

Regulatory Analysis Form

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INDEPENDENT STATE AGENCY
REVIEW COMMISSION

Wizner

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, 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

(2) I.D. Number (Governor's Office Use)

16A-469, 16A-672, 16A-693, 16A-578, and 16A-477

IRRC Number: 2025

(3) Short Title

Verification and Certification Fees

(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.

(5) Agency Contacts & Telephone Numbers

Primary Contact: Joyce McKeever, Deputy Chief Counsel (717) 783-7200
Secondary Contact: Robin Stanley, Revenue Office (717) 783-7224

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulations amend the fee schedules for 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, 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.

(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' Practice Act, Act of July 9, 1987, 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.

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 be self-sustaining. The operating expenses of the Boards are generally borne by the licensee population 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 revenues 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.

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(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.)

Typically, verifications or certifications are requested from the licensees who are seeking to obtain licensure in another state. 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

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(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.

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(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?

Based upon the Boards' information and belief, the fees are generally consistent with the fees of other states. In any event, the fee for this service would 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.

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

Regulatory Analysis Form

(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.

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, 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 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, 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' Practice Act, Act of July 9, 1987, P.L. 220, 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. Description

The above statutory provisions 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 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 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 rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records. For verifications at 49 Pa. Code §§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 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 at 49 Pa. Code §33.3. A new fee for certifications would be added to 49 Pa. Code §§31.41 (Veterinary Medicine) and 47.4 (Social Workers). New verification and certification fees would be added to 49 Pa. Code §§42.17 (Occupational Therapy) and 37.15 (Engineers, Land Surveyors and Geologists).

In adopting the 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

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 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 addition to submitting the regulation, the Boards have provided the Commission 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 the Commission has any objections to any portion of the proposed regulation, it will notify the Boards within ten days after the expiration of the Committee review 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.

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 regulations 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 amendment 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.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED
99 MAR 29 PM 2:20
LEGISLATIVE REFERENCE BUREAU
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: *Dwight J. Dunlap*
(DEPUTY ATTORNEY GENERAL)

State Board of Veterinary Medicine
(AGENCY)

BY: *Dwight J. Dunlap*

MAR 05 1999.

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. #16A-578

DATE OF ADOPTION:

3/1/99
DATE OF APPROVAL

BY: *Jeffrey M. Ott*
Jeffrey M. Ott, 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.

NOTICE OF PROPOSED 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

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

* * *

FEE REPORT FORM

Agency: State - BPOA

Date: 11/16/98

Contact: C. Michael Weaver

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: 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 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.

FEE REPORT FORM

Agency: State - BPOA

Date: 11/18/98

Contact: C. Michael Weaver

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:		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 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.



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
P.O. BOX 2649
HARRISBURG, PA 17105-2649
Telephone: (717) 783-7200
Fax: (717) 787-0251**

March 29, 1999

Honorable John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, Pennsylvania 17101

RE: Notice of Proposed Rulemaking:
Verification/Certification Fees
State Board of Dentistry - 16A-469
State Board of Occupational Therapy Education and Licensure - 16A-672
State Board of Social Work Examiners - 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 proposed 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 annexes amend the affected chapter of the 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:rms
Enclosures

cc: **Hon. Kim Pizzigrilli, Secretary of the Commonwealth**
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Deborah M. Griffiths, Regulatory Review Officer
Department of State
Ruth D. Dunnewold, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Counsel, State Board of Occupational Therapy Education and Licensure
Deborah B. Eskin, Counsel
State Board of Dentistry
State Board of Veterinary Medicine
Jude T. Walsh, Counsel
State Board of Social Work Examiners
Charles Hartwell, Counsel
State Registration Board for Professional Engineers, Land Surveyors and Geologists
State Board of Dentistry
State Board of Occupational Therapy Education and Licensure
State Board of Social Work Examiners
State Board of Veterinary Medicine
State Registration Board for Professional Engineers, Land Surveyors and Geologists

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 16A-578
SUBJECT: STATE BOARD OF VETERINARY MEDICINE - FEES
AGENCY: DEPARTMENT OF STATE

99 MAR 29 PM 2:20

INDEPENDENT REGULATORY
REVIEW COMMISSION

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
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3-29-99	<i>[Signature]</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/29/99	<i>Charlotte C. Koser</i>	
MAR 29 1999	<i>[Signature]</i> <i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/29/99	<i>Kim C. Garner</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
3/29/99	<i>Wayne G. Gaudin</i>	LEGISLATIVE REFERENCE BUREAU

March 9, 1999