Harrisburg	PA	17101	doug@longnyquist.com
Hillman		Harrisburg	PA	17101	carrie@millirongoodman.com
Nielsen		Harrisburg	PA	17102	enielsen@pennchiro.org
Mustio	1009 Beaver Grade Rd	Moon Twp	PA	15108	mmustio@pahousegop.com
Mustio	P.O. Box 202044	Harrisburg	PA	17120-2044	mmustio@pahousegop.com
Readshaw	P.O. Box 202036	Harrisburg	PA	17120-2036	mwilson@pahouse.net
Readshaw		Pittsburgh	PA	15210	hreadsha@pahouse.net
Boscola		Harrisburg	PA	17120-3018	boscola@pasenate.com
Boscola	1 E Broad St	Bethlehem	PA	18018	boscola@pasenate.com
Tomlinson		Bensalem	PA	18020	rtomlinson@pasen.gov
Tomlinson		Harrisburg	PA	17120-3006	rtomlinson@pasen.gov
		Philadelphia	PA	19129	info@panp.org
		Columbus	OH	43221	
Gannon	1331 E Wyoming Ave	Philadelphia	PA	19124	
Kohli	1331 E Wyoming Ave	Philadelphia	PA	19124	
	9220 SW Barbur Blvd	Portland	OR	97219	
Anderson		Camp Hill	PA	17011	
Ciufferri-Wanasacz	5 Morgan Hwy, Ste 4	Scranton	PA	18508	
Laird		Pittsburgh	PA	15232	
Cohen		Pittsburgh	PA	15232	

16A-4958 Stakeholders List

Salutation	First Name	Last Name	Professional Designation	Business Address	Address Line 1
				Hospital of the University of Pennsylvania	Penn Medicine Abramson Cancer Center
				Marcus Institute for Integrative Medicine	of Jefferson Hospital
				Physicians Comm for Responsible Medicine	Suite 400
				American Assoc. of Naturopathic Physicians	Suite 250
Dr.	Andrew	Neville	ND	Clymer Healing Center	5916 Clymer Road
Dr.	Michael	Reece	ND		4233 Oregon Pike
Dr.	Alison	Finger	ND		148 E State St
Dr.	Brian	Freeman	ND		1430 Bridge St #2
Dr.	Jaie	Bosse	ND		Lower Level
Attorney	Jann	Bellamy	JD	Society for Science-Based Medicine	
Dr.	Heather	Deluca	ND		250 Pierce St
				Health for Life Clinic	112 Cornell Ave
Dr.	Kayla	Evan	ND		972 Lincoln Rd
Dr.	Maureen	Tighe	ND, MSOM	Trillium Natural Medicine	3043 W Liberty Ave
Ms.	Lynn	Feinman			53 Darby Road C
Dr.	Jeremy	Wolf	ND	Falcone Center for Cosmetic, Functional and Integrative Medicine	Suite B104
Dr.	Henriette	Alban	ND		103 S 5th St
Dr.	Marty	Edwards	ND		529 S Juniper St
Dr.	Jill	Hoffman	ND	Center City Naturopathic	111 Sibley Ave
President	Anne	Walsh		Fed'n of Naturopathic Medicine Regulatory Auth.	Oregon Bd of Naturpathic Medicine
				Alaska Dept of Cmty and Econ Dev.	Div of Occup Licensing - Naturpathic Section
Executive Direct	Gail	Anthony		AZ Naturopathic Bd of Medical Exam'rs	#230
				Colorado Dept of Regulatory Auth.	Office of Naturopathic Doctor Registration
				Connecticut Bd of Naturopathic Examiners	P.O. Box 340308
Executive Office	Candace	Ito		Hawaii Bd of Examiners in Naturopathy	DCCA-PVL Attn: NAT

16A-4958 Stakeholders List

Last Name	Address Line 2	City	State	Zip	email
	3400 Spruce St	Philadelphia	PA	19104	
	925 Chestnut St	Philadelphia	PA	19107	
	5100 Wisconsin Ave NW	Washington	DC	20016	
	818 18th Street NW	Washington	DC	20006	
Neville		Quakertown	PA	18951	
Reece		Ephrata	PA	17522	
Finger		Doylestown	PA	18901	
Freeman		New Cumberland	PA	17070	
Bosse	419 S 19th St	Philadelphia	PA	19146	
Bellamy					jbellamy@sciencebasedhealthcare.org
Deluca		Kingston	PA	18704	
		Lancaster	PA	17603	
Evan		Phoenixville	PA	19460-2137	
Tighe		Pittsburgh	PA	15216	
Feinman		Paoli	PA	19301	lynnwestfeinman@gmail.com
Wolf	191 Presidential Blvd	Bala Cynwyd	PA	19004	
Alban		Reading	PA	19602	
Edwards		Philadelphia	PA	19147	
Hoffman		Ardmore	PA	19003	
Walsh	Suite 119 #321 9220 SW Barbur Blvd	Portland	OR	97219	
	P.O. Box 110806	Juneau	AK	99811-0806	
Anthony	1400 W Washington Ave	Phoenix	AZ	85007	
	1560 Broadway, Ste 1350	Denver	CO	80202	
	410 Capitol Ave	Hartford	CT	06134-0308	
Ito	P.O. Box 3469	Honolulu	HI	96801	naturopathy@dcca.hawaii.gov

