

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

CA

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs

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

16-20

IRRC Number:

2054

(3) Short Title

Schedule of Civil Penalties

(4) PA Code Cite

49 Pa. Code, Chapter 43B

(5) Agency Contacts & Telephone Numbers

Primary Contact: Beth Sender Michlovitz, Esquire
(717) 783-7200

Secondary Contact: Ruth D. Dunnewold, Esquire
(717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
Policy Statement

(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.

This final regulation amends 49 Pa. Code Chapter 43 to provide for a schedule of civil penalties for (1) operating without a current and valid license, registration, certificate or permit and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

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

The amendment is authorized under Section 5(a) of the Act of June 2, 1993, (P.L. 345, No. 48), 63 §2205(a) (referred to herein as Act 48).

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(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.

Section 5(a) of Act 48 requires the Commissioner to promulgate regulations to implement a schedule of civil penalties, guidelines and procedures applicable to disciplinary matters within two years of the date of publication of an initial schedule of penalties in the PA Bulletin. A statement of policy was published at 28 PA Bulletin 5883 (November 28, 1998); the regulations must therefore become effective on or before November 28, 2000.

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

There is a compelling public interest in facilitating and expediting disciplinary procedures with respect to licensure violations that are relatively minor in nature.

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

Nonregulation would result in relatively minor violations of the licensure boards' and commissions' rules and regulations being resolved through the regular disciplinary procedures, which would be costly and much more time consuming.

(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 public will benefit from these regulations because minor violations will be resolved expeditiously. This will promote the public health, safety and welfare and enhance the quality of licensed professional and occupational services.

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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.)

No segment of the population 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.)

All licensees of the following licensure boards and commissions will be required to comply with this regulation: State Board of Pharmacy; State Board of Accountancy; State Architects Licensure Board; State Board of Auctioneer Examiners; State Registration Board for Professional Engineers, Land Surveyors and Geologists; State Board of Dentistry

(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.

Prior to adopting the statement of policy at 28 Pa. Bulletin 5883 (November 28, 1998), the Commissioner consulted with the applicable licensing boards, notified the various professional associations and invited comments and suggestions regarding its implementation. In addition, pursuant to the Governor's Executive Order 1996-1, the Commissioner again notified the individuals and associations identified by the licensing boards and commissions of the Bureau's intent to promulgate proposed regulations and offered them the opportunity to comment on this proposal. The boards and commissions considered these comments in developing proposed rulemaking. Proposed rulemaking was published in the Pennsylvania Bulletin at 29 Pa. Bulletin 4437 (August 21, 1999). The public was given 30 days to comment on the proposed schedules. Comments were received from the Independent Regulatory Review Commission (IRRC) the House Professional Licensure Committee and the Pennsylvania Dental Association and most suggested changes were implemented to the final rulemaking.

(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 regulation will impose no additional costs on the regulated community. The cost of monitoring and securing compliance with citations issued should be offset by the payment of civil penalties.

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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.

N/A

(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.

N/A

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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:	\$	\$	\$	\$	\$	\$
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Revenue Losses						

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

There are no additional savings or costs to state or local governments inasmuch as all of the regulatory and enforcement programs of the Boards are sustained by licensure fees and civil penalties. The Boards anticipate that by employing the citation program and the schedule of civil penalties, overall enforcement costs can be contained.

Regulatory Analysis Form

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

Program	FY -3	FY -2	FY -1	Current FY
State Architect Licensure Board	234,409.93	277,578.74	244,571.39	292,000.00
State Board of Auctioneer Examiners	105,000.00	152,650.85	241,938.14	160,000.00
State Board of Pharmacy	1,176,222.19	1,147,764.13	1,215,882.43	1,249,000.00
State Registration Board for Professional Engineers, Land Surveyors and Geologists	556,637.00	677,441.45	656,170.95	695,000.00
State Board of Accountancy	452,512.15	534,305.83	527,734.88	588,000.00
State Board of Dentistry	684,395.06	799,341.21	774,942.89	844,000.00

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

See #20.

