

MARIO J. CIVERA, JR., MEMBER
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HARRISBURG, PENNSYLVANIA 17120-2020

232 LONG LANE
UPPER DARBY, PENNSYLVANIA 19082



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Original: 2071

November 13, 2000

COMMITTEES

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

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

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on November 13, 2000, and voted to approve Regulations 16A-422, 16A-555, 16A-557, 16A-623, and 16A-655.

The Committee also voted to take no formal action on Regulation 16A-7011 until final form regulations are promulgated. However, the Committee questions the use of the terms "application by examination" and "application by reciprocity." Since there is another examination fee listed, it gives the impression that there are two different examination fees. The Committee suggests that "licensure application fee" and "licensure by reciprocity" would be more appropriate terms.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: David J. King, Chairman
State Board of Certified Real Estate Appraisers
Richard Sciorillo, Chairman
State Board of Barber Examiners
Thomas J. Baumgartner, CPA, Chairman
State Board of Accountancy
Robert H. Morrow, Chairman
State Board of Examiners of Nursing Home Administrators
James J. Irrgang, Chairman
State Board of Physical Therapy
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth
Department of State

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Regulation 16A-422

State Board of Barber Examiners

PROPOSAL: Regulation 16A-422 amends 49 PA Code, Chapter 3, regulations of the State Board of Barber Examiners. The amendment makes revisions to the Board's schedule of fees by increasing four fees, reducing one fee, and adding a fee for reinspection of a shop or school.

Regulation 16A-422 is Final Rulemaking which was delivered to the Professional Licensure Committee on October 30, 2000. The Professional Licensure Committee has until November 19, 2000 to approve or disapprove the regulation.

ANALYSIS: Pursuant to Sec. 14 of the Barber License Law, 63 P.S. Sec. 564, the Board is required to meet expenditures through revenues raised by fees, fines and civil penalties. The Board is required to increase fees so that projected revenues will meet or exceed projected expenditures. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested. The Board does not currently charge a fee for reinspection of a barber shop or school after a failed inspection. The Board states that the following fees would be changed to reflect the actual cost of providing the service.

The regulation revises certain fees charged by the Board as follows:

Licensure of Barber, Barber Shop Manager or Barber Teacher	\$ 20.00 to	\$ 10.00
Licensure of Barber by Reciprocity	\$ 15.00 to	\$ 20.00
Licensure of Barber Shop	\$ 35.00 to	\$ 55.00
Licensure of Barber School	\$100.00 to	\$280.00
Change in Barber Shop Inspection Required	\$ 35.00 to	\$ 55.00
Reinspection After First Fail-New or Change (Shop or School)	0	\$ 40.00

The Board had originally proposed a new fee for certification of exam scores. The Committee requested an explanation as to the circumstances under which the Board would certify an examination score. The Board has withdrawn this proposed fee upon a determination that certification of scores is not required.

The Committee requested an explanation as to why the proposed fees to be charged are always rounded up to the nearest five dollar increment. The Board explained that the rounding up process creates a minimal but necessary cushion or surplus to accommodate unexpected needs and expenditures.

The administrative overhead listed on the fee report form for certification of scores is listed as \$9.76, whereas the administrative overhead for all other services is listed as

\$8.08. The Committee questioned the reason for this differential. The Board states that the cost for this service represents the cost of processing for all licensees in the Bureau, whereas the other costs are incurred for licensees of the Board only.

The Committee noted that the expenditure history information provided in Section 20b of the Regulatory Analysis Form showed a substantial increase from 1996-97 to 1997-98 (from \$305,331 to \$347,362). Expenditures for 1998-99 are budgeted at \$345,000. The Committee requested an explanation as to what accounted for the increase, including an itemized list of income and expenditures for the fiscal years listed on the form. The Board has provided this information of Page 3 of the rulemaking package.