16A-4958 Stakeholders List

Salutation	First Name	Last Name	Professional Designation	Business Address	Address Line 1
				Kansas State Bd of Healing Arts	Office of General Counsel
Ms.	Geraldine	Betts		Maine Bd of Complementary Health Care Providers	35 State House Station
				Maryland Bd of Physicians	Reference Allied Health Practitioners
Dr.	Molly	Schwanz	ND	MN Bd. of Med. Practice	University Park Plaza - Ste 500
				Montana Alternative Health Care Bd	P.O. Box 200513
				North Dakota Bd of Integrative Health Care	705 E Main Ave
				New Hampshire Dept of Health and Human Services	Licensing & Regulative Services
				Oregon Bd of Naturopathic Examiners	Suite 407
				Utah Naturopathic Physicians Licensing Bd	160 E 300 S
Mr.	Ronald	Klein	RPh	Vermont Office of the Secretary of State	Office of Professional Regulation
				WA State Dept of Health - Naturopathy Program	Health Professions Quality Assurance
Attorney	Traci	Hobson	Esq.	American Ass'n of Naturopathic Physicians	Suite 250
				Council On Naturopathic Medical Educ.	P.O. Box 178
Dr.	Kathy	Ferraro	MD	Center for Holistic Medicine	9 Brookwood Ave
Dr.	Jessica	Shoemaker	BS, ND	Natural Paths to Wellness	3601 Gettysburg Rd
Dr.	Timothy	Salotto	ND		645 N 12 St, Suite 301
Dr.	Bill	Maguire	ND		924-A Colonial Ave
Executive Direct	Allison	McIntosh		Pennsylvania Physical Therapy Ass'n	#106
				Ass'n for Prof Acupuncture in Pennsylvania	P.O. Box 1081
				Pennsylvania Chiropractic Association	1335 N Front St
				Homeopathic Med Soc'y of the State of PA	637 W Lincoln Hwy
				PA Health Care Association	315 North Second St
Ms.	Mary	Marshall		The Hospital & Healthsystem Assoc	30 N 3rd St, Ste 600
Ms.	Betsey	Zych		PA Academy of Nutrition & Dietetics	P.O. Box 211025
	Jan	Cox		Independence Blue Cross	1919 Market St
Ms.	Margaret	Rowe			21 Foxanna Dr

16A-4958 Stakeholders List

Last Name	Address Line 2	City	State	Zip	email
	800 SW Jackson St., Lower Level-Suite A	Topeka	KS	66612	
Betts		Augusta	ME	04333-0035	
	4201 Patterson Ave	Baltimore	MD	21215	
Schwanz	2829 University Avenue SE	Minneapolis	MN	55414-3246	
	301 S Park, 4th Fl	Helena	MT	59620-0513	
		Bismark	ND	58501	
		Concord	NH	03301-3857	
	800 NE Oregon St	Portland	OR	97232	
		Salt Lake City	UT	84111	
Klein	89 Main St, 3rd Fl	Montpelier	VT	05620-3402	
	P.O. Box 47865	Olympia	WA	98504-7865	
Hobson	818 18th Street NW	Washington	DC	20006	traci.hobson@naturopathic.org
		Great Barrington	MA	1230	
Ferraro		Carlisle	PA	17015	
Shoemaker		Camp Hill	PA	17011	
Salotto	645 N 12th St	Lemoyne	PA	17043	drsalotto@gmail.com
Maguire		York	PA	17403	
McIntosh	4710 Devonshire Road	Harrisburg	PA	17109	amcintosh@cmemanage.com
		Glenside	PA	19038	
		Harrisburg	PA	17102	
		Exton	PA	19341	
		Harrisburg	PA	17101	
Marshall		Harrisburg	PA	17101-1703	mmarshall@haponline.org
Zych		Columbus	OH	43221	Betsey@windrae.com
Cox		Philadelphia	PA	19103-1480	
Rowe		Hershey	PA	17033	mmrowe@comcast.net

16A-4958 Stakeholders List

Salutation	First Name	Last Name	Professional Designation	Business Address	Address Line 1
	SmAshedBrAinS				
Dr.	Diane	Hawk	ND		1270 Greensprings Dr
				Acupuncture Society of Pennsylvania	PO Box 7676
Dr.	Michael	Di Palma	ND	Medical Center of Richboro	778 2nd Street Pk
Dr.	Elizabeth	Gaby	ND		301 Dorwood Dr
Dr.	Jeannine	Maschak	ND	Integrative Health & Wellness	PO Box 1621
Dr.	Darrell	Misak	ND, RPh	Pittsburgh Alternative Health, Inc.	20 Cedar Blvd
Dr.	Suzanne	Peppell	ND		400 Northampton St.
Dr.	Michelle	Qaqundah	ND	Cancer Treatment Centers of America	1331 East Wyoming Avenue
Dr.	Joy	Sakonyi	ND	Wellspring Whole Health	The Nuin Center
Dr.	Gurneet	Singh	LAc, ND	Lotus Healing, LLC	Triune
Mr.	Dwayne	Haus		Int. RBTI Pract. Assn	P.O. Box 621
President	Heather	Shutlz		Assoc. for Prof. Acupuncture in Pennsylvania	P.O. Box 621
Ms.	Linda	Rosa	RN	Colorado Citizens for Science in Medicine	
Dr.	Britt	Hermes	ND (ret.)		
Mr.	Alex	Murdoch			
Dr.	Valerie	Nelson	ND	Abundant Life Wellness	
Ms.	Nancy	Wagner	MBA, RD, LDN		
Dr.	Filippos	Diamantis		American Naturopathic Medical Association	
Mr.	Randy	Stevens		Pennsylvania Orthotic and Prosthetic Society	
Dr.	Khadija	Douglas	ND	Julie Lachman, ND, LLC	1432 Easton Rd, 3G
Ms.	Katrina	Molnar-Dietz			800 Campbell Drive
Ms.	Julie	Derwart-Reh	CNM,CNWC,BNS,M PH		508 York St.
Dr.	JoAnn	Yánez	ND, MPH, CAE	American Association of Accredited Naturopathic Medical Colleges	
Dr.	Shannon	Braden	ND	Federation of Naturopatic Medicine Regulatory Authorities	
Dr.	Christa	Louise	M.S., Ph.D.		
Dr.	Barbara	Myers	ND		828 Long Meadow Dr.

