This space for use by IRRC **Regulatory Analysis** 99 MAR 17 AM 10: 36 **Form** (1) Agency Department of State, Bureau of Professional and McGinley Occupational Affairs, State Board of Physical Therapy (2) I.D. Number (Governor's Office Use) IRRC Number: 20/716A-655 (3) Short Title Fees (4) PA Code Cite (5) Agency Contacts & Telephone Numbers 49 Pa. Code, §§40.5 and 40.153 Primary Contact: Joyce McKeever - 3-7200 Secondary Contact: Robin Stanley - 3-7224 (6) Type of Rulemaking (check one) (7) Is a 120-Day Emergency Certification Attached? X Proposed Rulemaking Final Order Adopting Regulation X No **Policy Statement** Yes: By the Attorney General Yes: By the Governor (8) Briefly explain the regulation in clear and nontechnical language. The proposed regulation amends the fee schedule for the State Board of Physical Therapy. Based upon a recent systems audit of the operations of the Board, the fees for services to licensees were adjusted to reflect actual costs and services. (9) State the statutory authority for the regulation and any relevant state or federal court decisions. Section 8(b) of the Physical Therapy Practice Act, Act of October 10, 1975, P.L. 383, 63 P.S. §1308(b).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The Board is required by statute to adopt regulations setting fees. See item #9 for the specific law.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The enabling statute of the Board requires that the Board set fees by regulations so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board is generally borne by the licensee population through biennial renewal revenue. Expenses related to services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only the licensee who uses a particular service pays for a service being provided to him or her. By this proposal, the cost of providing the service will be apportioned to users.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation could potentially adversely impact the fiscal integrity of the Board. If left unregulated, the costs of providing these services would be borne by the general licensing population, some of whom did not or would not receive a benefit from this service.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The physical therapy licensing population generally will benefit by having cost of services which are utilized by only a portion of the licensees paid by those users.

Regulatory Analysis Form
(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as
completely as possible and approximate the number of people who will be adversely affected.)
The Board has identified no group of individuals or entities who will be adversely affected by the regulation.
(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)
Typically, physical therapy applicants and licensees utilizing this specific service identified will be required to comply with this proposal.
(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.
These proposed regulations do not place requirements on licensees concerning their conduct or compliance with state law regarding the performance of a licensing duty under licensing statutes. The proposal embodies fees which capture the cost of providing the service the licensee requests. Therefore, the information requested in this item is not applicable.
(17) 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.
The costs of processing various applications will be properly assessed to the applicants requesting services. See fee report form.

Regulatory Analysis Form
(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.
Local governments would not be affected by the proposed regulation.
(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.
The Board estimates that it will not incur an increase in administrative costs associated with implementing the proposed regulation.

Regulatory Analysis Form

(20) 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.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	S	S	S	\$
Regulated	\$20, 375	\$20, 375	\$20, 375	\$20,375	\$20, 375	\$20, 375
Local Government				<u> </u>		
State Government						
Total Savings	<u> </u>		ļ		<u> </u>	<u> </u>
COSTS:						
Regulated	\$20, 125	\$20, 125	\$20, 125	\$20, 125	\$20,125	S20, 125
Local Government						
State Government		<u> </u>				
Total Costs		<u> </u>				
REVENUE LOSSES:						
Regulated		<u> </u>				
Local Government		<u> </u>				
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The cost estimates are based upon the following number of persons which the Board estimates will avail themselves of the specified service over a fiscal year (one-half biennium) period multiplied by the savings or additional cost to the applicant for the service:

# <u>0</u>	<u>f people/ye:</u>	ar	Cost(c) or Savings (s)		
a) PT license by exam or endorsement	725	\mathbf{X}	\$10(s) *	=	\$7,250(s)
b) PT lic./foregin trained candidate	175	\mathbf{X}	\$115(c) **	=	\$20,125(c)
c) PTA reg./by exam or endorsement	425	X	\$15(s)	=	\$6,375(s)
d) certification of license or scores	300	X	\$10(s)	==	\$3,000(s)
e) verification of license	750	X	\$5(s)	=	\$3,750(s)