(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 enabling statute requires the promulgation of regulations.

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

No regulatory alternatives were considered.

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(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.

There are no federal standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation is similar to that of other states that have elected to issue citations for relatively minor violations. The regulation will not adversely impact Pennsylvania's competitive advantage.

(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 complement existing regulations of the promulgating agency by expediting disciplinary proceedings at a lower cost.

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

There are no plans to hold any public hearings or informational meetings.

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(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.

Act 48 requires each board to submit an annual report to the General Assembly containing data on the number and type of complaints received and on the status and disposition of cases, including a figure reflecting the percentage of revocations and suspensions in relation to the total number of licensees. As the boards and commission and legal office acquire experience with the administration of civil penalties under Act 48, boards' records will permit improvements or modifications in their facility requirements and schedule of fines.

(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.

Not applicable.

(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 regulations will become effective upon publication as final rulemaking in the Pennsylvania Bulletin. Section 5(a) of the Act of June 2, 1993 (P.L. 345, No. 48) (63 P.S. §2205) requires the Commissioner to promulgate these regulations finally within two years of the date of publication of a statement of policy setting forth the schedule of civil penalties. That deadline is on November 28, 2000.

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

After adoption, the boards and commission will monitor the effectiveness of the regulation in the course of its ongoing implementation of the regulation as part of the licensure process.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

2054

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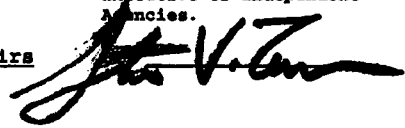
Copy below is hereby approved as to form and legality. Attorney General

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)

Bureau Of Professional and Occupational Affairs
(AGENCY)



DOCUMENT/FISCAL NOTE NO. 16-20

DATE OF APPROVAL

DATE OF ADOPTION: _____

7/17/00
DATE OF APPROVAL

BY: Dorothy Childress
Dorothy Childress

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

TITLE: Commissioner
(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
49 PA. CODE, CHAPTER 43B
SCHEDULE OF CIVIL PENALTIES
16-20

By this Order, the Commissioner of Professional and Occupational Affairs (Commissioner) amends 49 Pa. Code Chapter 43b by adding regulations as set forth in Annex A.

The amendments are made under the authority of Section 5(a) of the Act of June 2, 1993, (P.L. 345, No. 48), 63 P.S. §2205(a).

Notice of Proposed Rulemaking was published at 29 Pa. Bulletin 4437 (August 21, 1999) following which the Commissioner accepted public comment for thirty (30) days. Comments were received from the Pennsylvania Dental Association. Suggestions and comments were also submitted by the Independent Regulatory Review Commission (IRRC) and the House Committee on Professional Licensure (House Committee).

Comments submitted by the IRRC and the House Committee related to the clarity and consistency of the regulations. First, the IRRC suggested that Section 43b.3 be amended to reflect the additional schedules of civil penalties proposed in this regulation. Both the House Committee and the IRRC commented on an inconsistency between Section 43b.7 relating to pharmacists and pharmacies and existing regulation 49 Pa. Code §27.15. In particular, the description of violations in proposed rulemaking was not consistent with the existing subsections of the Pharmacy Board's rules and regulations. The IRRC also commented that the penalty column under Section 43b.12a was missing the word "action" after the word "formal." In addition, the IRRC suggested that Section 43b.13a, relating to the description of conduct be consolidated and clearly establish that the violation is for representing oneself to be an engineer, land surveyor or geologist on a sign, advertisement, letterhead or card, without being licensed or registered. The Commissioner has implemented all of these suggestions.

