

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><b>(All Comments submitted on this regulation will appear on IRRC's website)</b></p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p><b>RECEIVED</b></p> <p>Independent Regulatory Review Commission</p> <p>March 15, 2024</p>
<p>(1) Agency</p> <p style="padding-left: 40px;">Department of State, Bureau of Professional and Occupational Affairs, State Board of Chiropractic</p>		<p><b>IRRC Number: 3378</b></p>
<p>(2) Agency Number: 16A</p> <p style="padding-left: 40px;">Identification Number: 4335</p>		
<p>(3) PA Code Cite:</p> <p style="padding-left: 40px;">49 Pa. Code §§ 5.6, 5.15 and 5.16</p>		
<p>(4) Short Title: Fees</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="padding-left: 40px;">Primary Contact: Thomas M. Davis, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; <a href="mailto:tmdavis@pa.gov">tmdavis@pa.gov</a>.</p> <p style="padding-left: 40px;">Secondary Contact: Shawn J. Jayman, Counsel, State Board of Chiropractic, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; <a href="mailto:shjayman@pa.gov">shjayman@pa.gov</a>.</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> PROPOSED REGULATION</p> <p><input checked="" type="checkbox"/> <b>Final Regulation</b></p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The State Board of Chiropractic (“Board”) is amending §§ 5.6, 5.15 and 5.16 (relating to fees; licensure examinations; and failure on examination; reexamination). This final-form rulemaking provides for graduated increases to four application fees (application for chiropractic licensure by examination, application for chiropractic licensure by reciprocity, application for certification to use adjunctive procedures, and application for continuing education course approval). This final-form rulemaking further provides for a graduated biennial registration fee increase for licensed chiropractors. This final-form rulemaking also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board’s current license application procedure.</p>		

(8) State the statutory authority for the regulation. Include specific statutory citation.

Under section 302(3) of the Chiropractic Practice Act (act) (63 P.S. § 625.302(3)), the Board is authorized to promulgate rules and regulations necessary to carry out the act. Under section 1101(a) of the act (63 P.S. § 625.1101(a)), the Board shall, by regulation, fix the fees required for examination, licensure, renewal of licenses and limited licenses. Section 1101(b) of the act provides that if the revenues raised by fees, fines and civil penalties imposed are not sufficient to meet expenditures over a 2-year period, the Board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures. Additionally, section 502 of the act (63 P.S. § 625.502) provides the nature and content of the examination.

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810(a)(7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Except as set forth in paragraph (8), the final-form rulemaking is not mandated by any federal or court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Board is required to support its operations from revenue that is generated from fees, fines and civil penalties. When that revenue is insufficient to meet expenditures over a 2-year period, the act requires an increase in fees so that the projected revenues will meet or exceed projected expenditures. The majority of the general operating expenses of the Board are borne by the licensee population through revenue generated by applications and the biennial registration of licenses. This final-form rulemaking is necessary to help ensure the fiscal integrity of the Board and allow it to carry out its mission.

The Board receives an annual report from the Department of State’s Bureau of Finance and Operations (BFO) regarding the Board’s income and expenses. For the sake of brevity and clarity, the dollar figures in this answer to Question 10 have been rounded down to the nearest whole dollar (cents have been omitted).

In fiscal years (FYs) 2018-2019 and 2019-2020, the Board’s total revenue was \$927,621, which fell short of meeting its total expenses (\$1,116,543) by \$188,922. At the end of FY 2020, the Board showed an overall remaining balance of \$1,685,626.

In FYs 2020-2021 and 2021-2022, the Board’s total revenue was \$897,455, which fell short of meeting its total expenses (\$1,103,936) by \$206,481. The Board showed a positive overall remaining balance at the end of FY 2022 of \$1,479,145 – a smaller overall balance than at the end of FY 2020.

For FYs 2022-2023 and 2023-2024, BFO projected the Board's total revenues would be \$933,000, which would fall short of meeting its total projected expenses (\$1,137,000) by \$204,000. BFO projects the Board would continue to have a positive overall balance at the end of FY 2024 of \$1,275,145 – albeit a smaller overall balance than at the end of FY 2022.

Based on BFO's projections, if the Board were to keep its current fee structure in place (no increases for any of the fees), the Board's projected annual revenue would be about \$933,000 for each of the next 6 years. However, its expenses each year over that same time period are expected to grow, such that the amount the Board would be spending above and beyond its revenues would become increasingly larger each successive year. Specifically, the Board's projected revenue would fall short of meeting its expenses by \$238,000 in FY 2024-2025/FY 2025-2026, then by \$273,000 in FY 2026-2027/FY 2027-2028, and finally by \$309,000 in FY 2028-2029/FY 2029-2030. These projections also show a significant reduction in the Board's overall remaining balance, which by the end of FY 2029-2030 would be down to \$455,145 – approximately one-third of what it was at the end of FY 2022.

Given that its revenues generated by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period, the Board voted to adopt the proposed graduated fee increases for application and biennial registration fees contained in BFO's report as reflected in this final-form rulemaking.

As a part of this final-form rulemaking, the Board reviewed the fees currently charged for its various applications and determined that the following application fees do not accurately reflect the actual cost of processing applications: application for chiropractic licensure by examination; application for chiropractic licensure by reciprocity; application for certification to use adjunctive procedures; and application for continuing education course approval. Accordingly, the increased fees adopted by the Board more accurately reflect the cost of processing each application.

BFO projects that the new application and biennial registration fee structure will produce biennial revenue of \$1.083 million in FY 2024-2025 and FY 2025-2026, compared to \$1.171 million in expenses, thereby reducing the shortfall between revenue and expenses to \$88,000. In FY 2026-2027 and FY 2027-2028, BFO projects biennial revenue of \$1.162 million compared to \$1.206 million in expenses, further reducing the shortfall between revenue and expenses to \$44,000. Finally, by FY 2028-2029 and FY 2029-2030, BFO projects the Board's biennial revenue of \$1.246 million will exceed its expenses of \$1.242 million. The Board's overall remaining balance is projected to be \$1,147,145 at the end of FY 2029-2030.

The fee increases for application and biennial registration fees will enable the Board to meet its operating expenses and prevent further deficits from accruing. This final-form rulemaking will benefit every citizen of the Commonwealth in that it ensures the fiscal integrity of the Board so that it can continue to carry out its mission of protecting the public by its enforcement of the licensure act and its continued regulation of the chiropractic profession. The costs to applicants and licensees are outweighed by the Board's duty to license and regulate the practice of chiropractic in the public's interest.

Finally, the final-form rulemaking eliminates references to the PCLE, as well as the PCLE fee, to reflect the Board's current license application procedure. Other health boards under the Bureau do not perform this type of testing and the Board no longer believes testing an applicant's knowledge of Pennsylvania law is a necessary component of licensure. Removing this requirement will benefit applicants in that the licensure requirements become more in line with other health boards and other states and become less stringent.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No, there are no federal licensure standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

In comparing the proposed fees with the chiropractic fees of other states, the Board does not believe this final-form rulemaking puts Pennsylvania at a competitive disadvantage with surrounding states in the Northeast Region (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont and West Virginia).

### **Application Fee Increases**

#### Chiropractic licensure by examination

Pennsylvania's new fee of \$105 is lower than all of the surrounding states: Connecticut \$565; Delaware \$274; Maine \$121; Maryland \$700 (\$200 application fee/\$300 examination fee/\$200 license fee); Massachusetts \$764 (for 2 years); New Hampshire \$328; New Jersey \$125 initial application fee plus \$350 fee at the time of examination; New York \$294 (\$115 application fee/\$179 registration fee); Ohio \$250; Rhode Island \$210; Vermont \$200; and West Virginia \$50 initial licensing fee plus \$150 examination fee.

#### Chiropractic licensure by reciprocity

Pennsylvania's new fee of \$150 is lower than the following comparative states: Massachusetts \$502; New Jersey \$75 licensure by endorsement fee (plus \$125 application fee and \$350 initial licensing license fee); Ohio \$500 licensure by endorsement fee; and Rhode Island \$210 initial application endorsement fee. Pennsylvania's new fee is higher than Vermont's initial competency endorsement fee of \$70.

Some states' reciprocity fees vary and are determined on a case-by-case basis, while for other states fee information is not otherwise readily available, including New Hampshire and New York. Delaware only has a reciprocity option for physiotherapy and the licensee must contact the board for fees related to specific parts of the exam. In Maine, licensees must contact the board for processing (fee is not available). West Virginia's endorsement is handled on a case-by-case basis (no fee information available). Connecticut and Maryland do not offer chiropractic licensure by reciprocity.

#### Adjunctive procedures certification

There were no comparisons for any of the 12 noted states.

#### Continuing education course approval

Pennsylvania's new fee of \$100 is equal to West Virginia's \$100 fee per course. States for which fee information was available include: Delaware \$45 (when submitted by a course provider; no fee is required when submitted by a Delaware licensee); Maine \$75; Maryland \$25 per unit, and New York \$45. Fees information was not available for Connecticut, Massachusetts, New Hampshire, New Jersey, Ohio, Rhode Island and Vermont.

## **Proposed Biennial Registration Fee Increase for Chiropractors**

Pennsylvania's new fee of \$225 is lower than most of the surrounding states: Connecticut \$570, Maryland \$700, Massachusetts \$270 (\$135 annually), New Hampshire \$328, New Jersey \$350, New York \$224 (triennial), Ohio \$500, Vermont \$265 and West Virginia \$600 (\$300 annually; out-of-state or retired chiropractors are charged a fee of \$150). In Delaware, licensees are notified of the amount of the renewal fee at the time of renewal. Only Maine (\$100) and Rhode Island (\$210) are lower than Pennsylvania.

Based on the information from the other states, the Board does not believe the amendments put Pennsylvania at a competitive disadvantage. In voting to adopt the proposed increases set forth in this rulemaking, the Board notes that it has not raised its fees since 1996 (28 years).

