

# Regulatory Analysis Form

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Harbison

IRRC Number: 2029

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Psychology

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

16A-636

(3) Short Title

## Application Fees

(4) PA Code Cite

49 Pa. Code §41.12

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Judith Pachter Schulder, Counsel  
State Board of Psychology**

(717)783-7200

Secondary Contact: **Joyce McKeever, Deputy Chief  
Counsel, Regulatory Review**

(717)78 3-1088

(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final, Proposed 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 regulation amends the fee schedule for the State Board of Psychology to revise fees for reapplication and certification fees and to create new fees for verification of licenses and registrations of fictitious and corporate names. The new fees are needed to cover the cost of providing those services.**

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

**The regulatory amendments are adopted under Section 3.3(d) the Professional Psychologists Practice Act (Act), Act of March 23, 1972, P.L. 136, as amended, 63 P.S. §1203.3(d).**

## 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 Board is required by statute to adopt regulations setting fees. See Item No. 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 regulation so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board are 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 regulation, the cost of providing the service will be apportioned to users, rather than burdening the entire licensee population.**

(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 the 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 costs of services which are utilized by only a portion of the licensees or applicants paid by those actually using the service.**

## 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. Applicants for services or licenses will be required to bear the up-to-date costs of providing the services involved.**

(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.)

**Applicants for licensure to practice psychology, verifications of licensure, certification of scores or experience requirements or fictitious and corporate name registrations will be required to pay the applicable fees. The Board estimates that approximately 495 persons will avail themselves of one or more of the enumerated services in a two-year period.**

(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.

**Notice of proposed rulemaking was published at 29 Pa. B. 2145 (April 24, 1999). Publication was followed by a 30-day public comment period during which the Board received no comments. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee and the Independent Regulatory Review Commission.**

(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 Board estimates that 495 persons will avail themselves of one or more of the enumerated services within a biennial period. Total aggregate additional cost for the regulated community for a biennial period would be approximately \$13,900.00. However, only those requesting the services will be affected. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.**

## 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 Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of providing the enumerated services.**

## 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
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00
Local Government						
State Government						
<b>Total Savings</b>						
<b>COSTS:</b>						
Regulated	\$7,025.00	\$7,025.00	\$7,025.00	\$7,025.00	\$7,025.00	\$7,025.00
Local Government						
State Government						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
Regulated						
Local Government						
State Government						
<b>Total Revenue Losses</b>						

(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 period (one-half biennium) multiplied by the savings or additional cost to the applicant for the service:

- |  |          |   |       |   |               |
|--|----------|---|-------|---|---------------|
| a) 1st reapplication after exam failure        | \$5(c)** | X | 12.5  | = | \$62.50(c)    |
| b) subsequent reapplication after exam failure | \$15(s)* | X | 5     | = | \$[75](s)     |
| c) certification of scores or hours            | \$10(c)  | X | 12.5  | = | \$125(c)      |
| d) verification of license or permit           | \$15(c)  | X | 162.5 | = | \$2,437.50(c) |
| e) fictitious/corporate name registration      | \$80(c)  | X | 55    | = | \$4,400(c)    |

\* designates savings

\*\* designates additional cost

**Regulatory Analysis Form**

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

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
See attached fee	report forms.			

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

**The amendments to the existing regulations will assure that the costs of providing the specified services to certain applicants and 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 Board's enabling statute requires the Board 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?

**It is unknown how this regulation compares with those of other states; however, the Board is required by statute to recoup the costs for providing the services listed in the Annex.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**This regulation will have no effect on other regulations of the Board or other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**In light of the statutory mandate, the Board has scheduled no public hearings or informational meetings regarding this regulation.**

**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 are 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 Board has perceived no special needs of any subset of its applicants or 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 as an Order of Final Rulemaking in the *Pennsylvania Bulletin*.**

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

**The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.**



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REVIEW COMMISSION

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

#2029

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 Psychology  
(AGENCY)

*Mary E. Dunlop*

DOCUMENT/FISCAL NOTE NO. 16A-636

DATE OF ADOPTION: \_\_\_\_\_

DATE OF APPROVAL

*11/19/99*  
DATE OF APPROVAL

BY: Yvonne E. Keairns  
Yvonne E. Keairns, Ph.D.

(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.

NOTICE OF FINAL RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PSYCHOLOGY  
49 Pa. Code, Chapter 41  
Application Fees

The State Board of Psychology (Board ) hereby amends its regulation at 49 Pa. Code §41.12 by revising certain application fees as set forth in Annex A.