^{*} designates savings

^{**} designates additional cost

(20b) Provide the p		gulatory Analys enditure history for pr	is Form ograms affected by th	e regulation.
	1995-96	1996-97	1997-98	1998-99 Budgeted
Program	FY -3	FY -2	FY -1	Current FY
State Board of Physical Therapy	274,267.56	283,080.73	235,037.81*	273,000.00
(21) Using the cos	t-benefit informati	on provided above, ex	xplain how the benefi	ts of the regulation
No nonregulate	nonregulatory alter de the reasons for ory alternatives w	their dismissal.		l with those bling statute requires
	•		and the costs associate	ed with those schemes.
· •				
(23) Describe altered Provide the reason See #22 above.		•••		

Regulatory Analysis Form
(24) 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 regulation.
No federal licensure standards apply.
(25) How does this regulation compare with those of other states? Will the regulation put
Pennsylvania at a competitive disadvantage with other states?
Based upon the Board's information and belief, the proposed fees are generally consistent with the fees of other states. In any event, the fees for these services will not place Pennsylvania at a disadvantage with other states on a competitive basis.
(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.
No.
(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.
No.

Regulatory	Analy	vsis	Form
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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No changes to reporting, record keeping or other paperwork would be required by this proposed regulation.

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

The Board has perceived no special needs of any subset of its licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The proposed regulations would become effective upon publication as final rulemaking in the <u>Pennsylvania Bulletin</u>.

(31) Provide the schedule for continual review of the regulation.

The Board reviews the cost of its programs and revenue on a fiscal year and biennial basis.

FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

FEOUND)

99 MAR 17 AM 10: 36

REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by State Board of Physical Therapy	
(DEPUTY ATTORNEY (DEFEAL)	(AGENCY)	0/
MAR 0 5 1999.	DOCUMENT/FISCAL NOTE NO. 16A-655 DATE OF ADOPTION:	JATA OF APPROVAL
	BY: Jay irrgang	(Deputy General Counsel (Chief Counsel, Independent Agency (Strike inapplicable title)
	TITLE: Chairperson (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	
[] Check if applicable Copy not approved. Objections attached.		
		[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
49 PA. CODE, CHAPTER 40
FEES

The State Board of Physical Therapy (Board) proposes to amend its regulation at 49 Pa. Code §§40.5 and 40.153 by revising certain application fees as set forth in Annex A.

A. Effective date

The amendments will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.

B. Statutory Authority

The amendments are authorized under Section 8(b) of the Physical Therapy Practice Act, Act of October 10, 1975, P.L. 383, as amended, 63 P.S. §1308(b).

C. Background and Purpose

The Physical Therapy Practice Act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

number of minutes to perform the function

Х

pay rate for the classification of personnel performing the function

+

a proportionate share of administrative overhead.

The analysis determined that certain fees were insufficient to capture the actual cost of providing the service whereas certain other fees were more than sufficient to capture the cost of providing the service. For example, the proposed fee for an application for licensure as a physical therapist by foreign training would be reduced from \$160 to \$45 which is the actual cost of processing this application.

In this proposal, fees for the services identified would be adjusted to allocate costs to those

who use the service or application. The Board would continue to apportion the enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenue and expenditures.

In addition, this proposal combines all fees into one section rather than splitting fees pertaining to physical therapist assistants into a separate section.

D. Description of Proposed Amendments

The following table outlines the affected application fees and proposed changes:

Application/Service	Current Fee	Proposed Fee
Application for physical therapist licensure		
by examination/endorsement	\$ 20.00	\$ 30.00
Application for physical therapist licensure		
through foreign training	\$ 160.00	\$ 45.00
Verification of licensure or temporary permit		
of physical therapists	0	\$15.00
Certification of examination scores or		
licensure of physical therapists	0	\$ 25.00
Certification of examination scores or		
certification of athletic trainers	\$ 15.00	\$ 25.00
Certification of examination scores or		
registration of physical therapist assistants	\$ 15.00	\$ 25.00
Verification of certification of athletic trainers	\$ 10.00	\$15.00
Verification of registration of physical therapist		•
assistants	0	\$15.00
Application for physical therapist assistant		
registration by exam or endorsement	\$15.00	\$30.00

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulation the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its

political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the Board submitted a copy of this proposed regulation on March in 1996, to the Independent Regulatory Review Commission and the Chairmen of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the regulation, the Board has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed regulation, it will notify the Board by __________(30 days after the close of the public comment period). Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor, of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Robert Kline, Administrative Assistant, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-655 (Application Fees), when submitting comments.