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No, this final-form rulemaking will not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Following BFO's annual budget presentation on March 11, 2021, the Board discussed the need for a fee increase. This fee increase was subsequently discussed on May 6, 2021, July 15, 2021, Sept. 23, 2021, February 24, 2022, October 6, 2022, and December 26, 2022, during the Board's regularly scheduled meetings which are routinely attended by representatives of the regulated community, including representatives of the Pennsylvania Chiropractic Association (PCA), the Chiropractor Fellowship of Pennsylvania and the Federation of Chiropractic Licensing Boards. PCA expressed an understanding of the Board's reasoning for the proposed fee increases, particularly given that Pennsylvania's fees were generally below comparable fees in the surrounding states. PCA asked that any fee increases, and the reasons therefor, be communicated clearly and concisely to those who will be affected by the increases.

The fee increase was again discussed at the Board's October 12, 2023 meeting, after the proposed rulemaking was published in the Pennsylvania Bulletin on August 5, 2023 (53 Pa.B. 4420). The Board discussed comments received from the American Chiropractic Association (ACA), PCA, and IRRC. Each commentator took issue with the proposed increase to the application for continuing education course approval, which will immediately increase from \$30, to \$100, then to \$110 on July 1, 2026, and then to \$120 on July 1, 2028. Each suggested an alternative approach (tiered per-credit ranges, and preapproved providers) and the Board considered each approach, but as explained in the final-form rulemaking preamble, it is Bureau policy to increase (or potentially decrease) fees to accurately reflect the cost to the Bureau to process each application, and the Board is not empowered to pre-approve providers. Accordingly, the Board decided to increase the fee for application for continuing education course approval as proposed by BFO.

Moreover, with regard to application fees, the increase in chiropractic application fees is designed to cover the cost to process applications. This fee is borne by individual applicants. Subsequent increases are calculated at a rate of between 9-10%, based upon raises under current Commonwealth union contracts.

Application fees are almost entirely dependent upon personnel-related costs, and application fees have not been increased since 1996. This fee increase is appropriate and necessary to ensure that applicants, and not existing licensees, bear the cost of processing those applications.

Regarding the increase in biennial registration fees, the Board is duty bound to ensure that the Board is fiscally sound. Absent a fee increase, the Board's deficit funding will worsen. With the fee increase, the Board's revenue is projected to exceed expenses by the end of FY 2029-2030. Therefore, increasing fees is critical to sustain the operations of the Board and enable it to meet its statutory obligation to increase fees by regulation when revenues raised by fees, fines and civil penalties are insufficient to meet expenditures over a 2-year period.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

On an annual basis, approximately 916 applicants will be affected by the following increased application fees: 175 chiropractors seeking licensure by examination; 15 chiropractors seeking licensure by reciprocity; 126 applications seeking certification to use adjunctive procedures and 600 applications for approval of continuing education courses. Approximately 4,011 licensed chiropractors will be affected by the increased biennial registration fee.

According to the Small Business Administration (SBA) 2021, there are approximately 1.1 million small businesses in Pennsylvania (99.6%) which employ 2.5 million small business employees (46.3%). Thus, the vast majority of businesses in Pennsylvania are considered small businesses. According to the Pennsylvania Department of Labor and Industry in 2020 (the most recent year for which data is available), chiropractors treat patients with health problems of the neuromusculoskeletal system which includes nerves, bones, muscles, ligaments and tendons. Approximately 64% work in offices of other health care practitioners, 30% are self-employed and the remaining 2% work in offices of physicians, outpatient care centers, outpatient care centers, other ambulatory health care services and hospitals.

For the businesses listed above, small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where licensees may work, a small business under NAICS Code 621310 (Offices of Chiropractors) are considered small businesses if they have \$8 million or less in average annual receipts; offices of physicians (NAICS code 621111) are considered small businesses if they have \$14 million or less in average annual receipts.

Based on this variety of employers, the Board believes that most chiropractors in Pennsylvania are employed in small businesses. However, the Board does not collect information on the size of the businesses where its licensees are employed. For purposes of determining the economic impact on small businesses, the Board assumes that large number of its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

Those licensees that are self-employed are likely small businesses that would be impacted by the costs associated with this proposed rulemaking. For those licensees who are employees of small businesses, whether these small businesses will be impacted by the regulations depends on whether the businesses

would pay costs associated with filing any of the four applications affected by this rulemaking or the biennial registration fee. Any business (small or otherwise) could avoid these costs by requiring employees to bear the costs associated with compliance.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 4,011 chiropractors who will be impacted by the biennial registration fee increases. However, BFO projects that the overall number of licensed chiropractors will decrease slightly (to about 3,810) over the next 6-7 years.

Approximately 916 applicants will be impacted by the increased application fees. Specifically, the number of applicants affected are as follows (on an annual basis): 175 applications for licensure by exam; 15 applications for licensure by reciprocity; 126 applications for certification to use adjunctive procedures; and 600 applications for continuing education course approvals.

The fees may be paid by applicants, licensees, registrants, certificate holders or possibly employers (if an employer chooses to pay these fees on behalf of its employees). The regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

The rulemaking will require the Board to alter its online applications to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Board amends § 5.6(a) to increase four of its application fees as well as the biennial registration fee for licensed chiropractors, all via graduated increases over a six-year period.

### **Proposed Application Fees**

As set forth in § 5.6(a), the graduated increases will have the following impacts:

#### **Chiropractic licensure by examination**

Each year, the Board receives approximately 175 applications for chiropractic licensure by exam (the equivalent of about 350 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 2024-2025 through FY 2025-2026: The fee increase from \$25 to \$105 will generate an additional \$28,000 in application fees.

FY 2026-2027 through FY 2027-2028: The fee increase from \$105 to \$115 will generate an additional \$3,500 in application fees.

FY 2028-2029 through FY 2029-2030: The fee increase from \$115 to \$126 will generate an additional \$3,850 in application fees.

### Chiropractic licensure by reciprocity

Each year, the Board receives approximately 15 applications for chiropractic licensure by reciprocity (or about 30 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 2024-2025 through FY 2025-2026: The fee increase from \$65 to \$150 will generate an additional \$2,550 in application fees.

FY 2026-2027 through FY 2027-2028: The fee increase from \$150 to \$164 will generate an additional \$420 in application fees.

FY 2028-2029 through FY 2029-2030: The fee increase from \$164 to \$180 will generate an additional \$480 in application fees.

### Adjunctive Procedures Certification

Each year, the Board receives approximately 126 applications for certification to use adjunctive procedures (or about 252 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 2024-2025 through FY 2025-2026: The fee increase from \$25 to \$105 will generate an additional \$20,160 in application fees.

FY 2026-2027 through FY 2027-2028: The fee increase from \$105 to \$115 will generate an additional \$2,520 in application fees.

FY 2028-2029 through FY 2029-2030: The fee increase from \$115 to \$126 will generate an additional \$2,772 in application fees.

### Continuing Education Course Approval

Each year, the Board receives approximately 600 applications for approval of continuing education courses (or about 1,200 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 2024-2025 through FY 2025-2026: The fee increase from \$30 to \$100 will generate an additional \$84,000 in fees.

FY 2026-2027 through FY 2027-2028: The fee increase from \$100 to \$110 will generate an additional \$12,000 in fees.

FY 2028-2029 through FY 2029-2030: The fee increase from \$110 to \$120 will generate an additional \$12,000 in fees.

### **Proposed Biennial Registration Fee Increase for Chiropractors**

As set forth in § 5.6(b), the graduated increases of the biennial registration fee will impact all licensed chiropractors (currently 4,011). BFO projects that the overall number of licensed chiropractors will decrease slightly (to about 3,810) over the next 6-7 years. The graduated biennial registration fee increases will generate additional revenue as follows:



FY 2024-2025 and FY 2025-2026: The fee increase from \$210 to \$225 will generate an additional \$57,150 in revenue.

FY 2026-2027 and FY 2027-2028: The fee increase from \$225 to \$241 will generate an additional \$60,960 in revenue.

FY 2028-2029 and FY 2029-2030: The fee increase from \$241 to \$258 will generate an additional \$64,770 in revenue.

The Board also deletes §§ 5.15(a)(2), 5.15(e) and 5.16(b), thereby eliminating references to the Pennsylvania Chiropractic Law Examination (PCLE) which been discontinued along with its corresponding fee.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Board is a statutorily created board which has powers and duties as set forth in the act, including the power to: determine the qualifications and fitness of applicants; adopt and revise regulations; refuse, revoke, suspend or otherwise limit licensees; establish fees for the operation of the board; and conduct hearings. The Board's expenses include: Bureau administration, Commissioner's and Revenue office services, Departmental services, legal office services, hearing expenses, enforcement and investigation costs, Professional Compliance Office costs, and board member expenses. Under Section 1101 of the act, if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period, the Board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

This final-form rulemaking benefits every citizen of the Commonwealth in that it ensures the fiscal integrity of the Board and allows the Board to continue to carry out its mission of protecting the public by its enforcement of the licensure act and its continued regulation of the profession of chiropractic to ensure and promote fairness in the industry for the Board's licensees. The costs to applicants and licensees are outweighed by the Board's duty to license and regulate the profession of chiropractic. Additionally, application fees more accurately address the actual cost of resources devoted to processing applications.

This final-form rulemaking is mandated by section 1101(b) of the act (63 P.S. § 625.1101(b)) and is necessary to assure the fiscal integrity of the Board so that it may continue to carry out its mission.

Removing the PCLE exam and fee benefits applicants in that the licensure requirements are now more in line with other health boards and other states and will be less stringent.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

As reflected in the Board's response to question 17, the regulated community will incur additional costs as a result of the graduated application and biennial registration fee increases. The total economic impact attributable to the graduated application fee increases is as follows:

FYs 2024-2025 and 2025-2026: \$134,710  
FYs 2026-2027 and 2027-2028: \$18,440  
FYs 2028-2029 and 2029-2030: \$19,102  
TOTAL: \$172,252

The total economic impact attributable to the graduated biennial registration increases is as follows:

FYs 2024-2025 and 2025-2026: \$57,150  
FYs 2026-2027 and 2027-2028: \$60,960  
FYs 2028-2029 and 2029-2030: \$64,770  
TOTAL: \$182,880

Thus, the total economic impact to applicants, licensees, registrants, and employers (if employers choose to pay the application or biennial registration fees of their employees) is \$355,132. This amount reflects the economic impact that will occur over 6 years (3 biennium), beginning with FY 2024-2025 through and including FY 2029-2030.

