

Regulatory Analysis Form

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REGULATORY
REVIEW COMMISSION



(1) Agency

Department of State, Bureau of Professional and
Occupational Affairs, State Board of Barber Examiners

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

16A-422

IRRC Number:

2071

(3) Short Title

Fees

(4) PA Code Cite

49 Pa. Code, §3.103

(5) Agency Contacts & Telephone Numbers

Primary Contact: Beth Sender Michlovitz - 3-7200

Secondary Contact: Joyce McKeever - 3-7200

(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.

The regulation amends the fee schedule for the State Board of Barber Examiners. Based upon a recent systems audit of the operations of the Board, the fees for services to licensees were adjusted to reflect actual costs and services.

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

Section 14 of the Barber License Law, Act of June 19, 1931, P.L. 589, 63 P.S. §564.

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 #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 regulations so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board is 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.

(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 this 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 barber licensing population generally will benefit by having cost of services which are utilized by only a portion of the licensees paid by those users.

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.

(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.)

Typically, barber, barber shop manager or barber teacher applicants and licensees utilizing this specific service identified will be required to comply with this proposal.

(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.

These regulations do not place requirements on licensees concerning their conduct or compliance with state law regarding the performance of a licensing duty under licensing statutes. The regulation embodies fees which capture the cost of providing the service the licensee requests. Therefore, the information requested in this item is not applicable.

(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 967 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 \$23,925. 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 will not be affected by the proposed 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 estimates that it will not incur an increase in administrative costs associated with implementing the proposed regulation.

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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 | \$3,200.00 | \$3,200.00 | \$3,200.00 | \$3,200.00 | \$3,200.00 | \$3,200.00 |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Savings | | | | | | |
| COSTS: | | | | | | |
| Regulated | \$3,235.00 | \$3,235.00 | \$3,235.00 | \$3,235.00 | \$3,235.00 | \$3,235.00 |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Costs | | | | | | |
| REVENUE LOSSES: | | | | | | |
| Regulated | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Revenue Losses | | | | | | |

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

| | # of people/year | | Cost(c) or Savings (s) | |
|---|------------------|---|------------------------|--------------|
| a) Application for new shop | 125 | X | \$20(c) | = \$2,500(c) |
| b) Shop change - inspection required | 25 | X | \$20(c) | = \$500(c) |
| c) Reinspect after 1 st fail-new or change (shop or school) | 3 | X | \$40(c) | = \$120(c) |
| d) Application for new school | ½ | X | \$180(c) | = \$90(c) |
| e) License by exam (barber, barber manager, barber teacher) | 320 | X | \$10(s) | = \$3,200(s) |
| f) Barber by reciprocity | 5 | X | \$5(c) | = \$25(c) |

Regulatory Analysis Form

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

| | 1995-96 | 1996-97 | 1997-98 | 1998-99 Budgeted |
|---------------------------------|------------|------------|-------------|------------------|
| Program | FY -3 | FY -2 | FY -1 | Current FY |
| State Board of Barber Examiners | 311,682.75 | 305,331.31 | 347,362.36* | 345,000.00 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 services will be borne by the individual who received the service.

*Expenses recorded as of 9/30/98.

(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 #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?

The regulatory changes will not put Pennsylvania at a competitive disadvantage. The following is a fee comparison of border states. See page 9.

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

No.

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

No.

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, record keeping or other paperwork will be required by this proposed 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 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 proposed regulations will become effective upon publication in the Pennsylvania Bulletin.

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

The Board reviews the cost of its programs and revenue on a fiscal year and biennial basis.

COMPARISON OF BARBER FEES

| FEE COMPARISON | | | | | | |
|--|-----|----------------|-------|--------------------|-----------|--------|
| BARBER BOARD | | | | | | |
| | PA | NJ | NY(*) | MD | OH | DE(**) |
| App-new shop | 55 | 300(incl.ren.) | 30 | 200 | 75 | 10 |
| Shop Change-Insp. Req'd | 55 | 215 | 30 | 0 | 75 | 10 |
| Reinspect aft. 1 st fail-school or shop | 40 | 0 | 30 | 0 | 75 to 500 | 10 |
| App-new school | 280 | 250 | 1 | under dept. of ed. | 500 | 10 |
| Barber by Reciprocity | 20 | 60 | 20 | 25 | 200 | 10 |
| Certify Student Hours | 30 | 5 | 10 | 25 | 25 | |
| Register Student in Shop | 20 | 20 | 10 | 10 | | |

*NY board not req'd to be self-supporting/38 boards deposit to and are funded from same account.

