

Regulatory Analysis Form

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2004 APR 26 AM 10:00

REVIEW COMMISSION

(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-426

IRRC Number: 2359

(3) Short Title

Ten Chair Barber Schools

(4) PA Code Cite

49 Pa. Code § 3.82

(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
 Policy Statement

(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.

Currently barber schools must have 20 chairs in the clinic room and 20 desks in the theory room. The amendment changes the requirement to 10 chairs in the clinic room and 10 desks in the theory room. In conjunction with lowering the number of chairs and desks that must be in each room, the amendment lowers the minimum amount of square footage required for the entire school as well as the square footage required for the theory room. The amendment also changes the provisions of the regulation dealing with inspection of the barber school prior to licensure. The changes would provide for one inspection after an application is filed, but before a license is issued. This inspection would confirm that the school layout complies with the sketch supplied to the Board and that the school has the necessary equipment and supplies. The regulation eliminates the requirement of a second inspection. The second inspection is not necessary because the initial inspection has already confirmed that that school complies with the Law and regulations.

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

The amendments are authorized under Section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P.S. §566.4(b)), known as the Barbers' License Law.

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?

The Barber Law requires that barber schools meet standards of the Board in order to be licensed and operate in the Commonwealth. The amendment addresses the decline in enrollment and the number of barber schools in the state. Currently, the regulations require schools to have twenty chairs. Due to decreased enrollment some of the few private barber schools in Pennsylvania have had to close. Likewise, schools are not willing to open because they cannot fill the chairs. The proposed regulation will allow schools to open with fewer chairs and eliminate the need for equipment that is not used due to decreased demand. With more barber schools, those who are interested in pursuing the barbering profession will have better access to get the required training. The amendment also deletes unnecessary provisions of the regulation pertaining to the license application inspection process.

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

The amendment poses no health, safety, environmental or general welfare risks of harm.

(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 barber profession will benefit from the regulation. There are few privately owned barber schools and their number is decreasing. This regulation will make it easier for barber schools to open. More barber schools will allow greater numbers of barbers to be trained, thereby increasing the number of licensed barbers serving the public.

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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.)

There is no known segment of the public that 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.)

Number of private barber schools = 4

Number of barber schools in correctional facilities = 16

(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 solicited input from the regulated community in the drafting of these regulations. On May 15, 2002, the Board wrote to the following barber schools and associations: State Correctional Institution (S.C.I.) at Pittsburgh, S.C.I. at Graterford, S.C.I. at Huntingdon, S.C.I. at Rockview, S.C.I. at Dallas, S.C.I. at Cresson, S.C.I. at Retreat, S.C.I. at Waymart, S.C.I. at Coal Township, S.C.I. at Albion, S.C.I. at Camp Hill, S.C.I. Mahoney Barber School, S.C.I. at Somerset, S.C.I. Houtzdale, S.C.I. Greene, S.C.I. Chester, Tri-City Barber School Inc., Barber Styling Institute Inc., Pittsburgh Beauty Academy Institute of Barbering, Charlie G. Haynes Barber School, Pennsylvania Barber School Coalition, Black Barbers and Beauticians Association/Metro Barber Association Inc., and Pennsylvania Association of Private School Administrators.

The Board received six letters in support of the proposed regulation. One letter took no position on the proposed regulation. One letter was against the proposed regulation because it would allow more barber schools to open and this stakeholder felt that the new schools would offer poor quality programs. Because all schools must follow the same curriculum the Board feels that an increased number of schools will not compromise the quality of the programs.

(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 is unable to determine the specific amount of savings, but it is anticipated that there will be some savings because schools will not be required to purchase and maintain equipment that may not be used.

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 are not affected by 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.

No legal, accounting, or consulting activities are anticipated. The Board will derive some savings in the cost of Board and staff time required to conduct an inspection. The estimate of the savings is not readily available, but time associated with conducting an inspection is a factor in the fee for application for licensure.

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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 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
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.

There are no costs associated with this regulation. There may be some savings due to less equipment being required to open a barber school. However, any savings associated with the need for less equipment is not known at this time.

Regulatory Analysis Form

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

Program	FY -3 (FY 99-00)	FY -2 (FY 00-01)	FY -1 (FY 01-02)	Current FY (FY 02-02)
Barber Board	\$288,350.59	\$309,938.75	\$321,340.71	\$329,000.00

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

No costs have been associated with compliance with the regulation. Therefore, the above identified benefits outweigh any adverse effects and costs.