The Committee noted that the fee for application of licensure for barber schools would be substantially increased from \$100 to \$280, for the most part due to the Board's taking one-half hour of time to discuss and vote on an application. The Board explains that the increase is due partly to the increased costs for the Bureau of Enforcement and Investigation (BEI) and partly to a change in procedure. The Board will now review a school's qualifications prior to an inspection and other reviews of the school, so that any deficiencies are communicated prior to the inspection. This assures that basic requirements are met prior to the Board wasting time discussing an application for a school that might not qualify. The Board states that under the previous procedure, the fee increase would have been more substantial.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives
Professional Licensure Committee
November 1, 2000

MARIO J. CIVERA, JR., MEMBER
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

November 16, 1999

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Notebook (2)

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

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee met on November 16, 1999, and submits the following comments pertaining to the regulations considered by the Committee:

The Committee voted to take no formal action on **Regulation 16A-499** until final-form regulations are promulgated. However, the Committee submits the following comments:

1. The Committee recommends that a minimum number of hours of core education in advanced pharmacology be required in order for a CRNP to be permitted to prescribe and dispense drugs, and that a minimum number of hours of continuing education in advanced pharmacology be required per biennium in order for a CRNP to maintain prescriptive authority.
2. The Committee recommends that a collaborative agreement between a CRNP and a physician be in writing, that the agreement contain a list of the classes of medications that the CRNP is authorized to prescribe, that the agreement identify the collaborating physician, and that the agreement provide for an identified substitute collaborating physician for up to thirty days when the collaborating physician is not available.
3. The Committee recommends that a CRNP who prescribes medications provide a clear and conspicuous notice to patients that he or she is a CRNP.

The Committee voted to take no formal action on **Regulation 16A-600** until final-form regulations are promulgated. However, the Committee submits the following comments:

1. The fee report forms list a total estimated cost for each service based on a formula of staff time expended plus average administrative overhead. However, in all cases the proposed fee to be charged is rounded up to the nearest five dollar increment. The Committee is requesting an explanation as to why the proposed fees are rounded up and are not the actual cost of services as estimated by the Board.

COMMITTEES

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

INDEPENDENT REGULATORY
REVIEW COMMISSION

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2. Information regarding expenditure history has not been provided in Section 20b of the Regulatory Analysis Form as required. The Committee is requesting that the Board submit the expenditure information, income figures and an explanation of the administrative overhead costs contained in the fee package. The administrative overhead cost for certification of license history is listed as \$9.76, while all other services are listed as \$11.53. The Committee is requesting an explanation as to what accounts for the difference in administrative overhead costs.

The Committee voted to take no formal action on **Regulation 16A-422** until final-form regulations are promulgated. However, the Committee submits the following comments:

1. The Committee is requesting additional information as to the category of "certification of licensure, registration or scores." The Committee is questioning under what circumstances the Board would "certify" an examination score.
2. The fee report forms list a total estimated cost for each service based on a formula of staff time expended plus average administrative overhead. However, in all cases the proposed fee to be charged is rounded up to the nearest five dollar increment. The Committee is requesting an explanation as to why the proposed fees are rounded up and are not the actual cost of services as estimated by the Board.
3. The administrative overhead costs for certification of examination scores is listed as \$9.76 while all other services are listed as \$8.08. The Committee is requesting an explanation as to what accounts for the difference in administrative overhead costs.
4. The Committee notes that the expenditure history information provided in Section 20b of the Regulatory Analysis Form shows a substantial increase from 1996-97 to 1997-98 (from \$305,331 to \$347,362). Expenditures for 1998-99 are budgeted at \$345,000. The Committee is requesting an explanation as to what accounted for the increase, including an itemized list of income and expenditures for the fiscal years listed on the form. Without an understanding of the nature of the expenditures it is not possible to assess what costs are reflected in the administrative overhead fees.
5. The Committee notes an apparent typographical error on the Fee Report Form for Application for Licensure of Barber School. The proposed fee is listed as \$335.00 at the top of the form and \$280.00 on the bottom. The \$280.00 figure is consistent with other portions of the rulemaking package.
6. The Committee notes that the fee for Application for Licensure of Barber School would be increased significantly, and that the bulk of the increase would be attributed to a cost of \$195.50 for the Board to meet for a half hour and vote on the application. The Committee is requesting an explanation as to why it would be necessary for the Board to take a half hour of time in order to discuss and vote on an application.