The regulation amends reapplication and certification fees and creates verification and fictitious/corporate name registration fees to reflect the Board's actual cost of providing the services.

Notice of proposed rulemaking was published at 29 Pa. B. 2145 (April 24, 1999). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The following is a response to the 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 Boards 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.

#### Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

#### Fiscal Impact and Paperwork Requirements

The 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.

#### Statutory Authority

The amendments are authorized under Section 3.3(d) of the Professional Psychologists Practice Act (Act), Act of March 23, 1972, P.L. 136, as amended, 63 P.S. §1203.3(d).

### Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

### Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§745.1 -745.15), the agency submitted a copy of the Notice of Proposed Rulemaking, published at 29 Pa. B. 2145, on April 24, 1999, to the IRRC and the Chairmen of the HPLC and the SCP/PLC for review and comment. In compliance with Section 5(b.1), the agency also provided the IRRC and the committees with copies of all comments received, as well as other documentation.

In preparing this final form regulation the agency has considered all comments received from the Committees, IRRC and the public.

This final form regulation was (deemed) approved by the HPLC on \_\_\_\_\_ and (deemed) approved by the SCP/PLC on \_\_\_\_\_. The IRRC met on \_\_\_\_\_ and (deemed) approved the regulation in accordance with Section 5(c) of the Act.

### Contact Person

Further information may be obtained by contacting Melissa Wilson, Administrative Assistant, State Board of Psychology, at P. O. Box 2649, Harrisburg, PA 17105-2649; telephone (717) 783-7155.

### Findings

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769) (45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa. B. 2145.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(1) The regulations of the Board, 49 Pa. Code Chapter 41, are amended as set forth in Annex A.

(2) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(3) The Board shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(4) This order shall take effect upon publication in the Pennsylvania Bulletin.

**ANNEX A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 41. STATE BOARD OF PSYCHOLOGY**

**FEEES**

**§41.12. Fees.**

The schedule of fees charged by the Board is as follows:

Initial Application Fee.....	\$105
Reapplication Fee - First time examination failure.....	<del>15</del> 20
Reapplication Fee - Subsequent examination failure.....	<del>105</del> 90
. . .	
Certification Fee.....	<del>15</del> 25
<u>Verification Fee.....</u>	<u>\$15</u>
Biennial Renewal Fee.....	\$120
Application Fee - Continuing education sponsor/provider approval.....	\$165
<u>Fictitious/Corporate Name Registration.....</u>	<u>\$80</u>



# PROPOSED RULEMAKING

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 91, 97 AND 101]

### Wastewater Management; Advance Notice of Final Rulemaking

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends to be made to the proposed amendments, which were published as proposed rulemaking at 27 Pa.B. 4343 (August 23, 1997). The Department is also holding one public hearing for the purpose of accepting comments from the public.

The draft final regulations are designed, in part, to supplement the Department's implementation of its "Final Strategy for Meeting Federal Requirements for Controlling Water Quality Impacts of Concentrated Animal Feeding Operations" (the CAFO Strategy). Notice of this strategy was published at 29 Pa.B. 1439 (March 13, 1999). In response to the implementation of this strategy and following the Department's review of other related information, including public comments on the proposed rulemaking, the Department has prepared a draft final regulations for public comment. The draft final regulation contain significant changes in four major areas. Sections 91.6, 91.11 and 91.34 have been revised to provide guidance on pollution prevention measures. The freeboard requirements for waste impoundments in § 91.35 have been revised to reflect the CAFO Strategy. The agricultural operation pollution control and prevention provisions of § 91.36 have also been revised to reflect the CAFO Strategy. And finally, regulatory language is being proposed to replace guidance outlined in proposed § 91.37 relating to private projects.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance.

A copy of the draft final regulations is available from Mary Miller at the Department of Environmental Protection, Bureau of Water Quality Protection, (717) 787-8184. Written comments on the draft final regulations must be received by May 26, 1999; no telefax comments will be accepted. Comments or requests for copies should be addressed or delivered to Milton Lauch, Chief, Division of Wastewater Management, Bureau of Water Quality Protection, P. O. Box 8774, 10th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8774. The draft final regulations are also available electronically through the DEP Web site (<http://www.dep.state.pa.us>). Comments may be transmitted electronically to [RegComments@A1.dep.state.pa.us](mailto:RegComments@A1.dep.state.pa.us), and must also be received by May 26, 1999. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

A public hearing on the draft final regulations will be held at 6:30 p.m. on May 25, 1999, at the Southcentral

Regional Office of the Department of Environmental Protection, which is located at 909 Elmerton Avenue, Harrisburg, PA.

