

**Chiropractic Fellowship of PA  
Summary of Legislation  
February 2017**

**Facing Increasing Deficits, Gov. Wolf Proposes \$32.3 Billion Budget Balanced On Substantial Revenue and Structural Reforms**

Gov. Tom Wolf gave the third budget address of his tenure before a joint session of the General Assembly on February 7. He presented a proposed budget to legislators for FY 2017-2018 totaling \$32.3 billion in state spending, a 1.8 percent increase over last year's spending number. The spending proposal comes as Pennsylvania faces a structural deficit, estimated at upwards of \$700 million for the current fiscal year and potentially as high as \$2.3 billion for the coming fiscal year.

While the governor stated that his budget proposal anticipates no increases in broad-based taxes, it does rely on a number of new revenue sources, government reform initiatives, and other spending cuts that purport to balance the spend number. Many of these spending changes are already occurring in the current fiscal year, with certain agencies, particularly Labor and Industry, trimming services and laying off workers.

In a major initiative of this year's plan, Gov. Wolf is looking to save \$2.1 billion through **executive branch consolidations**, savings, and efficiencies. Looking to combine four different departments into one monolithic agency, the governor said more than \$90 million can be saved by the consolidations that would create the **Department of Health and Human Services, through the combination of the Departments of Human Services, Health, Aging, and Drug and Alcohol Programs**. Details of how and when this consolidation will take place are rolling out slowly, and legislation to effect the changes has not yet been introduced.

The full budget proposal is now being reviewed in detail, Department by Department, by the House and Senate Appropriations Committees. Hearings began February 21, and will continue through early March, before the General Assembly returns to session on March 13.

**Governor's Office Announces Regulatory Agenda**

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit an agenda of regulations under development or consideration, for publication on the first Saturdays in February and July. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process. Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments. This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<b>Regulation Being Considered</b>	<b>Proposed Date of Promulgation</b>	<b>Need and Legal Basis for Action</b>	<b>Agency Contact</b>
<i>State Board of Chiropractic</i> Chiropractic Specialties 49 Pa. Code Chapter 5 (# 16A-4312)	Spring 2017, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The proposed rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor	Michelle Roberts (717) 783-7155

holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties. These specialty boards all require passing a certification examination after either a full-time residency of at least 3 years or a part-time program of more than 300 hours of education and clinical practice. This proposal protects consumers of chiropractic services who can be misled by advertising of "certifications" that do not truly reflect advanced knowledge, training or skill.

<p>Volunteer License 49 Pa. Code § 5.20 (# 16A-4321)</p>	<p>Winter 2017-18, as Final-Omitted</p>	<p>This regulation is required to amend the current regulations to conform to amendments made to the Volunteer Health Services Act.</p>	<p>Michelle Roberts (717) 783-7155</p>
<p>Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (# 16A-4322)</p>	<p>Summer 2017, as Proposed</p>	<p>This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.</p>	<p>Michelle Roberts (717) 783-7155</p>
<p>Radiological Procedures Examination 49 Pa. Code §§ 5.6 and 5.63 (# 16A-4324)</p>	<p>Spring 2017, as Final</p>	<p>Section 522(a)(ii) of the act (63 P.S. § 625.522(a)(ii)) prohibits auxiliary personnel from performing radiologic procedures on the premises of a chiropractor unless the person has passed an examination approved by the Board and administered by a third-party testing service. The proposed rulemaking would delete the fee for the radiological procedures examination and reference to the application forms and would require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board. This change is needed to comport to actual practice.</p>	<p>Michelle Roberts (717) 783-7155</p>
<p>Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)</p>	<p>Summer 2017, as Proposed</p>	<p>The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-insurance Program.</p>	<p>Michelle Roberts (717) 783-7155</p>
<p>Sexual Misconduct 49 Pa. Code § 5.81 (# 16A-4328)</p>	<p>Fall 2017, as Proposed</p>	<p>The proposed rulemaking would amend the Board's regulations to provide clearer and broader standards in prohibiting sexual misconduct with a patient.</p>	<p>Michelle Roberts (717) 783-7155</p>

## Legislative Activity

The following bills of interest to CFoP were acted on by the General Assembly this past month.

