

PROPOSED RULEMAKING

STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29]

Continuing Education

The State Board of Podiatry (Board) proposes to amend §§ 29.60, 29.61 and 29.68 (relating to definitions; requirements for biennial renewal and eligibility to conduct educational conferences; and continuing education exemptions).

Effective Date

This proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Under section 15 of the Podiatry Practice Act (act) (63 P.S. § 42.15), the Board has authority to establish reasonable rules and regulations to carry out the intent and purposes of the act. Section 9 of the act (63 P.S. § 42.9) requires licensees to apply for biennial renewal and submit evidence that the licensee completed “such hours of approved educational conferences as determined by the board by regulation.” Thus, the Board has the authority to determine the number of hours of continuing education required for biennial renewal, and to set those hours by regulation. Additionally, section 9.1 of the act (63 P.S. § 42.9a) requires licensees to furnish evidence satisfactory to the Board that the licensee has completed mandated continuing education and authorizes the Board to determine whether or not to approve proposed continuing education courses.

Background and Purpose

The Board last updated its regulations regarding continuing education at 40 Pa.B. 5805 (October 9, 2010). This proposed rulemaking eliminates unnecessary burdens on licensees, while continuing to protect the public’s health, safety and welfare through the continuing education requirements. Inspired by Governor Tom Wolf’s initiative to reduce barriers to licensure and unnecessary burdens on licensees, this proposed rulemaking will reduce the number of required continuing education credits from 50 hours per biennial renewal to 45 hours. It eliminates the current restriction on the number of hours (currently limited to 10 hours) that may be completed through distance learning courses and programs. This proposed rulemaking allows an unlimited amount of continuing education credits through distance learning, consistent with trends in licensure requirements in other states. As a safeguard, credit hours obtained through distance learning would be required to have a skills or knowledge assessment component. This proposed rulemaking adds a continuing education exemption for newly licensed podiatrists. Finally, this proposed rulemaking clarifies that individuals with a serious illness or demonstrated hardship may request an extension for all, or a portion, of their continuing education for a biennial renewal.

Description of Proposed Amendments

The proposed amendments to the continuing education requirements serve to clarify and further the Board’s commitment to make the burden on licensees less cumbersome without sacrificing a licensee’s competency.

The Board’s proposed amendment to § 29.60 revises the definition of “certification” by deleting the require-

ment that a certification contain “information and documentation relative to the course.” The electronic licensing system used by the Bureau of Professional and Occupational Affairs (Bureau) does not require certifications to include “information and documentation relative to the course.” Deleting this requirement makes the definition of certification consistent with the current practices of the Bureau and the Board. The Board also proposes to add a definition for “distance learning.” Adding a definition for “distance learning” is necessary because the Board is using this term within § 29.61. In defining “distance learning,” the Board seeks to include a wide variety of distance learning methods, including webinars, online learning and correspondence courses that provide for interaction between the learner and the instructor.

In § 29.61(a), the Board proposes to restructure this subsection to clarify the types of continuing education that qualify for continuing education credit for biennial renewal. In § 29.61(a), the Board proposes to lower the continuing education requirement from 50 to 45 hours. In § 29.61(a)(1), the Board clarifies that 30 of the 45 clock hours must be in courses and programs in podiatry approved by the Board under § 29.64 (relating to applications for approval of educational conferences) or by the Council on Podiatric Medical Education. The proposed amendments in § 29.61(a)(2) make minor revisions to clarify that courses approved by the Board or offered by an accredited school or college of podiatric medicine qualify for credit. In this paragraph, the Board requires the remaining 15 hours of continuing education to be “pertinent to the practice of podiatry.” This proposed amendment ensures that podiatrists obtain continuing education that maintains competencies specific to podiatry.

Section 29.61(a)(3) retains the 10-clock hour limit for continuing education obtained by reading professional journals but proposes to eliminate credit for “magazine articles” because the term is too generic. The Board addresses Internet-based courses in § 29.61(a)(4). The Board’s regulations currently only allow up to 10 clock hours in courses and programs that involve the use of the Internet. Section 29.61(a)(4) proposes to permit an unlimited number of distance learning continuing education courses, which includes Internet-based courses. The Board appreciates and understands the desire of licensees to obtain continuing education through distance learning because of convenience and because it is generally less costly. To ensure the appropriate level of participation and education in the distance learning method, the Board proposes to require a skill or knowledge component to receive credit for distance learning continuing education courses.

In § 29.61(a)(5), the Board proposes minor revisions to clarify that continuing education credit will not be awarded for courses or programs in office management or marketing. Additionally, § 29.61(a)(7) would prohibit licensees from using continuing education courses completed in accordance with a disciplinary order of the Board to meet the biennial continuing education requirement. In § 29.61(a)(8), the Board clarifies that it is the licensee’s responsibility to ensure that a course or program is approved for continuing education credit.