**DE board budget & fees controlled by Dir. of Dept. of Prof. Reg/set according to budget needs at beg. of each cycle.

03/28/2000

§ 491.12. Exceptions.

(a) *Filing.* A party [or other participant] desiring to appeal to the Secretary may file exceptions to the proposed report within 30 days after the mailing date of the proposed report by the [administrative] docket clerk.

(b) *Reply.* A party [or other participant] may file a reply to the exceptions filed by another party [or other participant] within [10] 20 days of the filing date of exceptions filed by another party [or participant].

(c) *Record.* When timely exceptions are filed, the [Department hearing officer] docket clerk will forward the following to the Secretary:

* * * * *

(d) *Waiver.* If no party [or other participant] files exceptions to the proposed report within the time prescribed in subsection (a), those persons shall be deemed to have irrevocably waived objections to the proposed report, and the proposed report will be deemed approved by the Secretary.

* * * * *

§ 491.13. Transmittal of certified record upon appeal.

If a final order of the Secretary is appealed to Commonwealth Court under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies), the [Department hearing officer, together with the administrative] docket clerk[,] will prepare and forward the certified record to the clerk of Commonwealth Court.

[Pa.B. Doc. No. 99-1794. Filed for public inspection October 22, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 117]

Boat Rental Business; Extension of Public Comment Period

On May 22, 1999, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-90) at 29 Pa.B. 2678 (May 22, 1999), seeking public comments, objections or suggestions on a proposal relating to boat rental businesses or liveries. The Commission is extending the public comment period for the proposed amendments until November 30, 1999.

Interested persons are invited to submit written comments, objections or suggestions about the proposal to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on or before November 30, 1999. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each electronic mail transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender

within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 99-1795. Filed for public inspection October 22, 1999, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

Fees

The State Board of Barber Examiners (Board) proposes to amend § 3.103 (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 14 of the Barbers' License Law (63 P. S. § 564).

C. Background and Purpose

The Barbers' License Law 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

\times
pay rate for the classification of personnel
performing the function

$+$
a proportionate share of administrative overhead.

The analysis determined that certain fees were insufficient to capture the actual cost of providing the service whereas certain other fees were more than sufficient to capture the cost of providing the service. For example, the proposed fee for an application for licensure as a barber, barber manager or barber teacher would be reduced from \$20 to \$10 which is the actual cost of processing this application.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or application. The Board would continue to apportion the enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with 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 October 6, 1999, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons 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 amendment, 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 amendment to Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-422 (Application Fees), when submitting comments.

RICHARD SCIORILLO,
Chairperson

Fiscal Note: 16A-422. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 3. STATE BOARD OF BARBER EXAMINERS****SCHOOLS OF BARBERING****§ 3.103. Fees.**

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

| | |
|--|---------------|
| * * * * * | |
| Licensure of barber, barber shop manager or barber teacher | \$[20] 10 |
| Licensure of barber by reciprocity | \$[15] 20 |
| Licensure of barber shop | \$[35] 55 |
| Licensure of barber school | \$[100] 280 |
| * * * * * | |
| Change in barber shop—inspection required | \$[35] 55 |
| * * * * * | |
| Reinspection after first fail-new or change (shop or school) | \$40 |
| [Certification of licensure] Verify license/permit/registration | \$15 |
| Certification of exam scores | \$25 |

(Pa.B. Doc. No. 99-1796. Filed for public inspection October 22, 1999, 9:00 a.m.)

