

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1804 Session of 2007

INTRODUCED BY YUDICHAK, SOLOBAY, K. SMITH, SIPTROTH, PYLE, BARRAR, GEORGE, GRUCELA, HARKINS, HENNESSEY, JOSEPHS, LONGIETTI, McILVAINE SMITH, PETRONE, THOMAS, WOJNAROSKI, YOUNGBLOOD, MURT, KILLION, HORNAMAN AND FABRIZIO, OCTOBER 15, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 12, 2007

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," further providing for DEFINITIONS AND <—
10 FOR THE STATE BOARD OF MEDICINE; PROVIDING FOR JOINTLY
11 PROMULGATED REGULATIONS; AND FURTHER PROVIDING FOR
12 respiratory care practitioners AND FOR RESPIRATORY CARE <—
13 PRACTITIONER CERTIFICATES AND PERMITS.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 13.1 of the act of December 20, 1985 <—~~
17 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985,~~
18 ~~added July 2, 1993 (P.L.424, No.60), is amended to read:~~

19 SECTION 1. THE DEFINITIONS OF "BOARD REGULATED PRACTITIONER" <—
20 AND "RESPIRATORY CARE PRACTITIONER" IN SECTION 2 OF THE ACT OF
21 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL

1 PRACTICE ACT OF 1985, AMENDED OR ADDED JULY 2, 1993 (P.L.424,
2 NO.60) AND DECEMBER 10, 2001 (P.L.859, NO.92), ARE AMENDED TO
3 READ:

4 SECTION 2. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
6 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 * * *

9 "BOARD REGULATED PRACTITIONER." A MEDICAL DOCTOR, MIDWIFE,
10 PHYSICIAN ASSISTANT, RESPIRATORY [CARE PRACTITIONER] THERAPIST,
11 CERTIFIED ATHLETIC TRAINER OR DRUGLESS THERAPIST OR AN APPLICANT
12 FOR A LICENSE OR CERTIFICATE THE BOARD MAY ISSUE.

13 * * *

14 "RESPIRATORY [CARE PRACTITIONER] THERAPIST." AN INDIVIDUAL
15 WHO IS [CERTIFIED] LICENSED TO PRACTICE RESPIRATORY CARE BY THE
16 STATE BOARD OF MEDICINE.

17 * * *

18 SECTION 2. SECTION 3(A) AND (B) OF THE ACT, AMENDED JULY 2,
19 1993 (P.L.424, NO.60) AND DECEMBER 10, 2001 (P.L.859, NO.92),
20 ARE AMENDED TO READ:

21 SECTION 3. STATE BOARD OF MEDICINE.

22 (A) ESTABLISHMENT.--THE STATE BOARD OF MEDICINE SHALL
23 CONSIST OF THE COMMISSIONER OR HIS DESIGNEE, THE SECRETARY OF
24 HEALTH OR HIS DESIGNEE, TWO MEMBERS APPOINTED BY THE GOVERNOR
25 WHO SHALL BE PERSONS REPRESENTING THE PUBLIC AT LARGE AND SEVEN
26 MEMBERS APPOINTED BY THE GOVERNOR, SIX OF WHOM SHALL BE MEDICAL
27 DOCTORS WITH UNRESTRICTED LICENSES TO PRACTICE MEDICINE AND
28 SURGERY IN THIS COMMONWEALTH FOR FIVE YEARS IMMEDIATELY
29 PRECEDING THEIR APPOINTMENT AND ONE WHO SHALL BE A NURSE
30 MIDWIFE, PHYSICIAN ASSISTANT, CERTIFIED REGISTERED NURSE

1 PRACTITIONER, RESPIRATORY [CARE PRACTITIONER] THERAPIST OR
2 CERTIFIED ATHLETIC TRAINER LICENSED OR CERTIFIED UNDER THE LAWS
3 OF THIS COMMONWEALTH. ALL PROFESSIONAL AND PUBLIC MEMBERS OF THE
4 BOARD SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND
5 CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.