(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 a regulatory approach is necessary to remove the current requirement that barber schools must have 20 chairs each in the clinic and theory rooms. Nonregulation would continue the current requirement that all barber schools have 20 clinic room chairs and 20 theory room desks. The current requirement is affecting those who want to open barber schools, but are reluctant to do so knowing that they will not be able to fill all twenty chairs. The regulation will lower the minimum requirement, but still allow larger schools to open if the need arises.

No nonregulatory alternatives were considered with regard to the portion of the regulations dealing with inspections. The Board had previously changed its practice to performing only one inspection without the presence of a Board member because the regulation was overly burdensome in requiring two inspections (one before and one after the equipment was installed) and left open the possibility that a Board member would have to recuse himself or herself if disciplinary action arose due to the inspection.

(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 because amending the regulation is the only way to change the 20-chair requirement and to reflect the Board's current inspection process.

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?

A survey of the laws of Delaware, Maryland, New Jersey, New York, Ohio and West Virginia was done. Delaware's regulation requires that a barber school enrolling up to 25 students have a minimum of 12 work stations. No regulations were found in New Jersey and New York pertaining to minimum equipment requirements for barber schools. Ohio's regulation requires that a barber school have sufficient facilities to maintain 20 students simultaneously. West Virginia's regulation requires that a barber school must be equipped to teach a minimum of 50 students. The regulation will not put Pennsylvania at a competitive disadvantage with other states. In fact, this regulation should encourage more barber schools to open in Pennsylvania.

Each bordering state has different inspection methods. Amending the regulation will not put Pennsylvania at a competitive disadvantage with other states.

(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 amends existing regulations pertaining to barber schools. It does not affect other state agencies.

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

The Board will consider comment from the public on these regulatory amendments during the course of its regularly scheduled meetings. Meetings are held at 2601 North Third Street, Harrisburg, PA, generally the third Monday of every other month. A schedule of Board meetings can be found at the Department of State's website at www.dos.state.pa.us/bpoa.

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.

There are no changes in existing reporting, record keeping, or other paperwork requirements required by the proposed 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 of no special needs of any subset of its licensees for whom special provisions 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 of the final form regulation in the Pennsylvania Bulletin.

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

The Board will review the effectiveness of this regulation as part of its annual review process pursuant to Executive Order 1996-1.

FEES

§ 1.41. Schedule of fees.

Applicants shall pay the following fees:

[Examination fee for auctioneer license ... \$87]

* * * * *

[Pa.B. Doc. No. 03-1841. Filed for public inspection September 19, 2003, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

[49 PA. CODE CH. 3]

Ten Chair Barber Schools

The State Board of Barber Examiners (Board) proposes to amend § 3.82 (relating to inspection) to read as set forth in Annex A.

A. Effective Date

The proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P. S. § 566.4(b)), known as the Barbers' License Law.

C. Background and Purpose

Barber schools in this Commonwealth have, over the last several years, experienced a decrease in enrollment. To encourage schools to remain in business as well as encourage new schools to open, the Board has reviewed its existing regulations governing licensed schools with a view toward eliminating unnecessarily restrictive regulations. The Board proposes to amend § 3.82 to delete the requirement that a barber school have 20 chairs in the clinic room and 20 desks in the theory room and to require only 10 chairs and desks in each room. This minimum 10 chair/desk requirement will eliminate the need to have unused equipment in the schools. The Board also anticipates that this will allow more schools to become licensed. In conjunction with lowering the number of chairs and desks required for schools, the Board proposes to decrease the space requirements. With fewer required chairs and desks it follows that schools would need less space to operate.

The proposed rulemaking also amends the requirements for inspection prior to a barber school being licensed. Currently, the regulations require both a preliminary inspection of the school and a second inspection after the equipment is installed. The regulation requires a Board member to accompany the inspector on the second inspection. The Board feels that its resources would be better utilized if one inspection was required. Furthermore, the Board feels that it is improper for a Board member to accompany the inspector on the second inspection given that there may be violations that could result in the license being denied. This proposed rulemaking updates the regulation to reflect the Board's current practice of conducting only one inspection.