FEE REPORT FORM

Agency: State - BPOA

Corrected Date: 12/21/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application for Licensure of Barber School: \$280.00

Estimated Biennial Revenue: \$280.00 (1 application x \$280.00)

Fee Description:

The fee will be charged to every applicant for licensure of a new barber school.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to process a license application for a new barber school and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|-----------------------------------|-----------------------|-------------|
| Staff time-prepare application | (1.00 hr) | 20.30 |
| Board Administrator - process app | (1.00 hr) | 30.20 |
| BEI - inspect facility | (1.10 hr) | 25.51 |
| Board Meeting - discuss/vote | (0.50 hr) | 195.50 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$279.59 |
| | Proposed Fee: | \$280.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$280.00 be established for processing an application for licensure of a new barber school.

Board Staff - receives application, reviews for completeness, contacts applicant to request any missing information and/or documents, forwards to Board Administrator for technical review and presentation at board meeting to evaluate qualifications. Following discussion and vote, if approved, BEI is notified to conduct inspection or applicant is notified of deficiency. After inspection, report is forwarded to board, who issue license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application for Licensure-Barber Shop: \$55.00

Estimated Biennial Revenue: \$13,750.00 (250 applications x \$55.00)

Fee Description:

The fee will be charged to every applicant who applies for licensure of a barber shop.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to review and process a request for licensure of a barber shop and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|---------------------------------|-----------------------|-------------|
| Staff time- process application | (1.00 hr) | 20.30 |
| BEI - inspect facility | (1.10 hr) | 25.51 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$53.89 |
| | Proposed Fee: | \$55.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$55.00 be established for processing an application for licensure of a barber shop.

Board staff: Receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, forwards to Bureau of Enforcement and Investigation for inspection of facility. BEI conducts inspection, forwards report to board staff who issue license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Barber Shop Change-Inspection Required: \$55.00

Estimated Biennial Revenue: \$2,750.00 (50 applications x \$55.00)

Fee Description:

The fee will be charged to every applicant who requests change of an existing barber shop that requires an inspection.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to review and process a request for change to an existing barber shop that requires an inspection and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|---------------------------------|-----------------------|-------------|
| Staff time- process application | (1.00 hr) | 20.30 |
| BEI - inspect facility | (1.10 hr) | 25.51 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$53.89 |
| | Proposed Fee: | \$55.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$55.00 be established for processing an application for change to an existing barber shop that requires an inspection.

Board staff: Receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, forwards to Bureau of Enforcement and Investigation for inspection of facility. BEI conducts inspection, forwards report to board, staff updates information on computer and issues license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Shop Re-Inspection after 1st fail - new shop or change: \$40.00

Estimated Biennial Revenue: \$200.00 (5 applications x \$40.00)

Fee Description:

The fee will be charged to every applicant to re-inspect a shop following first failure.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to perform a re-inspection after 1st failure for a new or change to existing barber shop and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|-----------------------------|-----------------------|-------------|
| Staff time- process request | (.17 hr) | 3.38 |
| BEI - inspect facility | (1.10 hr) | 25.51 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$36.97 |
| | Proposed Fee: | \$40.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established for performing a re-inspection of a barber shop after 1st failure.

Page 2

Shop Re-Inspection after 1st fail - new shop or change

Date:06/09/99

Board Staff - receives notification from applicant that deficiencies found at first inspection have been corrected, notifies Bureau of Enforcement to conduct inspection, report is forwarded to board, staff updates information on computer and issues license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Re-inspect New or Relocated Barber School after 1st failure: \$40.00

Estimated Biennial Revenue: \$40.00 (1 application x \$40.00)

Fee Description:

The fee will be charged each time a re-inspection is required to determine compliance with regulations for a new or relocated barber school after 1st failure.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to re-inspect a new or relocated barber school after 1st failure and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|--------------------------------|-----------------------|-------------|
| Staff time-prepare application | (.02 hr) | 3.38 |
| BEI - inspect facility | (1.10hr) | 25.51 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$ 36.97 |
| | Proposed Fee: | \$ 40.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established to conduct a re-inspection of a barber school after 1st failure.

