

# Regulatory Analysis Form

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REVIEW COMMISSION



IRRC Number: 2191

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Physical Therapy

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

16A-658

(3) Short Title

Deletion of Examination Fees

(4) PA Code Cite

49 Pa. Code §40.5

(5) Agency Contacts & Telephone Numbers

Primary Contact: Beth Sender Michlovitz, Counsel  
State Board of Physical Therapy  
(717)783-7200

Secondary Contact: Joyce McKeever, Deputy Chief  
Counsel, Regulatory Review  
(717)78 3-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final, Proposed 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 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 8 of the Physical Therapy Act (63 P.S. §1308). 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
<b>SAVINGS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(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 Physical Therapy	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

## 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.

## 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.

**(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.**



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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LEGISLATIVE HISTORY  
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

# 2191

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.

*Cristina L. Cooper*  
(DEPUTY ATTORNEY GENERAL)

State Board of Physical Therapy  
(AGENCY)

*John V. Turner*

APR 05 2001

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-658

DATE OF ADOPTION:

3/22/01

DATE OF APPROVAL

BY: *J. J. Irrgang*  
James J. Irrgang

(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 PHYSICAL THERAPY  
49 PA. CODE §40.5  
DELETION OF EXAMINATION FEES

The State Board of Physical Therapy (Board) proposes to amend its regulations at 49 Pa. Code §40.5 by deleting references to examination fees. In particular, the proposal would delete references to the physical therapist examination fee of \$345, the athletic trainer examination fee of \$83.75 and the physical therapist assistant registration fee of \$330. These fees are set by the third party testing organization 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 administrator 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 8 of the Physical Therapy Practice Act 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 8 of the Physical Therapy Practice Act (63 P.S. §1308).

## **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 Board submitted a copy of this proposed regulation on April 24, 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 Board within 10 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 Board, 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 Bob Kline, Administrative Assistant, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-658 (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 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. GENERAL PROVISIONS

\* \* \*

§40.5. Fees.

The following fees are charged by the Board:

Physical therapist

\* \* \*

[Examination..... \$345]

\* \* \*

Athletic trainer:

\* \* \*

[Athletic trainer examination..... \$83.75]

\* \* \*

Physical therapist assistants:

\* \* \*

[Registration examination..... \$330]

\* \* \*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF PHYSICAL THERAPY

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-7134

April 24, 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 Physical Therapy  
16A-658: Deletion of Examination Fees

Dear Chairman McGinley:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Irrgang".

James J. Irrgang, Chairperson  
State Board of Physical Therapy

JJI/BSM: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  
Christal Pike-Nase, 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 Physical Therapy  
State Board of Physical Therapy

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

I.D. NUMBER: 16A-658  
 SUBJECT: State Board of Physical Therapy - 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

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 INDEPENDENT REGULATORY REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
4-24-01	<i>Lori A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
APR 24 2001	<i>Janet S. Zuber</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/24/01	<i>Stacy J. Hill</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
4/24/01	<i>Mayera Garcia</i>	LEGISLATIVE REFERENCE BUREAU

April 12, 2001