In § 29.61(c) the Board proposes minor revisions to make clear that applicants for license renewal must provide a certification indicating continuing education

requirements have been met. The Board includes a provision that licensees may be required to submit certificates of attendance to the Board. Currently, the Bureau's electronic licensing system does not allow for submission of continuing education certificates of attendance; however, the Bureau anticipates having this capacity in the future. The Board proposes to amend § 29.61(d) by replacing "auditing agents" with "authorized representatives or agents" to more accurately reflect the types of individuals who have authority to demand continuing education certificates of attendance.

The Board proposes to amend and reorganize § 29.68. Under the Board's current regulations at § 29.68(a), podiatrists in active military service and podiatrists engaged in an American Podiatry Association approved Podiatric Resident Program are exempt from continuing education requirements. The Board's proposed amendments in subsection (a) require submission of verification of military service, which is consistent with the Board's current practice and relocate the residency program exemption to § 29.68(d).

The proposed amendments in § 29.68(b) clarify that the Board is authorized to grant an extension to the continuing education requirement, in addition to a waiver, for serious illness or hardship. An extension would still compel the licensee to meet the continuing education requirements as opposed to a waiver which would absolve the licensee from having to meet the requirements.

Like most other professional licensing boards and commissions under the Bureau, in § 29.68(e), the Board wishes to exempt individuals from continuing education requirements during the biennial period in which individuals first obtained licensure. The Board has determined, based upon the Board's recognition of the extensive education podiatrists receive from accredited schools, that no hours of continuing education are necessary for the first renewal period after initial licensure. In proposing the continuing education exemption for the first renewal period after initial licensure, the Board considers section 9 of the act which gives the Board broad authority and discretion to determine the number of continuing education hours required for biennial renewal.

Under the Board's existing regulations, podiatrists engaged in an approved residency program are exempt from continuing education. In this Commonwealth, most podiatrists graduate from podiatry school and enter a residency program upon graduation; however, residency programs are not required for licensure in this Commonwealth. This Commonwealth is in the minority in this respect. According to the American Association of Colleges of Podiatric Medicine, 92% of states require post-graduate training. In proposing this exemption, the Board recognizes that under the current regulations most, but not all, podiatrists are exempt from continuing education in the first biennial period in which they are licensed because most podiatrists enter a residency program. Section 29.68(e) merely provides for a similar exemption for those podiatrists who do not enter residency programs.

Fiscal Impact

This proposed rulemaking should not have any fiscal impact on the Commonwealth or its political subdivisions. This proposed rulemaking will have a positive fiscal impact on licensees due to the reduction of required continuing education hours from 50 to 45, and the elimination of the restriction in the amount of distance learning courses and programs that can be completed.

Paperwork Requirements

This proposed rulemaking should not necessitate any legal, accounting, reporting or other additional paperwork requirements. Licensees are already required to retain certificates of attendance documenting completion of continuing education.

Sunset Date

The Board continuously monitors the cost effectiveness of 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 May 18, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kenneth J. Suter, Counsel, State Board of Podiatry, 2601 North Third Street, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking.

ROBERT B. WEBER, DPM,
Chairperson

Fiscal Note: 16A-4417. No fiscal impact. (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY CONTINUING EDUCATION

§ 29.60. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Biennium—The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

Certification—A statement signed by the licensee certifying that continuing education requirements have been met [**along with information and documentation relative to the course**].

Clock hour—Sixty minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

Distance learning—An education process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor. Examples include online learning, correspondence courses and webinars.

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

§ 29.61. Requirements for biennial renewal and eligibility to conduct educational conferences.

(a) **[Effective with the renewal of licensure for the 2011-2012 biennium, a]** A licensee applying for biennial renewal of a license shall have completed **[50] 45** clock hours of continuing education in approved courses and programs during the preceding biennium **[.]**, **in accordance with the following:**

(1) At least 30 **[of the]** clock hours must be in courses and programs in podiatry **[that are]** approved by the Board **under § 29.64 (relating to applications for approval of educational conferences)** or **approved by** the Council on Podiatric Medical Education (CPME).

(2) The remaining clock hours must be **[either in courses and programs in podiatry that are approved by the Board or the CPME or]** in courses and programs in medical subjects **[that are]** **pertinent to the practice of podiatry** approved by the American Medical Association **[or]**, the American Osteopathic Association, **the Board, or the CPME, or offered by an accredited school or college of podiatric medicine.**

(3) A maximum of 10 clock hours may be in **[approved courses and programs that involve the use of the Internet or the]** reading **[of]** professional journals **[or magazine articles]**.

(4) **Clock hours may be obtained by completing approved distance learning courses and programs. Clock hours that are obtained through distance learning courses and programs shall only be eligible for clock hours if successful completion of the distance learning course or program includes completion of a skill or knowledge assessment component.**

(5) Continuing education credit will not be awarded for **[clock hours]** **courses or programs** in office management or marketing the practice.

