

# Regulatory Analysis Form

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REVIEW COMMISSION



IRRC Number: 2107

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Funeral Directors

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

16A-482

(3) Short Title

**Application Fees**

(4) PA Code Cite

49 Pa. Code §13.12

(5) Agency Contacts & Telephone Numbers

Primary Contact: Thomas A. Blackburn, Counsel  
State Board of Funeral Directors (717) 783-7200  
Secondary Contact: Joyce McKeever, Deputy Chief  
Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation amends the fee schedule for the State Board of Funeral Directors to revise fees for license application for partnership, restricted business corporation professional corporation or shared funeral establishment; license application for sole proprietor, widow/estate or funeral branch; license application for supervisor or funeral direction; application for registration as student, intern or preceptor; or changed application for change of location with inspection; application for change of name or funeral director with no inspection; reinspection after failure; certification of test scores; and verification of license or registration.

The current fees have not been revised since 1986. In addition, no fees are currently in place for: license application for shared funeral establishment; application for registration as preceptor or change; reinspection after failure; and verification of license or registration.

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

The regulatory amendments are adopted under Section 18.1 of the Funeral Director Law (Act), Act of January 14, 1952 (P.L. 1951-1898) as amended, 63 P.S. §479.18.1.

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

**Yes. The Board is required by statute to adopt regulations setting fees. See Item No. 9 for the specific law.**

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

**The enabling statute of the Board requires that the Board set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board are generally borne by the licensee population through biennial renewal revenue. Expenses related to services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only the licensee who uses a particular service pays for a service being provided to him or her. By this regulation, the cost of providing the service will be apportioned to users, rather than burdening the entire licensee population.**

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

**Nonregulation could potentially adversely impact the fiscal integrity of the Board. If left unregulated, the costs of providing these services would be borne by the general licensing population, some of whom did not or would not receive a benefit from the service.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**The licensing population generally will benefit by having costs of services which are utilized by only a portion of the licensees or applicants paid by those actually using the service.**

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The Board has identified no group of individuals or entities who will be adversely affected by the regulation. Applicants for services or licenses will be required to bear the up-to-date costs of providing the services involved.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**Applicants for licensure, transfer and change, verification of licensure, certification of license history and reinspection after failure will be required to pay the applicable fees. The Board estimates that approximately 1,856 persons will avail themselves of one or more of the enumerated services in a two-year period.**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**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 the fees which capture the cost of providing the service an applicant or 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 1,856 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 \$32,330. However, only those requesting the services will be affected. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.**

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**Local governments would not be affected by the regulation.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

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

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
<b>SAVINGS:</b>	\$2,200	\$2,200	\$2,200	\$2,200	\$2,200	\$2,200
Regulated						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated	\$16,965	\$16,965	\$16,965	\$16,965	\$16,965	\$16,965
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>						
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 additional cost to the applicant for the service:

License application for partnership, restricted business corporation or professional corporation	$\$90 \times 28.5 = \$2,565.00$
License application for shared funeral establishment	$\$150 \times 1.5 = \$225.00$
License application for sole proprietor or funeral branch	$\$65 \times 27.5 = \$1,787.50$
License application for widow or estate	$\$25 \times 3 = \$75.00$
Application for preceptor registration or change	$\$25 \times 60 = \$1,250.00$
License application for funeral director examination	$\$5 \times 85 = \$425.00$
Application for change of location with inspection	$\$110 \times 12.5 = \$1,375.00$
Application for change of name or director without inspection	$\$25 \times 20 = \$500.00$
Reinspection after failure	$\$85 \times 2.5 = \$212.50$
Application for registration as student or intern	$\$10 \times 100 = \$1,000.00$
Certification of test scores	$\$10 \times 5 = \$50.00$
Verification of license or registration	$\$15 \times 500 = \underline{\$7,500.00}$
	<b>\$16,965.00</b>

The savings estimate — the scheduled cost — service:

a) License application for supervisor	$\$10 \times 62.5 = \$625.00$
b) License application for funeral director reciprocity	$\$105 \times 15 = \underline{\$1,575.00}$
	<b>\$2,200.00</b>

## Regulatory Analysis Form

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

N/A

Program	FY -3	FY -2	FY -1	Current FY

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

**The amendments to the existing regulations will assure that the costs of providing the specified services to certain applicants and licensees will be borne by individuals who receive the service.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**No nonregulatory alternatives were considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.**