The House Committee commented that the civil penalty for practicing on a lapsed license is not uniform among the various licensing boards. The House Committee requested an explanation as to why the Boards would assess different penalties for the same offense. The explanation for this is that each board has independent authority to implement its own schedule of penalties, and therefore, approved its own schedule of civil penalties. The Commissioner perceives no special need for uniformity among all licensing boards in the Bureau of Professional and Occupational Affairs for operating without a personal or facility license and notes the varying degrees of harm to the public.

The Pennsylvania Dental Association (PDA) commented on the proposed civil penalty for dentists, dental hygienists, and expanded function dental assistants for practicing on a lapsed license/certificate, expressing concern that dentists who have made a good faith effort to comply with proposed regulations, but are denied a license on the grounds of non-compliance with those proposed regulations, would be subject to penalties. The State Board of Dentistry notes that Section 10.1 of the Dental Law, 63 P.S. §129.1, authorizes the Board to levy a civil penalty of up to \$1,000 on any current licensee who practices without being properly licensed or certified to do so. As such, licensees are already subject to a \$1,000 civil penalty. Enforcement of these regulations for practicing on a lapsed license, which also constitutes unlicensed practice, will not be instituted until

they are published as final. Any disciplinary action will be taken based upon non-compliance with regulations or Section 10.1 of the Dental Law.

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. §745.5(a), the agency submitted a copy of the Notice of Proposed Rulemaking, published at 29 Pa.B. 4437, on August 21, 1999, to IRRC and the Chairmen of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for Review and Comment. In compliance with Section 5(b.1), the agency also provided the Commission and the Committees with copies of all comments received.

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

This final form regulation was approved by the House Committee on _____ (date) and approved by the Senate Committee on _____ (date). The Commission met on _____ (date) and approved the regulation in accordance with Section 5(e) of the Act.

FISCAL IMPACT

Professional licensing statutes require each board and commission to be self-supporting. Revenues must be generated by fees paid by licensees and must meet or exceed budgeted expenditures.

A board's disciplinary duties consist of investigating complaints, inspecting licensed facilities, and meting out appropriate sanctions. Although the boards are not supported by General Fund tax revenues, members of the regulated community are assessed a biennial renewal fee which finances a board's operations, including the disciplinary function.

Licensees are impacted individually when they are found guilty of violating a board's act or regulations and a fine is levied. A licensee who disputes charges brought against him or her, including those filed as civil penalty citations pursuant to Act 48, may request a hearing before a hearing examiner or appeal a decision to the appropriate board. The more resources and time expended by personnel of the Department to dispose of disciplinary cases, the greater the impact of the disciplinary function upon a board's operating costs.

PAPERWORK REQUIREMENTS

The amendments will not necessitate any legal, accounting, reporting or other paperwork requirements.

STATUTORY AUTHORITY

The amendment is authorized under Section 5(a) of the Act of June 2, 1993 (P.L. 345, No. 48), 63 P.S. §2205(a), which provides the Commissioner with authority to promulgate regulations adopting a schedule of civil penalties, after consultation with the licensing boards and commissions, for (1) operating without a current and valid license, registration, certification or permit and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

CONTACT PERSON

Individuals who desire information are invited to submit inquiries to Commissioner Dorothy Childress, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649.

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. 4437.

(4) This amendment is necessary and appropriate for administration and enforcement of the authorizing acts identified in this Preamble.

ORDER

The Commissioner of the Bureau of Professional and Occupational Affairs hereby orders:

(1) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending Sections 43b.3 and 43b.7 and adding Sections 43b.10a-43b.14a.

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

(4) This Order shall become effective immediately 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 43b. Commissioner of Professional and Occupational Affairs

Schedule of Civil Penalties, Guidelines for Imposition
of Civil Penalties and Procedures for Appeal

§43b.3 Procedures.

* * *

(b) Citations.

(1) If an inspection reveals a violation of a statute or a regulation for which a civil penalty has been established under the schedules in §§43b.4 - [43b.9] 43b.14a, the authorized agent may prepare a citation indicating the violations found and the penalties imposed. A copy of the citation will be provided to the respondent.