Page 2 Re-inspect New or Relocated Barber School after 1st Failure: Date:06/09/99

Board Staff - receives notification that deficiency has been corrected, notifies BEI to schedule inspection, BEI forwards inspection to board, who issue license if requirements are met or letter of discrepancy if unmet.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

License Application-Barber, Manager or Teacher: \$10.00

Estimated Biennial Revenue: \$6,400.00 (640 applications x \$10.00)

Fee Description:

The fee will be charged to every applicant who applies for licensure as a Barber, Manager or Teacher

Fee Objective:

The fee should offset the identifiable costs incurred by the State Board of Barber Examiners to review and process a request for licensure for a Barber, Manager or Teacher and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|-----------------------------------|-----------------------|-------------|
| Board Staff - process application | (0.08) | 1.62 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$ 9.70 |
| | Proposed Fee: | \$10.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$10.00 be established for processing an application for licensure as a Barber, Manager or Teacher.

Board staff: Receives roster and computer tape of passing candidates from test contractor, forwards tape to M I S (Management Information Systems) for update into license computer system and production of a display license and wallet card. Printed document is sent to the Bureau's mailing contractor for processing and mailing to licensee. The administrative overhead charge offsets expenses such as rent, phones, mailroom/microfilm services that are charged to each board based on a licensee population.

FEE REPORT FORM

Agency: State - BPOA

Date: 06/09/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Application for Barber License by Reciprocity: \$20.00

Estimated Biennial Revenue: \$200.00 (10 application x \$20.00)

Fee Description:

The fee will be charged to every applicant for Barber license by reciprocity.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to process an application for Barber license by reciprocity and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

| | | |
|--------------------------------|-----------------------|-------------|
| Staff time-process application | (.50 hr) | 10.15 |
| Administrative Overhead: | | <u>8.08</u> |
| | Total Estimated Cost: | \$ 18.23 |
| | Proposed Fee: | \$ 20.00 |

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$20.00 be established for processing an application for Barber license by reciprocity.

Board Staff - receives application, reviews for completeness, contacts applicant to request any missing information and/or documents, issues license through computer when application is complete.

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

RECEIVED

2000 OCT 30 AM 11:32

LEGISLATIVE
REVIEW COMMISSION

2071

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form and legality. Attorney GeneralCopy below is hereby certified to be a true and correct
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to form and legality.
Executive or Independent
Agencies.BY: _____
(DEPUTY ATTORNEY GENERAL)State Board of Barber Examiners
(AGENCY)DOCUMENT/FISCAL NOTE NO. 16A-422

DATE OF ADOPTION: _____

BY: Richard Sciorillo
Richard Sciorillo6/7/00
DATE OF APPROVAL_____
DATE OF APPROVAL(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
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General approval or
objection within 30 day
after submission.

**FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS
49 PA. CODE, CHAPTER 3
FEES**

The State Board of Barber Examiners (Board) adopts amendments to its regulations at 49 Pa. Code §3.103 by revising certain application fees as set forth in Annex A.

Notice of Proposed Rulemaking was published at 29 Pa. B. 5521 (October 23, 1999). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public.

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.

A. Effective date

The amendments will be effective upon publication in the Pennsylvania Bulletin.

B. Statutory Authority

The amendments are authorized under Section 14 of the Barber License Law, Act of June 19, 1931, P.L. 589, as amended, 63 P.S. §564.

C. Response to IRRC and HPLC Comments

The HPLC questioned why the fees would be rounded up and are not the actual cost of services as estimated by the Board. The IRRC requested that the Bureau and the Board: (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.

The 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. The IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the Boards' enabling statute.

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 Board's share of the total active licensee population. In turn, the board's 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 the IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

The 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 the 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 the IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying the IRRC suggested time factor versus the current method.

This review of the 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 the 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 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 Board has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

The HPLC noted that there was a significant increase in expenditures from 1996-97 to 1997-98 and has requested an explanation for the increase and an itemized list of income and expenditures for the fiscal years listed on the Regulatory Analysis Form.

