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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 13, 2001

Carol M. Thompson, Chairperson  
State Board of Cosmetology  
116 Pine Street  
Harrisburg, PA 17105

Re: Regulation #16A-4510 (IRRC #2223)  
State Board of Cosmetology  
Examination Fees

Dear Chairperson Thompson:

Enclosed are our Comments. They will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce / km".

Robert E. Nyce  
Executive Director  
wbg  
Enclosure

cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Kim Pizzigrilli, Secretary, Department of State

# **Comments of the Independent Regulatory Review Commission**

**on**

## **State Board of Cosmetology Regulation No. 16A-4510**

### **Examination Fees**

**December 13, 2001**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Cosmetology must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 13, 2003, the regulation will be deemed withdrawn.

#### **Remaining language in Chapter 7 - Consistency with other regulations; Clarity.**

The Board is proposing to delete examination fees in Sections 7.2(a) and (b). However, there is existing language in Chapter 7, which refers to those fees and examinations given by the Board. These existing provisions are discussed in the following paragraphs.

First, Section 7.32a lists the required contents of examination applications. Sections 7.32a(a)(3) and (b) require applications to include the examination fees prescribed by Section 7.2. Will applicants continue to submit examination fees to the Board?

Second, Section 7.32g(a) requires payment of the "examination and license fees prescribed in § 7.2." This subsection and the two subsections, discussed above, need to be consistent with the Board's proposal to provide clarity for readers of Chapter 7. The Board should delete references to examination fees in Section 7.2 from Sections 7.32a(a)(3) and (b) and 7.32g(a) and Chapter 7 in its entirety.

Third, language in Section 7.31(a) states that individuals who want a teacher's, manager's, cosmetologist's, cosmetician's or manicurist's license must "pass the examination given by the Board for that license" (emphasis added). The Beauty Culture Law authorizes the Board to select and approve the examinations that applicants must pass for licensure. However, this proposed regulation acknowledges that the professional testing organization gives the examinations and charges the fees for this service. Should the words "pass the examination given by the Board for that license" be replaced with "pass the examination required by the Board for that license"?