The Board does not anticipate additional administrative, legal, accounting or consulting costs to the Board, applicants or licensees by implementing the final-form rulemaking. There are no other costs or savings to the regulated community that will result from compliance with the final-form rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with the final-form rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board Administrator will have to revise online application forms and the online biennial registration platform to indicate the increased fees, but this should take less than 1 hour, which will (according to the BFO) cost the Bureau approximately \$61.37. The Board would incur no other increase in administrative costs by implementing the final-form rulemaking. There are no other costs or savings to state government associated with implementation of the rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping, or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This final-form rulemaking will not require any additional record keeping nor will there be any legal, accounting or consulting procedures required for implementation of the final-form rulemaking. The new

fees will require no additional paperwork, as these fees are being imposed to cover the Board’s costs associated with services that are already being provided and paperwork that is already required.

(22a) Are forms required for implementation of the regulation?

No new application forms are required. The Board uses online application forms, which will be amended to reflect the new fee schedule.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

In October of 2016, the Bureau launched the Pennsylvania Licensing System (PALS), which provides for an online application and biennial renewal system. Applicants and licensees must apply for initial licensure and renewal through PALS. The Board no longer uses physical applications. Online PALS applications will have to be modified to reflect the fee schedule amendments in this final regulation. The Board will only need to revise existing online applications to reflect the increased fees for initial applications and biennial renewal applications, as reflected in the final annex.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY (2023-2024)</b>	<b>FY +1 (2024-2025)</b>	<b>FY +2 (2025-2026)</b>	<b>FY +3 (2026-2027)</b>	<b>FY +4 (2027-2028)</b>	<b>FY +5 (2028-2029)</b>
<b>SAVINGS:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	N/A	<b>\$124,505</b>	<b>\$67,355</b>	<b>\$70,180</b>	<b>\$9,220</b>	<b>\$74,321</b>
<b>Local Government</b>	N/A	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>State Government</b>	N/A	<b>\$61.37</b>	<b>\$0</b>	<b>\$61.37</b>	<b>\$0</b>	<b>\$61.37</b>
<b>Total Costs</b>	N/A	<b>\$124,566.37</b>	<b>\$67,355</b>	<b>\$70,241.37</b>	<b>\$9,220</b>	<b>\$74,382.37</b>
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 2020-2021 (actual)</b>	<b>FY -2 2021-2022 (actual)</b>	<b>FY -1 2022-2023 (budget)</b>	<b>Current FY 2023-2024 (proposed budget)</b>
<b>State Board of Chiropractic</b>	<b>\$573,999.27</b>	<b>\$520,415.35</b>	<b>\$583,000</b>	<b>\$536,000</b>

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
  - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
  - (c) A statement of probable effect on impacted small businesses.
  - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
- (a) All “small businesses” as that term is defined by the Regulatory Review Act and the SBA, who are licensees or that employ licensees would be subject to the final-form rulemaking. The Board does not collect data relating to the size of the businesses that employ its licensees. Please also see the response to Question 15.
  - (b) There are no projected reporting or recordkeeping costs required for compliance. There are only negligible additional administrative costs required to revise online applications for increased fees.
  - (c) The probable effect on impacted small businesses may be an increase in application and biennial registration fees for applicants or licensees employed by small businesses, in instances where the businesses choose to pay these fees for their employees.
  - (d) As previously discussed, absent a fee increase, the Board’s expenditures will continue to exceed its revenue. Section 1101(b) of the act mandates a fee increase when expenditures outpace revenue. Thus, based upon the insufficient revenue and the deficit spending, the Board determined that fee increases are the only way to sustain operations, ensuring public health and safety.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No groups with particular needs have been identified.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board considers the regulation to be the least burdensome and acceptable alternative, consistent with public health, safety and welfare. The fee increases are necessary to ensure the fiscal integrity of the Board and to assure that the Board's mandate to protect the health, safety and welfare of the public is carried out. The new fee structure for application fees is beneficial for licensees generally as the costs associated with each application will be paid by the applicant rather than distributed among the Board's licensees. Structuring the increases in a graduated manner allows the needed increases to be spread out over time, rather than trying to close the gap between the Board's expenses and its incoming revenue all at once with even higher fees.

The Board considered increasing just the four application fees, but that course of action would not generate nearly enough revenue to cover the Board's expenses. The Board believes the increases are beneficial because the graduated application fee amounts are reflective of actual costs to process applications, and the biennial registration fee amounts coincide more closely with the projected expenses for each biennium.

As discussed in question 14, the Board considered several alternative approaches to increasing the fee for application for continuing education course approval (tiered per-credit ranges, and preapproved providers), but as explained in the final-form rulemaking preamble, it is Bureau policy to increase (or potentially decrease) fees to accurately reflect the cost to the Bureau to process each application, and the Board is not empowered to pre-approve providers. Accordingly, the Board decided to increase the fee for application for continuing education course approval as proposed by BFO: immediately increase from \$30, to \$100, then to \$110 on July 1, 2026, and then to \$120 on July 1, 2028.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
  - b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
  - c) The consolidation or simplification of compliance or reporting requirements for small businesses;
  - d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
  - e) The exemption of small businesses from all or any part of the requirements contained in the regulation.
- (a) All applicants pay the application fees at the time the application is submitted, and all licenses renew biennially. The Board did not consider less stringent reporting requirements for small businesses or for licensees who work for small businesses.
- (b) All applicants pay the application fees at the time the application is submitted, and all licenses register biennially. The Board did not consider less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

- (c) There are no compliance or reporting requirements that could be consolidated or simplified. The application and biennial renewal processes are the same whether a particular licensee or applicant is, or is employed by, a small business or a large business.
- (d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- (e) The exclusion of any applicants or licensees from the requirements contained in the rulemaking based on the size of the business would not be consistent with public health and welfare because it would prevent the Board from obtaining adequate revenue to meet projected expenditures and the Board would not be able to carry out its legislative mandate.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The Board relied on financial records of the Board presented by BFO, including the BFO Financial Report and fee report forms that provide the breakdown of costs for application fees. *See Attachment "A."*

(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:   | <u>30 days after publication of the proposed rulemaking in the PA Bulletin</u>  |
| B. The date or dates on which public meetings or hearings will be held:                     | <u>No public hearings are scheduled. The rulemaking was discussed at public Board meetings on the following dates: 3/11/21, 5/6/21, 7/15/21, 9/23/21, 2/24/22, 10/6/22, 12/26/22, and 10/12/23. The Board is scheduled to meet on the following remaining dates in 2024: 4/18/24, 6/13/24, 8/22/24, 10/17/24.</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>Spring 2024</u>  |
| D. The expected effective date of the final-form regulation:                                | <u>Upon publication of the final-form rulemaking in the PA Bulletin.</u>  |
| E. The date by which compliance with the final-form regulation will be required:            | <u>Upon publication of the final-form rulemaking in the PA Bulletin.</u>  |

F. The date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board regularly evaluates the effectiveness of its regulations. BFO provides the Board an annual report with regard to the Board's revenue and expenditures at a regularly scheduled Board meeting. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations causing the Board to evaluate the regulations' impact and necessity. The Board reviews all regulatory proposals at regularly scheduled meetings.

# **ATTACHMENT A**

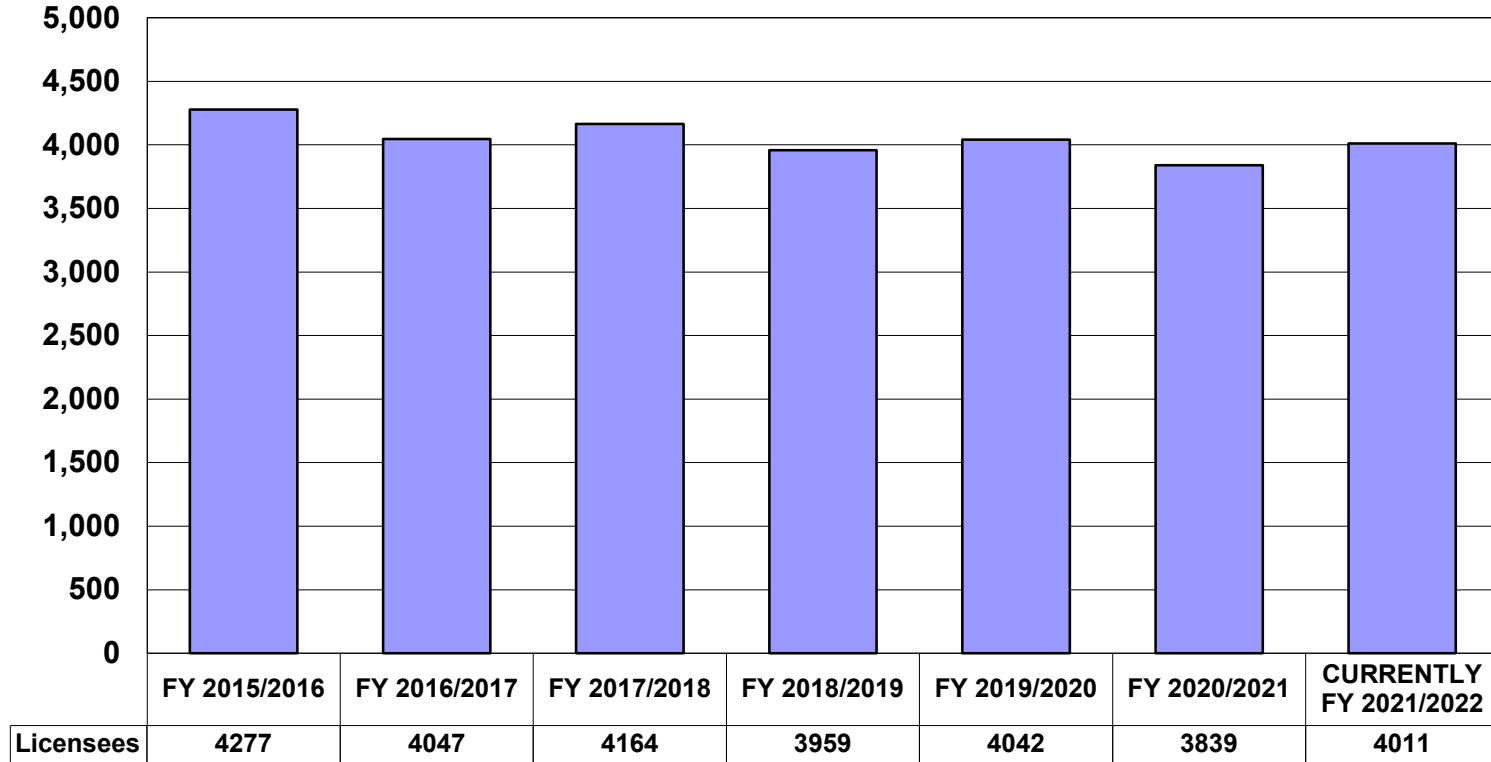


# State Board of Chiropractic

<b>Projected Biennial Revenue</b>	<b>\$897,546</b>
<b>Projected Biennial Budget/Expenses</b>	<b>\$1,145,473</b>
<b>Projected Biennial Balance</b>	<b>(\$247,927)</b>

Biennial revenue and expenses from FY19-20 and FY20-21 were used to show anticipated biennial balance.

