

# Regulatory Analysis Form

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INDUSTRY REGULATORY  
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

Barber School Licensure Requirements

(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 twenty chairs in the clinic room and twenty desks in the theory room. The amendment changes the requirement to ten chairs in the clinic room and ten 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 (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.**

## 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.)

**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.**

### 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 Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	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)
<b>Barber Board</b>	<b>\$288,350.59</b>	<b>\$309,938.75</b>	<b>\$321,340.71</b>	<b>\$329,000.00</b>

(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 twenty chairs each in the clinic and theory rooms. Nonregulation would continue the current requirement that all barber schools have twenty clinic room chairs and twenty 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 twenty-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 twenty-five students have a minimum of twelve 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 twenty students simultaneously. West Virginia's regulation requires that a barber school must be equipped to teach a minimum of fifty 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 116 or 124 Pine 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](http://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.**





FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

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INDEPENDENT REGULATORY  
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

*Amy M. Elliott*

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

AUG 07 2003

DATE OF APPROVAL

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated by:

State Board of Barber Examiners

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-426

DATE OF ADOPTION: \_\_\_\_\_

BY: \_\_\_\_\_

*Angela M. Deenot*

Copy below is approved as  
to form and legality.  
Executive or Independent  
Agencies.

*John V. Turner*

7/17/03

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  
TEN CHAIR BARBER SCHOOLS

The State Board of Barber Examiners (Board) hereby proposes to amend its regulation at 49 Pa. Code §3.82 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 (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 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 amendment also would change 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. Description of Proposed Amendments**

The proposed amendments reduce 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 amendment 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 amendment 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, restroom, and waiting area. The size of the theory room has also been decreased. The proposed amendment at § 3.82(a)(12) decreases the theory room from the specific dimensions of 20 feet by 20 feet (which is 400 square feet) to 200 square feet. The Board feels that by requiring square footage instead of the specific dimensions of the room this will allow each school the freedom to design the theory room to best fit the needs of the school.

The proposed amendment also eliminates an obsolete provision of the regulations 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 sections to reflect the current Board practice.

**E. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation**

In accordance with the requirements of Executive Order 1996-1, the Board solicited input from the regulated community in the drafting and promulgating of these regulations. On May 15, 2002, the Board wrote to barber schools and professional associations soliciting input on the proposed regulations.

**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 a copy of this proposed regulation on September 9, 2003 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. 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 comments, recommendations or objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification will specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly, and the Governor prior to publication of the regulations.

**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](http://www.dos.state.pa.us).

**J. 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*.

**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**

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**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 at least 200 square feet of floor space [, with 20] 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) A registered school of barbering shall supply the Board with facsimile signatures on white paper of the individuals authorized by the owner of the school to sign official certificates of students of the school for admission to examination. These signatures shall be filed immediately.



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

September 9, 2003

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

Re: Proposed Regulation  
State Board of Barber Examiners  
49Pa. Code, Chapter 3  
16A-426: Ten Year Barber School

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Barber Examiners pertaining to Barber School Licensure Requirements (16A-426).

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 "Leroy D. Cameroni".

Leroy D. Cameroni, Chairperson  
State Board of Barber Examiners

LDC/CLC:law

Enclosure

cc: Scott J. Messing, Deputy Commissioner  
Bureau of Professional and Occupational Affairs  
Andrew Sislo, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Gerald S. Smith, 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**

I.D. NUMBER: 16A-426  
 SUBJECT: Ten Chair Barber Schools  
 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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 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
9/9/03	<i>Sandra J. Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
9-7-03	<i>[Signature]</i>	
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
9/9/03	<i>Elena Page</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
9/9/03	<i>C. L. [Signature]</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)