16A-4958 Stakeholders List

Last Name	Address Line 2	City	State	Zip	email
					burninillusion@gmail.com
Hawk		York	PA	17402	
		Philadelphia	PA	19101	
Di Palma		Richboro	PA	18954	
Gaby		Carlisle	PA	17013	
Maschak		Cranberry Twp	PA	16066	
Misak	Suite 303	Mt. Lebanon	PA	15228	office@pittsburghalternativehealth.com
Peppell	Suite 706	Easton	PA	18042	
Qaqundah	Suite 2030	Philadelphia	PA	19124	
Sakonyi	5655 Bryant Street	Pittsburgh	PA	15206	
Singh	325 Cherry St.	Philadelphia	PA	19106	
Haus		Abington	PA	19001-0621	drhaus@dwaynehaus.com
Shutz					acupunctureheather@gmail.com
Rosa					linda.and.rosa@gmail.com
Hermes		Oak Park	CA		naturopathicdiaries@gmail.com
Murdoch					alexander.murdoch@gnb.ca
Nelson					ALWStaff@outlook.com
Wagner					Nancy.R.Wagner@fmc-na.com
Diamantis					admin@anma.org
Stevens					rstevens1110@gmail.com
Douglas		Warrington	PA	18976	kd@drlachman.com
Molnar-Dietz		Newport	PA	17074	katrina.molnardietz@gmail.com
Derwart-Reh		Hanover	PA	17331	jdmidwife@yahoo.com
Yánez					director@aanmc.org
Braden					shannonbraden@fnmra.org
Louise					ChristaLouise@nabne.org
Myers		Chalfont	PA	18914	barb@willowhealthfood.com

16A-4958 Stakeholders List

Salutation	First Name	Last Name	Professional Designation	Business Address	Address Line 1
Dr.	Helen	Healy	ND	Wellspring Naturopathic Clinic	905 Jefferson Ave., Suite 202
Dr.	Marilyn	Heine	M.D.		900 Twining Rpad
Ms.	Margaret	Durkin		Bravo Group, Inc.	20 N. 2nd St

16A-4958 Stakeholders List

Last Name	Address Line 2	City	State	Zip	email
Healy		St. Paul	MN	55102	
Heine		Dresher	PA	19025-1726	mjheine12@aol.com
Durkin		Harrisburg	PA	17101	durkin@thebravogroup.com

ATTACHMENT “B”

Telephone: (717) 783-1400
Fax: (717) 787-7769
Website: <https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Medicine>
E-Mail: ST-MEDICINE@pa.gov

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the State Board of Medicine (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

- A. Hold a current license, certificate, registration or permit to practice as a physician or other allied health professional in good standing in a jurisdiction whose standards for licensure are substantially equivalent to or exceed those of the Board.

- B. Demonstrates competency by one of the following:
 - Experience in the practice of the profession by demonstrating, at a minimum, that the applicant has actively engaged in the practice of medicine or other allied health profession in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
 - English proficiency

- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice under the Section 41 of the act ((63 P.S. § 422.41) and/or section 204 of the NDRA (63 P.S. § 272.204) and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit.

- D. Has paid the applicable application fee as required by 49 Pa. Code § 16.13 (relating to licensure, certification, examination, and registration fees) (medical doctor \$35 graduate of medical college within the United States or Canada and \$85 for graduate of medical college outside of the United States or Canada; \$75 behavioral specialist; \$50 nurse midwives, perfusionist, genetic counselor, prosthetists, orthotist; \$30 physician assistant, acupuncturist, practitioner of Oriental medicine, respiratory therapist, \$25 pedorthist, orthotic fitter; \$20 athletic trainer)

- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, license, certificate or permit in good standing:

- Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the

name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- Paid Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. If you do not receive the Board's approval to sit for the examination within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- Have the out-of-state licensing authorities in which you hold or have held a license to practice your profession submit a letter of good standing directly to the State Board of Medicine with a state seal affixed to the letter.
- A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593. (If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)
- The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered “mandatory reporters” under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for issuance of an initial license shall be required to complete 3 hours of DHS-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board. [Child Abuse Continuing Education Providers Information can be found here.](#)
 - Provide a Self-Query from the National Practitioner Data Bank completed within 90 days of submission of this application to the Board. A Self-Query can be requested online at www.npdb.hrsa.gov. When you receive the “Self-Query Response” from the National Practitioner Data Bank, forward it to the Board office. (Verify that “Self-Query Response” is sent to the Board and not a discrepancy notice.)**

3. INFORMATION

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

State Board of Medicine

Mailing Address: State Board of Medicine
P.O. Box 2649
Harrisburg, PA 17105-2649

Physical Address: One Penn Center
2601 North Third Street
Harrisburg, PA 17110

Telephone: (717) 783-1400

Fax: (717) 787-7769

Email: ST-MEDICINE@PA.GOV

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: (MEDICAL DOCTOR \$35 GRADUATE OF MEDICAL COLLEGE WITHIN THE UNITED STATES OR CANADA AND \$85 FOR GRADUATE OF MEDICAL COLLEGE OUTSIDE OF THE UNITED STATES OR CANADA; \$75 BEHAVIORAL SPECIALIST; \$50 NURSE MIDWIVES, PERFUSIONIST, GENETIC COUNSELOR, PROSTHETISTS, ORTHOTIST; \$30 PHYSICIAN ASSISTANT, ACUPUNCTURIST, PRACTITIONER OF ORIENTAL MEDICINE, RESPIRATORY THERAPIST, \$25 PEDORTHIST, ORTHOTIC FITTER; \$20 ATHLETIC TRAINER) **PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE THE BOARD'S APPROVAL TO SIT FOR THE EXAMINATION WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.**

1. Name _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;">(Last)(First)(Middle)</div>
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ <div style="text-align: center; font-size: small;">(Street)</div> _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;">(City)(State)(Zip Code)</div> <p style="font-size: x-small; margin-top: 5px;"><i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i></p>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____

7. Select the license for which you are applying:

- Medical Doctor (graduate of medical college within the U.S. or Canada)
- Medical Doctor (graduate of medical college outside of the U.S. or Canada)
- Acupuncturist
- Athletic trainer
- Behavior specialist
- Genetic counselor
- Naturopathic Doctor
- Nurse midwife
- Orthotic fitter
- Orthotist
- Podiatrist
- Perfusionist
- Physician Assistant
- Practitioner of Oriental medicine
- Prosthetists
- Respiratory therapist

8. Competency Requirement

Experience:

Have you actively engaged in the practice of your profession in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application?