* * *

§43b.7 Schedule of civil penalties - pharmacists and pharmacies.

Violation under 49 Pa. Code Chapter 27	Title/Description	Civil Penalty
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* * *

Section 27.15	Sanitary standards	
	(a) and (b) uncleanliness	[\$250]
	[(c)](b)(a) Pharmacy not in good repair <u>OR NOT IN CLEAN AND ORDERLY CONDITION</u>	\$250
	<u>(b) VIOLATION OF HEALTH AND SANITATION STATUTES OF THE COMMONWEALTH AND OF THE MUNICIPALITY AND COUNTY WHERE PHARMACY IS LOCATED.</u>	<u>\$250</u>
	[(d)](c) Waste disposal violations	\$250
	[(e)] (d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects	\$250
	[(f)](e) Plumbing not	\$250

	functional	
	[(g)](f) Unauthorized items in prescription area	\$250
Section 27.16	Construction requirements -	\$250
	(b)[(5)](4) Lack of telephone	
	[(6)](5) Lack of required sanitary facilities	\$250
	[(8)](7) Television set in prescription area not intended for pharmacy instructional use	\$500
	[(9)](8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250

* * *

<u>Section 27.31</u>	<u>Biennial renewal - (c) practicing on a lapsed license or permit</u>	<u>0-4 months - \$50 per month; over 4 months - 8 months - \$100 per month; over 9 months - 12 months - \$200 per month; over 1 year - formal action</u>
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* * *

§43b.10a. Schedule of civil penalties - accountants

State Board of Accountancy

<u>Violation under</u>	<u>Title/Description</u>	<u>Civil Penalty</u>
<u>63 P.S. Section 9.8b(b)</u>	<u>Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)</u>	<u>1st offense - \$150 2nd offense - formal action</u>
<u>Section 9.12(a)</u>	<u>Unlawful use of "certified public accountant," "CPA" or</u>	<u>1st offense - \$500*</u>

	<u>similar representation by person never licensed</u>	<u>2nd offense - formal action</u>
	<u>Unlawful use of "certified public accountant," "CPA" or similar representation by person not currently licensed</u>	<u>1st offense - up to 90 days past renewal deadline - warning</u> <u>90 days - 180 days past renewal deadline - \$500</u> <u>2nd offense - formal action</u>
<u>Section 9.12(c)</u>	<u>Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm never licensed</u>	<u>1st offense - \$500*</u> <u>2nd offense - formal action</u>
	<u>Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm not currently licensed</u>	<u>1st offense - up to 90 days past renewal deadline - warning</u> <u>90 days - 180 days past renewal deadline - \$500</u> <u>2nd offense - formal action</u>
<u>Section 9.12(j)</u>	<u>Unlawful use of "public accountant," or "PA" or similar representation by person never licensed</u>	<u>1st offense \$500*</u> <u>2nd offense - formal action</u>
	<u>Unlawful use of "public accountant," or "PA" or similar representation by person not currently licensed</u>	<u>1st offense - up to 90 days past renewal deadline - warning</u> <u>90 days - 180 days past renewal deadline - \$500</u> <u>2nd offense - formal action</u>

<u>Section 9.12(o)</u>	<u>Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm never licensed</u>	<u>1st offense - \$250*</u> <u>2nd offense - formal action</u>
	<u>Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm not currently licensed</u>	<u>1st offense - up to 90 days past renewal deadline-warning</u> <u>90 days to 180 days past renewal deadline - \$250</u> <u>2nd offense - formal action</u>
<u>Violation under 49 Pa. Code, Chapter 11 Section 11.62(a)(2)</u>	<u>Failure to complete 20 hours of continuing education each year (assumes no other continuing education violation)</u>	<u>1st offense - \$150</u> <u>2nd offense- formal action</u>
<u>Section 11.68(b)</u>	<u>Failure to timely submit documentation of continuing education during Board audit (assumes no other continuing education violation)</u>	<u>1st offense - \$500</u> <u>2nd offense - formal action</u>

