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| <h1 style="margin: 0;">Regulatory Analysis Form</h1> | | <p>This space for use by IRRC</p> <p>RECEIVED</p> <p>2004 MAR 27 AM 11: 53</p> <p>REGULATORY REVENUE COMMISSION</p> <p style="text-align: right;">(10)</p> |
| <p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Workers, <u>Marriage and Family Therapists and Professional Counselors</u>, <u>Veterinary Medicine</u> and the Registration Board for Professional Engineers, Land Surveyors and Geologists</p> | | <p>IRRC Number: #2025</p> |
| <p>(2) I.D. Number (Governor's Office Use) 16A-469, 16A-672, 16A-693, <u>16A-578</u>, and 16A-477</p> | | |
| <p>(3) Short Title Verification and Certification Fees</p> | | |
| <p>(4) PA Code Cite 49 Pa. Code §33.3; 49 Pa. Code §47.4; 49 Pa. Code §42.17; 49 Pa. Code §31.41; and 49 Pa. Code §37.17.</p> | <p>(5) Agency Contacts & Telephone Numbers Primary Contact: Joyce McKeever, Deputy Chief Counsel (717) 783-7200 Secondary Contact: Robin Stanley, Revenue Office (717) 783-7224</p> | |
| <p>(6) Type of Rulemaking (check one) Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation Final Order, Proposed Rulemaking Omitted</p> | <p>(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor</p> | |
| <p>(8) Briefly explain the regulation in clear and nontechnical language. The regulations amend the fee schedules for the State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Workers, Marriage and Family Therapists and Professional Counselors, Veterinary Medicine and the Registration Board for Professional Engineers, Land Surveyors and Geologists, by amending or adding fees for verification of licensure or certification of exam scores. Verifications will increase from \$10 to \$15 and certifications from \$15 to \$25. The new fees are needed because the current fees were established in 1988 and no longer reflect the cost of providing services to licensees.</p> | | |
| <p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions. Section 4(b) of the Dental Law, Act of July 1, 1978, P.L. 513, 63 P.S. §123(b); Section 17 of the Occupational Therapy Practice Act, Act of June 15, 1982, P.L. 502, 63 P.S. §1517; Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, Act of July 9, 1987, <u>as amended</u>, 63 P.S. §1918(c); Section 13(a) of the Veterinary Medicine Practice Act, Act of December 27, 1974, P.L. 995, <u>as amended</u>, 63 P.S. §485.13(a); and Section 9 of the Engineer, Land Surveyor and Geologist Registration Law, Act of May 23, 1945, <u>as amended</u>, 63 P.S. §156.</p> | | |

Regulatory Analysis Form

(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 Boards are required by statute to adopt regulations setting fees. See Item No. 9 for the specific laws.

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

The enabling statutes of the Boards cited in Item No. 9 require that the Boards set fees so that revenues meet or exceed expenditures over a two year period. The operating expenses of the Boards are borne by the licensees through biennial renewal fees. Expenses related to services which are provided directly to individual licensees or applicants who request them are excluded from general operating expenses. Fees are set so that the licensee pays for a service being provided to him or her. By this regulation, the costs of providing the service are apportioned to users. Current fees are inadequate to cover costs.

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

Nonregulation could potentially adversely impact the fiscal integrity of the Boards. If left unregulated, the costs of providing this service 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 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 Boards have 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.)

Verifications or certifications are requested from the licensees who are seeking to obtain licensure in another state, or in some instances for employment or training. The Boards estimate that, in each biennial period, approximately 250 persons per Board request certification or verifications from board offices.

(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 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 regulation embodies a fee which captures the cost of providing the service a 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 estimated biennial revenue is as follows:

| Board | Certification | Verification |
|--|---------------|--------------|
| Dentistry | \$250 | \$15,000 |
| Occupational Therapy | \$250 | 3,750 |
| Social Work | \$250 | 1,500 |
| Veterinary | \$250 | 2,250 |
| Engineer, Land Surveyor & Geologist | \$250 | 3,000 |

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 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 Boards estimate that they will not incur an increase in administrative costs associated with implementing the 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: | \$NA | \$NA | \$NA | \$NA | \$NA | \$NA |
| Regulated | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Savings | | | | | | |
| COSTS: | | | | | | |
| Regulated | See | Item | Number | 17. | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Costs | | | | | | |
| REVENUE LOSSES: | | | | | | |
| Regulated | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Revenue Losses | | | | | | |

