

**INDEPENDENT REGULATORY REVIEW COMMISSION  
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, April 18, 2024  
14<sup>th</sup> Floor Conference Room  
333 Market Street

**Draft**

**I. CALL OF THE MEETING**

The April 18, 2024 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:05 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg, PA.

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

Telephone:                      Dennis A. Watson, Esq.

By Proxy:                         Murray Ufberg, Esq.

**II. EMBARGOED MAIL**

The commissioners took time to read the embargoed mail.

**III. APPROVAL OF THE MARCH 21, 2024, PUBLIC MEETING MINUTES**

Chairman Bedwick asked for a motion for approval of the March 21, 2024, public meeting minutes, as submitted. Vice Chairman Mizner made the motion and Chairman Bedwick seconded, and the motion passed 4-0.

**IV. NEW BUSINESS**

**A.      ACTION ITEMS**

1. **No. 3361 Bureau of Professional and Occupational Affairs #16A-66: Consideration of Criminal Convictions**

Michelle Elliott, Regulatory Analyst, described the implementation of Act 53 of 2020, which requires the 29 boards and commissions under the Bureau of Professional and

Occupational Affairs (Bureau) to evaluate criminal convictions during their licensing processes through individualized assessments. She mentioned receiving supportive legislative comments from several senators and representatives, as well as endorsements from various organizations, with the regulation being approved by Senate and House standing committees.

Cynthia Montgomery, Deputy Chief Counsel, Michael McDonald, Policy Director, Department of State, and Arion Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs, were present to answer any questions.

Ms. Montgomery explained the regulation was revised to better align with legislative intent by narrowing the list of offenses that could impact professional licensing. She said the revisions aimed to open professions to rehabilitated individuals with unrelated criminal records and introduced consistency across boards and time limits for considering offenses as directly related to professional qualifications.

Commissioner Soroko expressed concerns about the practical effects of removing offenses from the list of criminal convictions related to the State Board of Accountancy. He also discussed the legislative intent behind Act 53, noting that it aims to lower barriers to entry for professions by ensuring unrelated criminal issues do not prevent licensure or registration. He highlighted the Act's delegation of responsibility to various boards and the role of the Commission in ensuring the safety of the public. Ms. Montgomery explained that under Act 53, there is a bifurcated analysis for determining if a crime is directly related to licensure. She continued that if a crime is not listed, the individual board must assess the individual's criminal conduct to determine if it poses a risk, involving an individualized assessment.

Commissioner Soroko sought clarification on the balance between providing opportunities for individuals to enter professions requiring licensure and protecting the public. He pointed out the law aims to favor individuals who have historically been unable to access licensed occupations due to criminal convictions. Mr. McDonald agreed with the sentiment but emphasized that Act 53 is also aimed at enhancing transparency. He highlighted that Act 53 ensures the public that licensing boards will protect their interests and safety while allowing licensure applicants to understand how their criminal history might affect their ability to obtain licensure. Mr. McDonald noted that boards conduct an individualized assessment of every application, maintaining that public safety is a paramount concern.

Commissioner Soroko then asked for clarification on the decision-making process, expressing difficulty understanding why forgery was not considered directly related to accountancy given the sensitive nature of client information accountants handle. Mr. McDonald explained that excluding an offense from the list does not mean the public is less safe.

Commissioner Soroko noted the difference in the approach to dealing with offenses based on their categorization. Ms. Montgomery stated that despite the difference in approaches, it does not mean one is less protective than the other, as each board reviews every applicant's criminal conviction.

Commissioner Soroko questioned the purpose of categorizing offenses for occupational licensing, emphasizing the legislative goal of Act 53 to simplify the process for individuals with past criminal convictions to enter professions. Mr. McDonald explained that while there is a difference in the burden applicants must overcome, each board's primary determination is whether licensing an applicant poses a substantial risk to public safety.

Commissioner Soroko emphasized the necessity of using common sense in determining the relevance of crimes to specific professions. Mr. McDonald stated the decision to remove a specific offense was based on its generic nature and potential irrelevance to an accountant's daily activities. Commissioner Soroko questioned the advisability of allowing individuals with convictions for identity theft to work in professions with access to social security numbers, advocating for a strong presumption against their employment in such roles. Chairman Bedwick discussed the complexity of legislative intent and the challenges it presents, focusing on the burden of proof for licensing when an offense is listed or not listed. Chairman Bedwick also noted the legislature requested that the Bureau shorten the initial long list of crimes.

Commissioner Watson voiced similar concerns about the rulemaking, particularly emphasizing the impact of removing certain offenses from consideration for licensing and the potential impact on public safety.

Chairman Bedwick made a motion for approval. The motion was not seconded.

Commissioner Soroko moved for the disapproval of the regulation, arguing that it failed to align with Act 53 by not being in the public interest. Vice Chairman Mizner seconded, and the motion passed 4-0.

David Sumner, Executive Director, Commission, explained that Commissioner Ufberg designated an affirmative vote in the case of a motion to approve the regulation.

## **2. No. 3378 State Board of Chiropractic #16A-4335: Fees**

Ms. Elliott discussed the final regulation for chiropractic-related applications and annual registrations, including graduated increases and the elimination of certain fees, noting no comments were received and it was approved by the House and Senate standing committees.

Cynthia Montgomery, Deputy Chief Counsel, and Thomas M. Davis, Regulatory Counsel, Department of State, were present to answer any questions.

Mr. Davis stated that the fees are slated to be increased in order to match the State Board of Chiropractic's (Board) expenses.

Chairman Bedwick questioned why there is a distinction between applicants who are applying for continuing education programs online and those who are applying for in-person courses. Mr. Davis explained that the two types of programs are distinct because of outdated regulations relating to date and time recording requirements. He mentioned the Board intends to present regulations in the future to align the two types of courses. Chairman Bedwick said he would support that effort.

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

## **V. OTHER BUSINESS**

### **Approval of Vouchers**

Vice Chairman Mizner made a motion to approve vouchers and expenses for the period December 8, 2023, through March 21, 2024. Chairman Bedwick seconded, and the motion passed 4-0.

## **VI. EXECUTIVE SESSION ANNOUNCEMENTS**

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

## **VII. DATE AND PLACE OF SUBSEQUENT MEETING**

Chairman Bedwick announced the next public meeting is scheduled for Thursday, May 16, 2024, at 10:00 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg.

## **VIII. ADJOURNMENT**

Chairman Bedwick adjourned the meeting at 11:09 am.