Provide a curriculum vitae demonstrating this experience.

9. Name state where initial license to practice your profession was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice your profession.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/>	<input type="checkbox"/>

	The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i>		
If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination?	<input type="checkbox"/>	<input type="checkbox"/>
16.	Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Applicant's Signature

Date

DL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

RECEIVED

Independent Regulatory
Review Commission

July 25, 2024

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ 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 Medicine</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-4958</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Mark B. Woodland</u> Mark B. Woodland, MS, MD Board Chair</p> <p>TITLE _____ (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>Abdul Abelson</u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>7/18/2024</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 FINAL RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE

**TITLE 49 PA. CODE
CHAPTER 16**

§§ 16.12a, 16.12b, 16.12c and 16.13

LICENSURE BY ENDORSEMENT

The State Board of Medicine (Board) hereby amends Chapter 16 by adding § 16.12a, 16.12b and § 16.12c (relating to definitions for license by endorsement under 63 Pa.C.S. § 3111; license by endorsement under 63 Pa.C.S. § 3111; and provisional endorsement license under 63 Pa.C.S. § 3111) and amending § 16.13(a) (relating to licensure, certification, examination and registration fees) to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. 63 Pa.C.S. § 3111(b) authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8), section 207 of the Naturopathic Doctor Registration Act (NDRA) (63 P.S. § 272.207) (NDRA), and section 3 of the Acupuncture Licensure Act (ALA) (63 P.S. § 1803) provides the Board with broad authority to adopt regulations as are reasonably necessary to carry out the purposes of the act, the NDRA and the ALA.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (repealed) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Need for Final-Form Rulemaking

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement. Under 63 Pa.C.S. § 3111, the Board must determine whether the jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including

completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must establish, by regulation, the expiration of the provisional endorsement license. This final-form rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

Summary and Response to Comments

Notice of the proposed rulemaking was published at 52 Pa.B 4923 (August 13, 2022). Publication was followed by a 30-day public comment period during which the Board received 36 public comments. Additionally, the Board received comments from the Independent Regulatory Review Commission (IRRC), and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments.

Public comments

Of the 36 public comments, 34 individuals submitted comments indicating support of the inclusion of naturopathic doctors in the proposed regulation and one individual expressed general support for the proposed regulation. Additionally, the Pennsylvania Association of Naturopathic Physicians (PANP) expressed support of the enactment of NDRA along with the correlating regulations that were published as final on May 18, 2024, indicating that Pennsylvania-based naturopathic doctors can join out of state providers in licensure through the NDRA. PANP noted that most naturopathic doctors currently working in Pennsylvania maintain a license to practice naturopathic medicine from an outside state that regulates naturopathic medicine. PANP expressed its support of the proposed regulation, which will allow naturopathic doctors licensed in other states to apply for a license by endorsement. Three public commentators pointed out that this proposed regulation will protect the public from fraudulent practitioners who offer naturopathic services without having any medical training. One commentator explained the importance of easing the burden many licensed professionals encounter when moving from state to state. This individual agrees that this final-form rulemaking will place Pennsylvania ahead regionally, but that Pennsylvania will continue to fall behind other states that do not require a “substantially equivalent” comparison. The commentator asked the Board to reconsider the inclusion of the “substantially equivalent” standard for licensing. However, the plain language of 63 Pa.C.S. 3111 requires that the “substantially equivalent” standard. Therefore, the Board is unable to implement this commentator’s request.

House Professional Licensure Committee comments

The HPLC submitted four comments in response to the proposed rulemaking. The Board will address each comment in turn.

16.12b(a)(2)

In its first comment, the HPLC states that section 16.12b(a)(2) requires an applicant to

submit a copy of the current law and regulations, along with scope of practice requirements, in the jurisdiction that issued a license, certificate, registration or permit. However, the HPLC points out that Act 41 of 2019 does not explicitly state this requirement. The HPLC recommends that the Board remove this responsibility from the applicant and apply it to the Board’s legal counsel. After thoughtful consideration of this request, the Board has respectfully decided to keep the language unchanged in the final-form rulemaking. The Board notes that it is the burden of the applicant to prove that they have met all qualifications for licensure. Additionally, it is the applicant who is most familiar with their jurisdiction’s laws and regulations and where they can be located. Therefore, it should not be difficult or time consuming for the applicant to complete this task. However, if this burden were to be shifted to the Board’s legal counsel, it would require significant attorney time and costs, especially if the licensing jurisdiction is a non-English speaking country. It would be extremely difficult for the Board’s legal counsel to search online, perform legal research or to call without first hiring a translator to assist. Not only would all these costs be billed to the Board, but it would cause an extreme delay in the processing of these applications. If the burden is on the Board and its staff, the Board would need to increase the costs of applications to cover the cost of additional attorney time. The increased application fees would have to be evenly applied to all licensure by endorsement applications which is not fair to other applicants because only some would require significant attorney time. While the Board will take steps to verify the laws and regulations of another jurisdiction, having the applicant provide that initial information is the most expedient and fiscally prudent approach. Therefore, the Board concludes that the applicant is the appropriate person to provide their jurisdiction’s laws and regulations to the Board.

§ 16.12b(a)(5)

Second, the HPLC comments that section 16.12b(a)(5) states that an applicant must not have any discipline by the jurisdiction that issued the license, certificate, registration, or permit. The HPLC recommends that the Board clarify this section to specify the types of discipline and the timeframe when the discipline occurred. The HPLC suggested that the Board distinguish between formal discipline and a complaint. In response to this comment, the Board does not think it is necessary to make this type of distinction. A complaint is not considered to be formal or informal discipline. Additionally, the Board does not believe it is appropriate to predetermine the type of discipline or the timeframe discipline occurred. The Board, instead, believes it is appropriate to evaluate discipline on a case-by-case basis. As indicated in § 16.12b(c), the Board is authorized to determine that discipline is not an impediment to licensure under 63 Pa.C.S. § 3111. In determining whether the discipline is an impediment to licensure, the Board is dutybound to apply the caselaw and other applicable laws. *See, Secretary of Revenue v. John’s Vending Corp.*, 453 Pa. 488, 309 A.2d 358 (1973); *Bethea-Tumani v. Bureau of Professional and Occupational Affairs, State Board of Nursing*, 993 A.2d 921 (Pa. Cmwlth. 2010). As a part of that analysis, the Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action and any other information relating to the fitness of the individual for licensure. To be consistent with the language in § 16.12b(a)(4) and (5), the Board added the word “discipline” to the heading of the § 16.12b(c).