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

**See No. 22 above.**

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**No federal licensure standards apply.**

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

**It is difficult to compare the fees charged for these services in Pennsylvania with the fees charged in surrounding states because most surrounding states capture the costs of providing requested services through substantially higher initial application and renewal fees. This places the burden on the entire licensed population, rather than on the individual applicant or licensee that requests the services. The following chart compares the fees for some of the enumerated services in Pennsylvania and surrounding states and also compares the biennial renewal fee in Pennsylvania to that charged in surrounding states.**

<b>Enumerated Fee</b>	<b>PA</b>	<b>MD</b>	<b>NJ</b>	<b>NY</b>	<b>OH</b>	<b>WV</b>
Student registration	25	--	--	--	--	--
Intern Registration	25	150	75	--	10	25
FD license appl	25	300	50+170	25/50	25	150
Business appl	150	400	50+350	200	125	--
Branch/widow appl	125	300	--	--	--	--
Supervisor appl	25	--	35	--	--	--
Address change	35	--	40	75	--	--
Location change	125	--	50+150	--	--	--
Reinspection	85	--	150	--	--	--
Certification	25	--	25	--	--	--
Verification	15	--	25	--	--	--
<b>Biennial Renewal</b>	<b>130</b>	<b>300/400</b>	<b>170/350</b>	<b>25/50/150</b>	<b>30/75</b>	<b>60/250</b>

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

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

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

**The Board reviews its regulatory proposals at regularly scheduled public meetings each month.**

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**No changes to reporting, recordkeeping or other paperwork is required by this regulation.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will be effective upon publication in the Pennsylvania Bulletin.**

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

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



P.R.M.5

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(Pursuant to Commonwealth Documents Law)

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Reg. - Sch.  
No. 2

# 2167

JAN 26 2001 11:00 AM

DO NOT WRITE IN THIS SPACE

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

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

*[Signature]*  
BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Funeral Directors

(AGENCY)

*[Signature]*

DOCUMENT/FISCAL NOTE NO. 16A-482

OCT 04 2000

DATE OF APPROVAL

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

9/13/00

DATE OF APPROVAL

BY: \_\_\_\_\_

*[Signature]*  
Gregory Jordan

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

TITLE: Chairperson

(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF FUNERAL DIRECTORS  
49 Pa. Code §13.12  
Application Fees

The State Board of Funeral Directors (Board) proposes to amend its regulation at 49 Pa. Code § 13.12 by revising certain application fees as set forth in Annex A.

A. Effective date

The amendments will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.

B. Statutory Authority

The amendments are authorized under Section 18.1 of the Funeral Director Law, (Act), Act of January 14, 1952 (P.L. 1951-1898) as amended, 63 P.S. § 479.18.1.

C. Background and Purpose

The Act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{array}{r} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of personnel performing the function} \\ + \\ \text{a proportionate share of administrative overhead.} \end{array}$$

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 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 systems audit determined that the fees for sixteen services do not accurately reflect the actual cost of providing those services.

The current fees have not been revised since 1986. In addition, no fees are currently in place for: license application for shared funeral establishment; application for registration as preceptor or change; reinspection after failure; and verification of license or registration.

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

#### D. Description of Services

Professional licensing boards other than the Board of Funeral Directors have also been proposing revisions to non-renewal fees. Review of the proposed new fee regulations by the legislative committees indicated that certain explanations of the services for which fees are charged would be helpful for an understanding of the need to set appropriate fees.

The certification of an examination score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in Pennsylvania which was issued on the basis of a uniform national or regional examination which was taken in Pennsylvania. Generally the state of original licensure is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Pennsylvania board and other boards certify the examination score the applicant achieved on the licensure examination.

The difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As noted above, states request different information when making a determination to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when applying to the other state, receives information as to what documentation and form is acceptable to the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee. In the case of a "verification" the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance and current expiration date, and status of the license. The letters are printed from the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Board estimates the average time

to prepare this document to be five minutes. The Bureau uses the term “certification fee” to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment or training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted in order to provide the information requested. The Board staff then seals and issues the document.