Annex A

Title 49. Professional and Vocational Standards Part I. Department of State Subpart A. Professional and Occupational Affairs Chapter 40. State Board of Physical Therapy Subchapter A. General Provisions

* * *

§40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

Application for licensure by examination/endorsement	1650J 630
	
[Application for licensure by endorsement	
Application for licensure [by] through foreign training	[\$160] <u>\$45</u>
Verification of licensure or temporary permit	\$1 <u>5</u>
Certification of examination scores or licensure	\$25
[Physical therapy examination (Effective 11/95)	
Examination [(Effective 3/97)]	\$245
Temporary license	
Biennial renewal	
Athletic trainer:	
Application for certification	\$20
Athletic trainer examination.	
Biennial renewal	
[Physical therapist assistant listing	
Certification of examination scores or certification [of licensure	
Verification of [licensure or] certification	[\$10] <u>\$15</u>
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Physical therapist assistants:

Initial application for registration by exam or endorsement	[\$15]\$30
Registration examination	\$230
Certification of exam scores or registration	
Biennial renewal of registration	\$20
Verification of registration	

Subchapter C. Physical Therapist Assistants

* * *

§40.153. [Fees.] Reserved.

[The following is a schedule of fees charged by the Board:

Initial registration	\$15
Physical therapist assistant registration examination (Effective 11/95)	
Certification of registration.	\$15
Biennial renewal of registration	

* * *

PHYSICAL THERABY
16A-

FEE REPORT FORM

Agency:

State - BPOA

Date: 10/08/98

Contact:

C. Michael Weaver

Phone No.

783-7194

Fee Title, Rate and Estimated Collections:

Physical Therapy License Application Fee/Foreign-Trained Candidate:

45.00

Estimated Biennial Revenue: \$15,750.00

(350 applications x \$45.00)

Fee Description:

The fee will be charged to each foreign-trained applicant for licensure as a Physical Therapist.

Fee Objective:

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

Fee-Related Activities and Costs:

(1.00/hr)	30.20
(0.08/hr)	4.27
(0.25/hr)	2.00
	5.23
	(0.08/hr)

Total Estimated Cost:

41.70

Proposed Fee:

\$ 45.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$45.00 be established to process a foreign-trained candidates application for licensure.

Board administrator receives application, reviews for completeness, contacts applicant to request any missing information, forwards to Board member for review of qualifications. Application may also require review by legal staff to ascertain compliance with regulations. Additional time to cover cost of their review has been averaged over the number of applications anticipated since it is not possible to know in advance which applications will require the additional review.

When decision is made regarding qualification for licensure, applicant is notified by receiving license or letter of rejection.

FEE REPORT FORM

Agency:

State - BPOA

Date: 10/08/98

Contact:

C. Michael Weaver

Phone No.

783-7194

Fee Title, Rate and Estimated Collections:

Physical Therapy License Application Fee(by endorsement or examination): \$

30.00

Estimated Biennial Revenue:

\$43,500.00 (1,450 applications x \$30.00)

Fee Description:

The fee will be charged to each applicant for licensure as a Physical Therapist, whether applying by endorsement or examination.

Fee Objective:

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

Fee-Related Activities and Costs:

Board Staff- review application: (1.00/hr) 20.30

Administrative Overhead: 5.23

Total Estimated Cost: 25.53

Proposed Fee: \$ 30.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$30.00 be established to process an application for licensure as a Physical Therapist, whether applying by examination or endorsement.

Page 2 License Application Fee

10/08/98

Board staff receives application, contacts applicant to request any missing information, reviews for completeness and compliance with regulations.

If all qualifications are met, the professional testing service is notified to schedule candidate (examination candidates) or the license is issued through the computer (endorsement candidates). If qualifications are not met, the applicant is notified by letter.

FEE REPORT FORM

Agency:

State - BPOA

Date: 10/08/98

Contact:

C. Michael Weaver

Phone No.

783-7194

Fee Title, Rate and Estimated Collections:

Physical Therapy Assistant License Application Fee:

\$ 30.00

(by examination or endorsement)

Estimated Biennial Revenue: \$25,500.00 (850 applications x \$30.00)

Fee Description:

The fee will be charged to each applicant for licensure as a Physical Therapist Assistant, whether applying by endorsement or examination.

