

Regulatory Analysis Form		This space for use by IRRC RECEIVED 2001 APR 23 AM 11:19 REGULATORY REVIEW COMMISSION
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Psychology		IRRC Number: 2189
(2) I.D. Number (Governor's Office Use) 16A-6311		
(3) Short Title Deletion of Examination Fees		
(4) PA Code Cite 49 Pa. Code §41.12	(5) Agency Contacts & Telephone Numbers Primary Contact: Judith Pachter Schulder, Counsel State Board of Psychology (717)783-7200 Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Regulatory Review (717)78 3-7200	
(6) Type of Rulemaking (check one) <input checked="" type="checkbox"/> Proposed Rulemaking Final Order Adopting Regulation Final, Proposed Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. The regulation deletes references to examination fees.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The regulation is proposed under the authority of Section 812.1 of the Administrative Code of 1929 (71 P.S. §279.3(a)) and Section 3.3 of the Professional Psychologists Practice Act (63 P.S. §1203.3). The regulation deletes references to examination fees.		

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.

No.

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

Over the past several years, national uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the national examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to national examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the national examiners' examination fees in the Board's regulations.

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

Nonregulation would require the Board to be the medium between licensees and the national examiners for notification of examination fees.

(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 Board will benefit from the regulation by eliminating unnecessary regulations specifying examination fees where the candidate is notified of these fees directly by the national examiner.

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.)

No persons would be adversely affected.

(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.)

Deleting fee examinations from the Board's regulations would not affect any group since candidates for licensure would still be required to pay the fee but would pay the fee directly to the national examiner rather than through the Board.

(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.

The Board has not communicated with or received input from regulated interests in the development and drafting of this regulation because payment of the fees represents the actual contractual rate for the professional testing agency and the professional testing agency, by contract, communicates directly with the applicants for examinations. All persons affected by the deletion of fees, however, will be given actual notice of the Board's intention to amend its regulations during proposed rulemaking pursuant to Section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

(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.

There will be no cost and/or savings to the regulated community.

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.

The regulation will not result in costs and/or savings to local government.

(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 regulation will not impose any costs and/or savings on state government.

Regulatory Analysis Form

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

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS-	N/A	N/A	N/A	N/A	N/A	N/A
<i>Regulated</i>						
<i>Local Government</i>						
<i>State Government</i>						
<i>Total Savings</i>						
COSTS-	N/A	N/A	N/A	N/A	N/A	N/A
<i>Regulated</i>						
<i>Local Government</i>						
<i>State Government</i>						
<i>Total Costs</i>						
REVENUE LOSSES-	N/A	N/A	N/A	N/A	N/A	N/A
<i>Regulated</i>						
<i>Local Government</i>						
<i>State Government</i>						
<i>Total Revenue Losses</i>						

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

N/A

Regulatory Analysis Form

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

Program	FY -3	FY -2	FY -1	Current FY
State Board of Psychology	N/A	N/A	N/A	N/A

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

N/A

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

Nonregulatory alternatives were not considered since the only way to delete a regulation is by regulatory means.

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

N/A

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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.

N/A

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

The regulation should not put Pennsylvania at a competitive disadvantage with other states. Candidates for licensure in other states that utilize a national examination pay the fees directly to the national examination without requirement that the Board publish a schedule of those fees.

(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.

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

No.

(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.

This regulation applies to all candidates for licensure by examination. The Board has perceived no special needs of any subset or group which should be excepted.

(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 of Final Rulemaking in the Pennsylvania Bulletin. Compliance will be required as of that date.

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

The Board continuously reviews its regulations, periodically communicates with licensees through newsletters and obtains information and feedback from its licensees on a frequent basis.

CAL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

2001 APR 25 11:19:19

(Pursuant to Commonwealth Documents Law)

REVIEW CONTINUED

2189

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.