### STATE BOARD OF CHIROPRACTIC RENEWABLE LICENSEE COUNTS



<u>LICENSEES BY CLASS</u>	<u>FY 19-20</u>	<u>FY 20-21</u>	<u>FY 21-22</u>
Chiropractor	<u>4,042</u>	<u>3,839</u>	<u>4,011</u>
<b>TOTAL</b>	<b>4,042</b>	<b>3,839</b>	<b>4,011</b>

**PA DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF CHIROPRACTIC**

Cost Center	RENEWAL YR			RENEWAL YR		RENEWAL YR
	Actual Expenses FY15-16	Actual Expenses FY16-17	Actual Expenses FY17-18	Actual Expenses FY18-19	Actual Expenses FY19-20	Actual Expenses FY20-21
BPOA Administration	104,979.84	112,423.03	111,688.73	121,311.23	85,264.93	111,696.19
Commissioner's Office	3,265.00	3,871.58	4,050.16	4,107.79	3,774.07	2,703.47
Revenue Office	1,895.50	2,090.82	1,793.57	1,681.16	1,718.19	1,397.38
Departmental Services	20,035.02	18,757.41	23,688.49	23,215.20	18,870.00	19,590.20
Board Member Expenses	16,052.01	15,652.29	12,065.67	18,783.62	5,375.66	2,804.30
Legal Administration	12,920.46	3,658.42	2,122.27	2,391.95	8,593.24	6,601.55
Legal Prosecution	141,360.89	79,905.30	89,265.66	147,955.86	212,786.23	151,423.48
Legal Counsel	62,890.81	74,652.15	54,164.20	78,682.57	79,132.25	100,123.84
Hearing Expenses	3,103.33	2,014.74	7,326.41	5,973.18	39,836.18	11,760.55
Enforcement & Investigation	101,516.69	75,137.38	119,246.23	121,890.81	115,887.77	149,841.40
Professional Health Monitoring Program	6,036.86	7,379.92	7,252.82	9,013.38	10,298.29	5,993.87
<b>TOTAL</b>	<b>474,056.41</b>	<b>395,543.04</b>	<b>432,664.21</b>	<b>535,006.75</b>	<b>581,536.81</b>	<b>563,936.23</b>

Revenue By Source	Actual Revenue FY15-16	Actual Revenue FY16-17	Actual Revenue FY17-18	Actual Revenue FY18-19	Actual Revenue FY19-20	Actual Revenue FY20-21
Renewals	110,760.00	732,115.00	6,300.00	823,520.00	7,995.00	815,380.00
Applications	29,550.00	22,700.00	24,750.00	32,566.00	25,910.00	28,070.00
Letters of Good Standing	4,520.00	3,510.00	2,260.00	2,175.00	2,625.00	1,914.94
Civil Penalties	4,000.00		0.00	19,350.00	2,425.63	2,100.00
Act 48	9,425.00	4,250.00	3,900.00	0.00	500.00	2,000.00
Investigations	0.00		0.00	2,248.00	426.93	113.15
Licensee Lists	5,541.39	4,087.46	7,461.07	4,671.72	3,207.77	4,877.81
<b>TOTAL REVENUE</b>	<b>163,796.39</b>	<b>766,662.46</b>	<b>44,671.07</b>	<b>884,530.72</b>	<b>43,090.33</b>	<b>854,455.90</b>

**State Board of Chiropractic  
PROPOSED BIENNIAL RENEWAL FEE INCREASE  
CURRENT FINANCIAL STATUS**

LICENSE CLASSES	LICENSE COUNT	CURRENT RENEWAL FEE	TOTAL RENEWAL FEES	LICENSE COUNT	NO CHANGE PROPOSED RENEWAL FEE	TOTAL REVENUE
Chiropractor	4,011	\$ 210.00	\$ 842,310.00	4,011	\$ 210.00	\$ 842,310.00
<b>TOTAL RENEWAL REVENUE:</b>			<b>\$ 842,310.00</b>			<b>\$ 842,310.00</b>
<b>TOTAL APPLICATION REVENUE:</b>			<b>\$ 53,000.00</b>			<b>\$ 53,000.00</b>
<b>TOTAL NON-RENEWAL OTHER REVENUE:</b>			<b>\$ 38,000.00</b>			<b>\$ 38,000.00</b>
<b>TOTAL BOARD REVENUE:</b>			<b>\$ 933,310.00</b>			<b>\$ 933,310.00</b>

Renewal - August even years  
Current fee effective since 1996.

FINANCIAL STATUS	Actual FY 18-19	Actual FY 19-20	Actual FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30
Beginning Balance:	1,874,548.53	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,567,145.69	1,037,145.69	1,311,145.69	764,145.69	1,020,145.69
Revenue:	884,530.72	43,090.33	854,455.90	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00
<b>Total Available:</b>	<b>2,759,079.25</b>	<b>2,267,162.83</b>	<b>2,540,081.92</b>	<b>2,019,145.69</b>	<b>2,369,145.69</b>	<b>1,831,145.69</b>	<b>2,165,145.69</b>	<b>1,610,145.69</b>	<b>1,927,145.69</b>	<b>1,354,145.69</b>	<b>1,654,145.69</b>	<b>1,063,145.69</b>
<b>Expenses/Budget:</b>	<b>535,006.75</b>	<b>581,536.81</b>	<b>563,936.23</b>	<b>540,000.00</b>	<b>581,000.00</b>	<b>556,000.00</b>	<b>598,000.00</b>	<b>573,000.00</b>	<b>616,000.00</b>	<b>590,000.00</b>	<b>634,000.00</b>	<b>608,000.00</b>
<b>Remaining Balance:</b>	<b>2,224,072.50</b>	<b>1,685,626.02</b>	<b>1,976,145.69</b>	<b>1,479,145.69</b>	<b>1,788,145.69</b>	<b>1,275,145.69</b>	<b>1,567,145.69</b>	<b>1,037,145.69</b>	<b>1,311,145.69</b>	<b>764,145.69</b>	<b>1,020,145.69</b>	<b>455,145.69</b>

**State Board of Chiropractic  
PROPOSED APPLICATION FEE INCREASE**

Renewal - August even years  
Current fee effective since 1996.

Approved 2/24/22

FY2020-2021, 2021-2022			FY2022-2023, 2023-2024			FY2024-2025, 2025-2026		FY2026-2027, 2027-2028		FY2028-2029, 2029-2030	
APPLICATION COUNT	CURRENT APPLICATION FEE	TOTAL APPLICATION FEES	APPLICATION COUNT	APPLICATION FEE	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE
350	\$ 25.00	\$ 8,750.00	350	\$ 25.00	\$ 8,750.00	\$ 105.00	\$ 36,750.00	\$ 115.00	\$ 40,250.00	\$ 126.00	\$ 44,100.00
30	\$ 65.00	\$ 1,950.00	30	\$ 65.00	\$ 1,950.00	\$ 150.00	\$ 4,500.00	\$ 164.00	\$ 4,920.00	\$ 180.00	\$ 5,400.00
1200	\$ 30.00	\$ 36,000.00	1200	\$ 30.00	\$ 36,000.00	\$ 100.00	\$ 120,000.00	\$ 110.00	\$ 132,000.00	\$ 120.00	\$ 144,000.00
252	\$ 25.00	\$ 6,300.00	252	\$ 25.00	\$ 6,300.00	\$ 105.00	\$ 26,460.00	\$ 115.00	\$ 28,980.00	\$ 126.00	\$ 31,752.00
<b>TOTAL APPLICATION REVENUE:</b>		\$ 53,000.00			\$ 53,000.00	\$ 187,710.00		\$ 206,150.00		\$ 225,252.00	
<b>OTHER NON-RENEWAL REVENUE:</b>		\$ 38,000.00			\$ 38,000.00	\$ 38,000.00		\$ 38,000.00		\$ 38,000.00	
<b>TOTAL ANTICIPATED RENEWALS:</b>		\$ 842,310.00			\$ 842,310.00	\$ 842,310.00		\$ 842,310.00		\$ 842,310.00	
<b>TOTAL BOARD REVENUE:</b>		\$ 933,310.00			\$ 933,310.00	\$ 1,068,020.00		\$ 1,068,460.00		\$ 1,105,562.00	
Non-Renewal		\$ 43,000.00			\$ 43,000.00	\$ 97,000.00		\$ 104,000.00		\$ 112,000.00	
Renewal		\$ 890,000.00			\$ 890,000.00	\$ 971,000.00		\$ 982,000.00		\$ 994,000.00	

FINANCIAL STATUS	CURRENT FEE						PROJECTED FEE					
	Actual FY 18-19	Projected FY 19-20	Projected FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30
Beginning Balance:	1,874,548.53	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,648,145.69	1,172,145.69	1,538,145.69	1,052,145.69	1,412,145.69
Revenue:	884,530.72	43,090.33	854,455.90	43,000.00	890,000.00	43,000.00	971,000.00	97,000.00	982,000.00	104,000.00	994,000.00	112,000.00
Total Available:	2,759,079.25	2,267,162.83	2,540,081.92	2,019,145.69	2,369,145.69	1,831,145.69	2,246,145.69	1,745,145.69	2,154,145.69	1,642,145.69	2,046,145.69	1,524,145.69
Expenses/Budget:	535,006.75	581,536.81	563,936.23	540,000.00	581,000.00	556,000.00	598,000.00	573,000.00	616,000.00	590,000.00	634,000.00	653,000.00
Remaining Balance:	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,648,145.69	1,172,145.69	1,538,145.69	1,052,145.69	1,412,145.69	871,145.69

**State Board of Chiropractic  
PROPOSED BIENNIAL RENEWAL FEE INCREASE  
5% Decrease to License Population  
7% Renewal and Application Increase - Effective in August 2024, 2026, 2028**

Renewal - August even years  
Current fee effective since 1996.

