

Regulatory Analysis Form		This space for use by IRRC RECEIVED 99 AUG 10 PM 3:15 DEPARTMENT OF STATE BUSH IRRC Number: 2054	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs			
(2) I.D. Number (Governor's Office Use) 16-20			
(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 - 783-7200 Secondary Contact: Ruth D. Dunnewold - 783-7200	
(6) Type of Rulemaking (check one) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Policy Statement		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. <p>This proposed regulation would amend 49 Pa. Code, Chapter 43b to provide for a schedule of civil penalties pertaining to the following licensing boards: 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; and State Board of Dentistry. These schedules would be imposed for relatively minor statutory or regulatory violations.</p>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. <p>The proposed rulemaking is authorized under section 5(a) of the Act of June 2, 1993, P.L. 345, (No. 48), 63 P.S. §2205(a).</p>			

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.

Section 5(a) of Act 48, 63 P.S. §2205(a), 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 Pennsylvania Bulletin. A statement of policy pertaining to these provisions 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' 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's health, safety and welfare and enhance the quality of licensed professional and occupational services.

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.)

It is not anticipated that any segment of the population would 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 would 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; and 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. The Board has considered these comments on developing the proposed schedules.

(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.

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.

Not applicable.

(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.

Not applicable.

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
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.

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.

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

No regulatory alternatives were considered.

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.

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 would 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.

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.

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 commissions 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?

This regulation 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 a 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 will monitor the effectiveness of the regulation in the course of its ongoing implementation of the regulation as part of the licensure process.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

99 AUG 18 PM 3:15

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

2084

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: [Signature]
(DEPUTY ATTORNEY GENERAL)

Bureau Of Professional and Occupational Affairs
(AGENCY)

BY: [Signature]

AUG 03 1999.

DOCUMENT/FISCAL NOTE NO. 16-20

DATE OF APPROVAL

DATE OF ADOPTION: _____

7/19/99
DATE OF APPROVAL

BY: [Signature]
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 PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
49 PA. CODE, CHAPTER 43B
SCHEDULE OF CIVIL PENALTIES

Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to adopt amendments to 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 two years of the schedule being published in the Pennsylvania Bulletin. Therefore, the Commissioner has until November 28, 2000, to promulgate final regulations. The Commissioner intends to accomplish this mandate by promulgating the regulations in Annex A.

Prior to adopting the statement of policy published 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, 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 the original implementation of Act 48 Civil Penalties, 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)), the Commissioner submitted a copy of these proposed regulations on AUG. 10 1999 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 regulations, 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.

Pursuant to Section 5(g) of the Regulatory Review Act, if the Commission has any objections to any portion of the proposed regulation, it will notify the Board within 10 days of the close of the committees' review period. Such 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 regulation, by the Board, 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.

All boards' 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 their 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 regulations will not necessitate any legal, accounting, reporting or other paperwork requirements.

Statutory Authority

The regulations 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 regulations to Commissioner Dorothy Childress, PO Box 2649, Harrisburg, PA 17105-2649, within 30 days following the publication of the proposed regulations in the Pennsylvania Bulletin.

Dorothy Childress
Commissioner

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.

Violation under 49 Pa. Code Chapter 27	Title/Description	Civil Penalty
* * *		
Section 27.15	Sanitary standards	\$250
	(a) and (b) uncleanliness	
	[(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 -	\$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	\$250

to unauthorized
 persons; animals
 unrelated to pharmacy
 security in prescription area

* * *

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.10. Schedule of civil penalties - accountants

State Board of Accountancy

Violation under
 63 P.S.
 Section 9.8b(b)

Title/Description

Civil Penalty

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

<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>past renewal deadline - \$500</u> <u>2nd offense - formal action</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>Violation under</u> <u>49 Pa. Code, Chapter 11</u> <u>Section 11.62(a)(2)</u>	<u>Unlawful representation of</u> <u>membership in professional society,</u> <u>association, or organization of</u> <u>CPA's or PA's by person or firm</u> <u>not currently licensed</u>	<u>1st offense -</u> <u>up to 90 days past</u> <u>renewal deadline-</u> <u>warning</u> <u>90 days to</u> <u>180 days past renewal</u> <u>deadline - \$250</u> <u>2nd offense -</u> <u>formal action</u>
<u>Section 11.68(b)</u>	<u>Failure to complete</u> <u>20 hours of continuing</u> <u>education each year</u> <u>(assumes no other</u> <u>continuing education violation)</u>	<u>1st offense - \$150</u> <u>2nd offense-</u> <u>formal action</u>
<u>Section 11.68(b)</u>	<u>Failure to timely submit</u> <u>documentation of continuing</u> <u>education during Board</u> <u>audit (assumes no other</u> <u>continuing education violation)</u>	<u>1st offense - \$500</u> <u>2nd offense -</u> <u>formal action</u>

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

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

STATE ARCHITECTS LICENSURE BOARD

Proposed Schedule

<u>Violation</u> <u>Under 63 P.S.</u>	<u>Violation Under</u> <u>49 Pa. Code</u> <u>Chapter 9</u>	<u>Description of</u> <u>Violation</u>	<u>Penalties</u>
<u>§34.12(a)</u>	<u>N/A</u>	<u>Architect impressing his seal or</u> <u>knowingly permitting it to be</u> <u>impressed on drawings, specifica-</u> <u>tions or other design documents</u> <u>which were not prepared by him or</u>	<u>1st offense - 1,000</u> <u>2nd offense - formal</u>

		<u>under his personal supervision.</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.12. Schedule of civil penalties - auctioneers, apprentice auctioneers, auction houses and auction companies.

