



# House of Representatives

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG



October 5, 2022

David Sumner, Executive Director  
Independent, Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

Dear Mr. Sumner:

On behalf of the House Professional Licensure Committee, we are writing to inform you the Committee wishes to take no formal action on the following proposed regulation until final regulation is promulgated and to submit the following comments:

#### Proposed Regulation 16A-4958 — State Board of Medicine

1. *Section 16.12b (a)(2)* – This section 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. Act 41 of 2019 does not explicitly state this requirement and the committee recommends changes that removes this responsibility from the applicants and applies it to Board Counsel.
2. *Section 16.12b (a)(5)* – This section states that an applicant must not have any discipline by the jurisdiction that issued the license, certificate, registration, or permit. The committee recommends clarifying this section to specify the types of discipline (i.e. formal discipline or complaint) and the timeframe when such discipline occurred.
3. *Section 16.12c (b)(1)* – This section would give the Board authority to issue a provisional license for less than a year. It is unclear under what circumstances the Board would need to exercise this authority. The Committee asks for clarification.
4. *Section 16.12c (d)* – This section states that the Board will not issue subsequent provisional licenses after the provisional licenses expires. We believe this section is unintentionally vague. Further, Act 41 of 2019 does not specifically state that the Board shall only issue one provisional license. The Committee believes this section should be amended to correct the unintended harm of limiting provisional licenses and would further suggest incorporating a time frame to re-apply.

Sincerely,

David S. Hickernell, Majority Chair  
Professional Licensure Committee

Frank Burns, Minority Chair  
Professional Licensure Committee

DSH/db

CC: Nicole Sidle, Majority Committee Executive Director  
Kari Orchard, Minority Committee Executive Director