(6) Excess clock hours may not be carried over to the next biennium.

(7) **Continuing education courses completed in accordance with a disciplinary order of the Board may not be used to meet the biennial continuing education requirement.**

(8) A licensee **who wishes to use a course or program for continuing education credit toward licensure renewal is** responsible for ensuring that a particular course or program is approved for continuing education credit prior to participating in the course or program.

(b) Providers approved by the Board are eligible to conduct educational conferences.

(c) Applicants for license renewal shall provide, on the renewal application, a **[signed statement certifying that continuing education requirements have been met]** **certification** and **[information to document their certification, including]** shall electronically submit the certificates of attendance provided by the course provider, as applicable. **The certificates of attendance must include** the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course or program and description of content.
- (4) The provider which sponsored the course or program.
- (5) The location of the course or program.

(d) The licensee shall retain attendance certificates to document completion of the prescribed number of clock hours for 5 years following the completion of each course, which shall be produced upon demand by the Board or its **[auditing]** **authorized representatives or** agents.

§ 29.68. Continuing education exemptions.

(a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service **[or engaged in an American Podiatry Association approved Podiatric Residency Program]**. **A podiatrist exempt from continuing education under this subsection must submit verification of active military service.**

(b) The Board may waive **or grant an extension for** all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver **or extension** will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver **or extension** request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

(d) **A podiatrist is exempt from the continuing education requirements set forth in § 29.61(a) (relating to requirements for biennial renewal and eligibility to conduct educational conferences) in a renewal cycle in which the podiatrist is engaged in an American Podiatry Association approved Podiatric Residency Program.**

(e) **A podiatrist who has never been previously licensed in any jurisdiction is exempt from the continuing education requirements set forth in § 29.61(a) for the first renewal period immediately following licensure in this Commonwealth.**

[Pa.B. Doc. No. 20-705. Filed for public inspection May 29, 2020, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 55]

Registration Class Stickers

The Department of Transportation (Department), under the authority of 75 Pa.C.S. § 6103 (relating to promulgation of rules and regulations by department) and more generally 75 Pa.C.S. §§ 1301 and 1304(b) (relating to registration and certificate of title required; and registration criteria), proposes to delete Chapter 55 (relating to registration class stickers) to read as set forth in Annex A.

Purpose of Chapter

This Chapter implements 75 Pa.C.S. § 1304(b) regarding the classification of vehicles. Section 1304(b) of 75 Pa.C.S. authorizes the Department to “identify vehicles by type as to weight, design, loading, use, ownership or other significant characteristics for purposes of registration.” The Department adopted Chapter 55 in 1979 to implement the portion of section 1304(b) that concerns identifying vehicle according to weight for purposes of registration. Chapter 55 requires the affixation of a “registration class sticker,” which indicates the registered gross weight class to a truck, truck-tractor or combination registered in this Commonwealth in the registered gross weight classes 2 through 25.

Purpose of this Proposed Rulemaking

In addition to the registration class sticker, a vehicle’s weight classification is printed on the vehicle’s registration card. The registration class sticker is not utilized by third parties, including law enforcement, when verifying the authorized operating weight of a vehicle. Instead, law enforcement relies on the registration card to determine the authorized operating weight of a vehicle. Therefore, the need for a registration class sticker no longer exists, and its elimination will result in administrative and cost savings to the Department and the regulated community.

Summary of Significant Amendments

This proposed rulemaking will delete Chapter 55 in its entirety.

Persons and Entities Affected

This proposed rulemaking will impact an estimated 1.6 million commercial and non-commercial vehicles currently required to display the registration class sticker.

Fiscal Impact

Deleting Chapter 55 will save the Department the cost of maintaining an inventory of the required stickers (averaging \$25,000 annually). The fiscal impact to the regulated community is difficult to quantify because there is no direct savings to individuals or business as a result of the proposed rulemaking. No fee is charged to individuals or businesses to obtain or replace a registration class sticker. Any cost savings to the regulated community is tied to administrative time savings to obtain or replace a damaged or destroyed sticker and the time to affix the sticker to a windshield.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2020, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

The Department is not establishing a sunset date for this regulation, as this proposed rulemaking deletes a chapter.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to R. Scott Shenk, Manager, Vehicle Registration Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 or rshenk@pa.gov, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about this proposed rulemaking is R. Scott Shenk, Manager, Vehicle Registration Division, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 or rshenk@pa.gov.

YASSMIN GRAMIAN, PE,
Acting Secretary

Fiscal Note: 18-477. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 55. [REGISTRATION CLASS STICKERS] (Reserved)

(Editor’s Note: As part of this proposed rulemaking, the Department is proposing to delete the text of Chapter 55, which appears at 67 Pa. Code pages 55-1—55.3, serial pages (254023) to (254025).

§§ 55.1—55.6. (Reserved).

[Pa.B. Doc. No. 20-706. Filed for public inspection May 29, 2020, 9:00 a.m.]