* The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct

§43.b.11a. Schedule of civil penalties - architects

STATE ARCHITECTS LICENSURE BOARD

<u>Violation Under 63 P.S.</u>	<u>Violation Under 49 Pa. Code Chapter 9</u>	<u>Description Violation</u>	<u>Penalties</u>
<u>§34.12(a)</u>	<u>N/A</u>	<u>Architect impressing his seal or knowingly permitting it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his personal supervision.</u>	<u>1st offense - \$1,000</u> <u>2nd offense - formal</u>
<u>§34.12(a)</u>	<u>N/A</u>	<u>Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's certificate has expired, or has been revoked, annulled or suspended.</u>	<u>1st offense - \$1,000</u> <u>2nd offense - formal</u>
<u>§34.13(h)</u>	<u>§9.163</u>	<u>Engaging in the practice of architecture as a professional association, partnership, professional corporation, or business corporation without first receiving the written approval of the Board.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</u>
<u>§34.18(a) and (b)</u>	<u>§9.171</u>	<u>Use of the word "architect" or "architects" in the surname, word, or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board.</u>	<u>1st offense - \$1,000</u> <u>2nd offense - formal</u>

§43b.12a. Schedule of civil penalties - auctioneers, apprentice auctioneers, auction houses and auction companies.

STATE BOARD OF AUCTIONEER EXAMINERS

Proposed Schedule

<u>Violation Under 63 P.S.</u>	<u>Violations Under Title 49 Chapter 1</u>	<u>Description of Violation</u>	<u>Penalties</u>
<u>§§734.3(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.3(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Engaging in unlicensed auctioneering activities in this Commonwealth.</u>	<u>1st offense - \$1,000 2nd offense - formal action</u>
<u>§§734.9(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating an unlicensed auction house in this Commonwealth.</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.10(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating as an unlicensed auction company in this Commonwealth.</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.9(d) and 734.20(a)(9)</u>	<u>N/A</u>	<u>A licensed auctioneer operating an unregistered auction house in this Commonwealth.</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.10(d) and 734.20(a)(9)</u>	<u>N/A</u>	<u>A licensed auctioneer operating an unregistered auction company in this Commonwealth</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.9(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating an auction house on a lapsed license in this Commonwealth</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§§734.10(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating an auction company on a lapsed license in this Commonwealth</u>	<u>1st offense - \$500 2nd offense - \$1,000 3rd offense - formal action</u>
<u>§734.20(a)(12)</u>	<u>N/A</u>	<u>Failure of an auctioneer to establish or maintain an escrow</u>	<u>1st offense - \$500 2nd offense - \$1,000</u>

		<u>account.</u>	<u>3rd offense - formal action</u>
<u>§§734.21 and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>
<u>§§734.17 (a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>
<u>§§734.17(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an auctioneer to keep contracts on file in the office of the auctioneer.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>
<u>§§734.16(b) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>
<u>§§734.18(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an auctioneer to display auctioneer license in the auctioneer's office.</u>	<u>1st offense - \$250</u> <u>2nd offense - \$500</u> <u>3rd offense - formal action</u>
<u>§§734.18(b) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.</u>	<u>1st offense - \$250</u> <u>2nd offense - \$500</u> <u>3rd offense - formal action</u>
<u>§734.20(a)(10)</u>	<u>§§1.31(c) and (d)</u>	<u>Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>
<u>§§734.20(a)(10)</u>	<u>§1.31(e)</u>	<u>Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal action</u>

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS
 AND GEOLOGISTS**

Violation Under
 63 P.S.