6 (B) TERMS OF OFFICE.--THE TERM OF EACH PROFESSIONAL AND
7 PUBLIC MEMBER OF THE BOARD SHALL BE FOUR YEARS OR UNTIL HIS OR
8 HER SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, BUT NOT LONGER
9 THAN SIX MONTHS BEYOND THE FOUR-YEAR PERIOD. IN THE EVENT THAT
10 ANY OF SAID MEMBERS SHALL DIE OR RESIGN OR OTHERWISE BECOME
11 DISQUALIFIED DURING HIS OR HER TERM, A SUCCESSOR SHALL BE
12 APPOINTED IN THE SAME WAY AND WITH THE SAME QUALIFICATIONS AND
13 SHALL HOLD OFFICE FOR THE UNEXPIRED TERM. NO MEMBER SHALL BE
14 ELIGIBLE FOR APPOINTMENT TO SERVE MORE THAN TWO CONSECUTIVE
15 TERMS. THE GOVERNOR SHALL ASSURE THAT NURSE MIDWIVES, PHYSICIAN
16 ASSISTANTS, CERTIFIED REGISTERED NURSE PRACTITIONERS AND
17 RESPIRATORY [CARE PRACTITIONERS] THERAPISTS ARE APPOINTED TO
18 FOUR-YEAR TERMS ON A ROTATING BASIS SO THAT, OF EVERY FOUR
19 APPOINTMENTS TO A FOUR-YEAR TERM, ONE IS A NURSE MIDWIFE, ONE IS
20 A PHYSICIAN ASSISTANT, ONE IS A CERTIFIED REGISTERED NURSE
21 PRACTITIONER AND ONE IS A RESPIRATORY [CARE PRACTITIONER]
22 THERAPIST.

23 * * *

24 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
25 SECTION 8.1. JOINTLY PROMULGATED REGULATIONS.

26 THE STATE BOARD OF MEDICINE AND THE STATE BOARD OF
27 OSTEOPATHIC MEDICINE SHALL JOINTLY PROMULGATE REGULATIONS
28 IMPLEMENTING SECTIONS 13.1 AND 36.1, RELATING TO THE LICENSURE
29 AND PRACTICE OF RESPIRATORY THERAPISTS.

30 SECTION 4. SECTION 13.1 OF THE ACT, ADDED JULY 2, 1993

1 (P.L.424, NO.60), IS AMENDED TO READ:

2 Section 13.1. Respiratory [care practitioners] THERAPISTS. <—

3 [(a) Certificate required.--Eighteen months after the
4 effective date of this section, it shall be unlawful for any
5 person to hold himself out to the public as a respiratory care
6 practitioner and to practice or offer to practice respiratory
7 care unless he holds a valid, current temporary permit or
8 certificate issued by the board.

9 (b) Use of title.--A respiratory care practitioner who holds
10 a valid, current temporary permit or certificate issued by the
11 board may use the title respiratory care practitioner or
12 respiratory care practitioner-certified or an appropriate
13 abbreviation of that title such as "R.C.P." or "R.C.P.-C."]

14 ~~(a) Criteria for certification as a respiratory care~~ <—
15 ~~practitioner. The board shall approve for licensure as a~~
16 ~~respiratory care practitioner an applicant who:~~

17 (A) QUALIFICATIONS.--AN INDIVIDUAL SHALL BE ELIGIBLE TO <—
18 APPLY FOR LICENSURE AS A RESPIRATORY THERAPIST IF THAT
19 INDIVIDUAL SATISFIES ALL OF THE FOLLOWING:

20 (1) Submits evidence satisfactory to the board, on forms
21 supplied APPROVED by the board, that the applicant has met <—
22 one or more of the following criteria:

23 (i) Has graduated from a respiratory care program
24 approved by the ~~Joint Review Committee~~ COMMITTEE ON <—
25 ACCREDITATION for Respiratory Therapy Education CARE and <—
26 passed the Certified Respiratory Therapist Examination as
27 determined by the National Board for Respiratory Care.

28 ~~(ii) Has been credentialed as a Certified~~ <—
29 ~~Respiratory Therapy Technician or Registered Respiratory~~
30 ~~Therapist by the National Board for Respiratory Care.~~

