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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Original: 2026

April 11, 2000

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

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on April 11, 2000, and voted to approve Regulation 16A-469, Regulation ~~16A-672~~, Regulation 16A-693, Regulation 16A-578, and Regulation 16A-477.

In addition, the Committee voted to take no formal action on Regulation 16A-557 until final form regulations are promulgated. However, the Committee offers the following comments:

1. The Committee questions whether the Board has the authority to promulgate subparagraph (g), which would prohibit licensees from receiving commissions for recommending or referring a product or service to "an individual or entity that can exercise significant influence over the operating, financial or accounting policies of a client." Section 12(p)(1) of the CPA Law specifically relates to recommendations and referrals made to "clients" of licensees. There is no apparent statutory authority to expand the scope of this section to include parties other than clients, regardless of whether or not such parties are in a position to exercise significant influence over clients.
2. The Committee notes that the proposed regulations are intended to implement provisions relating to referrals and commissions, which became effective with the passage of Act 140 of 1996. The Committee requests an explanation as to why it took more than three years for proposed regulations on this subject to be published.

COMMITTEES

PROFESSIONAL LICENSURE.
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS.
COCHAIRMAN EMERITUS

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John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
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Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Norbert O. Gannon, D.D.S., Chairman
State Board of Dentistry
Hanna Gruen, Chairperson
State Board of Occupational Therapy
Education and Licensure
Manuel J. Manolios, Chairman
State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors
Brian V. Harpster, V.M.D., Chairman
State Board of Veterinary Medicine
Louis A. Guzzi, P.E., President
State Registration Board for Professional Engineers,
Land Surveyors and Geologists
Thomas J. Baumgartner, CPA, Chairman
State Board of Accountancy
Honorable Kim H. Pizzingrilli, Secretary of the Commonwealth
Department of State

Regulation 16A-672

State Board of Occupational Therapy Education and Licensure

PROPOSAL: Regulation 16A-672 amends 49 PA Code, Chapter 42, regulations of the State Board of Occupational Therapy and Education Licensure. The amendment makes revisions to the schedule of Board fees by adding fees for providing verification of licensure and certification of license, scores or hours.

Regulation 16A-672 is Final Rulemaking which was delivered to the Professional Licensure Committee on March 27, 2000. The Professional Licensure Committee has until April 16, 2000, to approve or disapprove the regulation.

ANALYSIS: Pursuant to Sec. 17 of the Occupational Therapy Practice Act, 63 P.S. Sec. 1517, the Board is required to determine all fees necessary to the administration of the act. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested. The Board does not currently charge a fee for certifications or verifications. The proposed regulations would add a \$15 for the verification of licensure, and a \$25 fee for certification of licenses, scores or hours. The Board states that these figures reflect the actual costs for providing these services, rounded to the nearest \$5 increment.

The Committee requested an explanation as to the circumstances under which the Board would certify an examination score, and what accounted for the difference in the amount charged for certification and verification of licensure, when the functions of Board staff for each service appear to be identical. The Board explained that certification of examination scores is requested by licensees who are seeking licensure by reciprocity in other states. Generally, the state of original licensure is the only source of exam scores in that testing agencies do not maintain that information. Additionally, the boards of other states require that the Pennsylvania Board and other boards certify the exam scores.

The Board explained that the difference in the fee amounts for certification and verification is due to the difference in the amount of time it takes to perform each service. Verifications, which on average take five minutes to prepare, are usually computer generated letters which contain general information about the status of a license. Certifications contain additional and more specific information, and on average take 45 minutes to prepare.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives
Professional Licensure Committee
March 30, 2000