Title /Description

Penalties

Section 150(b)

Representing himself or
 herself to be ONESELF AS an
 engineer, land surveyor or geologist
 without being licensed or
 registered:

ON (1) by sign:

1st offense - \$1,000
2nd offense - formal action

(2) by advertisement:

1st offense - \$1,000
2nd offense - formal action

(3) by letterhead: or

1st offense - \$1,000
2nd offense - formal action

(4) by card: WITHOUT
 BEING LICENSED OR
 REGISTERED

1st offense - \$1,000
2nd offense - formal action

Section 151(e)

Biennial renewal -
 Practicing on a lapsed
 license or registration

1st offense -
Up thru 5 months - \$500
6 months thru 1 year - \$1,000
over 1 year - formal action

2nd offense - formal action

§43b.14a. Schedule of civil penalties - dentists, dental hygienists and expanded function dental
 assistants.

STATE BOARD OF DENTISTRY

<u>Violation under 49 Pa. Code</u>	<u>Title/Description</u>	<u>Civil Penalty</u>
<u>§33.105(b)</u>	<u>Practicing on a lapsed license/certificate</u>	<u>1st offense-</u> <u>Dentists - \$100/month</u> <u>Dental hygienists - \$50/month</u> <u>Expanded function dental</u> <u>assistants - \$25/month</u> <u>2nd offense - formal action</u>

PROPOSED RULEMAKING

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) to read as set forth in Annex A.

Section 5(a) of the act of June 2, 1993 (P. L. 345, No. 48) (act) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau, to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Section 5(a) of the act further requires the Commissioner to publish in the *Pennsylvania Bulletin* the schedule of penalties, guidelines for imposition and procedures for appeal of the imposition of civil penalties. Accordingly, the Commissioner published a statement of policy pertaining to the amended schedule of civil penalties at 28 Pa.B. 5883 (November 28, 1998).

Section 5(a) of the act also requires the Commissioner to promulgate regulations finalizing this amended schedule of civil penalties within 2 years of the schedule being published in the *Pennsylvania Bulletin*. Therefore, the Commissioner has until November 28, 2000, to promulgate final-form regulations. The Commissioner intends to accomplish this mandate by promulgating the amendments in Annex A.

Prior to adopting the statement of policy, the Commissioner consulted with the applicable licensing boards, notified the various professional associations and invited comments and suggestions regarding its implementation. In addition, under the Governor's Executive Order 1996-1, the Commissioner notified the individuals and associations identified by the licensing boards and commissions of the Bureau's intent to promulgate proposed regulations and offered them the opportunity to comment on this proposal. The boards considered these comments in developing the proposed schedules.

Since its implementation, sanctions imposed for relatively minor violations have been entered more quickly than it would have taken to resolve these cases under regular disciplinary procedures. Based upon the effectiveness of the implementation of the statement of policy and upon the implementation of Chapter 43b, the Commissioner proposes these regulatory amendments finalizing the schedule of civil penalties.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 1999, the Commissioner submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Professional Licensure and to the Senate Committee on Consumer Protection and Professional Licensure. In addition

to submitting the proposed amendments, the Commissioner has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commissioner in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Commissioner 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 Commissioner, the General Assembly and the Governor, of objections raised.

Fiscal Impact

Professional licensing statutes require each board to be self supporting. Revenues must be generated by fees paid by licensees and must meet or exceed budgeted expenditures.

A board's disciplinary duties consist of investigating complaints, inspecting licensed facilities and meting out appropriate sanctions. Although the boards are not supported by general fund tax revenues, members of the regulated community are assessed a biennial renewal fee which finances them operations, including the disciplinary function.

Licensees are impacted individually when they are found guilty of violating a board's act and a fine is levied. Licensees who dispute charges brought against them including those filed as civil penalty citations under the act, may request a hearing before a hearing examiner or appeal a decision to the appropriate board. The more resources and time expended by personnel of the department to dispose of disciplinary cases, the greater the impact of disciplinary function upon a board's operating costs.