1 ~~(iii)~~ (II) Holds a valid license, certificate or <—
2 registration as a respiratory care practitioner THERAPIST <—
3 in another state, territory or the District of Columbia
4 which has been issued based on requirements substantially
5 ~~the same as~~ SIMILAR TO those required by the <—
6 Commonwealth, including the examination requirement. <—
7 ~~(iv)~~ Has continuously and actively provided
8 respiratory care services for a minimum of 12 months
9 immediately preceding the effective date of this
10 subsection, and has passed the Certified Respiratory
11 Therapist Examination as determined by the National Board
12 for Respiratory Care.
13 ~~(2)~~ Has paid the appropriate fee in the form of a check
14 or money order. HAVING SUCCESSFULLY PASSED THE ENTRY LEVEL <—
15 EXAMINATION.
16 (2) HAS PAID A LICENSURE FEE AS ESTABLISHED BY THE BOARD
17 BY REGULATION.
18 ~~(3)~~ Has satisfied the board that the applicant PROVED TO <—
19 THE SATISFACTION OF THE BOARD THAT THE INDIVIDUAL is of good
20 moral character, and is not unfit or unable to practice as a
21 respiratory therapist by reason of the extent or manner of <—
22 his use of alcoholic beverages or controlled substances or by
23 reason of a physical or mental disability.
24 (a.1) License required.--Eighteen months after the effective <—
25 date of this section, it IT shall be unlawful for any person <—
26 INDIVIDUAL to hold himself out to the public as a respiratory <—
27 therapist or to practice or offer to practice respiratory
28 therapy unless the person INDIVIDUAL holds a valid, current <—
29 license issued by the board or the State Board of Osteopathic
30 Medical Examiners.

1 ~~(b) Use of title. A respiratory therapist who holds a~~ <—
2 ~~valid, current license issued by either board may use the title~~
3 ~~respiratory therapist or licensed respiratory therapist, or an~~
4 ~~appropriate abbreviation of the title, such as "RT."~~

5 (A.2) USE OF TITLE.--IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL <—
6 TO USE THE TITLE OF "LICENSED RESPIRATORY THERAPIST" OR TO USE
7 THE LETTERS "LRT" OR "RT" OR TO HOLD ONESELF OUT AS A LICENSED
8 RESPIRATORY THERAPIST UNLESS THAT INDIVIDUAL IS LICENSED TO
9 PRACTICE RESPIRATORY CARE AS PROVIDED UNDER THIS ACT OR THE ACT
10 OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC
11 MEDICAL PRACTICE ACT.

12 (B) LICENSURE WITHOUT EXAMINATION.--FOR A PERIOD OF TWO
13 YEARS FOLLOWING THE EFFECTIVE DATE OF THIS ACT, AN INDIVIDUAL
14 SHALL BE ELIGIBLE TO APPLY FOR LICENSURE WITHOUT EXAMINATION IF
15 THE INDIVIDUAL MEETS THE QUALIFICATIONS FOR LICENSURE UNDER
16 SUBSECTION (A) AND HOLDS VALID CERTIFICATION AS A RESPIRATORY
17 CARE PRACTITIONER AS ISSUED BY THE BOARD OR THE STATE BOARD OF
18 OSTEOPATHIC MEDICINE.

19 (c) Regulations.--The board is authorized to promulgate
20 regulations to implement this section.

21 (d) Supervision and scope of practice.--A respiratory [care <—
22 practitioner certified] THERAPIST LICENSED by the board may <—
23 implement direct respiratory care to an individual being treated
24 by either a licensed medical doctor or a licensed doctor of
25 osteopathic medicine, upon physician prescription or referral,
26 or under medical direction and approval consistent with standing
27 orders or protocols of an institution or health care facility.
28 This care may constitute indirect services such as consultation
29 or evaluation of an individual and also includes, but is not
30 limited to, the following services:

- 1 (1) Administration of medical gases.
- 2 (2) Humidity and aerosol therapy.
- 3 (3) Administration of aerosolized medications.
- 4 (4) Intermittent positive pressure breathing.
- 5 (5) Incentive spirometry.
- 6 (6) Bronchopulmonary hygiene.
- 7 (7) Management and maintenance of natural airways.
- 8 (8) Maintenance and insertion of artificial airways.
- 9 (9) Cardiopulmonary rehabilitation.

10 (10) Management and maintenance of mechanical
11 ventilation.

12 (11) Measurement of ventilatory flows, volumes and
13 pressures.

14 (12) Analysis of ventilatory gases and blood gases.

15 ~~(13) Oximetry.~~

←

16 ~~(14) Capnography.~~

17 ~~(15) Simple spirometry.~~

18 ~~(16) Conscious sedation.~~

19 ~~(17) ECMO.~~

20 ~~(18) Hemodynamic monitoring.~~

21 ~~(19) Assistance with bronchoscopy (therapeutic,~~
22 ~~diagnostic, interventional).~~

23 ~~(d.1) Other licensed medical practitioners. In addition to~~
24 ~~licensed respiratory therapists, other licensed medical~~
25 ~~practitioners may perform the procedures enumerated in this~~
26 ~~section:~~

27 ~~(1) only upon physician prescription or referral; or~~

28 ~~(2) while under medical direction consistent with~~

29 ~~standing orders or protocols in an institution or health care~~
30 ~~facility; and~~

~~(3) having been tested for competency for each procedure
as outlined in regulations to be promulgated by the board.~~

(e) Exemptions.--This section shall not prevent or restrict
the practices, services or activities of:

(1) A person licensed or certified in this Commonwealth
to provide another health care service, including, but not
limited to, physicians, physical therapists, chiropractors,
nurses, dentists, physician assistants and podiatrists.