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

See Item Number 17.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

| | 1995-96 | 1996-97 | 1997-98 | 1998-99 Budgeted |
|--|------------|------------|------------|------------------|
| Program | FY -3 | FY -2 | FY -1 | Current FY |
| Dentistry | 684,395.06 | 799,341.21 | 763,805.33 | 844,000.00 |
| Occ. Therapy | 70,909.63 | 102,319.97 | 89,818.78 | 102,000.00 |
| Social Work | 149,744.43 | 159,873.52 | 181,989.05 | 185,000.00 |
| Veterinary | 216,608.32 | 182,445.32 | 221,301.65 | 220,000.00 |
| Engineers, Land Surveyors and Geologists | 556,637.00 | 677,441.45 | 634,324.65 | 695,000.00 |

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The amendment to the existing regulations will assure that the costs of providing certifications or verifications to certain licensees will be borne by individuals who receive the service.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because the Boards' enabling statutes require the Boards to promulgate regulations to establish fees or changes thereto.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See No. 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?

The regulatory change should not put Pennsylvania at a competitive disadvantage. The following is a fee comparison of border states.

| FEE COMPARISON | | | | | | |
|---------------------------------------|----|----------------------|----|----|----|----|
| DENTAL BOARD | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 25 | 10 | 0 | 0 | |
| Certify Lic/Scores/Hours | 25 | 40 | 20 | 0 | 0 | |
| OCCUPATIONAL THERAPY | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 25 | 20 | 20 | 20 | 10 |
| Certify Lic/Scores/Hours, etc. | 25 | service not provided | 20 | 20 | 20 | 10 |
| SOCIAL WORK/MARRIAGE COUNSELORS, ETC. | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 40 | 10 | 20 | 0 | 10 |
| Certify Lic/Scores/Hours | 25 | service not provided | 20 | 20 | 0 | 10 |
| VETERINARY BOARD | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 25 | 10 | 0 | 0 | 10 |
| Certify Lic/Scores/Hours | 25 | 40 | 20 | 0 | 0 | 10 |
| ENGINEER | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 0 | 20 | 10 | 0 | 0 |
| Certify Lic/Scores/Hours | 25 | 0 | 20 | 10 | 0 | 0 |
| LAND SURVEYOR | | | | | | |
| Bold = Proposed | PA | NJ | NY | MD | OH | DE |
| Verify Lic/Reg/Permit | 15 | 0 | 20 | 0 | 0 | 10 |
| Certify Lic/Scores/Hours | 25 | 0 | 20 | 0 | 0 | 10 |

(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.

The Boards conduct semi-monthly or monthly meetings during which the public is invited to participate.

(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, recordkeeping or other paperwork is required by this 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 Boards have 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 regulation will be effective upon publication in the *Pennsylvania Bulletin*.

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

The Boards review the cost of their 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)

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2000 MAR 27 AM 11:52

LEGISLATIVE REGULATORY
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:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: [Signature]

DOCUMENT/FISCAL NOTE NO. #16A-578

DATE OF APPROVAL

DATE OF ADOPTION: _____

2/16/00
DATE OF APPROVAL

BY: Brian V. Harpster VMD
Brian V. Harpster V.M.D.

(Deputy General Counsel
(Chief Counsel,
Independent Agency
(Strike inapplicable
title)

TITLE: Chairman
(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.

ORDER OF FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF VETERINARY MEDICINE
49 Pa. Code, Chapter 31
Fees

Statutory Authority: Section 13(a) of the Veterinary Medicine Practice Act, Act of December 27, 1974, P.L. 995, as amended, 63 P.S. §485.13(a).

Annex D

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

FEEES

§31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * *

Verification of licensure.....[\$10] \$15
Certification of scores or hours.....\$25

* * *

Animal health technicians:

* * *

Verification of certification.....[\$10] \$15
Certification of scores or hours.....\$25

* * *

FEE REPORT FORM

Agency: State - BPOA

Date: 03/27/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Verification of License or Certification:

\$15.00

Estimated Biennial Revenue:

\$2,250.00 (150 verifications x \$15.00)

Fee Description:

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

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board Veterinary Medicine 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) | 1.62 |
| Bureau Average Administrative Overhead: | | <u>9.76</u> |
| | 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 or certification.

Staff reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, issues letter of good standing via computer, affixes Bureau seal onto document, forwards as instructed by applicant.