Christie J. Cooper
BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Psychology
(AGENCY)

John V. Turner
BY: _____

APR 05 2001

DOCUMENT/FISCAL NOTE NO. 16A-6311

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: *Alex M. Siegel*
Alex M. Siegel Ph.D./J.D.

3/22/01

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

TITLE: Chairman
(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 PSYCHOLOGY
49 Pa. Code, Chapter 41
Deletion of Examination Fees

The State Board of Psychology (Board) proposes to amend its regulations at 49 Pa. Code §41.12 by deleting references to examination fees. In particular, the proposal would delete references to the National portion of the examination of \$350.00, the state portion of the examination of \$42.00 and the administrative fee of \$45.00. These fees are set by the third party testing organizations who administers the examinations, not the Board. The fees are uniform throughout the United States. In order to avoid the necessity of amending its regulations whenever the examination administrators might change the fees, the Board proposes to delete references to the fees.

The General Assembly has indicated its preference for the recognition of national uniform examinations and grading services in accordance with Section 812.1 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §279.3a. Over the past several years national uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the national examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to national examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the national examiners' examination fees in the Board's regulations. Since examination fees are no longer established by the Board, Section 3.3 of the Professional Psychologists Practice Act, Act of March 23, 1972, as amended, 63 P.S. §1203.3 is inapplicable as to national uniform examinations. Thus, the Board is eliminating reference to these examination fees.

FISCAL IMPACT

The proposed amendments will have no fiscal impact on the Board or its licensees. The proposed amendments should have no fiscal impact on the private sector, the general public or political subdivisions.

PAPERWORK REQUIREMENTS

The proposed regulations should not create additional paperwork for the private sector.

COMPLIANCE WITH EXECUTIVE ORDER 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The proposed regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

STATUTORY AUTHORITY

These amendments are proposed under Section 812.1 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §279.3a, and Section 3.3 of the Professional Psychologists Practice Act (63 P.S. §1203.3).

FISCAL IMPACT AND PAPERWORK REQUIREMENTS

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions.

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 agency submitted a copy of this proposed regulation on _____ 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 regulation, the agency has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the agency 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 regulation, it will notify the agency within ten days after the expiration of the Committees' 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 agency, the General Assembly and the Governor of objections raised.

PUBLIC COMMENT

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Judith Pachter Schulder, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-6311 (Deletion of Examination Fees), when submitting comments.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 41. STATE BOARD OF PSYCHOLOGY

LICENSES

§41.12. Fees.

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

* * *

[Examination fee--National part only.....	\$350
Examination fee--State part only.....	\$42
Administration Fee (to be added to sum of parts taken at one sitting).....	\$45]

* * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCUCPATIONAL AFFAIRS
STATE BOARD OF PSYCHOLOGY

(717) 783-7155

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

April 23, 2001

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

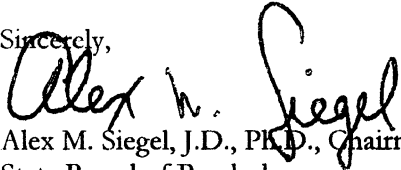
RE: Proposed Regulation
State Board of Psychology
Deletion of Examination Fees (16A-6311)

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Psychology pertaining to deletion of examination fees.

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

Sincerely,


Alex M. Siegel, J.D., Ph.D., Chairman
State Board of Psychology

AMS:jPS:apm

Enclosures

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
Christal Pike-Nase, Regulatory Counsel
Gerald S. Smith, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Judith Pachter Schulder, Counsel
State Board of Psychology
State Board of Psychology

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

RECEIVED

2001 APR 23 AM 11:19

REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 16A-6311
 SUBJECT: State Board of Psychology - Deletion of Examination 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
4-23-01	<i>Lori A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4/23/01	<i>Charlotte C. Kass</i>	
4-23-01	<i>Tami Tarasi</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/23/01	<i>Stephan Smith</i>	
4/23/01	<i>Shada, Scherel</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
04/23/01	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU

April 12, 2001