§ 16.12c(b)(1)

Third, the HPLC notes that section 16.12c(b)(1) would give the Board authority to issue a provisional license for less than a year. The HPLC is concerned that the language in this section is unclear under what circumstances the Board would need to exercise this authority. As such, the HPLC requests clarification from the Board. In response to this comment, the Board notes that it is important for the Board to have the authority to use its discretion to issue a provisional license for less than one year because there may be circumstances where issuing a provisional license for less than one year is appropriate. For example, there may be scenarios where an applicant from another jurisdiction must take an English proficiency examination to meet the qualifications for licensure by endorsement. English proficiency is tied to patient safety because it is necessary that the practitioner can communicate with other healthcare practitioners and their patients. To give the applicant an entire year to complete an English proficiency test would allow the applicant to wait until the very last minute to complete the task, resulting in the applicant potentially practicing without being able to efficiently communicate with others in their profession. Based on this concern, the Board believes it is appropriate to give the Board the authority to determine the appropriate length of time necessary for the applicant to meet the qualifications for licensure. In attempt to clarify this language in the final-form rulemaking, the Board added additional language in section 16.12c(b)(1) to specify that in situations where the remaining requirements for licensure do not require one full year, the Board may, in its discretion, determine that appropriate to give an expiration date that is less than one year.

§ 16.12c(d)

Fourth, the HPLC points out that section 16.12c(d) states that the Board will not issue subsequent provisional licenses after the provisional license expires. The HPLC is concerned that this section is unintentionally vague and that Act 41 of 2019 does not specifically state that the Board shall only issue one provisional license. It is suggested that this section be amended to correct the unintended harm or limiting provisional licenses and it is further suggested that the Board incorporate a time frame to reapply. After much consideration and discussion of this comment, the Board has decided not to change this language. The Board's main concern is patient safety. The provisional license allows the applicant additional time to satisfy remaining requirements for licensure, which can include demonstrating competency to practice the profession. It is important to the Board that practitioners from other states are competent to practice. If the applicant is unable to meet all of the requirements for competency, the Board wants those requirements met as quickly as possible. If it is determined by the Board that meeting these requirements would take longer than one year, § 16.12c(b)(2) allows the applicant to request an extension of up to one year, for good cause shown, to complete those remaining requirements to obtain full licensure. This language allows an applicant up to two years to meet the licensing requirements while actively practicing in this Commonwealth on a provisional license. To allow an applicant, who is unable to establish that they meet the requirements for licensure, to continue practice for an indefinite period may pose a risk to patient safety and may be used as a mechanism to circumvent licensing requirements. Placing a time limit on the provisional license and not permitting an individual to reapply for a provisional license will prevent individuals from circumventing licensure requirements by continuously reapplying just so they can keep practicing

without meeting the requirements for licensure.

IRRC comments

IRRC submitted 3 comments for the Board’s review and response. The first comment restated the comments submitted by the HPLC and requested that the Board provide responses to the issues raised by the HPLC. In its second comment, IRRC asks that the Board revise its responses to questions #17, 19 and 23 in the RAF to include an estimate of the costs to the regulated community for translation services, Criminal History Records Check and professional liability insurance requirements specified in 16.12b. The final comment by IRRC requests the Board explain how the “substantial equivalence” provision will balance the protection of the public health, safety and welfare against the burden and cost to applicants and the Board. Also, as part of the final comment, IRRC requests that the Board make certain that the NDRA regulation is finalized before this regulation is delivered in final form. The Board will now address each comment in turn.

Comments, objections, or recommendations of a committee.

In its first comment, IRRC restates the comments submitted by the HPLC and requests that the Board provide responses to the HPLC’s comments since the issues raised by the HPLC and the Board’s responses to those issues will be one of the criteria used by IRRC to determine if the regulation is within the public interest. In response to this first comment, the Board has fully addressed each concern of the HPLC in the section above.

Economic or fiscal impacts; Compliance with provisions of the RRA or the regulations of the commission in promulgating the regulation.

In its second comment, IRRC cites to the language in § 16.12b(a)(2) which requires an applicant seeking licensure by endorsement to provide, among other things, a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the applicant’s license, certificate, registration or permit. If that language is not in English, the document must be translated, at the applicant’s expense, by a professional translation service and verified to be complete and accurate. However, IRRC notes that the Board’s response to RAF question #19 does not provide for a specific estimate of the costs to the regulated committed for translation services. Also, in the responses to questions #17, 19 and 23, the Board does not address the cost of Criminal History Records Check or professional liability insurance. IRRC requests that the Board provide an updated RAF that estimates all these costs.

In response to the second comment, the Board has updated the RAF, specifically the responses to questions #17 and 19 to include an estimate of the costs for translation services and Criminal History Records Check (CHRC) costs. An applicant obtaining a Federal Bureau of Investigation CHRC is charged \$18.00 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22.00. An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction. The Board notes that all applicants, regardless of whether they apply through endorsement or by examination, would be required to

submit a CHRC and would incur those same costs. Therefore, the Board did not include the CHRC in question 23 of the RAF because it is already an existing cost for all applicants. Regarding translation costs, to date, the Board has not had any applications that required translation and the Board does not anticipate receiving many applications that would require translation fees. Therefore, the Board did not include this potential cost in question 23 of the RAF. Regarding professional liability insurance costs, health care providers who are required to maintain professional liability insurance must do so regardless of whether they apply through endorsement, examination, reciprocity, or any other method. The cost of professional liability insurance can vary vastly depending on the profession, the location of practice, the specialty practiced and the malpractice history of the professional.