FEE REPORT FORM

Agency: State - BPOA

Date: 03/24/00

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Certification of Scores or Hours: \$ 25.00

Estimated Biennial Revenue: \$250.00 (10 certifications x \$25.00)

Fee Description:

The fee will be charged to every applicant who requests certification of scores or hours.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Veterinary Medicine 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: | <u>9.76</u> |
| 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 or hours.

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.

The State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Workers, Marriage and Family Therapists and Professional Counselors, Veterinary Medicine and the Registration Board for Professional Engineers, Land Surveyors and Geologists, hereby propose to amend their regulations at 49 Pa. Code §§33.3, 47.4, 42.17, 31.41, and 37.17, pertaining to fees for verification and certification of licensure records as set forth in Annex A, B, C, D, and E, respectively.

A. Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Boards are authorized to set fees by regulation under the following statutory provisions: Section 4(b) of the Dental Law, Act of July 1, 1978, P.L. 513, 63 P.S. §123(b); Section 17 of the Occupational Therapy Practice Act, Act of June 15, 1982, P.L. 502, 63 P.S. §1517; Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, Act of July 9, 1987, P.L. 220, as amended, 63 P.S. §1918(c); Section 13(a) of the Veterinary Medicine Practice Act, Act of December 27, 1974, P.L. 995, as amended, 63 P.S. §485.13(a); and Section 9 of the Engineer, Land Surveyor and Geologist Registration Law, Act of May 23, 1945, as amended, 63 P.S. §156.

C. Purpose

The above statutory provisions require that the Boards increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this regulation, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the Boards within the Bureau of Professional and Occupational Affairs. The audit determined that the current service fees for the Boards subject to this rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

D. Summary of Comments and Responses to Proposed Rulemaking

The regulations were published on at 29 Pa. B. 1895-1897 (April 10, 1999). No public comments were received. The Boards received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). No public comments were received.

The following is the Board's response to those comments.

Certification and Verification Fee

The HPLC questioned under what circumstances the Board "certifies" an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in Pennsylvania which was issued on the basis of a uniform national or regional examination which was taken in Pennsylvania. Generally the state of original licensure is the only source of the score of the licensee as testing agencies do not maintain this information. The licensure laws of many states include provisions that Licensure by reciprocity or endorsement based on Licensure in another state will be granted only if the board or agency determines that the qualification are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original Licensure. For this reason, these states require that the Pennsylvania Board and other Boards certify the examination score the applicant achieved on the Licensure examination.

As noted in proposed rulemaking the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As noted above, states request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when she applies to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the

licensee of the type of document the Bureau can provide and the fee. In the case of a "verification" the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date, and status of the license. The letters are printed from the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be five minutes. The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted in order to provide the information requested. The Board staff then seals and issues this document.

Administrative Overhead

IRRC requested that the Bureau and the Boards: (1) itemize the overhead cost to be recouped by the fees; and (2) re-examine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the Boards enabling statutes.

In computing overhead charges the Boards and the Bureau, include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific Board. Once determined the Bureau's total administrative charge is apportioned to each board based upon that Board's share of the total active licensee population. In turn, the boards

administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

IRRC suggested that within each Board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring one-half hour of processing time would pay one-half as much overhead charge as an application requiring one hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the Boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charge obtained by applying IRRC suggested time factor versus the current method. This review of a Boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each Board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the Boards note that the computation of projected

expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past ten years. During these five biennial cycles, the experience of both the Boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the Boards over an extended period. Similarly accounting, record keeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Boards have not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided to the Regulatory Analysis Form filed with the Committees and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

E. Regulatory Review

Pursuant to Section 5.1(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5.1(a), the Boards submitted a copy of this proposed regulation on March 29, 1999, 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 compliance with Sections 5(c) of the Regulatory Review Act, 71 P.S. §745.5(c) the Boards also provide additional documentation.

In preparing the Final form regulations the Boards considered the comments from the committees and IRRC.

These final form regulations were (deemed) approved by the House and Senate Committee on _____. IRRC met on _____

_____, and (deemed approved the Amendments in accordance with Section 5(e) of the Regulatory Review Act.

F. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the regulations the Boards considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

G. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no 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 request certification or verification services from the Boards. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

H. Sunset Date

The Boards continuously monitor the cost effectiveness of the regulations. Therefore, no sunset date has been assigned.