Approved 2/24/22

LICENSE CLASSES	LICENSE COUNT	CURRENT RENEWAL FEE	TOTAL RENEWAL FEES	FY2022-2023, 2023-2024			FY2024-2025, 2025-2026			FY2026-2027, 2027-2028			FY2028-2029, 2029-2030		
				LICENSE COUNT	RENEWAL FEE	TOTAL REVENUE	LICENSE COUNT	PROPOSED RENEWAL FEE	TOTAL REVENUE	LICENSE COUNT	PROPOSED RENEWAL FEE	TOTAL REVENUE	LICENSE COUNT	PROPOSED RENEWAL FEE	TOTAL REVENUE
Chiropractor	4,011	\$ 210.00	\$ 842,310.00	4,011	\$ 210.00	\$ 842,310.00	3,810	\$ 225.00	\$ 857,351.25	3,810	\$ 241.00	\$ 918,318.45	3,810	\$ 258.00	\$ 983,096.10
<b>TOTAL RENEWAL REVENUE:</b>			\$ 842,310.00			\$ 842,310.00			\$ 857,351.25			\$ 918,318.45			\$ 983,096.10
<b>BIENNIAL APPLICATION COUNTS:</b>															
Chiropractic License by Exam Application	350	\$ 25.00	\$ 8,750.00	350	\$ 25.00	\$ 8,750.00	350	\$ 105.00	\$ 36,750.00	350	\$ 115.00	\$ 40,250.00	350	\$ 126.00	\$ 44,100.00
Chiropractic License by Reciprocity Application	30	\$ 65.00	\$ 1,950.00	30	\$ 65.00	\$ 1,950.00	30	\$ 150.00	\$ 4,500.00	30	\$ 164.00	\$ 4,920.00	30	\$ 180.00	\$ 5,400.00
Continuing Education Program Application	1200	\$ 30.00	\$ 36,000.00	1200	\$ 30.00	\$ 36,000.00	1200	\$ 100.00	\$ 120,000.00	1200	\$ 110.00	\$ 132,000.00	1200	\$ 120.00	\$ 144,000.00
Chiropractic Adjunctive Procedures Application	252	\$ 25.00	\$ 6,300.00	252	\$ 25.00	\$ 6,300.00	252	\$ 105.00	\$ 26,460.00	252	\$ 115.00	\$ 28,980.00	252	\$ 126.00	\$ 31,752.00
			\$ 53,000.00			\$ 53,000.00			\$ 187,710.00			\$ 206,150.00			\$ 225,252.00
<b>OTHER NON RENEWAL REVENUE:</b>	N/A	N/A	\$ 38,000.00	N/A	N/A	\$ 38,000.00	N/A	N/A	\$ 38,000.00	N/A	N/A	\$ 38,000.00	N/A	N/A	\$ 38,000.00
<b>TOTAL NON-RENEWAL REVENUE:</b>			\$ 91,000.00			\$ 91,000.00			\$ 225,710.00			\$ 244,150.00			\$ 263,252.00
<b>TOTAL BOARD REVENUE:</b>			\$ 933,310.00			\$ 933,310.00			\$ 1,083,061.25			\$ 1,162,468.45			\$ 1,246,348.10
Renewal			\$ 890,000.00			\$ 890,000.00			\$ 986,000.00			\$ 1,057,000.00			\$ 1,133,000.00
Non Renewal			\$ 43,000.00			\$ 43,000.00			\$ 97,000.00			\$ 105,000.00			\$ 113,000.00

FINANCIAL STATUS	CURRENT FEE						PROJECTED FEE					
	Actual FY 18-19	Actual FY 19-20	Actual FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30
Beginning Balance:	1,874,548.53	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,663,145.69	1,187,145.69	1,628,145.69	1,143,145.69	1,642,145.69
Revenue:	884,530.72	43,090.33	854,455.90	43,000.00	890,000.00	43,000.00	986,000.00	97,000.00	1,057,000.00	105,000.00	1,133,000.00	113,000.00
<b>Total Available:</b>	<b>2,759,079.25</b>	<b>2,267,162.83</b>	<b>2,540,081.92</b>	<b>2,019,145.69</b>	<b>2,369,145.69</b>	<b>1,831,145.69</b>	<b>2,261,145.69</b>	<b>1,760,145.69</b>	<b>2,244,145.69</b>	<b>1,733,145.69</b>	<b>2,276,145.69</b>	<b>1,755,145.69</b>
Expenses/Budget:	535,006.75	581,536.81	563,936.23	540,000.00	581,000.00	556,000.00	598,000.00	573,000.00	616,000.00	590,000.00	634,000.00	608,000.00
<b>Remaining Balance:</b>	<b>2,224,072.50</b>	<b>1,685,626.02</b>	<b>1,976,145.69</b>	<b>1,479,145.69</b>	<b>1,788,145.69</b>	<b>1,275,145.69</b>	<b>1,663,145.69</b>	<b>1,187,145.69</b>	<b>1,628,145.69</b>	<b>1,143,145.69</b>	<b>1,642,145.69</b>	<b>1,147,145.69</b>

**PA DEPARTMENT OF STATE  
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

**FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:**

TITLE:	Chiropractor Adjunctive Procedures Application:
CURRENT FEE (if applicable):	\$25.00
NUMBER OF APPLICATIONS ANNUALLY:	126

**FEE DESCRIPTION:**

The fee will be charged to every applicant for a Chiropractor Adjunctive Procedures certification.

**FEE OBJECTIVE:**

The fee should offset the identifiable costs incurred by the State Board of Chiropractic to process an application.

**FEE-RELATED ACTIVITIES AND COSTS:**

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	0.5	\$25.15
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD COUNSEL REVIEW	Attorney 3	0.3	\$32.69
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$99.55
TRANSACTION FEE:			\$2.66
<b>PROPOSED FEE:</b>			<b>\$102.21</b>

**ANALYSIS, COMMENT, AND RECOMMENDATION:**

RECOMMENDATION: It is recommended that a fee of \$105.00 be established for processing an application for Chiropractor Adjunctive Procedures license.
CLERICAL REVIEW: Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research.
BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board's Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.
BEI INSPECTION:
BOARD COUNSEL REVIEW: Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review.
BOARD MEMBER REVIEW: Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.

**PA DEPARTMENT OF STATE  
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

**FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:**

TITLE:	Chiropractor by Examination Application
CURRENT FEE (if applicable):	\$25.00
NUMBER OF APPLICATIONS ANNUALLY:	175

**FEE DESCRIPTION:**

The fee will be charged to every applicant for a Chiropractor license.

**FEE OBJECTIVE:**

The fee should offset the identifiable costs incurred by the State Board of Chiropractic to process an application.

**FEE-RELATED ACTIVITIES AND COSTS:**

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	0.5	\$25.15
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD COUNSEL REVIEW	Attorney 3	0.3	\$32.69
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$99.55
TRANSACTION FEE:			\$2.66
<b>PROPOSED FEE:</b>			<b>\$102.21</b>

**ANALYSIS, COMMENT, AND RECOMMENDATION:**

RECOMMENDATION: It is recommended that a fee of \$105.00 be established for processing an application for Chiropractor license.

CLERICAL REVIEW: Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research or clearance reports online.

BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board’s Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.

BEI INSPECTION:

BOARD COUNSEL REVIEW: Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review

BOARD MEMBER REVIEW: Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.



**PA DEPARTMENT OF STATE  
FEE REPORT FORM**

**AGENCY:**  **DATE:**

**CONTACT:**

**PHONE:**

**FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:**

**TITLE:**   
**CURRENT FEE (if applicable):**   
**NUMBER OF APPLICATIONS ANNUALLY:**

**FEE DESCRIPTION:**

**FEE OBJECTIVE:**

**FEE-RELATED ACTIVITIES AND COSTS:**

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	1	\$50.31
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.2	\$12.57
BOARD COUNSEL REVIEW	Attorney 3	0.5	\$54.48
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$143.36
TRANSACTION FEE:			\$3.82
<b>PROPOSED FEE:</b>			<b>\$147.18</b>

**ANALYSIS, COMMENT, AND RECOMMENDATION:**

**RECOMMENDATION:** It is recommended that a fee of \$150.00 be established for processing an application for Chiropractor by Reciprocity license.

**CLERICAL REVIEW:** Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research or clearance reports online.

**BOARD ADMINISTRATOR REVIEW:** Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board's Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.

**BEI INSPECTION:**

**BOARD COUNSEL REVIEW:** Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review.

**BOARD MEMBER REVIEW:** Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.

**PA DEPARTMENT OF STATE  
FEE REPORT FORM**

**AGENCY:**  **DATE:**

**CONTACT:**

**PHONE:**

**FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:**

<b>TITLE:</b>	Application for Continuing Education Program
<b>CURRENT FEE (if applicable):</b>	\$30.00
<b>NUMBER OF APPLICATIONS ANNUALLY:</b>	600

**FEE DESCRIPTION:**

The fee will be charged to every application for Approval of Continuing Education Program.

**FEE OBJECTIVE:**

The fee should offset the identifiable costs incurred by the State Board of Chiropractic to process an application.