D. Description of Proposed Rulemaking

The proposed rulemaking reduces the minimum number of barber chairs and desks for licensed barber schools. Currently, § 3.82(a) requires that barber schools have 20 barber chairs in the clinic room and 20 desks in the theory room. The proposed rulemaking lowers this requirement to ten chairs and desks in each room. In conjunction with lowering the minimum number of chairs and desks required for a barber school, the proposed rulemaking lowers the minimum amount of square footage required for a school. In § 3.82(a)(1), the Board has lowered the minimum amount of square footage from 2,000 square feet to 1,250 square feet. The Board has determined that this amount of square footage is appropriate to accommodate ten barber chairs, a theory room, a restroom and a waiting area. The size of the theory room has also been decreased. The proposed amendment to § 3.82(a)(12) decreases the theory room from the specific dimensions of 20 feet by 20 feet (400 square feet) to 200 square feet. The Board feels that requiring square footage instead of the specific dimensions of the room will allow each school the freedom to design the theory room to best fit the needs of the school.

The proposed rulemaking also eliminates an obsolete provision in § 3.82(b) and further modifies § 3.82(a). The current regulation calls for a preliminary inspection before the application for a barber school is completed, then a follow-up inspection after the equipment has been installed. It also calls for a member of the Board to accompany the investigator on the follow-up inspection. The current Board policy is to conduct one inspection of the school after the application is submitted and before the permit is issued. The Board feels that doing one inspection after the application is filed but before the permit is issued is appropriate. This inspection verifies that the school conforms to the plans that were submitted and that the equipment and supply requirements are met. The Board feels that it is improper and unnecessary for a Board member to accompany the investigator on the inspection. Therefore, the Board is proposing to modify these two subsections to reflect the current Board practice.

E. Fiscal Impact and Paperwork Requirements

The proposed rulemaking would not impose any additional paperwork requirements on the Board or its licensees. The proposed rulemaking will have a beneficial fiscal impact on existing and new barber school owners by reducing the costs for unnecessary equipment such as chairs and desks for schools with a small enrollment.

F. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recom-

mendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. *Contact Person*

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, www.dos.state.pa.us.

I. *Public Comment*

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

CHERYL MCDERMOTT,
Chairperson

Fiscal Note: 16A-426. No fiscal impact; (8) recommends adoption.

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
SCHOOLS OF BARBERING

§ 3.82. Inspection.

(a) Before [**completing application for registration**] a school license is issued, each proposed school will be preliminarily inspected for the purpose of determining if the following requirements are met:

(1) At least [**2,000**] 1,250 square feet of floor space.

* * * * *

(11) A clinic room with [**20**] a minimum of 10 barber chairs.

(12) A theory room [, approximately 20 feet by 20 feet, with **20**] with at least 200 square feet of floor space and a minimum of 10 desks or tablet arm chairs.

(b) [**A second inspection will be made after the required equipment has been installed but before the school begins operation. A member of the Board will accompany the investigator on this inspection.**]

(c) [**Copies of school forms and contracts to be used shall be submitted to and approved by the Board before the school begins operation.**]

[**(d)**] (c) * * *

[Pa.B. Doc. No. 03-1842. Filed for public inspection September 19, 2003, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]
Emergency Vehicles

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.18 (relating to established place of business for dealers) to create an exception to the size of the display area required of a vehicle dealer who sells only new firefighting equipment or other emergency service vehicles to read as set forth in Annex A.

Effective Date

The proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The proposed rulemaking is authorized under section 4(a)(9) of the Board of Vehicles Act (63 P. S. § 818.4(a)(9)).

Background and Need for the Proposed Rulemaking

The Board's current regulations require all vehicle dealers to maintain a display lot large enough to display five vehicles of the type the dealer normally sells. Vehicle dealers who sell only new firefighting and emergency service vehicles contacted the Board to explain that these vehicles are sold only on special order, are built to specification by the manufacturer and are delivered by the manufacturer directly to the customer. The Board concluded that the current display area size requirement in § 19.18(3)(i) creates a hardship on these dealers because of the large square footage required to display five of these vehicles, which are not usually displayed at the dealerships. In addition, the regulation is not necessary to protect the public. Therefore, the Board proposes to exempt licensed vehicle dealers who sell only new firefighting or other emergency service vehicles from the minimum display area requirements in § 19.18(3)(i).

Description of Proposed Rulemaking

The proposed rulemaking would exempt licensed vehicle dealers who sell only new firefighting or emergency service vehicles from the requirement that their established place of business include a display area large enough to display at least five of these types of vehicles.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED
2004 APR 26 AM 10:00

REVIEW COMMISSION

(Pursuant to Commonwealth Documents Law)

*2359

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

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Barber Examiners
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-426

DATE OF APPROVAL

DATE OF ADOPTION: _____

4/9/04
DATE OF APPROVAL

BY: LeRoy Cameroni

(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..

FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS
49 PA. CODE, CHAPTER 3
TEN CHAIR BARBER SCHOOLS

The State Board of Barber Examiners (Board) hereby amends §3.82 (relating to inspections) as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The amendments are authorized under Section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P.S. §566.4(b)), known as the Barbers' License Law.

C. Background and Purpose

Barber schools in the Commonwealth have, over the last several years, experienced a decrease in enrollment. To encourage schools to remain in business as well as encourage new schools to open, the Board has reviewed its existing regulations governing licensed schools with a view toward eliminating unnecessarily restrictive regulations. To this end, the Board is amending §3.82 to delete the requirement that a barber school have 20 chairs in the clinic room and 20 desks in the theory room and to require only 10 chairs and desks in each room. This minimum 10 chair/desk requirement will eliminate the need to have unused equipment in the schools. The Board also anticipates that this will allow more schools to become licensed. In conjunction with lowering the number of chairs and desks required for schools, the Board proposes to decrease the space requirements. With fewer required chairs and desks it follows that schools would need less space to operate.

The amendment also changes the requirements for inspection prior to a barber school being licensed. Currently the regulations require both a preliminary inspection of the school and a second inspection after the equipment is installed. The regulation requires a Board member to accompany the inspector on the second inspection. The Board feels that its resources would be better utilized if one inspection was required. Furthermore, the Board feels that it is improper for a Board member to accompany the inspector on the second inspection given that there may be violations that could result in the license being denied. This amendment updates the regulation to reflect the Board's current practice of conducting only one inspection.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of the proposed rulemaking was published at 33 Pa.B. 4686 (September 20, 2003). Publication was followed by a 30-day public comment period during which the Board received no

public comments. Following the close of the public comment period the Board received no comments from the House Professional Licensure Committee (HPLC), Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the Independent Regulatory Review Commission (IRRC).

E. Compliance with Executive Order 1996-1

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

F. Fiscal Impact and Paperwork Requirements

The proposed amendment would not impose any additional paperwork requirements on the Board or its licensees. The proposal will have a beneficial fiscal impact on existing and new barber school owners by reducing the costs for unnecessary equipment such as chairs and desks for schools with a small enrollment.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 33 Pa.B. 4686, September 20, 2003 to IRRC, SCP/PLC and HPLC for review and comment. The Board received no comments from the public or IRRC, SCP/PLC and HPLC.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the HPLC on _____, 200__, and (deemed) approved by SCP/PLC on _____, 200__. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on _____, 200__, and (deemed) the final-form regulation approved.

I. Contact Person

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-3402, www.dos.state.pa.us.

J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were submitted.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2686.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

K. Order

The State Board of Barber Examiners, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending § 3.82 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART 1. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

SCHOOLS OF BARBERING

* * *

§3.82. Inspection.

(a) Before [completing application for registration,] a school license is issued, each proposed school will be preliminarily inspected for the purpose of determining if the following requirements are met:

(1) At least [2,000] 1,250 square feet of floor space.

* * *

(11) A clinic room with [20] a minimum of 10 barber chairs.

(12) A theory room [, approximately 20 feet by 20 feet, with 20] with at least 200 square feet of floor space and a minimum of 10 desks or tablet arm chairs.

(b) [A second inspection will be made after the required equipment has been installed but before the school begins operation. A member of the Board will accompany the investigator on this inspection.

(c) Copies of school forms and contracts to be used shall be submitted to and approved by the Board before the school begins operation.

[(d)] (c) * * *



**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**

April 26, 2004

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

Re: Final Regulation
State Board of Barber Examiners
16A-426: Ten Chair Schools

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Barber Examiners pertaining to Ten Chair Schools.

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 "Lee Cameroni".

Lee Cameroni, Chairperson
State Board of Barber Examiners

LDC/CLC:kp

Enclosure

c: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Linda C. Barrett, 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
Carole L. Clarke, Counsel
State Board of Barber Examiners
State Board of Barber Examiners

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

2004 APR 26 AM 11:00

INDEPENDENT
REGULATORY REVIEW COMMISSION

I.D. NUMBER: 16A-426
SUBJECT: Ten Chair Barber Schools
AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

Proposed Regulation

X 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
4/26/04	Sandra J. Harper	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4-26	Donald L. ...	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/26	St. Belmont	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

April 15, 2004