E. Description of Proposed Amendments

The following table outlines the affected application fees and proposed changes:

<u>Application/Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Application- Branch or Sole Proprietorship	\$60.00	\$125.00
Application-Widow or Estate	\$100.00	\$125.00
Application-Partnership, Restricted Business Corporation or Professional Corporation	\$60.00	\$150.00
Application-Shared Physical Establishment	\$0.00	\$150.00
Application-Supervisor	\$35.00	\$25.00
Application-Funeral Director	\$20/130	\$25.00
Application- Preceptor Registration or Change	\$0.00	\$25.00
Application-Change with Inspection	\$60.00	\$125.00
Application-Change with No Inspection	\$15.00	\$35.00
Intern/Student Registration	\$15.00	\$25.00
Reinspection after Failure	\$0.00	\$85.00
Certification	\$15.00	\$25.00
Verification of Licensure/Registration	\$0.00	\$15.00

F. Compliance with Executive Order 1996-1

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

G. Fiscal Impact and Paperwork Requirements

The proposed 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.

H. Sunset Date

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

I. 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 this proposed regulation on March 6, 2001, 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 addition to submitting the regulation, the Board has provided the Commission 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 the Commission has any objections to any portion of the proposed regulation, it will notify the agency within ten days after the expiration of the Committee review period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The 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.

J. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Cheryl B. Lyne, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No.16A-482 (Application Fees), when submitting comments.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 19. STATE BOARD OF FUNERAL DIRECTORS

§13.12. Fees.

Following is the schedule of fees charged by the Board:

Initial registration for student trainee .....	\$[15]25
Annual registration for student trainee .....	\$15
Initial registration for resident intern .....	\$[15]25
[Licensing examination for funeral director (oral, written and practical or any combination thereof) .....	\$87]
Initial license for funeral director .....	\$[20]25
Initial license for restricted business corporation, professional corporation, [branch office or] partnership or shared funeral establishment .....	\$[60]150
Initial license for estate or widow, sole proprietorship or branch office .....	\$[100]125
Initial registration for supervisor .....	\$[35]25
[License examination for funeral director based in other states .....	\$130]
Address change without reinspection .....	\$[15]35
Address change with inspection .....	\$[60]125
<u>Reinspection after failure .....</u>	<u>\$85</u>
Certification .....	\$[15]25
<u>Verification of Licensure or Registration .....</u>	<u>\$15</u>
Biennial renewal .....	\$130

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Verification of License or Registration:	\$15.00
Estimated Biennial Revenue:	\$900.00 (60 verifications x \$15.00)

## Fee Description:

The fee will be charged to every applicant who requests verification of a license or registration .

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process a request for verification and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Staff time- process request for verification	(.08 hr)	1.62
Bureau Average Administrative Overhead:		<u>9.76</u>
	Total Estimated Cost:	\$11.38
	Proposed Fee:	\$15.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$15.00 be established for verification of license or registration.

**Page 2**

**Verification of License or Registration**

**Date: 04/07/00**

**Board Staff:** Reviews request for verification, researches computer, microfilm or other files to retrieve pertinent information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.



# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application-Change Location of Existing Funeral Establishment License: \$125.00

Estimated Biennial Revenue: \$3,125.00 (25 applications x \$125.00)

## Fee Description:

The fee will be charged to every applicant who applies to change location of an existing license.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application to change location of an existing license and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application	(2.00 hr)	40.61
BEI - inspect facilities	(3.20 hr)	64.97
Administrative Overhead:		<u>15.56</u>

Total Estimated Cost:	\$121.14
Proposed Fee:	\$125.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$125.00 be established for processing an application to change location of existing license.

**Page 2**

**Application - Change Location of Existing License: Date: 04/07/00**

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, prepares and sends request for inspection to Bur. of Enforcement and Investigation, following completion of inspection BEI submits inspection report, board issues license if in compliance, letter of discrepancy if requirements are not met.**

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application -Change Director or Name on Existing Funeral Establishment License (no inspection required): \$35.00

Estimated Biennial Revenue: \$1,750.00 (50 applications x \$35.00)

## Fee Description:

The fee will be charged to every applicant who applies to change director or name on an existing license (no inspection required).

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application to change director or name on an existing license and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application (1.00 hr)	20.30
Administrative Overhead:	<u>15.56</u>

Total Estimated Cost:	\$ 35.86
Proposed Fee:	\$ 35.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$35.00 be established for processing an application to change director or name on an existing license.

**Page 2 Application - Change Director or Name on Existing License(no inspection required):**

**Date: 04/07/00**

Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, updates computer information and issues license if in compliance, letter of discrepancy if requirements are not met.

## FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

### **Fee Title, Rate and Estimated Collections:**

Application - Initial License for Funeral Partnership, Restricted Business Corporation, Professional Corporation or Shared Funeral Establishment: \$150.00

Estimated Biennial Revenue: \$9,000.00 (60 applications x \$150.00)

### **Fee Description:**

The fee will be charged to every applicant who applies for a Funeral Partnership, Restricted Business, Corporation Professional Corporation or Shared Funeral Establishment license.

### **Fee Objective:**

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for a initial Funeral Partnership, Restricted Business Corporation, Professional Corporation or Shared Funeral Establishment license and (2) defray a portion of the Board's administrative overhead.

### **Fee-Related Activities and Costs:**

Board staff - process application	(2.00 hr)	40.61
BEI - inspect facilities	(3.20 hr)	64.97
Legal Office - review application	(.50 hr)	25.63
Administrative Overhead:		<u>15.56</u>

Total Estimated Cost: \$146.77

Proposed Fee: \$150.00

### **Analysis, Comment, and Recommendation:**

It is recommended that a fee of \$150.00 be established for processing an application for a Funeral Partnership, Restricted Business Corporation, Professional Corporation or Shared Funeral Establishment.

**Page 2 Application for Funeral Partnership, Restricted Business Corporation, Professional Corporation or Shared Funeral Establishment:**

**Date: 04/07/00**

Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, sends to legal staff for review of Board Counsel for technical review. If approved by counsel, prepares and sends request for inspection to Bur. of Enforcement and Investigation, following completion of inspection BEI submits inspection report, board issues license if in compliance, letter of discrepancy if requirements are not met.

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application - Re-inspect after 1<sup>st</sup> failure (new or relocated business): \$85.00

Estimated Biennial Revenue: \$425.00 (5 applications x \$85.00)

## Fee Description:

The fee will be charged to every applicant who requires re-inspection after 1<sup>st</sup> failure (new or relocated business).

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to perform a re-inspection after 1<sup>st</sup> failure (new or relocated business) and defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application	(.25 hr)	5.08
BEI - inspect facilities	(3.20 hr)	64.97
Administrative Overhead:		<u>15.56</u>

Total Estimated Cost:	\$85.61
Proposed Fee:	\$85.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$85.00 be established to re-inspect after 1<sup>st</sup> failure for a new or relocated business.

**Page 2 Re-inspection after 1<sup>st</sup> failure (new or relocated business): Date: 04/07/00**

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, prepares and sends request for inspection to Bur. of Enforcement and Investigation, following completion of inspection BEI submits inspection report, board issues license if in compliance, letter of discrepancy if requirements are not met.**



# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application -Sole Proprietor Funeral Establishment approval: \$125.00

Estimated Biennial Revenue: \$3,750.00 (30 applications x \$125.00)

## Fee Description:

The fee will be charged to every applicant who applies for Sole Proprietor Funeral Establishment approval.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for Sole Proprietor Funeral Establishment approval and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application	(2.00 hr)	40.61
BEI - inspect facilities	(3.20 hr)	64.97
Administrative Overhead:		<u>15.56</u>

Total Estimated Cost:	\$121.14
Proposed Fee:	\$125.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$125.00 be established for processing an application for Sole Proprietor Funeral Establishment approval.

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, prepares and sends request for inspection to Bur. of Enforcement and Investigation, following completion of inspection BEI submits inspection report, board issues license if in compliance, letter of discrepancy if requirements are not met.**

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application -Registration as Student, Intern, Preceptor or Preceptor Change: \$25.00

Estimated Biennial Revenue: \$8,000.00 (320 applications x \$25.00)

## Fee Description:

The fee will be charged to every applicant who applies for Registration as Student, Intern, Preceptor or Preceptor change.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for Registration as Student, Intern, Preceptor or for Preceptor change and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application ( .50 hr)	10.15
Administrative Overhead:	<u>15.56</u>
Total Estimated Cost:	\$25.71
Proposed Fee:	\$25.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for processing an application for registration as Student, Intern, Preceptor or for Preceptor change.