(2) A person rendering respiratory care services
pursuant to employment by a Federal agency.

(3) A person pursuing a course of study leading to a
degree or certificate in respiratory care in an accredited
educational program, if he is clearly designated as a student
and provides care under supervision implemented through that
program.

(4) A person executing or conveying medical orders
pursuant to lawful delegation by a physician.

(5) A person who, pursuant to lawful delegation by a
physician, delivers, installs, monitors or maintains a device
which enables an individual to self-administer respiratory
care.

(6) A person qualified by academic and clinical
education to operate extracorporeal circulation equipment in
a medical or surgical setting which requires support to or
the temporary replacement of a patient's circulatory or
respiratory functions.

(f) Referrals to State Board of Osteopathic Medicine.--
Information or allegations filed with the board against a
respiratory [care practitioner certified] THERAPIST LICENSED by
the State Board of Osteopathic Medicine shall be referred to

<—

1 that board for appropriate action.

2 ~~Section 2. This act shall take effect in 60 days.~~ <—

3 SECTION 5. SECTION 36.1 OF THE ACT, AMENDED OR ADDED JULY 2, <—
4 1993 (P.L.424, NO.60) AND JULY 2, 2004 (P.L.484, NO.55), IS
5 AMENDED TO READ:

6 SECTION 36.1. RESPIRATORY [CARE PRACTITIONER CERTIFICATES]
7 THERAPIST LICENSES AND PERMITS.

8 (A) GENERAL RULE.--A RESPIRATORY [CARE PRACTITIONER
9 CERTIFICATE] THERAPIST LICENSE ISSUED BY THE BOARD EMPOWERS THE
10 HOLDER TO PRACTICE RESPIRATORY CARE UNDER THE SUPERVISION OF A
11 LICENSED MEDICAL DOCTOR OR A LICENSED DOCTOR OF OSTEOPATHIC
12 MEDICINE. IN A HEALTH CARE FACILITY, THAT SUPERVISION MAY
13 CONSIST OF STANDING ORDERS OR PROTOCOLS APPROVED BY THE
14 INSTITUTION, CONSISTENT WITH ACCEPTABLE AND PREVAILING MEDICAL
15 STANDARDS, WHICH MAY INCLUDE SERVICES RENDERED DIRECTLY TO THE
16 PATIENT IN HIS HOME OR OTHER RESIDENCE.

17 (B) TEMPORARY PERMITS.--THE BOARD SHALL ISSUE TEMPORARY
18 PERMITS FOR THE PRACTICE OF RESPIRATORY CARE TO INDIVIDUALS WHO
19 HAVE APPLIED FOR [CERTIFICATION] LICENSURE FROM THE BOARD AND
20 WHO MEET ANY OF THE FOLLOWING REQUIREMENTS:

21 (1) GRADUATION FROM AN ACCREDITED RESPIRATORY CARE
22 TRAINING PROGRAM RECOGNIZED BY THE BOARD.

23 (2) ENROLLMENT IN AN ACCREDITED RESPIRATORY CARE
24 TRAINING PROGRAM RECOGNIZED BY THE BOARD, IF THE INDIVIDUAL
25 IS EXPECTED TO GRADUATE WITHIN 30 DAYS FROM THE DATE OF
26 APPLICATION.

27 (3) [DESIGNATION AS A "CERTIFIED RESPIRATORY THERAPIST"
28 OR A "REGISTERED RESPIRATORY THERAPIST" BY A NATIONALLY
29 RECOGNIZED CREDENTIALING AGENCY APPROVED BY THE BOARD.