Section 16.12b. Licensure by endorsement under 63 Pa. C.S. § 3111. – Need; Protection of the public health, safety, and welfare; Implementation procedures and Clarity.

Subsection (a)(3)(i) requires demonstration of competency by practicing in two of the past five years in a “substantially equivalent jurisdiction or jurisdictions.” IRRC questions what standard determines whether a jurisdiction is substantially equivalent. IRRC points out that this provision seems to place an additional burden on the applicant and/or the Board to prove equivalency since the experience can occur in multiple jurisdictions. IRRC questions whether the Board has considered, at least for jurisdictions within the United States, creating and publishing an annual determination of those jurisdictions which have laws and regulations substantially equivalent to Pennsylvania. Additionally, IRRC asks the Board to explain how these provisions balance the protection of the public health, safety and welfare against the burden and cost to the applicants and the Board.

In determining whether another jurisdiction’s licensure standards are substantially equivalent to the Board’s licensure requirements, the Board conducts an individual assessment of each application including the different path/licensure track taken by the applicant, at the time the application is submitted. Boards routinely consider whether standards of other jurisdictions are equivalent and/or substantially equivalent to the standards of this Commonwealth. When looking at the licensure standards of other jurisdictions, the Board evaluates the requirements or qualifications for initial licensure in that jurisdiction at the time of the application. This ensures that the Board is using the most up-to-date laws and regulations when making decisions on these applications, which will in turn ensure that all professionals that are licensed through this regulation are competent and safe to their profession. Because laws and regulations routinely change, publishing an annual list of substantially equivalent jurisdictions would be out-of-date soon after it is published. In addition, such a list would place an enormous burden on the Boards to continuously review each states’ laws and regulations to assure there are no changes and then revise the published list accordingly. Regarding applicants who may wish to submit experience from multiple jurisdictions, while the Board allows such a submission, applicants are not required to submit experience from multiple jurisdictions. The Board accepts experience from multiple jurisdictions to be more inclusive and to allow individuals with geographically diverse experience to utilize that experience. While it may be mildly inconvenient for an applicant to have to upload their jurisdiction’s laws and regulations, that inconvenience is greatly outweighed by the Board’s interest in ensuring that applicant’s licensed in other jurisdictions are competent to practice within the scope of practice of the profession in this Commonwealth. Given the anticipated low volume

of expected applications for licensure by endorsement under 63 Pa.C.S. § 3111, coupled with the costs of engaging in such action, the Board has declined to add this recommendation.

Section 16.12b(8) requires an applicant to apply for a license, certificate, registration or permit in accordance with the Board’s regulations. IRRC points out that many commentators have expressed their support for the inclusion of naturopathic doctors; however, at the time of the proposed rulemaking, the regulation implementing the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101-272.301 (IRRC# 3324) was not finalized. IRRC asked the Board to ensure that the NDRA regulation be finalized before this regulation is delivered in final form. The Board notes that on May 18, 2024, the NDRA regulation was published as final. In § 16.12b (a)(1)(iii), the Board has added § 18.903 (relating to application for naturopathic doctor registration) to the list of the Board’s regulatory licensing standards.

Miscellaneous amendments for clarity

The Board also made some non-substantive amendments for clarity. Additionally, most boards and commissions under the Bureau of Professional and Occupational Affairs have or are in the process of drafting similar regulations. In an effort to keep the regulations across the various boards and commissions consistent, some non-substantive revisions have been made to conform the regulations to other licensure by endorsement regulations, including the following amendments.

The Board amends § 16.12b(a)(3)(ii)(E) and (G) to clarify English proficiency requirements to ensure consistent standards within its regulations. The amendments in § 16.12b(a)(3)(ii)(E) and (G) mirror the score requirements for the Test of English as a Foreign Language (TOEFL) in the Board’s regulations as § 18.13 (relating to requirements for licensure as an acupuncturists), which was published as final on September 16, 2023, at 53 Pa.B. 5759. The amendments provide additional clarity by specifying the score for each version of the TOEFL and allowing the Board to accept an equivalent score on a successor examination of the TOEFL. Specifically, the amended language clarifies that an applicant must achieve a scaled score of at least 83 on the TOEFL®IBT (internet-based test), which is the most recent version of the examination. The Board deletes the phrase “or similar score acceptable to the Board” and replaces it with the acceptable scores for the outdated versions of the TOEFL®. The comparable score for the TOEFL® CBT (computer-based test) is 220 which the Board will accept for that version of the examination. The comparable score for the TOEFL® PBT (paper-based test) is 557-560; however, since the Board’s regulations previously accepted a scaled score of 550 on the PBT, the Board will continue accepting that same score to maintain consistency on this version of the examination. The Board obtained comparable score information from the 2005 *TOEFL Score Comparison Table* which was created by Educational Testing Services (ETS), the company that currently manages the TOEFL. The Board includes the acceptable scores for the outdated versions of the TOEFL. While the CBT and PBT versions of the examination have been discontinued, including these examinations will notify the regulated community of the Board’s practice of accepting a passing score on these versions of the examination for those individuals who have taken the examination in the past.

The Board also amends subsection (a)(3)(ii)(G) to allow the Board to accept a passing score on another English proficiency examination that is equivalent to the TOEFL or OET. This allows the Board to accept future versions of the TOEFL or OET so that when future versions are adopted, the Board’s regulations will recognize those examinations immediately. The Board also added additional language indicating that the Board will make a list available on its website of all equivalent and successor examinations.

The Board amends § 16.12b(a) and (a)(2) by replacing the word “must” with “shall.”

The Board amends § 16.12b(a)(1) to change the term “certification” to “certificate.”

The Board amends § 16.12b(a)(1)(iii) to delete the “regarding to” descriptions for §§ 17.1 and 18.504 because the descriptions are unnecessary.

The Board amends 16.12b(a)(3) by replacing “demonstrates with demonstrate,” removing the term “establishing” and clarifying that experience may be from a jurisdiction or jurisdictions with substantially equivalent licensure standards.

The Board amends § 16.12b(a)(7) and (9) by changing the tenses of the first words of the sentence to “have satisfied” and “have completed.” The Board also adds a cross reference to Subchapter G of the Board’s child abuse regulations.