**Page 2 Registration as Student, Intern, Preceptor or Preceptor change: Date:04/07/00**

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, issues license if in compliance, letter of discrepancy if requirements are not met.**

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 04/07/00

**Contact:** David Williams

**Phone No.** 783-7194

## Fee Title, Rate and Estimated Collections:

Application - Initial License for Funeral Branch, Estate or Widow: \$125.00

Estimated Biennial Revenue: \$3,875.00 (31 applications x \$125.00)

## Fee Description:

The fee will be charged to every applicant who applies for a Funeral Branch, Estate or Widow license.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for a Branch, Estate or Widow initial license and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Board staff - process application	(2.00 hr)	40.61
BEI - inspect facilities	(3.20 hr)	64.97
Administrative Overhead:		<u>15.56</u>

Total Estimated Cost: \$121.14

Proposed Fee: \$125.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$125.00 be established for processing an application for a Funeral Branch, Estate or Widow license.

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, prepares and sends request for inspection to Bur. of Enforcement and Investigation, following completion of inspection BEI submits inspection report, board issues license if in compliance, letter of discrepancy if requirements are not met.**

RECEIVED

FEE REPORT FORM 2000 APR 20 AM 11:20

REGULATORY REVIEW COMMISSION

Agency: State - BPOA Regulation 16A-566 Date: 04/07/00

Contact: David Williams State Real Estate Commission

Phone No. 783-7194

PROPOSAL: Regulation 16A-566 amends 49 PA Code, Chapter 35, regulations of the State Real Estate Commission. The amendment makes revisions to the schedule of Board fees by increasing fees for providing certain services, decreasing the number of fees, and in two cases adding new fees for services for which there is currently no charge.

Fee Title, Rate and Estimated Collections:

Certification of Scores, License or Registration: \$25.00

Regulation 16A-566 is Final Rulemaking which was delivered to the Professional Licensure Committee on April 6, 2000. The Professional Licensure Committee has until April 26, 2000, to approve or disapprove the regulation.

ANALYSIS: Sec. 407 of the Real Estate Licensing and Registration Act, 63 P.S. Sec. 455.407, the Commission is required to meet expenditures through revenues raised by fees. The fee will be charged to every applicant who requests certification of scores, license or registration. The Commission states that a recent systems audit determined that the fees for certain services did not accurately reflect the actual cost involved in providing the service. Accordingly, the Board proposes to amend the schedule of fees as follows:

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process a request for certification and (2) defray a portion of the or Cemetery Administrator's overhead.

Application for Licensure of:

Fee-Related Activities and Costs:

Application/Service	Current Fee	Proposed Fee
Broker, Cemetery Broker or Rental Listing	\$ 25.00	\$ 40.00
Referral Agent	\$ 55.00	\$ 75.00
Bureau Average Administrative Overhead:		9.76
(ii) Branch Office	\$ 50.00	\$ 65.00
(iii) Associate Broker, Salesperson, Cemetery		Proposed Fee: \$25.00

Associate Broker, Builder-Owner Salesperson,

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$25.00 be established for certification of scores, license or registration.

Partner or Officer for a Partnership, Association

or Corporation \$ 20.00 \$ 25.00

(iv) Cemetery Salesperson	\$ 15.00	\$ 20.00
Application for Registration of Cemetery Company	\$ 20.00	\$ 25.00

Initial Licensure for Associate Broker, Date: 04/07/00  
 Page 2 ~~Certification of State Board~~

Branch Office, Rental Listing Referral Agent, or Board Staff: Reviews request for certification; researches computer and microfilm files to retrieve pertinent information, transfers that information onto document submitted by requester. Partnerships Association seal onto documents, forwards as instructed by applicant.

(i) If Issued in First Half of Biennial Period	\$ 60.00	100% of Biennial Renewal Fee
(ii) If Issued in Second Half of Biennial Period	\$ 30.00	50% of Biennial Renewal Fee

Initial Registration for Cemetery Company or  
 Initial Licensure for Associate Broker, Salesperson,  
 Cemetery Associate Broker, Cemetery Salesperson,  
 Builder-Owner Salesperson, Time-Share  
 Salesperson or Campground Membership  
 Salesperson:

(i) If Issued in First Half of Biennial Period	\$ 40.00	100% of Biennial Renewal Fee
(ii) If Issued in Second Half of Biennial Period	\$ 20.00	50% of Biennial Renewal Fee

Registration of Promotional Real Estate	\$250.00	\$120.00
Approval of Real Estate School	\$325.00	\$120.00