The itemized expenditures are as follows:

| <u>Cost Center</u> | <u>FY96-97 Actual Expenditures</u> | <u>FY97-98 Actual Expenditures</u> | <u>FY98-99 Budgeted</u> |
|-----------------------------------|--|--|-----------------------------|
| BPOA Administration | 28,881.63 | 13,349.64 | 21,000.00 |
| Commissioner's Office | 11,236.16 | 12,080.79 | 13,000.00 |
| Law Enforcement (BEI) | 101,618.00 | 160,027.52 | 154,000.00 |
| Board Member Expenses | 27,529.36 | 25,287.34 | 23,000.00 |
| Test Administration | 10.00 | 0.17 | 20.00 |
| Hearing Expenses | 7,815.79 | 5,789.35 | 5,000.00 |
| Central Support Services | 34,076.99 | 35,280.39 | 41,500.00 |
| Board Administration | 27,742.23 | 39,976.71 | 30,000.00 |
| Public Information Office | 1,293.21 | 2,050.96 | 2,000.00 |
| Legislative & Regulatory Analysis | 601.79 | 832.35 | 1,000.00 |
| Legal Office | 72,974.54 | 53,148.87 | 54,480.00 |
| Rolled Expenditures | <u>1,643.74</u> | <u>(461.73)</u> | <u>0.00</u> |
| TOTAL BOARD COSTS: | <u>315,423.44</u> | <u>347,362.36</u> | <u>345,000.00</u> |

| <u>Revenue Source</u> | <u>FY96-97 Actual Revenue</u> | <u>FY97-98 Actual Revenue</u> | <u>FY98-99 Actual Revenue</u> |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| Renewals | 36,862.00 | 687,075.45 | 51,738.79 |
| Applications | 13,465.00 | 19,811.00 | 10,990.00 |
| Letters of Good Standing/Certifications | 696.00 | 745.00 | 570.00 |
| Changes | 35.00 | 0.00 | 0.00 |
| Fines | 1,700.00 | 1,385.00 | 2,800.00 |
| Act 48 | <u>2,504.00</u> | <u>5,255.00</u> | <u>7,900.00</u> |
| TOTAL REVENUE: | <u>55,262.00</u> | <u>714,271.45</u> | <u>73,998.79</u> |

As the chart shows, the major increase in expenditures was in law enforcement. This increase was due to an accounting change that more accurately reflected the time spent by inspectors and investigators as they worked on particular board-related activity. The prior time keeping method was based on an average amount of time spent for inspections rather than the actual time.

Both the HPLC and the IRRC questioned the need to increase the fee for application of licensure of barber schools from \$100 to \$280 and why it would be necessary for the Board to take a half hour of time to discuss and vote on an application.

The Board notes that this fee has not changed since at least 1986. The large increase is due partly to the increased costs for the Bureau of Enforcement and Investigation (BEI) and partly because of a change in procedure. Originally, the application was not presented to the Board until after the inspection and other reviews were completed. Consequently, if the basic requirements were not met, the Board wasted time discussing an application for a school that might not qualify for licensure. Under the new procedure, the Board reviews the qualifications prior to the inspection so that any deficiencies are communicated prior to the inspection. While the fee increase is substantial, it is not as large as it would have been under the old review procedure.

Finally, the Board deletes from final rulemaking a new fee for certification of examination scores. This fee was questioned by the HPLC. Upon review of staff activities, it was determined that certification of scores is not required.

The HPLC also noted a typographical error on the Fee Report Form for Application of Barber School. A corrected Fee Report Form reflecting the \$280 fee is attached to this final rulemaking package.

D. Compliance with Executive Order 1996-1

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.

E. 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.

F. Sunset Date

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

G. Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the Board submitted a copy of the Notice of Proposed Rulemaking, published at 29 Pa. B.5521 (October 23, 1999), to the Independent Regulatory Review Commission and the Chairmen of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee.

In preparing this final form regulation the agency has considered all comments received from the Committees, the 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(e) of the Act.

Further Information

Individuals who need information about the regulation may contact Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402.

Findings

The State Board of Barber Examiners finds:

- (1) That public notice of proposed rulemaking was given under sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, and the regulations promulgated under those sections 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. 5521 (October 23, 1999).
- (4) That this amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

The Board therefore **ORDERS:**

- (A) That the regulations for the State Board of Barber Examiners, 49 Pa. Code Chapter 3, are amended to read as set forth in the attached Annex.
- (B) That the Board shall submit a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (C) That the Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (D) That the regulations shall take effect 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 3. State Board of Barber Examiners

* * *

§3.103. Fees.