**FEE-RELATED ACTIVITIES AND COSTS:**

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	1	\$50.31
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD MEMBER REVIEW	Board Member	0.3	\$31.20
TOTAL ESTIMATED COST:			\$97.22
TRANSACTION FEE:			\$2.60
<b>PROPOSED FEE:</b>			<b>\$99.82</b>

**ANALYSIS, COMMENT, AND RECOMMENDATION:**

**RECOMMENDATION:** It is recommended that a fee of \$100.00 be established for processing an application for Approval of Continuing Education Program.

**CLERICAL REVIEW:** Board Staff – Staff opens, date stamps, and distributes mail. Paper applications are manually input into the licensing system. Staff downloads supporting documents (as needed). Staff matches supporting documents with the respective application, or creates a miscellaneous mail number in the licensing system and files the supporting documents. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application by ensuring all documents are received, complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or are incorrect, staff creates and mails a discrepancy letter. In addition to evaluating the materials received, applications may require staff to complete additional research. When complete, staff forwards applications to a Board member who is qualified and on the continuing education review committee of the Board.

**BOARD ADMINISTRATOR REVIEW:** Board Administrator reviews the application for completeness. The application is then forwarded to a Board member who is qualified and on the continuing education review committee of the Board.

**BEI INSPECTION:**

**BOARD COUNSEL REVIEW:**

**BOARD MEMBER REVIEW:** The Board member must carefully review the continuing education course application and supporting documents to determine eligibility and acceptability. All of these applications require Board review. Once approved, staff will prepare and mail the approval letter and/or issue the approval through the licensing system.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

Independent Regulatory  
Review Commission

March 15, 2024

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

Copy below is here by certified to be a true and correct copy  
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BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

Bureau of Professional and Occupational  
Affairs and the State Board of  
Chiropractic

BY: Adabelson 2024.03.08  
14:29:48 -05'00'  
(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

DATE OF APPROVAL

(AGENCY)

3/8/2024

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-4335

DATE OF ADOPTION: \_\_\_\_\_

Check if applicable  
Copy not approved. Objections  
attached.

*Arion R Claggett*

Check if applicable. No Attorney General  
approval or objection within 30 days after  
submission.

BY: \_\_\_\_\_

ARION R. CLAGGETT

Acting Commissioner, Bureau of Professional  
and Occupational Affairs

TITLE \_\_\_\_\_

*William Aukerman*

BY: \_\_\_\_\_

WILLIAM AUKERMAN, DC

TITLE Chairperson

FINAL-FORM RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF CHIROPRACTIC

TITLE 49 PA CODE CHAPTER 5

§ 5.6, 5.15 and 5.16

FEEES

The State Board of Chiropractic (Board) and the Acting Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) hereby amend Chapter 5 (relating to the State Board of Chiropractic) by amending §§ 5.6, 5.15 and 5.16 (relating to fees; licensure examinations; and failure on examination; reexamination) to read as set forth in Annex A.

#### *Effective Date*

The amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*. The first graduated increases for application fees will be implemented on the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*, and then subsequently increased a second time on July 1, 2026, and a third time on July 1, 2028.

The increased biennial registration fees will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*, enabling the Board to implement the first increase for the September 2, 2024–September 1, 2026 biennial registration period. This first increase will impact licenses that expire on September 1, 2024. The fee will subsequently increase a second time for the September 2, 2026–September 1, 2028 biennial registration, impacting licenses that expire on September 1, 2026, and then increase a third time for the September 2, 2028–September 1, 2030 biennial registration period, impacting licenses that expire on September 1, 2028, and thereafter.

#### *Statutory Authority*

Under section 302(3) of the Chiropractic Practice Act (act) (63 P.S. § 625.302(3)), the Board is authorized to promulgate rules and regulations necessary to carry out the act. Under section 1101(a) of the act (63 P.S. § 625.1101(a)), the Board shall, by regulation, fix the fees required for examination, licensure, renewal of licenses and limited licenses. Section 1101(b) of the act provides that if the revenues raised by fees, fines and civil penalties imposed are not sufficient to meet expenditures over a 2-year period, the Board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures. Additionally, section 502 of the act (63 P.S. § 625.502) provides the nature and content of the examination.

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under section 810(a)(7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7)), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

#### *Background and Need for this Final-Form Rulemaking*

This proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Board’s biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. The Board last increased its fees in 1996.

This rulemaking increases the following application fees on a graduated basis: application for chiropractic licensure by examination; application for chiropractic licensure by reciprocity; application for certification to use adjunctive procedures; and application for continuing education course approval. Approximately 916 applicants will be impacted annually by the increased application fees.

The Board is also implementing a graduated biennial registration fee increase for chiropractors. There are approximately 4,011 licensed chiropractors who will be required to pay more for biennial registration. Chiropractic licenses expire on September 1 of every even numbered year. The first of three graduated biennial registration fee increases will be implemented and in effect for the September 2, 2024–September 1, 2026 biennial registration period.

Finally, the final-form rulemaking would eliminate references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board’s current license application procedure. Other health boards under the Bureau do not perform this type of testing and the Board no longer believes testing an applicant’s knowledge of Pennsylvania law is a necessary component of licensure.

The Board’s operations are supported from the revenue it generates through fees, fines and civil penalties. The act provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial registration of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges, and licensee-based charges.

The Board receives an annual report from the Department of State’s Bureau of Finance and Operations (BFO) regarding the Board’s income and expenses. BFO presented the following information to the Board at its public meeting on February 24, 2022.

In fiscal years (FYs) 2018-2019 and 2019-2020, the Board incurred expenses of \$535,006.75 and \$581,536.81, respectively, and received \$884,530.72 and \$43,090.33 in revenue, respectively. In other words, over that 2-year timeframe, the Board’s total expenses (\$1,116,543.56) outpaced its total revenue (\$927,621.05) by \$188,922.51. The Board’s overall remaining balance at the end of FY 2019-2020 was \$1,685,626.02.

In FYs 2020-2021 and 2021-2022, the Board’s expenses were \$563,936.23 and \$540,000 (projected), respectively, with revenues of \$854,455.90 and \$43,000 (projected), respectively. In other words, over that 2-year timeframe, the Board’s total expenses (\$1,103,936.23) outpaced its total revenue (\$897,455.90) by \$206,480.33. The Board’s overall remaining balance at the end of FY 2021-2022 was \$1,479,145.69.

In FYs 2022-2023 and 2023-2024, the Board’s expenses were projected to be \$581,000 and \$556,000, respectively, with revenues projected to be \$890,000 and \$43,000, respectively, meaning for that 2-year timeframe, the Board’s total expenses (\$1,137,000) are projected to outpace its total revenue (\$933,000) by \$204,000. The Board’s overall remaining balance at the end of FY 2023-2024 is projected to be \$1,275,145.69.

According to BFO’s projections, if the Board were to keep its current fee structure in place (no increases for any of its fees), the Board’s annual revenue would remain at \$933,000 for each of the next 6 years. However, its expenses are projected to grow each year, such that the amount the Board would be spending above and beyond its revenue would become increasingly larger each successive year. The Board’s projected revenue would fall short of meeting its expenses by \$238,000 in FY 2024-2025/FY 2025-2026, then by \$273,000 in FY 2026-2027/FY 2027-2028, and then by \$309,000 in FY 2028-2029/FY 2029-2030. Those projections also show a significant reduction in the Board’s overall remaining balance, which by the end of FY 2029-2030 would be down to \$455,145.

Given that its revenues generated by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period, the Board voted on February 24, 2022, to adopt the proposed graduated fee increases for application and biennial registration fees contained in BFO’s report.

#### *Summary of comments and the Board’s response*

Notice of the proposed rulemaking was published at 53 Pa.B. 4420 (August 5, 2023). The Board received comments from the Pennsylvania Chiropractic Association (PCA) and the American Chiropractic Association (ACA). The Board did not receive any comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) or the House Professional Licensure Committee (HPLC). The Independent Regulatory Review Commission (IRRC) reviewed the proposed regulation and provided comments and recommendations as well.

PCA, ACA and IRRC commented on § 5.6(a) (regarding fees), specifically the proposed fee for “continuing education course approval” which will incrementally increase the current fee of \$30 per application to \$100 for FY 2024-2025 and FY 2025-2026, to \$110 for FY 2026-2027 and 2027-2028, and finally to \$120 for FY 2028-2029 and thereafter. Each year, the Board receives approximately 600 applications for approval of continuing education courses (or about 1,200 biennially). Accordingly, the proposed fee increases will generate additional revenue as follows:

FY 2024-2025 through FY 2025-2026: The fee increase from \$30 to \$100 will generate an additional \$84,000 in fees as compared to FY 2022-2023 through FY 2023-2024.

FY 2026-2027 through FY 2027-2028: The fee increase from \$100 to \$110 will generate an additional \$12,000 in fees as compared to FY 2024-2025 through FY 2025-2026.

FY 2028-2029 through FY 2029-2030: The fee increase from \$110 to \$120 will generate an additional \$12,000 in fees as compared to FY 2026-2027 through FY 2027-2028.

PCA commented that the fee increase should be reflected in a “tiered manner” specific to “per credit” ranges, as opposed to “per course” (or “per application”). IRRC requests that the Board address PCA’s comment and explain why the Board’s proposed fees are reasonable. For the following reasons, the Board has not amended § 5.6(a) in the final-form rulemaking: (1) the rulemaking increases application fees to reflect updated costs of processing an application; and (2) to adopt PCA’s proposed “per credit” approach would deviate from the Bureau’s standard “per application” approach, which would require some applicants to pay more to submit the application than it would cost the Bureau to process the application. The cost to the Bureau to process an application for approval of a program of continuing chiropractic education is approximately the same regardless of the length of the course itself. It is Bureau policy that an applicant pay the approximate cost to the Bureau to process that specific application. It would be inequitable to charge an applicant (for example) \$50 to process an application for a 1-hour course that costs the Bureau \$100 to process; or to charge an applicant \$150 to process an application for a 3-hour course that only costs the Bureau \$100 to review.

When BFO determines that the Board’s fees must be increased to cover its costs of operation, BFO calculates the true cost to the Board/Bureau to process each application, and this calculation is provided to the Board in “fee report forms” generated by BFO. With respect to the Board’s fee for “Application for Continuing Education Program,” BFO presented the Board with the following information and recommendation:

**Fee Objective:**

The fee should (1) offset the identifiable costs incurred by the State Board of Chiropractic to process an application and (2) defray a portion of the Board’s administrative overhead.