### Scope of Practice/Licensure Bills

[HB 548](#) RE: Self-Reporting of Convictions (by Rep. Harry Readshaw, et al)

Amends the act entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing

for civil penalties and license suspension," by adding a subsection on hearing examiners requiring all licensees under the Bureau of Professional and Occupational Affairs to report convictions within 30 days.

**Introduced and referred to House Professional Licensure Committee, 2/17/2017**

[HB 597](#) RE: Prescribing of Analgesics (by Rep. Ed Gainey, et al)

Amends the Controlled Substance, Drug, Device and Cosmetic Act adding language providing when issuing a prescription for an extended release long-acting analgesic to an adult patient for the first time, a practitioner shall not issue a prescription for more than a seven-day supply. Further provides that in the case of a minor, a practitioner shall not issue a prescription for an extended release long-acting analgesic for more than a seven-day supply at any time. Requires the practitioner to discuss with the parent or guardian the risk of abuse potential associated with the use of the analgesic. Allows for the issuance of a more than seven-day supply to an adult under certain circumstances and provides for documenting the condition triggering the prescription.

**Introduced and referred to House Health Committee, 2/24/2017**

## **Budget-Related Bills**

NONE

## **Child Abuse Reporting**

NONE

## **Health Care Bills**

NONE

## **Health Insurance Bills**

NONE

## **Medical Assistance/DHS**

NONE

## **Partnerships/Liability**

[HB 358](#) RE: Volunteer Health Care Practitioner Act (by Rep. Matt Baker, et al)

Provides for volunteer health care practitioner certification; and imposes powers and duties on the Department of Health. The bill states that a health care practitioner who is certified as a volunteer health care practitioner is immune from civil liability in accordance with the act so long as they provide 48 hours of uncompensated, voluntary care at a free health clinic within the Commonwealth every quarter.

**Introduced and referred to House Health Committee, 2/7/2017**

## **Sales Tax Expansion**

NONE

## **WORKER'S COMP**

NONE

## **Upcoming meetings of Interest**

Some House Committee meetings and session can be viewed online at: <http://www.pahousegop.com/>

Senate Committee meetings and session can be streamed at: <http://www.pasenategop.com/>

**The 2015-16 Legislative Session officially ended on November 30. Any bills that did not make it to the Governor's desk died, and must be reintroduced next session.**

**2017 SENATE SESSION SCHEDULE**

**March** 20, 21, 22, 27, 28, 29  
**April** 17, 18, 19, 24, 25, 26  
**May** 8, 9, 10, 22, 23, 24  
**June** 5, 6, 7, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

**2017 HOUSE SESSION SCHEDULE**

**March** 13, 14, 15, 20, 21, 22  
**April** 3, 4, 5, 18, 19, 24, 25, 26  
**May** 8, 9, 10, 22, 23, 24  
**June** 5, 6, 7, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

**State Board of Chiropractic Board Meeting Schedule**

**2017 Meeting Dates (Subject to Change)**

**March 23, May 18, July 20, September 21, November 9**

**All Board meetings are held at Penn Center, 2601 N. 3<sup>rd</sup> Street, Harrisburg, PA, at 9 AM**

**DHS Medical Assistance Advisory Committee (MAAC)**

**ALL MEETINGS ARE SCHEDULED FROM 10:00 A.M. TO 12 NOON**

**Lecture Hall 246/248**

**Temple University Harrisburg**

**234 Strawberry Square**

**Harrisburg, PA**

**2017 Meeting Dates**

**January 26, February 23, March 23, April 27, May 25, June 29, July 27, September 28, October 26, December 14**

*Copies of bills described above can be obtained through the CFOP office, or on-line at:*

<http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>