Fee Objective:

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

Fee-Related Activities and Costs:

Board Staff- review application:	(1.00/hr)	20.30
Administrative Overhead:		5.23

Total Estimated Cost: 25.53

Proposed Fee: \$ 30.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$30.00 be established to process an application for licensure as a Physical Therapist Assistant, whether applying by examination or endorsement.

Page 2 License Application Fee

10/08/98

Board staff receives application, contacts applicant to request any missing information, reviews for completeness and compliance with regulations.

If all qualifications are met, the professional testing service is notified to schedule candidate (examination candidates) or the license is issued through the computer (endorsement candidates). If qualifications are not met, the applicant is notified by letter.

FEE REPORT FORM

Agency:

State - BPOA

Corrected: 12/17/98

Contact:

C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of Scores, License, Registration or Certificate:

\$ 25.00

Estimated Biennial Revenue:

\$15,000.00 (600 certifications x \$25.00)

Fee Description:

The fee will be charged to every applicant who requests certification of scores, license, registration or certificate.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Physical Therapy to review and process a request for certification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for certification (.75 hr)	·	15.23
Bureau Average Administrative Overhead:		9.76
-	Total Estimated Cost:	\$24.99
	Proposed Fee:	\$25.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification of scores, license, registration or certificate.

Page 2 Certification of Scores, License, Registration or Certificate: 12/17/98

Board Staff: Reviews request for certification; researches computer and microfilm files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FEE REPORT FORM

Agency:

State - BPOA

Corrected: 12/17/98

Contact:

C. Michael Weaver

Phone No.

783-7194

Fee Title, Rate and Estimated Collections:

Verification of License, Certification, Registration or Temporary Permit:

Estimated Biennial Revenue:

\$22,500.00 (1,500 verifications x \$15.00)

\$15.00

Fee Description:

The fee will be charged to every applicant who requests verification of license, certification, registration or temporary permit.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Physical Therapy to review and process a request for verification and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- process request for verification (.08 hr)
Bureau Average Administrative Overhead:

08 hr) 1.62 9.76

Total Estimated Cost: \$11.38 Proposed Fee: \$15.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for verification of license, certification, registration or temporary permit.

Page 2

Verification of License, Certification, Registration, or Temp. Permit: 12/17/98

Board Staff: Reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, issues computer generated document, affixes Bureau seal onto document, forwards as instructed by applicant.



COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS STATE BOARD OF PHYSICAL THERAPY

116 Pine Street, Post Office Box 2649 Harrisburg, Pennsylvania 17105-2649 (717) 783-7134

March 17, 1999

The Honorable John R. McGinley, Chairman INDEPENDENT REGULATORY REVIEW COMMISSION 14th Floor, Harristown 2 333 Market Street Harrisburg, Pennsylvania 17101

Re: Notice of Proposed Rulemaking of the State Board of Physical Therapy

pertaining to Application Fees (16A-655)

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Physical Therapy pertaining to application fees.

The State Board of Physical Therapy, as always, will be pleased to provide your commission with any assistance it may require during the course of its review of this regulation.

Jay Irrgang, Chairperson

State Board of Physical Therapy

JI/BSM:hmb Enclosures

: Kim Pizzingrilli, Acting Secretary for the Commonwealth

Department of State

Dorothy Childress, Commissioner

Bureau of Professional and Occupational Affairs

Deborah M. Griffiths, Regulatory Review Officer

Department of State

Joyce McKeever, Deputy Chief Counsel

Department of State

Beth Sender Michlovitz, Counsel

State Board of Physical Therapy

State Board of Physical Therapy

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 16A-655 SUBJECT: STATE BOARD OF PHYSICAL THERAPY - FEES AGENCY: DEPARTMENT OF STATE TYPE OF REGULATION X **Proposed Regulation** Final Regulation Final Regulation with Notice of Proposed Rulemaking Omitted 120-day Emergency Certification of the Attorney General 120-day Emergency Certification of the Governor Delivery of Tolled Regulation With Revisions Without Revisions b. a. FILING OF REGULATION **DATE SIGNATURE DESIGNATION** HOUSE COMMITTEE ON PROFESSIONAL LICENSURE 3/17/99 Marlene Faranor SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL Mayor Garces LEGISLATIVE REFERENCE BUREAU