The Board amends § 16.12b(c) by changing the header to “Prohibited acts and discipline” because the subsection discusses both prohibited acts and discipline.

The Board amends § 16.12c(c)(3) to clarify that a provisional endorsement license terminates when the license expires.

The Board amends § 16.12c(d) to replace the term “licensure” with “a license” for clarity.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the initial application fees in § 16.13. Applicants will have to pay the initial application fee (\$35 for medical doctors who are a graduate of medical college within the United States or Canada and \$85 for medical doctors who are a graduate of medical college outside of the United States or Canada; \$75 for behavioral specialist; \$50 for nurse midwives, perfusionist, genetic counselor, prosthetists, orthotist; \$30 for physician assistant, acupuncturist, practitioner of Oriental medicine, respiratory therapist, \$25 for pedorthist, orthotic fitter; \$20 athletic trainer, \$100 for naturopathic doctor). An applicant obtaining a Federal Bureau of Investigation CHRC is charged \$18.00 by the FBI. A CHRC obtained through the Pennsylvania State Police is \$22.00. An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction.

All applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training. If an applicant is unable to establish English proficiency by demonstrating that their education, training, or examination was in English and they must take the TOEFL examination or another examination, the cost to the applicant is approximately \$200.

The above costs would be incurred by any and all applicants regardless of whether they apply through endorsement or by examination.

Sunset Date

The Board continuously monitors 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 August 1, 2022, the Board submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B 4923 (August 13, 2022) and a copy of a Regulatory Analysis form to IRRC and to HPLC and the SCP/PLC for review and comment. . Publication was followed by a 30-day public comment period during which the Board received 36 public comments.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC and the public. The SCP/PLC did not submit comments.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on July 25, 2024, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on _____ the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, and approved the final-form rulemaking.

Additional information

Additional information may be obtained by writing to Jasmira Hunter, Board Administrator, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-MEDICINE@pa.gov.

Findings

The State Board of Medicine finds that:

- (1) Public notice was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.
- (3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed regulation published at 52 Pa.B 4923 (August 13, 2022).
- (4) These amendments to the regulations of the State Board of Medicine are necessary and appropriate for the regulation of the practice of orthotic fitting in the Commonwealth.

Order

The State Board of Medicine, acting under its authorizing statute, orders that:

- (A) The regulations of the State Board of Medicine, 49 Pa. Code is amended by amending § 16.13 and by adding §§ 16.12a, 16.12b, and 16.12c to read as set forth in Annex A.
- (B) The Board shall submit a copy of this final-form rulemaking to the Office of the Attorney General and the Office of the General Counsel for approval as required by law.
- (C) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.
- (D) The Board shall certify this final-form rulemaking and shall deposit it with the Legislative Reference Bureau as required by law.
- (E) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Mark B. Woodland, MS, MD
Chairperson

16A-4958: Licensure by Endorsement
List of Commenters

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ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION
PROVISIONS**

* * * * *

§ 16.12a Definitions for license by endorsement under 63 Pa.C.S. § 3111

The following term, when used in §§ 16.12b and 16.12c (relating to license by endorsement under 63 Pa.C.S. § 3111) has the following meaning unless the context clearly indicates otherwise:

Jurisdiction—a state, territory or country.

§ 16.12b License by endorsement under 63 Pa.C.S. § 3111

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant ~~must~~ SHALL satisfy all of the following conditions:

(1) Have a current license, ~~certification~~ CERTIFICATE, registration or permit in good standing in another jurisdiction whose standards for licensure are substantially equivalent to or exceed those under the following:

- (i) The act, the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301) or the Acupuncture Licensure Act (ALA) (63 P.S. §§ 1801—1806.1.

(ii) Section 16.12 (relating to general qualifications for licenses and certificates).

(iii) Sections 17.1 ~~regarding medicine and surgery~~, 18.2, 18.13, 18.13a, 18.141, 18.307, 18.504 ~~regarding athletic trainers~~, 18.524, 18.603, 18.703, 18.814, 18.824, 18.833, 18.843 and 18.903, as applicable.

(2) An applicant who holds a license, certificate, registration or permit in another country or territory ~~must~~ SHALL submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration, or permit. The following apply:

(i) If the applicable law, regulation, or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(ii) The copy of the applicable law, regulation or other rule must include the enactment date.

(3) ~~Demonstrates~~ DEMONSTRATE competency by ~~establishing~~ the following:

(i) Experience in the practice of the profession by demonstrating, at a minimum, that the applicant has actively engaged in the licensed practice of the profession under a license, certificate, registration or permit in a ~~substantially equivalent jurisdiction, or jurisdictions~~ JURISDICTION OR JURISDICTIONS WITH SUBSTANTIALLY EQUIVALENT LICENSURE STANDARDS, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) English language proficiency by demonstrating one of the following:

- (A) The applicant's educational program was in English.
- (B) The applicant's training was at an English-speaking facility.
- (C) The applicant's entry examination was taken in English.
- (D) The applicant is certified by the Educational Commission for Foreign Medical Graduates.
- (E) The applicant has achieved a SCALED score of at least 83 ON THE TEST OF ENGLISH AS A FOREIGN LANGUAGE (TOEFL®) INTERNET-BASED TEST (IBT), ~~or similar score acceptable to the Board, on the Test of English as a Foreign Language examination.~~ A 220 ON THE TOEFL® COMPUTER-BASED TEST (CBT), A 550 ON THE TOEFL® PAPER BASED TEST (PBT) OR AN EQUIVALENT SCORE ON A SUCCESSOR EXAMINATION OF THE TOEFL®. THE BOARD WILL MAKE AVAILABLE A LIST OF BOARD-APPROVED SUCCESSOR EXAMINATIONS ON ITS WEBSITE.
- (F) The applicant has achieved a score of 350 in each of the four subtests of the Occupational English Test (OET).
- (G) The applicant has achieved a passing score on a ~~substantially equivalent~~ AN English proficiency examination ~~as approved by the Board~~ EQUIVALENT TO THE TOEFL® OR OET, AS DETERMINED BY THE BOARD. THE BOARD WILL MAKE AVAILABLE A LIST OF EQUIVALENT BOARD-APPROVED ENGLISH LANGUAGE PROFICIENCY EXAMINATIONS ON ITS WEBSITE.