Persons wishing to present testimony at the hearings are requested to contact Mary Miller at (717) 787-8184 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the time of the hearing. Each organization is limited to designating one witness to present testimony on its behalf.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Miller at (717) 787-8184 or the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
Secretary

(Pa.B. Doc. No. 99-657. Filed for public inspection April 23, 1999, 9:00 a.m.)

## STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

### Application Fees

The State Board of Psychology (Board) proposes to amend § 41.12 (relating to fees) by revising certain application fees to read as set forth in Annex A.

#### A. Effective Date

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

#### B. Statutory Authority

The proposed amendment is authorized under section 3.3(d) of the Professional Psychologists Practice Act (act) (63 P. S. § 1203.3(d)).

#### C. Background and Purpose

The 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  
 ×  
 pay rate for the classification of personnel performing the function  
 +  
 a proportionate share of administrative overhead

The analysis determined that the fees for five services do not accurately reflect the actual cost of providing those services: reapplication following a first examination failure; reapplication following subsequent examination failure; verification of license; certification of examination scores and experience; and, fictitious and corporate name registration. The first reapplication fee and certification of scores/license have not been revised since 1987, while the subsequent reapplication fee was last revised in 1990. No fee is in place for verification of licensure or for registration of a corporate or fictitious name. The application fee following a second or subsequent examination failure exceeded the actual cost of providing the service.

Sections 41.26 and 41.27 (relating to professional corporations; and fictitious names) require the Board to review and approve articles of incorporation and registry statements for proposed corporations and fictitious name registrations in accordance with § 41.61 (relating to Code of Ethics). This review process involves Board staff, including the Administrator, as well as the entire Board.

In this proposal, fees for the services identified previously would be adjusted to allocate costs to those who use the service or make application. The Board would continue to apportion enforcement and operating costs to the general licensing population by means of its license renewal fee through the biennial reconciliation of revenue and expenditures.

*D. Compliance with Executive Order 1996-1*

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

*E. Fiscal Impact and Paperwork Requirements*

The proposed amendment 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 proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*F. Sunset Date*

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

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 12, 1999, the Board submitted a copy of proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairperson of

the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, the Board has provided IRRC 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 IRRC has objections to any portion of the proposed amendment, it will notify the Board 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.

*H. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Melissa M. Wilson, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-636 (Application Fees), when submitting comments.

YVONNE E. KEAIRNS, Ph.D.,  
 Chairperson

Fiscal Note: 16A-636. No fiscal impact; recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 41. STATE BOARD OF PSYCHOLOGY LICENSES**

**§ 41.12. Fees.**

The schedule of fees charged by the Board is as follows:

	* * * * *	
Reapplication fee—first time examination failure.....		\$[ 15 ]20
Reapplication fee—subsequent examination failure .....		\$[ 105 ]90
	* * * * *	
Certification fee.....		\$[ 15 ]25
Verification fee.....		\$15
	* * * * *	
Fictitious/corporate name registration .....		\$80

(Pa.B. Doc. No. 99-658. Filed for public inspection April 23, 1999, 9:40 a.m.)



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PSYCHOLOGY  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3658**

November 30, 1999

The Honorable John R. McGinley, Jr., Chairperson  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Psychology  
Application Fees: 16A-636

Dear Chairperson McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Psychology pertaining to application fees.

The Board will be pleased to provide whatever information the Committee may require during the course of its review of the rulemaking.

Sincerely,

*Yvonne E. Keairns*

Yvonne E. Keairns, Ph.D., Chairperson  
State Board of Psychology

YEK/JPS:bjd  
Enclosure

c: C. Michael Weaver, Deputy Secretary for Regulatory Programs  
Department of State  
Dorothy Childress, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Judith Pachter Schulder, Counsel  
State Board of Psychology  
State Board of Psychology

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 16A-636  
SUBJECT: State Board of Psychology - Application Fees  
AGENCY: DEPARTMENT OF STATE

1999 NOV 30 PM 3: 03  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11/20/99	<i>Sammy Weisner</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
11/30/99	<i>Debra M. Stein</i>	
_____	_____	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
11/20/99	<i>Kevin C. Barber</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL
_____	_____	LEGISLATIVE REFERENCE BUREAU

November 23, 1999