30 (4) CONTINUOUS PROVISION OF RESPIRATORY CARE SERVICES

1 FOR A MINIMUM OF 12 MONTHS IMMEDIATELY PRECEDING THE
2 EFFECTIVE DATE OF THIS SECTION.

3 (5) HOLDING CERTIFICATION, LICENSURE OR REGISTRATION AS
4 A RESPIRATORY CARE PRACTITIONER ISSUED BY ANOTHER STATE, THE
5 DISTRICT OF COLUMBIA OR A TERRITORY OF THE UNITED STATES,
6 WHERE THE REQUIREMENTS FOR LICENSURE, REGISTRATION OR
7 CERTIFICATION ARE SUBSTANTIALLY SIMILAR TO THOSE REQUIRED BY
8 THE BOARD.] RECOGNITION AS A CREDENTIALLED RESPIRATORY
9 THERAPIST AS APPROVED BY THE BOARD.

10 (C) DURATION AND EFFECT OF TEMPORARY PERMITS.--TEMPORARY
11 PERMITS SHALL BE VALID FOR A PERIOD OF 12 MONTHS AND FOR SUCH
12 ADDITIONAL PERIOD AS THE BOARD MAY, IN EACH CASE, SPECIALLY
13 DETERMINE, EXCEPT THAT A TEMPORARY PERMIT SHALL EXPIRE IF THE
14 HOLDER FAILS THE EXAMINATION. AN APPROPRIATE FEE FOR A TEMPORARY
15 PERMIT SHALL BE ESTABLISHED BY THE BOARD BY REGULATION. IF [HE]
16 THE TEMPORARY PERMIT HOLDER IS NOT IN VIOLATION OF ANY OTHER
17 PROVISION OF THIS ACT, A HOLDER OF A TEMPORARY PERMIT QUALIFIES
18 FOR ADMISSION TO THE EXAMINATION AND SHALL APPLY FOR THE NEXT
19 REGULARLY SCHEDULED [CERTIFICATION] LICENSURE EXAMINATION
20 ADMINISTERED BY THE BOARD. THE BOARD IS AUTHORIZED TO PROMULGATE
21 REGULATIONS TO ESTABLISH PROCEDURES FOR APPLICATION, CREDENTIALS
22 VERIFICATION, EXAMINATION AND [CERTIFICATION] LICENSURE,
23 TOGETHER WITH APPROPRIATE FEES.

24 (D) EXAMINATION.--PURSUANT TO SECTION 812.1 OF THE ACT OF
25 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
26 CODE OF 1929, THE BOARD SHALL CONTRACT FOR THE DEVELOPMENT AND
27 ADMINISTRATION OF AN EXAMINATION FOR THE [CERTIFICATION]
28 LICENSURE OF RESPIRATORY [CARE PRACTITIONERS. AT LEAST ONE
29 ADMINISTRATION OF THIS EXAMINATION SHALL BE GIVEN WITHIN 12
30 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, AND THE]

1 THERAPISTS. THE EXAMINATION SHALL [THEREAFTER] BE GIVEN AT LEAST
2 TWICE PER YEAR. [AN INDIVIDUAL QUALIFYING FOR A TEMPORARY PERMIT
3 UNDER SUBSECTION (B)(5) SHALL BE ISSUED A CERTIFICATE BY THE
4 BOARD WITHOUT EXAMINATION. AN INDIVIDUAL QUALIFYING FOR A
5 TEMPORARY PERMIT UNDER SUBSECTION (B)(3) SHALL BE ISSUED A
6 CERTIFICATE BY THE BOARD WITHOUT EXAMINATION IF THE INDIVIDUAL
7 PASSED AN EXAMINATION IN ORDER TO OBTAIN DESIGNATION AS A
8 "CERTIFIED RESPIRATORY THERAPY TECHNICIAN" OR A "REGISTERED
9 RESPIRATORY THERAPIST" AND THAT EXAMINATION WAS COMPARABLE TO
10 THE EXAMINATION DEVELOPED AND ADMINISTERED PURSUANT TO THIS
11 SUBSECTION.]

12 (E) BIENNIAL RENEWAL.--A RESPIRATORY [CARE PRACTITIONER
13 CERTIFICATE] THERAPIST LICENSE SHALL BE RENEWED BIENNIALY UPON
14 APPLICATION ON A FORM PRESCRIBED BY THE BOARD AND UPON PAYMENT
15 OF A RENEWAL FEE ADOPTED BY THE BOARD BY REGULATION.