Paperwork Requirements

The proposed amendments will not necessitate any legal, accounting, reporting or other paperwork requirements.

Statutory Authority

The amendments are proposed under section 5(a) of the act, which gives the Commissioner the authority to adopt a schedule of civil penalties for: (1) operating without a current and valid license, registration, certification or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Commissioner Dorothy Childress, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following the publication of the proposed amendments in the *Pennsylvania Bulletin*.

DOROTHY CHILDRESS,
Commissioner

Fiscal Note: 16-20. No fiscal impact; (8) recommends adoption.

PROPOSED RULEMAKING

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.7. Schedule of civil penalties—pharmacists and pharmacies.

STATE BOARD OF PHARMACY

Violation Under 49 Pa. Code Chapter 27	Title/Description	Civil Penalty
	* * * * *	
Section 27.15	Sanitary standards— (a) and (b) Uncleanliness	\$250
	[(c)] (b) Pharmacy not in good repair	\$250
	[(d)] (c) Waste disposal violations	\$250
	[(e)] (d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects	\$250
	[(f)] (e) Plumbing not functional	\$250
	[(g)] (f) Unauthorized items in prescription area	\$250
Section 27.16	Construction requirements— (b) [(5)] (4) Lack of telephone	\$250
	[(6)] (5) Lack of required sanitary facilities	\$250
	[(8)] (7) Television set in prescription area not intended for pharmacy instructional use	\$500
	[(9)] (8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250
	* * * * *	
Section 27.31	Biennial renewal—(c) practicing on a lapsed license or permit	0—4 months—\$50 per month; over 4 months—8 months—\$100 per month; over 9 months—12 months—\$200 per month; over 1 year—formal action

§ 43b.10a. Schedule of civil penalties—accountants

STATE BOARD OF ACCOUNTANCY

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.8b(b)	Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 9.12(a)	Unlawful use of "certified public accountant," "CPA" or similar representation by person never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of "certified public accountant," "CPA" or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action

PROPOSED RULEMAKING

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Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.12(c)	Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of "certified public accountant," "public accountant," "CPA," "PA" or similar representation by a firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(j)	Unlawful use of "public accountant," or "PA" or similar representation by person never licensed	1st offense \$500* 2nd offense—formal action
	Unlawful use of "public accountant," or "PA" or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days—180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm never licensed	1st offense—\$250* 2nd offense—formal action
	Unlawful representation of membership in professional society, association, or organization of CPA's or PA's by person or firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning 90 days to 180 days past renewal deadline—\$250 2nd offense—formal action
Violation under 49 Pa. Code, Chapter 11		
Section 11.62(a)(2)	Failure to complete 20 hours of continuing education each year (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 11.68(b)	Failure to timely submit documentation of continuing education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd offense—formal action

* The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct

§ 43b.11a. Schedule of civil penalties—architects.

STATE ARCHITECTS LICENSURE BOARD

Proposed Schedule

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description Violation	Penalties
§ 34.12(a)	N/A	Architect impressing his seal or knowingly permitting it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his personal supervision.	1st offense—1,000 2nd offense—formal action
§ 34.12(a)	N/A	Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's certificate has expired, or has been revoked, annulled or suspended.	1st offense—\$1,000 2nd offense—formal action

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description Violation	Penalties
§ 34.13(h)	§ 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, or business corporation without first receiving the written approval of the Board.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
§ 34.18(a) and (b)	§ 9.171	Use of the word "architect" or "architects" in the surname, word, or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board.	1st offense—\$1,000 2nd offense—formal action
§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies.			