I. Contact Persons

Interested persons may receive more information by writing the Board Administrator at P.O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking. The appropriate Administrator is as follows: June Barner - State Board of Dentistry; Clara Flinchum - State Board of Occupational Therapy Education and Licensure; Clara Flinchum - State Board of Social Workers, Marriage and Family Therapists and Professional Counselors; Robert Kline - State Board of Veterinary Medicine; Shirley Klinger, State Registration Board for Professional Engineers, Land Surveyors and Geologists.

J. Findings and Order

The Boards find that:

1. Public notice of proposed rulemaking was given as required

by Sections 201 and 202 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. §§1201 and 1202.

2. A public comment period was provided as required by law.
3. The Amendments do not enlarge the scope of proposed rulemaking at 29 Pa. B. 1895-1897.
4. The Amendments are necessary and appropriate to administer and enforce the Boards' enabling statutes.

The Boards, acting under the authority of their enabling statutes order that:

- a. The regulations of the Boards are amended to read at 49 Pa. Code §§33.3, 47.4, 42.17, 31.41 and 37.17 to read as set forth in Annex A, B, C, D and E respectively.
- b. The Boards shall submit this order and Annexes to the Office of General Counsel and Office of Attorney General as required by law.
- c. The Boards shall certify the codes and Annexes and deposit them with the Legislative Reference Bureau as required by law.
- d. This order shall take effect on publication in the Pennsylvania Bulletin.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
POST OFFICE BOX 2649
HARRISBURG, PENNSYLVANIA 17105-2649
Telephone: (717) 783-7200
Fax: (717) 787-0251

March 27, 2000

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

Re: **Final Regulation**
Verification/Certification Fees
State Board of Dentistry - 16A-469
State Board of Occupational Therapy Education and Licensure - 16A-672
State Board of Social Workers, Marriage and Family Therapists and
Professional Counselors - 16A-693
State Board of Veterinary Medicine - 16A-578
State Registration Board for Professional Engineers, Land Surveyors and Geologists - 16A-477

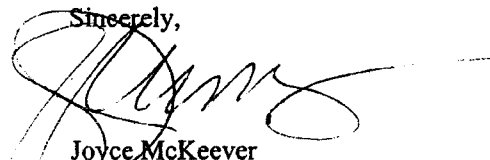
Dear Chairman McGinley:

Pursuant to Section 5(a) of the Regulatory Review Act, I deliver to you herewith a copy of a final rulemaking package proposing new fees for the above boards for verification or certification of licensure.

The fee package contains a single preamble and regulatory analysis form to describe the basis and need for fees. Separate face sheets, annexes and fee report forms are provided for each chapter of 49 Pa. Code for each board.

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

Sincerely,



Joyce McKeever
Deputy Chief Counsel

JMcK:bjd
Enclosures

- c: **John T. Henderson, Jr., Chief Counsel**
 - Department of State**
 - Dorothy Childress, Commissioner**
 - Bureau of Professional and Occupational Affairs**
 - Herbert Abramson, Senior Counsel in Charge**
 - Bureau of Professional and Occupational Affairs**
 - Deborah B. Eskin, Counsel**
 - State Board of Dentistry**
 - Herbert Abramson, Counsel**
 - State Board of Occupational Therapy Education and Licensure**
 - Eva L. Cheney, Counsel**
 - State Board of Social Workers, Marriage and Family Therapists and Professional Counselors**
 - Teresa Lazo-Miller, Counsel**
 - State Board of Veterinary Medicine**
 - Steven Wennberg, Counsel**
 - State Board for Professional Engineers, Land Surveyors and Geologists**
 - State Board of Dentistry**
 - State Board of Occupational Therapy Education and Licensure**
 - State Board of Social Workers, Marriage and Family Therapists and Professional Counselors**
 - State Board of Veterinary Medicine**
 - State Board for Professional Engineers, Land Surveyors and Geologists**

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Advance Notice of Proposed Rulemaking on Generic Competitive Safeguards and Imputation Requirements for IntraLATA Services; Doc. Nos. L-00990141, M-00960799

The Pennsylvania Public Utility Commission (Commission) is required to develop regulations for competitive safeguards under 66 Pa.C.S. §§ 3005(b) and 3005(g)(2).