STATE BOARD OF AUCTIONEER EXAMINERS

Proposed Schedule

<u>Violation Under</u> <u>63 P.S.</u>	<u>Violations</u> <u>Under Title 49</u> <u>Chapter 1</u>	<u>Description</u> <u>of Violation</u>	<u>Penalties</u>
<u>§§734.3(a) and</u> <u>734.20(a)(9)</u>	<u>N/A</u>	<u>Auctioneer or apprentice</u> <u>auctioneer operating on a</u> <u>lapsed license in PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</u>

<u>§§734.3(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Engaging in unlicensed auctioneering activities in PA.</u>	<u>1st offense - \$1,000</u> <u>2nd offense - formal</u>
<u>§§734.9(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating an unlicensed auction house in PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</u>
<u>§§734.10(a) and 734.20(a)(9)</u>	<u>N/A</u>	<u>Operating as an unlicensed auction company in PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</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 PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</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 PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</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 PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</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 PA.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</u>
<u>§734.20(a)(12)</u>	<u>N/A</u>	<u>Failure of an auctioneer to establish or maintain an escrow account.</u>	<u>1st offense - \$500</u> <u>2nd offense - \$1,000</u> <u>3rd offense - formal</u>
<u>§§734.21 and 734.20(a)(9)</u>	<u>N/A</u>	<u>Failure of an auctioneer to immedi- ately 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</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</u>

<u>§§734.17(a) and 734.20(a)(9)</u>	N/A	<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</u>
<u>§§734.16(b) and 734.20(a)(9)</u>	N/A	<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</u>
<u>§§734.18(a) and 734.20(a)(9)</u>	N/A	<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</u>
<u>§§734.18(b) and 734.20(a)(9)</u>	N/A	<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</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</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</u>

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

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

<u>Violation Under 63 P.S.</u>	<u>Title /Description</u>	<u>Penalties</u>
------------------------------------	---------------------------	------------------

Section 150(b)

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

- | | |
|------------------------------|--|
| <u>(1) by sign:</u> | <u>1st offense - \$1,000</u>
<u>2nd offense - formal action</u> |
| <u>(2) by advertisement:</u> | <u>1st offense - \$1,000</u>
<u>2nd offense - formal action</u> |
| <u>(3) by letterhead; or</u> | <u>1st offense - \$1,000</u>
<u>2nd offense - formal action</u> |
| <u>(4) by card:</u> | <u>1st offense - \$1,000</u>
<u>2nd offense - formal action</u> |

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.14. 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

OFFICE OF THE COMMISSIONER
(717) 783-8503

116 PINE STREET
P. O. BOX 2649
HARRISBURG, PA
17105-2649

August 10, 1999

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

**RE: Proposed Rulemaking
State Boards of Accountancy, Architects Licensure,
Auctioneer Examiners, Professional Engineers, Land Surveyors
and Geologists, Dentistry and Pharmacy
Act 48 Schedule of Civil Penalties: 16-20**

Dear Chairman McGinley:

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

The Bureau of Professional and Occupational Affairs will be pleased to provide whatever information your 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/bjd

Enclosures

cc: Hon. Kim Pizzigrilli, Secretary of the Commonwealth
Department of State
C. Michael Weaver, Deputy Secretary of Regulatory Programs
Department of State
Steven V. Turner, Chief Counsel
Department of State

Joyce McKeever, Deputy Chief Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
State Boards of Accountancy, Architects Licensure,
Auctioneer Examiners, Professional Engineers, Land Surveyors
and Geologists, Dentistry and Pharmacy

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT


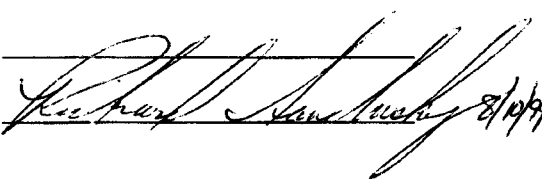
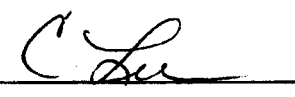
I.D. NUMBER: 16-20
SUBJECT: Schedule of Civil Penalties
AGENCY: DEPARTMENT OF STATE

99 AUG 10 PM 3:15

TYPE OF REGULATION

- X Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8-10-99		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8-10-99	Marlene Faranov	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
8/10/99		LEGISLATIVE REFERENCE BUREAU

August 9, 1999