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

| | |
|--|-----------------------------------|
| Licensing examination for barber - complete..... | \$87 |
| Licensing examination for barber - practical only..... | \$87 |
| Licensing examination for barber - theory only..... | \$87 |
| Licensing examination for barber - endorsement candidate..... | \$87 |
| Licensing examination for barber teacher - complete..... | \$87 |
| Licensing examination for barber teacher - practical only..... | \$87 |
| Licensing examination for barber teacher - theory only..... | \$87 |
| Licensing examination for barber shop manager..... | \$87 |
| Licensure of barber, barber shop manager or barber teacher..... | [\$20] <u>\$10</u> |
| Licensure of barber by reciprocity..... | [\$15] <u>\$20</u> |
| Licensure of barber shop..... | [\$35] <u>\$55</u> |
| Licensure of barber school..... | [\$100] <u>\$280</u> |
| Biennial renewal of barber license..... | \$42 |
| Biennial renewal of barber shop manager license..... | \$62 |
| Biennial renewal of barber teacher license..... | \$67 |
| Biennial renewal of barber shop license..... | \$72 |
| Biennial renewal of barber school license..... | \$112 |
| Change in barber shop-inspection required..... | [\$35] <u>\$55</u> |
| Change in barber shop-no inspection required..... | \$15 |
| Reinspection after first fail-new or change (shop or school)..... | <u>\$40</u> |
| [Certification of licensure] <u>Verify license/permit/registration</u> | <u>\$15</u> |
| <u>Certification of exam scores</u> | <u>\$25</u> |



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402

October 30, 2000


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

Re: Final Regulation
State Board of Barber Examiners
Fees: 16A-422

Dear Chairman McGinley:

Enclosed is a copy of a Final Regulation package of the State Board of Barber Examiners pertaining to fees.

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
David M. Williams, Deputy 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
State Board of Barber Examiners
State Board of Barber Examiners



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402
October 30, 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
State Board of Barber Examiners
Fees: 16A-422

Dear Representative Civera:

Enclosed is a copy of a Final Regulation package of the State Board of Barber Examiners pertaining to fees.

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp

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**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS**

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402

October 30, 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
State Board of Barber Examiners
Fees: 16A-422

Dear Senator Boscola:

Enclosed is a copy of a Final Regulation package of the State Board of Barber Examiners pertaining to fees.

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
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**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402**

October 30, 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
State Board of Barber Examiners
Fees: 16A-422

Dear Senator Bell:

Enclosed are twenty copies of a Final Regulation package of the State Board of Barber Examiners pertaining to fees.

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
David M. Williams, Deputy Commissioner
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State Board of Barber Examiners
State Board of Barber Examiners



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402

October 30, 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
State Board of Barber Examiners
Fees: 16A-422

Dear Chairman McGinley:

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
Enclosure

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402

October 30, 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
State Board of Barber Examiners
Fees: 16A-422

Dear Representative Rieger:

Enclosed is a copy of a Final Regulation package of the State Board of Barber Examiners pertaining to fees.

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

Sincerely,

Richard Sciorillo, Chairperson
State Board of Barber Examiners

RS/BSM:kp
Enclosure

c: John T. Henderson, Jr., Chief Counsel
Department of State
David M. Williams, Deputy Commissioner
Bureau of Professional and Occupational Affairs
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Bureau of Professional and Occupational Affairs
Beth Sender Michlovitz, Counsel
State Board of Barber Examiners
State Board of Barber Examiners

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

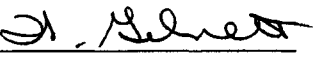
I.D. NUMBER: 16A-422
SUBJECT: State Board of Barber Examiners - Fees
AGENCY: DEPARTMENT OF STATE

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 OCT 30 AM 11:33
ATTORNEY
GENERAL
REGULATORY
REVIEW COMMISSION

FILING OF REGULATION

| DATE | SIGNATURE | DESIGNATION |
|----------|---|---|
| 10-30-00 |  | HOUSE COMMITTEE ON PROFESSIONAL LICENSURE |
| 10-30-00 |  | SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE |
| 10/30/00 |  | INDEPENDENT REGULATORY REVIEW COMMISSION |
| | | ATTORNEY GENERAL |
| | | LEGISLATIVE REFERENCE BUREAU |

June 7, 2000