- (4) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice prohibited by section 41 of the act (63 P.S. § 422.41) or section 204 of the NDRA (63 P.S. § 272.204).
- (5) Have not been disciplined by the jurisdiction that issued the license, certification, registration or permit.
- (6) Have paid the applicable application fee as required by § 16.13 (relating to licensure, certification, examination and registration fees).
- (7) ~~Satisfies~~ HAVE SATISFIED the professional liability insurance requirements as required under the act, section 3.2 of the ALA (63 P.S. § 1803.2), this chapter and Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors).
- (8) Have applied for a license, certificate, registration or permit in accordance with this chapter in the manner and format prescribed by the Board.
- (9) ~~Completes~~ HAVE COMPLETED 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training) AND SUBCHAPTER G (RELATING TO MINIMUM STANDARDS OF PRACTICE—CHILD ABUSE REPORTING).
- (b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency, experience or English proficiency. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts AND DISCIPLINE.* Notwithstanding subsections (a)(4) and (5), the Board may, in its discretion, determine that an act prohibited under section 41 of the act (63 P.S. § 422.41), section 204 of the NDRA (63 P.S. § 272.204) or a disciplinary action taken by another jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 16.12c. Provisional endorsement license under 63 Pa.C.S. § 3111.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 and § 16.12b (relating to licensure by endorsement under 63 Pa.C.S. § 3111).

(b) *Expiration of a provisional endorsement license*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. [The] WHEN THE REMAINING REQUIREMENTS FOR LICENSURE CAN BE COMPLETED IN LESS THAN ONE YEAR, THE Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon written request and showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) WHEN THE PROVISIONAL ENDORSEMENT LICENSE EXPIRES.

(d) Reapplication. An individual may reapply for licensure A LICENSE by endorsement under § 16.12b after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

§ 16.13. Licensure, certification, examination and registration fees.

(a) *Medical Doctor License:*

License Without Restriction:

Application, graduate of [accredited] a medical college within the United States or Canada...\$35

Application, graduate of [unaccredited] a medical college outside of the United States or Canada...\$85

Biennial renewal...\$360

* * * * *



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

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
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July 25, 2024

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

Re: Final Rulemaking
State Board of Medicine
16A-4958: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Medicine pertaining to Licensure by Endorsement.

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 black ink, appearing to read "Mark B. Woodland".

Mark B. Woodland, MS, MD, Chairperson
State Board of Medicine

MBW/dmw/wc
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Deputy Policy Director, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Regulatory Counsel, Department of State
Dana M. Wucinski, Board Counsel, State Board of Medicine
State Board of Medicine

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Thursday, July 25, 2024 8:42 AM
To: Christman, William
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4958 - Stefano

RECEIVED

Received.

Independent Regulatory
Review Commission

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

July 25, 2024

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, July 25, 2024 8:38 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION: 16A-4958 - Stefano
Importance: High

ⓘ CAUTION : External Email ⓘ

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking.

Please be advised that the State Board of Medicine is delivering the below final rulemaking.

Thank you for your attention to this matter.

➤ **16A-4958 – State Board of Medicine – Licensure By Endorsement**

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Medicine (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates 63 Pa.C.S. § 3111.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

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Independent Regulatory
Review Commission

July 25, 2024

Sincerely,
William Christman | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.772.8519 | Fax 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Thursday, July 25, 2024 8:42 AM
To: Christman, William; Dimm, Ian; joseph.kelly; Vazquez, Enid
Subject: Re: DELIVERY NOTICE: REGULATION: 16A-4958 - Boscola

Received

Thank you.

Jesse Monoski

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Review Commission

July 25, 2024

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, July 25, 2024 8:37:40 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>
Subject: DELIVERY NOTICE: REGULATION: 16A-4958 - Boscola

■ EXTERNAL EMAIL ■

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Please be advised that the State Board of Medicine is delivering the below final rulemaking.

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Sincerely,
William Christman | Legal Assistant 2
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Governor's Office of General Counsel
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July 25, 2024

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From: Barton, Jamie <JBarton@pahouse.net>
Sent: Thursday, July 25, 2024 9:16 AM
To: Christman, William; Orchard, Kari L.; Brett, Joseph D.
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4958 - Burns

RECEIVED

Received. Thank you, William!

Independent Regulatory
Review Commission

July 25, 2024



Ms. Jamie Barton
Senior Legislative Assistant
Office of State Rep. Frank Burns, Majority Chairman
Professional Licensure Committee

332 Main Capitol Building
Harrisburg PA 17120-2072
(717) 772-8056 - Phone
(717) 772-9965 - Fax

www.PaHouse.com/Burns

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, July 25, 2024 8:38 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION: 16A-4958 - Burns
Importance: High

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking.

Please be advised that the State Board of Medicine is delivering the below final rulemaking.

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➤ **16A-4958 – State Board of Medicine – Licensure By Endorsement**

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires the State Board of Medicine (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is

satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. This rulemaking effectuates 63 Pa.C.S. § 3111.

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Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.772.8519 | Fax 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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July 25, 2024

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From: Nicole Weaver <Nweaver@pahousegop.com>
Sent: Thursday, July 25, 2024 9:45 AM
To: Christman, William; Nicole Sidle
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4958 - Metzgar

Received. Thank you.

Nicole Weaver
AA to Professional Licensure Committee
Chairman Carl Walker Metzgar
69th Legislative District
216 Ryan Building
717-783-8756

RECEIVED

Independent Regulatory
Review Commission

July 25, 2024

From: Christman, William <wchristman@pa.gov>
Sent: Thursday, July 25, 2024 8:38 AM
To: Nicole Sidle <nsidle@pahousegop.com>; Nicole Weaver <Nweaver@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4958 - Metzgar
Importance: High

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