**Fee-Related Activities and Costs:**

Staff time-process application	(1hr)	\$46.24
Board Administrator review	(.25hr)	\$14.16
Board Member review	(.25hr)	\$26.00
Transaction fee		\$2.50
Administrative Overhead:		\$10.00
	Total Estimated Cost:	\$98.90
	Proposed Fee:	\$100.00

**Analysis, Comment, and Recommendation:**

It is recommended that a fee of \$100.00 be established for processing an application for Continuing Education Program.

Accordingly, the Board has adopted BFO’s recommendation and increases its application fees to reflect the updated costs of processing these applications. Therefore, the Board has not amended § 5.6(a) in the final-form rulemaking.

PCA also commented that “90 days lead time to approve [continuing education applications] is far too long.” Subsection 507(c) of the act (63 P.S. § 625.507(c)) provides that continuing education course providers submit to the Board, in writing, the information detailed in paragraphs 507(c)(1) – (3) at least 90 days prior to the date on which the program is scheduled to be presented. Accordingly, § 5.73(a) of the Board’s regulations (relating to application for approval of continuing education courses; attendance certificates) provides that continuing education course providers submit applications for course approval with the required fee to the Board at least 90 days prior to the scheduled date of the program. Therefore, because the 90 days “lead time” is a statutory requirement, the Board cannot deviate from this requirement in its regulations.

ACA commented that the proposed fee for “continuing education course approval” will make the delivery of affordable, quality, approved continuing education credits to licensed Doctors of Chiropractic in the Commonwealth a cost-prohibitive undertaking. Additionally, the ACA proposes the Board consider the continuing education models of several other states, namely Colorado, Delaware and Illinois, described by the ACA as “where the rules, regulations, or administrative codes of each state promulgate the standards of acceptable, board-approved continuing education courses or credits, the subject areas that should be covered, and the responsibility of the licensee to select courses that align with these standards.” IRRC requests that the Board address ACA’s alternative approach and explain why the proposed fees are reasonable.

In the Commonwealth, as a condition of biennial renewal, licensees must complete at least 24 hours of continuing chiropractic education within the immediately preceding 2-year period (63 P.S. § 625.507(a)), and licensees may receive credit for only those hours of continuing chiropractic education in programs approved by the Board and for only those hours directed toward keeping the licensee apprised of advancements and new developments in chiropractic which build upon the basic courses required to practice chiropractic (63 P.S. § 625.507(b)). However, while the Board is empowered to approve continuing education programs, subsections 507(c) and (d) of the act (63 P.S. § 625.507(c) and (d)), specify:

(c) Application by sponsors.--Prior to receiving board approval for a program of continuing chiropractic education, **a sponsor shall submit to the board, in writing, the following information at least 90 days prior to the date on which the program is scheduled to be presented:**

(1) Evidence that the sponsor's program would be directed toward keeping the licensee apprised of advancements and new developments in chiropractic which build upon the basic courses required to practice chiropractic and which are in the areas specified in subsection (b).



- (2) A detailed course outline or syllabus, including such items as methods of instruction and testing materials, if any.
- (3) A current curriculum vitae of each instructor, speaker or lecturer appearing in the program.
- (d) Action on application.--**The board shall notify each sponsor, in writing, of approval or disapproval of the application within 45 days of the receipt of the application.** If an application is disapproved, the board shall detail the reasons for disapproval in order that the sponsor may cure any defect and submit an amended application in a timely manner.

Accordingly, while the act affords the Board a great deal of latitude to determine what constitutes acceptable continuing education, the act also requires that sponsors of continuing education submit written applications for continuing education program approval to the Board at least 90 days prior to the date on which the program is scheduled to be presented.

The relevant Colorado statute (C.R.S.A. § 12-215-113) directs the Colorado board to prepare an annual educational schedule of minimum postgraduate requirements, and the Colorado board's regulations (3 CCR 707-1:1.10(D)) state that a licensee is responsible for ensuring that continuing education courses comply with the requirements and section 12-215-113, C.R.S., which requires that each licensed chiropractor complete (biennially) 30 hours of scientific clinics, forums, or chiropractic educational study consisting of subjects basic to the field of the healing arts. Moreover, the regulations indicate that the Colorado board does not pre-approve continuing education courses, curriculum or programs. Accordingly, like subsection 507(b) of the act, the Colorado statute affords the Colorado board a great deal of latitude to determine what constitutes acceptable continuing education. However, unlike subsections 507(c) and (d) of the act which provide that sponsors of continuing education receive Board approval for each program of continuing chiropractic education, the Colorado board shifts the burden to the licensees to ensure that continuing education courses comply with the requirements.

The relevant Delaware statute (24 Del.C. § 706(a)(10)) empowers the Delaware board to provide for the rules for continuing education, and the Delaware board's regulations require that licensees complete 24 hours of approved CE during each biennial licensing period (24 Del. Admin. Code 700-2.1), and that those continuing education courses contribute directly to the competency of a person licensed to practice as a chiropractor (24 Del. Admin. Code 700-2.1.8). Furthermore, the regulations indicate that courses co-sponsored by accredited chiropractic colleges, national or states organizations are presumptively approved (24 Del. Admin. Code 700-2.1.7). Accordingly, like subsection 507(b) of the act, the Delaware statute affords the Delaware board a great deal of latitude to determine what constitutes acceptable continuing education. However, unlike subsections 507(c) and (d) of the act which provide that sponsors of continuing education receive Board approval for each program of continuing chiropractic education, the Delaware board has "pre-approved" courses co-sponsored by accredited chiropractic colleges, national or states organizations.

The relevant Illinois statute (225 ILCS 60/20) directs the Illinois board to promulgate rules of continuing education which require that licensees complete an average of 50 hours of continuing education per license year, and the statute requires that the rules assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. The relevant rule (68 Ill. Adm. Code 1285.110(b)) allows licensees to obtain continuing education credit hours by completing formal continuing education programs conducted or endorsed by hospitals, specialty societies, medical, chiropractic or osteopathic colleges, schools or education programs, or specialty boards and professional associations. Accordingly, like subsection 507(b) of the act, the Illinois statute affords the Illinois board a great deal of latitude to determine what constitutes acceptable continuing education. However, unlike subsections 507(c) and (d) of the act which provide that sponsors of continuing education receive Board approval for each program of continuing chiropractic education, the Illinois board is required to accept continuing education programs sponsored by or through professional associations or hospitals. The Illinois board expanded the list of “pre-approved” providers of continuing education through its regulations.

Ultimately, to sum it all up, the Colorado Board is empowered to shift the burden to licensees to ensure that continuing education courses comply with the requirements; the Board is not. The Delaware and Illinois Boards are empowered to “pre-approve” sponsors or providers of continuing education programs; the Board is not.

Due to the specific application requirements set forth in subsections 507(c) and (d) of the act, the Board is not empowered to adopt the continuing education models of Colorado, Delaware or Illinois. Consequently, the Board has not amended the final-form rulemaking and finds the fee to be reasonable given the costs incurred by the Board to process an application for continuing education program approval. It would be inequitable to expect licensees of the Board to underwrite the costs of approval of continuing education programs through their biennial registration fees. In addition, a \$100 fee for approval of a continuing education course is comparable to the fees paid by other professions under the Bureau. For example, the State Board of Massage Therapy’s regulation at § 20.3 (relating to fees) sets forth a \$100 fee for approval of a continuing education program; the State Board of Podiatry’s regulation at § 29.13 (relating to fees) sets forth a fee of \$75 for applications for approval of educational conference; and the State Board of Veterinary Medicine’s regulation at § 31.41 (relating to fees) is being amended to increase its fee for application for continuing education program approval from \$35 to \$108. As each of these boards also set their fees based on the cost of processing the application for approval, and these fees are fairly comparable, the Board finds the \$100 fee to be reasonable.

#### *Fiscal Impact and Paperwork Requirements*

The amendments will increase application and biennial registration fees on a graduated basis. All applicants, licensees and registrants will be required to comply with the final-form

regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. The final-form regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 916 applicants will be impacted by the increased application fees. Specifically, the number of applicants affected are as follows: 175 applications for licensure by exam; 15 applications for licensure by reciprocity; 126 applications for certification to use adjunctive procedure; and 600 applications for continuing education course approvals.

Based upon the graduated application fee increases, the total economic impact is as follows:

FYs 24-25 and 25-26: \$134,710  
FYs 26-27 and 27-28: \$18,440  
FYs 28-29 and 29-30: \$19,102  
TOTAL: \$172,252

All licensed chiropractors will be impacted by the increased biennial registration fees. Based upon the above graduated increases, the economic impact is as follows:

FYs 24-25 and 25-26: \$57,150  
FYs 26-27 and 27-28: \$60,960  
FYs 28-29 and 29-30: \$64,770  
TOTAL: \$182,880

Thus, the total economic impact to applicants, licensees, registrants, or employers (if employers choose to pay application or biennial registration fees) is \$355,132. This amount reflects the economic impact that will occur as a result of the fee increases between FY 2024-2025 and FY 2029-2030.

This final-form rulemaking will require the Board revise certain applications and biennial registration forms to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 25, 2023, the Board submitted a copy of the notice of proposed rulemaking, published at 53 Pa.B. 4420 (August 5, 2023) and a copy of a Regulatory Analysis Form to IRRC and to the chairperson of the Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) and chairperson of the Professional Licensure Committee of the House (HPLC). A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received as well as other documents when requested. In preparing this final-form regulation, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on March 15, 2024, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on \_\_\_\_\_, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2024, and approved the final-form rulemaking.

### *Additional Information*

Additional information may be obtained by writing to Shakeena Chappelle, Board Administrator, State Board of Chiropractic, P.O. Box 2649, Harrisburg, PA 17105-2649, [ST-CHIROPRACTIC@pa.gov](mailto:ST-CHIROPRACTIC@pa.gov).

### *Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.
- (3) Any and all amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 53 Pa.B. 4420.

- (4) This final-form rulemaking is necessary and appropriate for the administration of the act.