The Commission seeks comments on any and all issues relevant to the development of generic competitive safeguards regulations. The Commission is particularly interested in seeking comments on whether cost allocation, unbundling and imputation issues developed in its earlier proceedings at Doc. Nos. P-00930715 and M-00940587 should be included in any generic competitive safeguards regulations. The Commission also seeks comment on whether imputation requirements for intraLATA services by local exchange carriers remaining from the Commission's Federal Telecommunications Act of 1996 Implementation Order, Doc. No. M-00960799, should be addressed in the competitive safeguards regulations.

Interested persons wishing to submit comments must file an original and 15 copies with the Secretary's Bureau, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 45 days of publication in the *Pennsylvania Bulletin* and reply comments within 30 days thereafter.

The contact persons at the Commission are Carl S. Hisiro, Assistant Counsel, Law Bureau, (717) 783-2812 (legal) and Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175 (technical).

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-585. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Verification/Certification Fees

The State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Work Examiners, Veterinary Medicine and the Registration Board for Professional Engineers, Land Surveyors and Geologists (Boards), propose to amend their regulations in §§ 33.3, 47.4, 42.17, 31.41 and 37.17, pertaining to fees for verification and certification of licensure records to read as set forth in Annex A, B, C, D and E.

A. Effective Date

The proposed amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

B. Statutory Authority

The Boards are authorized to set fees by regulation under the following statutory provisions: section 4(b) of The Dental Law (63 P.S. § 123(b)); section 17 of the Occupational Therapy Practice Act (63 P.S. § 1517); section 18(c) of the Social Workers' Practice Act (63 P.S. § 1918(c)); section 13(a) of the Veterinary Medicine Practice Act (63 P.S. § 485.13(a)); and section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156).

C. Description

The statutory provisions in Section B require that the Boards set fees to cover operating and enforcement costs. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees proposed by the Boards in this rulemaking represent the cost of providing an official sealed document of Board records. Verification refers to license status and certification refers to examination scores or reports. Both certification and verification documents are typically used in connection with a licensee's application for a license in another state. By these proposed amendments, the cost of providing the service will be apportioned to users.

This proposed rulemaking results from a recent systems audit of the existing fees for services of the Boards within the Bureau of Professional and Occupational Affairs. The fees had been established based on 1988 estimated costs. Auditors analyzed all fees for services to determine if the fees reflected actual current costs of services. The audit determined that the current service fees for the Boards subject to this proposed rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records. For verifications in §§ 33.3 (Dentistry) and 31.41 (Veterinary Medicine), the existing fee of \$10 was insufficient to capture the actual cost of providing the service. The proposed amendments would increase the fee \$5, reflecting actual cost rounded to the nearest \$5 increment. For certifications, the fee would similarly be increased from \$15 to \$25 in § 33.3. A new fee for certifications would be added to §§ 31.41 (Veterinary Medicine) and 47.4 (Social Workers). New verification and certification fees would be added to §§ 42.17 (Occupational Therapy) and 37.15 (Engineers, Land Surveyors and Geologists).

In adopting the proposed amendments, the Boards will place all fees for the services which they provide upon the licensee who requests the service. Allocating the cost of a service to licensees will allow the Boards to more fairly apportion the enforcement and operating costs on the licensing population when the Boards make their biennial reconciliation of revenue and expenditures. These overall costs are borne by all licensees through biennial renewal fees.

D. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 1999, the Boards submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the

proposed amendments, the Boards have provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Boards in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Boards within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor, of objections raised.

E. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Boards considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no 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 request certification or verification services from the Boards. The proposed amendments will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Boards continuously monitor the cost effectiveness of the regulations. Therefore, no sunset date has been assigned.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments by writing the Board Administrator at P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking. The appropriate Administrator is as follows: June Barner—State Board of Dentistry; Clara Flinchum—State Board of Occupational Therapy Education and Licensure; Clara Flinchum—State Board of Social Work Examiners; Robert Kline—State Board of Veterinary Medicine; Shirley Klinger, State Registration Board for Professional Engineers, Land Surveyors and Geologists.

NORBERT O. GANNON, D.D.S.,
Chairperson

Fiscal Note: 16A-469. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants.... [\$10] \$15

Certification of scores, permit or registration fee—dentists, dental hygienists and expanded function dental assistants [\$15] \$25

* * * * *

[Pa.B. Doc. No. 99-586. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Fees

(Editor's Note: For the preamble related to this proposal see 29 Pa.B. 1895 (April 10, 1999)).

HANNA GRUEN,
Chairperson

Fiscal Note: 16A-672. No fiscal impact; (8) recommends adoption.