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
Page 3
November 16, 1999

The Committee voted to approve **Regulation 16A-567**.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in black ink, reading "Mario J. Civera". The signature is fluid and cursive, with the first name "Mario" being the most prominent.

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Daniel B. Kimball, Jr., M.D., Chairman
State Board of Medicine
M. Christine Alichnie, Ph.D., RN, Chairperson
State Board of Nursing
Robert G. Pickerill, Chairman
State Board of Vehicle Manufacturers,
Dealers and Salespersons
Richard Sciorillo, Chairman
State Board of Barber Examiners
Rita Halverson, Chairperson
State Real Estate Commission
Honorable Kim H. Pizzingrilli, Secretary of the Commonwealth
Department of State

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Regulation 16A-422

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Notebook (2)

1999 NOV 18 AM 10: 51 State Board of Barber Examiners

INDEPENDENT REGULATORY
REVIEW COMMISSION

PROPOSAL: Regulation 16A-422 amends 49 PA Code, Chapter 3, regulations of the State Board of Barber Examiners. The amendment makes revisions to the Board's schedule of fees by increasing four fees, reducing one fee, and adding fees for two services for which there is currently no fee.

The proposed rulemaking was published in the Pennsylvania Bulletin on October 23, 1999. The Professional Licensure Committee has until December 13, 1999, to submit comments on the regulation.

ANALYSIS: Pursuant to Sec. 14 of the Barber License Law, 63 P.S. Sec. 564, the Board is required to meet expenditures through revenues raised by fees, fines and civil penalties. The Board is required to increase fees so that projected revenues will meet or exceed projected expenditures. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested. The Board does not currently charge a fee for reinspection of a barber shop or school after a failed inspection, nor does it currently charge a fee for certification of exam scores. The Board states that the following fees would be changed to reflect the actual cost of providing the service.

The regulation revises certain fees charged by the Board as follows:

Licensure of Barber, Barber Shop Manager or Barber Teacher	\$ 20.00 to	\$ 10.00
Licensure of Barber by Reciprocity	\$ 15.00 to	\$ 20.00
Licensure of Barber Shop	\$ 35.00 to	\$ 55.00
Licensure of Barber School	\$100.00 to	\$280.00
Change in Barber Shop Inspection Required	\$ 35.00 to	\$ 55.00
Reinspection After First Fail-New or Change (Shop or School)	0	\$ 40.00
Certification of Exam Scores	0	\$ 25.00

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comment:

- (1) The Committee is requesting additional information as to the category of "certification of licensure, registration or scores." The Committee is questioning under what circumstances the Board would "certify" an examination score.

- (2) The fee report forms list a total estimated cost for each service based on a formula of staff time expended plus average administrative overhead. However, in all cases the proposed fee to be charged is rounded up to the nearest five dollar increment. The Committee is requesting an explanation as to why the proposed fees are rounded up, and are not the actual cost of services as estimated by the Board.
- (3) The administrative overhead costs for certification of examination scores is listed as \$9.76 while all other services are listed as \$8.08. The Committee is requesting an explanation as to what accounts for the difference in administrative overhead costs.
- (4) The Committee notes that the expenditure history information provided in Section 20b of the Regulatory Analysis Form shows a substantial increase from 1996-97 to 1997-98 (from \$305,331 to \$347,362). Expenditures for 1998-99 are budgeted at \$345,000. The Committee is requesting an explanation as to what accounted for the increase, including an itemized list of income and expenditures for the fiscal years listed on the form. Without an understanding of the nature of the expenditures it is not possible to assess what costs are reflected in the administrative overhead fees.
- (5) The Committee notes an apparent typographical error on the Fee Report Form for Application for Licensure of Barber School. The proposed fee is listed as \$335.00 at the top of the form and \$280.00 on the bottom. The \$280.00 figure is consistent with other portions of the rulemaking package.
- (6) The Committee notes that the fee for Application for Licensure of Barber School would be increased significantly, and that the bulk of the increase would be attributed to a cost of \$195.50 for the Board to meet for a half hour and vote on the application. The Committee is requesting an explanation as to why it would be necessary for the board to take a half hour of time in order to discuss and vote on an application.

House of Representatives
Professional Licensure Committee
November 9, 1999