*Order*

The Board, therefore, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 5 are amended by amending §§ 5.6, 5.15 and 5.16.
- (b) The Board shall submit the final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit the final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify the final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

William Aukerman, D.C.  
Chairperson, State Board of Chiropractic

Arion R. Claggett  
Acting Commissioner, Bureau of  
Professional and Occupational Affairs

16A-4335 – State Board of Chiropractic

Fees

List of Public Commenters

Maria A. Buscemi, Vice President, Education & Health Policy

The American Chiropractic Association

1701 Clarendon Blvd, Suite 200

Arlington, VA 22209

Phone (703) 276-8800

Fax (203) 243-2593

[mbuscemi@acatoday.org](mailto:mbuscemi@acatoday.org)

[Education@acatoday.org](mailto:Education@acatoday.org)

Keith M. Miller, D.C., President

Edward L. Nielson, MHA, Executive Vice President

Pennsylvania Chiropractic Association

1335 North Front Street

Harrisburg, PA 17102

Phone (717) 232-5762

Fax (717) 232-8368

[enielsen@pennchiro.org](mailto:enielsen@pennchiro.org)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 5. STATE BOARD OF CHIROPRACTIC**

**Subchapter A. GENERAL PROVISIONS**

\* \* \* \* \*

**§ 5.6. Fees.**

[The Board will charge the following fees:

Pennsylvania chiropractic law examination .....	\$87
Application for licensure by examination .....	\$25
Application for licensure by reciprocity .....	\$65
Biennial registration .....	\$210
Limited license .....	\$30
Adjunctive procedure certification .....	\$25
Certification of grades or licensure .....	\$25
Application for continuing education course approval .....	\$30
License restoration .....	\$25]

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application: (Editor’s Note: The blank in the first column of effective dates refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

		<u>Effective</u> <u>July 1, 2026</u>	<u>Effective</u> <u>July 1, 2028</u>
<u>Licensure by examination</u>	<u>\$105</u>	<u>\$115</u>	<u>\$126</u>
<u>Licensure by reciprocity</u>	<u>\$150</u>	<u>\$164</u>	<u>\$180</u>
<u>Limited License</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>
<u>Adjunctive Procedures Certification</u>	<u>\$105</u>	<u>\$115</u>	<u>\$126</u>
<u>Certification of grades or licensure</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>
<u>Continuing Education Course Approval</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Licensure restoration</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>

(b) An applicant for biennial registration shall pay the following fees:

	<u>September 2, 2024 -</u> <u>September 1, 2026</u> <u>Biennial Registration</u> <u>Fee</u>	<u>September 2, 2026 -</u> <u>September 1, 2028</u> <u>Biennial Registration</u> <u>Fee</u>	<u>September. 2, 2028 -</u> <u>September 1, 2030</u> <u>Biennial Registration</u> <u>Fee and thereafter</u>
<u>Chiropractor</u>	<u>\$225</u>	<u>\$241</u>	<u>\$258</u>

\* \* \* \* \*



**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND  
REGISTRATION PROVISIONS**

**§ 5.15. Licensure examinations.**

(a) To qualify for licensure by examination, an applicant shall successfully complete the following examinations:

(1) Parts I, II, III and IV of the National Board Examination.

(2) [The Pennsylvania Chiropractic Law Examination developed, prepared, administered and graded by the professional testing organization approved by the Board.] (Reserved.)

(b) The applicant shall apply to the NBCE for admission to the National Board Examinations and pay the required fees at the direction of the NBCE.

\* \* \* \* \*

(d) Passing scores on the National Board Examinations shall be established by the NBCE for each administration of the National Board Examinations in accordance with section 502(e) of the act (63 P.S. § 625.502(e)). A passing score on Part IV of the National Board Examination obtained at any time since Part IV has been offered by the NBCE will satisfy the Part IV National Board Examination requirement under § 5.12(a)(4) (relating to licensure by examination).

(e) [An application to take the Pennsylvania Chiropractic Law Examination shall be submitted with the required application fee specified in § 5.6 (relating to fees) to the Board approved professional testing organization at least 60 days prior to the date of the examination.] (Reserved.)

**§ 5.16. Failure on examination; reexamination.**

(a) An applicant who fails one or more of the National Board Examinations is eligible for reexamination in accordance with the rules and regulations of the NBCE.

(b) [An applicant who fails the Pennsylvania Chiropractic Law Examination may take a reexamination within 2 years. If the applicant fails the reexamination, the applicant may be required to complete studies as directed by the Board prior to reapplication for licensure.]

(Reserved).



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF CHIROPRACTIC

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 772-8528

March 15, 2024

The Honorable George D. Bedwick, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation  
State Board of Chiropractic  
16A-4335 Fees

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Chiropractic pertaining to Fees.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "William Auckerman".

William Auckerman, DC, Chairman  
State Board of Chiropractic

CKM/jpp  
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs  
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs  
Michael McDonald, Policy Director, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State  
Tyesha C. Miley, Counsel, State Board of Chiropractic  
State Board of Chiropractic

**From:** [Vazquez, Enid](#)  
**To:** [Porta, Jason](#)  
**Subject:** RE: DELIVERY NOTICE: REGULATION 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Date:** Friday, March 15, 2024 9:14:01 AM  
**Attachments:** [image001.png](#)

**RECEIVED**

Good morning,

This was received.

Thank you.

Independent Regulatory  
Review Commission  
March 15, 2024

**Enid Vazquez**

State Senator Lisa M. Boscola  
One E. Broad Street – Suite 120  
Bethlehem, PA 18018  
O: 610-868-8667  
F: 610-861-2184  
[www.senatorboscola.com](http://www.senatorboscola.com)

---

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Friday, March 15, 2024 9:12 AM  
**To:** Dimm, Ian <Ian.Dimm@pasenate.com>; Kelly, Joseph <Joseph.Kelly@pasenate.com>  
**Cc:** Vazquez, Enid <Enid.Vazquez@pasenate.com>  
**Subject:** FW: DELIVERY NOTICE: REGULATION 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Importance:** High

**EXTERNAL EMAIL**

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**Please provide a written (email) confirmation of receipt of delivery of the attached final rulemakings.**

Please be advised that the Bureau of Professional and Occupational Affairs and the State Board of Chiropractic are delivering the below final rulemakings.

- **16A-66 Consideration of Criminal Convictions**
  - This final-form rulemaking is needed to fully implement the act of July 1, 2020 (P.L. 545, No. 53) (Act 53), including the promulgation of schedules of offenses that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation and profession regulated by the 29 licensing boards and commissions.
- **16A-4335 Fees (Final)**
  - The final rulemaking increases application fees to reflect updated costs of

processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Thank you for your attention to this matter.

**RECEIVED**

Jason Porta | Legal Assistant 2  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Office Phone 717.775.8145 | Fax: 717.787.0251  
[erbennetch@pa.gov](mailto:erbennetch@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)  
(preferred pronouns: she, her, hers)

Independent Regulatory  
Review Commission

March 15, 2024

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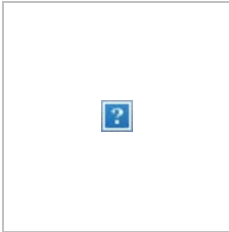
**From:** [Barton, Jamie](#)  
**To:** [Porta, Jason](#); [Orchard, Kari L.](#); [Brett, Joseph D.](#)  
**Subject:** RE: DELIVERY NOTICE: REGULATION 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Date:** Friday, March 15, 2024 9:16:29 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Received, thank you!

Independent Regulatory  
Review Commission

March 15, 2024



Ms. Jamie Barton  
Senior Legislative Assistant  
Office of State Rep. Frank Burns, Majority Chairman  
Professional Licensure Committee

332 Main Capitol Building  
Harrisburg PA 17120-2072  
(717) 772-8056 - Phone  
(717) 772-9965 - Fax

[www.PaHouse.com/Burns](http://www.PaHouse.com/Burns)

---

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Friday, March 15, 2024 9:13 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>  
**Subject:** DELIVERY NOTICE: REGULATION 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Importance:** High

**Please provide a written (email) confirmation of receipt of delivery of the attached final rulemakings.**

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Thank you for your attention to this matter.

**RECEIVED**

Jason Porta | Legal Assistant 2  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Office Phone 717.775.8145 | Fax: 717.787.0251  
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(preferred pronouns: she, her, hers)

Independent Regulatory  
Review Commission  
March 15, 2024

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**From:** [Nicole Sidle](#)  
**To:** [Porta, Jason](#)  
**Subject:** RE: [EXTERNAL]: FW: DELIVERY NOTICE: REGULATIONS 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Date:** Friday, March 15, 2024 9:33:31 AM  
**Attachments:** [image001.png](#)

**RECEIVED**

Hi Jason—

Received.

Nicole

Independent Regulatory  
Review Commission

March 15, 2024

---

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Friday, March 15, 2024 9:31 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>  
**Subject:** [EXTERNAL]: FW: DELIVERY NOTICE: REGULATIONS 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Importance:** High

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Jason Porta | Legal Assistant 2  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel



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Office Phone 717.775.8145 | Fax: 717.787.0251  
[erbennetch@pa.gov](mailto:erbennetch@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)  
(preferred pronouns: she, her, hers)

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Review Commission

March 15, 2024

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**From:** [Smeltz, Jennifer](#)  
**To:** [Porta, Jason](#)  
**Subject:** RE: DELIVERY NOTICE: REGULATIONS 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Date:** Friday, March 15, 2024 9:37:02 AM  
**Attachments:** [image001.png](#)

— RECEIVED —

Received.

*Jen Smeltz*  
*Executive Director*  
*Consumer Protection and Professional Licensure Committee*  
*Office of Senator Pat Stefano*  
*Phone: (717) 787-7175*

Independent Regulatory  
Review Commission  
March 15, 2024

---

**From:** Porta, Jason <jporta@pa.gov>  
**Sent:** Friday, March 15, 2024 9:26 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Subject:** FW: DELIVERY NOTICE: REGULATIONS 16A-66 CONSIDERATION OF CRIMINAL CONVICTIONS & 16A-4335 FEES  
**Importance:** High

ⓘ CAUTION : External Email ⓘ

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Office of Chief Counsel | Department of State

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