Annex B

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

LICENSURE

§ 42.17. Licensure fees.

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

* * * * *

(4) Verification of licensure \$15
(5) Certification of license, scores or hours..... \$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

* * * * *

(4) Verification of licensure \$15
(5) Certification of license, scores or hours..... \$25

[Pa.B. Doc. No. 99-587. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF SOCIAL WORK EXAMINERS

[49 PA. CODE CH. 47]

Verification Fee

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

MANUEL J. MANOLIOS,
Chairperson

Fiscal Note: 16A-693. No fiscal impact; (8) recommends adoption.

Annex C

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORK EXAMINERS

GENERAL PROVISIONS

§ 47.4. Licensure fees.

(a) The fee schedule for licensure as a licensed social worker or for a provisional license shall be as follows:

* * * * *

(5) Verification of licensure [\$10] \$15

(6) Certification of license, scores or hours ... \$25

* * * * *

[Pa.B. Doc. No. 99-588. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

JEFFREY M. OTT, V.M.D.,
Chairperson

Fiscal Note: 16A-578. No fiscal impact; (8) recommends adoption.

Annex D

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

FEEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

Verification of licensure [\$10] \$15

Certification of scores or hours \$25

* * * * *

Animal health technicians:

* * * * *

Verification of certification [\$10] \$15

Certification of scores or hours \$25

* * * * *

[Pa.B. Doc. No. 99-589. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[49 PA. CODE CH. 37]

Verification/Certification Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

LOUIS A. GUZZI, P.E.,
President

Fiscal Note: 16A-477. No fiscal impact; (8) recommends adoption.

Annex E

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

QUALIFICATIONS FOR LICENSURE

§ 37.17. Schedule of fees.

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

* * * * *

(c) *Other Fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores \$25

Verification of license, registration or permit .. \$15

[Pa.B. Doc. No. 99-590. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF SOCIAL WORK EXAMINERS

[49 PA. CODE CH. 47]
Verification Fee

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

MANUEL J. MANOLIOS,
Chairperson

Fiscal Note: 16A-693. No fiscal impact; (8) recommends adoption.

Annex C

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORK EXAMINERS

GENERAL PROVISIONS

§ 47.4. Licensure fees.

(a) The fee schedule for licensure as a licensed social worker or for a provisional license shall be as follows:

* * * * *

(5) Verification of licensure..... [\$10] \$15

(6) Certification of license, scores or hours ... \$25

* * * * *

[Pa.B. Doc. No. 99-588. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]
Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

JEFFREY M. OTT, V.M.D.,
Chairperson

Fiscal Note: 16A-578. No fiscal impact; (8) recommends adoption.

Annex D

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

* * * * *

Verification of licensure [\$10] \$15
Certification of scores or hours \$25

* * * * *

Animal health technicians:

* * * * *

Verification of certification..... [\$10] \$15
Certification of scores or hours \$25

* * * * *

[Pa.B. Doc. No. 99-589. Filed for public inspection April 9, 1999, 9:00 a.m.]

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[49 PA. CODE CH. 37]
Verification/Certification Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

LOUIS A. GUZZI, P.E.,
President

Fiscal Note: 16A-477. No fiscal impact; (8) recommends adoption.

Annex E

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

QUALIFICATIONS FOR LICENSURE

§ 37.17. Schedule of fees.

(a) Professional engineers and professional land surveyors. The Board will charge the following fees:

* * * * *

(c) Other Fees. The Board will charge the following fees:

Certification of license, registration, permit or scores \$25

Verification of license, registration or permit.. \$15

[Pa.B. Doc. No. 99-590. Filed for public inspection April 9, 1999, 9:00 a.m.]

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-578
 SUBJECT: State Board of Veterinary Medicine - Fees
 AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- X 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
 - a. With Revisions
 - b. Without Revisions

RECEIVED
 2000 MAR 27 AM 11:52
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

| DATE | SIGNATURE | DESIGNATION |
|---------|--------------------------|--|
| 3/27/00 | <i>Angela Carter</i> | HOUSE COMMITTEE ON PROFESSIONAL LICENSURE |
| 3/27/00 | <i>Sammy Weaver</i> | SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE |
| 3/27/00 | <i>Christina Maloney</i> | INDEPENDENT REGULATORY REVIEW COMMISSION |
| | | ATTORNEY GENERAL |
| | | LEGISLATIVE REFERENCE BUREAU |