STATE BOARD OF AUCTIONEER EXAMINERS

Proposed Schedule

Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
§§ 734.3(a) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in this Commonwealth.	1st offense—\$1,000 2nd offense—formal
§§ 734.9(a) and 734.20(a)(9)	N/A	Operating an unlicensed auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.9(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.9(a) and 734.20(a)(9)	N/A	Operating an auction house on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.10(a) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§ 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.17 (a) and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.17(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal
§§ 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal

PROPOSED RULEMAKING

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Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
§§ 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
§§ 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
§ 734.20(a)(10)	§§ 1.31(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
§ 734.20(a)(10)	§ 1.31(e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation Under 63 P. S.	Title /Description	Penalties
Section 150(b)	Representing himself or herself to be an engineer, land surveyor or geologist without being licensed or registered by one or more of the following: (1) Sign. (2) Advertisement. (3) Letterhead. (4) Card.	1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action 1st offense—\$1,000 2nd offense—formal action
Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense—Up thru 5 months—\$500 6 months thru 1 year—\$1,000 over 1 year—formal action 2nd offense—formal action

§ 43b.14a. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.

STATE BOARD OF DENTISTRY

Violation under 49 Pa. Code	Title/Description	Civil Penalty
§ 33.105(b)	Practicing on a Lapsed license/certificate	1st offense—Dentists—\$100/month Dental hygienists—\$50/month Expanded function dental assistants—\$25/month 2nd offense—formal action



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

Office of the Commissioner

(717) 787-8503
FAX No. (717) 787-7769

September 18, 2000

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

Re: Final Regulation
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties: 16-20

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

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

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Childress".

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Lee Ann H. Murray, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, Counsel
Department of State



COMMONWEALTH OF PENNSYLVANIA
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Sincerely,

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Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp
Enclosure

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Department of State
Dorothy Childress, Commissioner
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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

Office of the Commissioner

(717) 787-8503
FAX No. (717) 787-7769

September 18, 2000

The Honorable Clarence D. Bell, Chairman
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
20 Main Capitol, East Wing
Harrisburg, Pennsylvania 17120

Re: Final Regulation
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties: 16-20

Dear Senator Bell:

Enclosed are twenty copies of a final rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

The Bureau will be pleased to provide whatever information the Committee may require during the course of its review of this regulation.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Childress".

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Lee Ann H. Murray, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, Counsel
Department of State



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

Office of the Commissioner

(717) 787-8503
FAX No. (717) 787-7769

September 18, 2000

The Honorable Lisa M. Boscola, Minority Chairperson
Consumer Protection and Professional Licensure Committee
SENATE OF PENNSYLVANIA
633 Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties: 16-20

Dear Senator Boscola:

Enclosed is a copy of a final rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

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

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Childress".

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Lee Ann H. Murray, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, Counsel
Department of State



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

Office of the Commissioner

(717) 787-8503
FAX No. (717) 787-7769

September 18, 2000

The Honorable Mario J. Civera, Jr., Chairman
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
315-D Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties: 16-20

Dear Representative Civera:

Enclosed is a copy of a final rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

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

Sincerely

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Lee Ann H. Murray, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
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Beth Sender Michlovitz, Counsel
Department of State



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

Office of the Commissioner

(717) 787-8503
FAX No. (717) 787-7769

September 18, 2000

The Honorable William W. Rieger, Minority Chairman
Professional Licensure Committee
PENNSYLVANIA HOUSE OF REPRESENTATIVES
327-C Main Capitol
Harrisburg, Pennsylvania 17120

Re: Final Regulation
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties: 16-20

Dear Representative Rieger:

Enclosed is a copy of a final rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

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

Sincerely,

Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

DC/BSM:kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Lee Ann H. Murray, Regulatory Counsel
Bureau of Professional and Occupational Affairs
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, Counsel
Department of State

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

I.D. NUMBER: 16-20
 SUBJECT: Schedule of Civil Penalties
 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 SEP 18 PM 12: 22
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
9/18/00	<i>[Signature]</i>	HOUSE COMMITTEE ON STATE GOVERNMENT
SEP 18 2000	<i>[Signature]</i>	SENATE COMMITTEE ON STATE GOVERNMENT
9/18/00	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

July 17, 2000