16 (F) CONTINUING EDUCATION.--

17 (1) THE BOARD SHALL ADOPT, PROMULGATE AND ENFORCE RULES
18 AND REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS ACT
19 ESTABLISHING REQUIREMENTS OF CONTINUING EDUCATION TO BE MET
20 BY INDIVIDUALS HOLDING [CERTIFICATION] LICENSURE AS
21 RESPIRATORY [CARE PRACTITIONERS] THERAPISTS UNDER THIS ACT AS
22 A CONDITION [FOR CERTIFICATE] OF BIENNIAL LICENSE RENEWAL.
23 THE REGULATIONS SHALL INCLUDE ANY FEES NECESSARY FOR THE
24 BOARD TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION.

25 (2) BEGINNING WITH THE [LICENSE PERIOD DESIGNATED BY
26 REGULATION, CERTIFICATE] FIRST BIENNIAL LICENSE RENEWAL
27 PERIOD FOLLOWING PROMULGATION OF REGULATIONS, LICENSE HOLDERS
28 SHALL BE REQUIRED TO ATTEND AND COMPLETE [20] 30 HOURS OF
29 MANDATORY CONTINUING EDUCATION DURING EACH TWO-YEAR
30 [CERTIFICATE] LICENSE PERIOD. AT LEAST ONE CREDIT HOUR SHALL

1 BE IN ETHICS, AND ONE CREDIT HOUR SHALL BE IN PATIENT SAFETY.

2 (3) AN INDIVIDUAL APPLYING FOR THE FIRST TIME FOR
3 [CERTIFICATION] LICENSURE IN THIS COMMONWEALTH SHALL BE
4 EXEMPTED FROM THE CONTINUING EDUCATION REQUIREMENT FOR THE
5 BIENNIAL RENEWAL PERIOD [FOLLOWING INITIAL CERTIFICATION] IN
6 WHICH LICENSURE IS OBTAINED.

7 (4) [THE BOARD MAY WAIVE ALL OR A PORTION OF THE
8 CONTINUING EDUCATION REQUIREMENT FOR BIENNIAL RENEWAL FOR A
9 CERTIFICATE HOLDER WHO SHOWS TO THE SATISFACTION OF THE BOARD
10 THAT HE OR SHE WAS UNABLE TO COMPLETE THE REQUIREMENTS DUE TO
11 SERIOUS ILLNESS, MILITARY SERVICE OR OTHER DEMONSTRATED
12 HARDSHIP. THE REQUEST SHALL BE MADE IN WRITING, WITH
13 APPROPRIATE DOCUMENTATION, AND SHALL INCLUDE A DESCRIPTION OF
14 CIRCUMSTANCES SUFFICIENT TO SHOW WHY THE CERTIFICATE HOLDER
15 IS UNABLE TO COMPLY WITH THE CONTINUING EDUCATION
16 REQUIREMENT. WAIVER REQUESTS SHALL BE EVALUATED BY THE BOARD
17 ON A CASE-BY-CASE BASIS. THE BOARD SHALL SEND THE CERTIFICATE
18 HOLDER WRITTEN NOTIFICATION OF ITS APPROVAL OR DENIAL OF A
19 WAIVER REQUEST.] THE BOARD SHALL, BY REGULATION, PROVIDE FOR
20 THE WAIVER OF CONTINUING EDUCATION REQUIREMENTS IN CASE OF
21 ILLNESS, HARDSHIP AND ARMED SERVICES DUTIES. A REQUEST FOR
22 WAIVER SHALL BE EVALUATED ON A CASE-BY-CASE BASIS.

23 (5) A [CERTIFICATE HOLDER] LICENSEE SEEKING TO REINSTATE
24 AN INACTIVE OR LAPSED [CERTIFICATE] LICENSE SHALL SHOW PROOF
25 OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENT FOR
26 THE PRECEDING BIENNIUM.

27 (6) ALL COURSES, LOCATIONS, INSTRUCTORS AND PROVIDERS
28 SHALL BE APPROVED BY THE BOARD. NO CREDIT SHALL BE GIVEN FOR
29 ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE BUILDING.

30 [(7) THE BOARD SHALL INITIATE THE PROMULGATION OF

1 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION
2 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.]

3 SECTION 6. THE STATE BOARD OF OSTEOPATHIC MEDICINE AND THE
4 STATE BOARD OF MEDICINE SHALL JOINTLY PROMULGATE REGULATIONS TO
5 IMPLEMENT THE AMENDMENT OR ADDITION OF SECTIONS 2, 3(A) AND (B),
6 8.1, 13.1 AND 36.1 OF THE ACT WITHIN 18 MONTHS OF THE EFFECTIVE
7 DATE OF THIS SECTION.

8 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

9 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

10 (2) SECTION 6 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

11 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
12 DAYS.