

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners

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

16A-425

SEP 07 17 11:11

IRRC Number: 2310

(3) Short Title

Deletion of Examination Fees

(4) PA Code Cite

49 Pa. Code § 3.103

(5) Agency Contacts & Telephone Numbers

Primary Contact: Carole L. Clarke, Counsel
State Board of Barber Examiners (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 proposed regulation eliminates references to the amount paid by applicants to take the theory and practical examinations and by managers to take the theory examination. The fees for these examinations are set by the professional testing organization and not by the Board.

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

Section 812.1 of the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 279.3a and Section 6 of the Barber License Law (Law), Act of June 19, 1931, P.L. 589, No. 202, as amended, 63 P.S. § 556 which sets forth the powers and duties of the Board with regard to the administration of examinations.

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(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.

The regulation is not mandated by any federal or state law, court order, or federal regulation.

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

Examination fees are determined through a competitive bid and contracting process with a professional testing organization that administers the examinations. Eliminating references to the current examination fee in the regulations will obviate the need to amend the regulations in the future should the examination fees be changed.

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

There are no specific public health, safety, environmental or general welfare risks associated with nonregulation.

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

Applicants for licensure will benefit by not having potentially conflicting sources of information relating to examination fees. The Board will benefit because the regulation will eliminate the need to make future adjustments to its regulations should the fees be changed.

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(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 groups or individuals who will be adversely affected by the regulation.

(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.)

All applicants for the theory and practical examinations are required to pay the fee set by the professional testing organization. This regulation does not affect the fee charged by the professional testing organization.

(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 text of the proposed regulation was sent to Barber organizations for pre-draft commentary on February 23, 2001. All comments received were in support of the deletion of the examination fees.

(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.

No specific costs or savings to the regulated community are anticipated. However, the general operational costs of the Board may be reduced by eliminating the need to make future amendments to the Board's regulations.

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(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.

There are no anticipated costs or savings to local government associated with this 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.

Because the Board's operational expenses are paid from license renewal fees, there are no anticipated costs or savings to state government associated with this regulation.

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(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
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
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.
N/A

Program	FY -3	FY -2	FY -1	Current FY
Barber Board	\$ 265,661.63	\$ 288, 350.59	\$307, 329.54	\$ 304,000.00

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

There are no adverse effects or costs associated with the regulation. The regulated community will benefit because the Board will not be required to make any future amendments to its regulations to conform to changing costs of the licensing examinations.

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

Because the fees are currently announced in the Board's regulations, no nonregulatory alternatives were considered.

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

No alternative regulatory schemes were considered.

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(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.

There are no federal standards relevant to the regulation.

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

A survey of neighboring states was taken. New York, New Jersey and Maryland list examination fees by regulation. Ohio's fees are established through statute. In Delaware, a bill was recently introduced which would remove examination fees from the statute.

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

The regulation will not affect any existing or proposed 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 meets in public session at least six times per year at 124 Pine Street in Harrisburg, PA. Comments from the public are always invited at the Board's meetings. The proposed meeting dates for 2002 are as follows: February 11, April 22, June 17, August 19, October 21, and December 16, 2002.

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.

The regulation will not change any existing reporting, record keeping or other paperwork requirements.

(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 identified no particular groups or persons who will be affected by the regulation.

(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 final publication in the Pennsylvania Bulletin.

(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)

RECEIVED
AUG 17 2002 11:11
LEGISLATIVE REFERENCE BUREAU

2310

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.

David J. Dush
BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Barber Examiners
(AGENCY)

John V. ...
BY: _____

AUG 28 2002

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-425

DATE OF ADOPTION:

Michael M. DeMott
BY: _____

8/5/02

DATE OF APPROVAL

(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 BARBER EXAMINERS
49 PA. CODE, CHAPTER 3
DELETION OF EXAMINATION FEES

The State Board of Barber Examiners (Board) proposes to amend 49 Pa. Code § 3.103 (relating to fees) as set forth in Annex A. The proposed rulemaking deletes references to the fees charged by testing organizations from the schedule of fees for the theory and practical examination for barbers and barber teachers and theory examination for managers.

Effective Date

The regulation is effective on final publication in the Pennsylvania Bulletin.

Statutory Authority

The amendments are authorized under Section 812.1 of the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 279.3a, and Sections 6 and 14 of the Barber License Law (Law), Act of June 19, 1931, P.L. 589, No. 202, as amended, 63 P.S. § 556, 564.

Background and Need for Amendment

The proposed amendment to Section 3.103 of the regulations, the schedule of fees, deletes references to the fees for the theory and practical examination for barbers and barber teachers and theory examination for managers. These fees are set by the administrators of the examinations, not by the Board. To avoid the necessity of amending the regulations whenever the examination administrator changes the fees, the Board proposes to delete references to the fees.

Description of Proposed Amendments

The proposed rulemaking deletes references to the fees for the theory and practical examination for barbers and barber teachers and theory examination for managers. The fees are set by the professional testing organizations.

Fiscal Impact

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

Paperwork Requirements

The proposed regulation will avoid preparation of new regulations each time that an examination fee is changed and should not create additional paperwork for the private sector.

Sunset Date

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Pursuant to section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of this proposed regulation on October 17, 2002 to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). In addition to submitting the proposed rulemaking, the Board has provided IRRC, SCP/PLC, and HPLC 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.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the SCP/PLC and HPLC review period. The notification shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review of objections by the Board, the General Assembly, and the Governor prior to publication of the regulations.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to Sara Sulpizio, Administrator, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

* * *

§3.103. Fees.

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

[Licensing examination for barber – complete.....	\$87
Licensing examination for barber – practical only.....	\$87
Licensing examination for barber – theory only.....	\$87
Licensing examination for barber – endorsement candidate.....	\$87
Licensing examination for barber teacher – complete.....	\$87
Licensing examination for barber teacher – practical only.....	\$87
Licensing examination for barber teacher – theory only.....	\$87
Licensing examination for barber shop manager.....	\$87]

* * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-3402

October 17, 2002

The Honorable John R. McGinley, Jr., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Barber Examiners
16A-425: Deletion of Examination Fees

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Barber Examiners 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 that reads "Cheryl McDermott".

Cheryl McDermott, Chairperson
State Board of Barber Examiners

CM/CLC:lw

Enclosure

c: David M. Williams, Acting Commissioner
Bureau of Professional and Occupational Affairs
John T. Henderson, Jr., Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
Carol L. Clarke, Counsel
State Board of Barber Examiners
State Board of Barber Examiners

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 16A-425
SUBJECT: State Board of Barber Examiners - 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
10/17/02	Lou A. Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
OCT 17 2002	Amie Zuker	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/17/02	Elena Pagan	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
10/17/02	C. LaBran	LEGISLATIVE REFERENCE BUREAU

August 30, 2002