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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

Original: 2027

April 11, 2000

COMMITTEES

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

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

RECEIVED  
2000 APR 12 PM 2:40  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

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-672, Regulation 16A-672, Regulation 16A-693, Regulation 16A-578, and Regulation 16A-477.

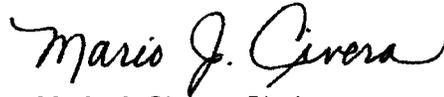
In addition, the Committee voted to take no formal action on Regulation 16A-557 until final form regulations are promulgated. However, the Committee offers the following comments:

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.

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. Pizzigrilli, Secretary of the Commonwealth  
Department of State

**Regulation 16A-469**

**State Board of Dentistry**

**PROPOSAL:** Regulation 16A-469 amends 49 PA Code, Chapter 33, regulations of the State Board of Dentistry. The amendment makes revisions to the schedule of Board fees by increasing the fees for verification of licenses and certification of scores, permits or registration.

Regulation 16A-469 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. 4(b) of the Dental Law, 63 P.S. Sec. 123(b), the Board is required to meet expenditures from revenues raised by fees, fines and civil penalties. The Board is required to increase fees by regulation so that projected revenues will meet or exceed projected expenditures. Current Board fees had been established based on 1988 estimated costs. The Board states that an audit determined that current service fees were adequate to cover costs, with the exception of fees charged for certification and verification of license records.

The proposed regulations would increase the fee for certification of scores, permit or registration from \$15 to \$25, and would increase the fee for verification of license, permit or registration from \$10 to \$15. The Board states that these figures reflect the actual cost of 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