Reinspection of Real Estate School After First Failure	\$ 0.00	\$ 65.00
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Change of Name or Office Location of Broker, Cemetery Broker or Rental Listing Referral Agent	\$ 55.00	\$ 75.00
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Reinspection After Failure for Change of Name or Office Location of Broker, Cemetery Broker or rental Listing Referral Agent	\$ 0.00	\$ 55.00
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Change of Ownership or Directorship of Real Estate School	\$ 40.00	\$ 75.00
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Change of Name of Real Estate School	\$ 90.00	\$ 60.00
Change of Location of Real Estate School	\$ 70.00	\$ 70.00
Addition of Courses for Real Estate School	\$ 20.00	\$ 25.00
Certification of History of Licensure, Registration or Approval	\$ 30.00	\$ 40.00

**FEE REPORT FORM**

The Agency ~~State BPOA~~ **State BPOA** ~~note that the fee for initial license application for private real estate school would be significantly reduced. The Committee requested a detailed explanation of the application review process would be changed from the current process, and what accounted for the reduction of fee. The Commission states that the current fee of \$32383-7494 upon a review of an application by the full Commission. A more efficient review could be accomplished by the Education Committee. Since fewer Commission members would be involved, the fee would be reduced by \$205.~~ **Date: 04/07/00**  
 Contact: ~~David Williams~~ **David Williams**  
 Phone No: ~~32383-7494~~

**Fee Title, Rate and Estimated Collections:**

The Committee requested an explanation as to why the proposed fee to be charged is 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.

**Estimated Biennial Revenue: \$8,125.00 (325 applications x \$25.00)**

The administrative overhead costs for certification of license history is listed as \$9.76 and while all other services are listed as \$13.56. The Committee requested an explanation as to what accounts for the difference in administrative overhead costs. The Commission states that the overhead cost for certification is divided among the licensing population for the entire Bureau, while the overhead cost for other fees are divided among the licensing population for the Commission.

**Fee Description:**

The fee will be charged to every applicant who applies for Initial License as a Funeral Director or Registration for Supervisor.

**Fee Objective:**

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee approve the regulation. The fee should (1) offset the identifiable costs incurred by the State Board of Funeral Directors to review and process an application for initial license as a Funeral Director or for Registration for Supervisor and (2) defray a portion of the Board's administrative overhead.  
 House of Representatives  
 Professional Licensure Committee

April 7, 2000

**Fee-Related Activities and Costs:**

Board staff - process application ( .50 hr)	10.15
Administrative Overhead:	<u>15.56</u>
<b>Total Estimated Cost:</b>	<b>\$25.71</b>
<b>Proposed Fee:</b>	<b>\$25.00</b>

**Analysis, Comment, and Recommendation:**

It is recommended that a fee of \$25.00 be established for processing an application for initial license for Funeral Director or Registration for Supervisor

**Page 2 Application for Initial License for Funeral Director or Registration for Supervisor:**  
**Date: 04/07/00**

**Board Staff: receives application, reviews for completeness, contacts applicant to obtain any missing information and/or documents, issues license if in compliance, letter of discrepancy if requirements are not met.**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF FUNERAL DIRECTORS

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3397

March 6, 2001

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


Re: Proposed Regulation  
State Board of Funeral Directors  
16A-482:Application Fees

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Funeral Directors pertaining to application fees.

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

Sincerely,

  
James O. Pinkerton, FD, Chairperson  
State Board of Funeral Directors

JOP/TAB/kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel  
Department of State  
Albert H. Masland, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Herbert Abramson, Senior Counsel in Charge  
Bureau of Professional and Occupational Affairs  
Thomas A. Blackburn, Counsel  
State Board of Funeral Directors  
State Board of Funeral Directors

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT

RECEIVED

2001 MAR -6 PM 1:55

INDEPENDENT REGULATORY  
REVIEW COMMISSION

I.D. NUMBER: 16A-482

SUBJECT: State Board of Funeral Directors - Application Fees

AGENCY: DEPARTMENT OF STATE

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

3-6-01 *Lori A. Clark* HOUSE COMMITTEE ON PROFESSIONAL LICENSURE

MAR 06 2001

*[Signature]* SENATE COMMITTEE ON CONSUMER PROTECTION &  
PROFESSIONAL LICENSURE

*[Signature]* INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

*[Signature]* LEGISLATIVE REFERENCE BUREAU

January 25, 2001