

Regulatory Analysis Form

This space for use by IRRC

RECEIVED

2005 APR 20 PM 2: 54

IRRC REVIEW COMMISSION

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Osteopathic Medicine

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

16A-5315

IRRC Number: 2480

(3) Short Title

Deletion of Exam Fees

(4) PA Code Cite

49 Pa. Code § 25.223, 25.231

(5) Agency Contacts & Telephone Numbers

Primary Contact: Beth Sender Michlovitz (717) 783-7200

Counsel, State Board of Osteopathic Medicine

Secondary Contact: Joyce McKeever (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.

This regulation would eliminate references to nationally established examination fees over which the Board has no control or involvement. 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 changed periodically by the national examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the national examiners' examination fees in the Board's regulations.

In addition, the Board is proposing to delete references in § 25.223(b) to specific dates for the administration of examinations and related deadlines for submission of those examination applications since the examinations are now computer based, rather than written, and therefore are administered regularly as scheduled by the applicant.

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

The amendments are authorized under Section 13.1 of the Osteopathic Medical Practice Act (act), (63 P.S. § 271.13a).

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 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 under 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 +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.

Program	FY-3	FY-2	FY-1	Current FY
State Board of Osteopathic Medicine	\$405,527.84	\$457,338.63	\$503,718.72	\$1,172,000.00

(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)

RECEIVED

2005 APR 20 PM 2:54

REVIEW COMMISSION

#2480

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General



BY: _____
(DEPUTY ATTORNEY GENERAL)

APR 13 2005

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 Osteopathic Medicine
(AGENCY)

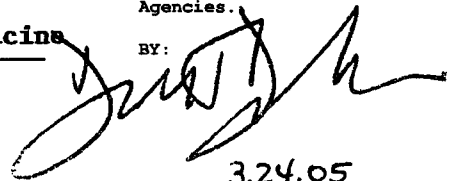
DOCUMENT/FISCAL NOTE NO. 16A-5315

DATE OF ADOPTION: _____

BY: 
Thomas R. Czarnacki, D.O.

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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



BY:

3.24.05

DATE OF APPROVAL

EXECUTIVE

(Deputy General Counsel
(Chief Counsel,
Independent Agency
Strike inapplicable
title)

- [] Check if applicable
Copy not approved.
Objections attached.
- [] Check if applicable. No Attorney
General approval or
objection within 30 day
after submission.

NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OSTEOPATHIC MEDICINE
49 PA. CODE, CHAPTER 25
Deletion of Exam Fees

The State Board of Osteopathic Medicine (Board) proposes to amend §§25.223 and 25.231 (relating to applications for examination and fees), by deleting references to examination applications and examination fees, to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The amendments are authorized under Section 13.1 of the Osteopathic Medical Practice Act (act), (63 P.S. §271.13a).

C. Background and Purpose

The Board is proposing to eliminate references to nationally established examination fees over which the Board has no control or involvement. 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 (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 are subject to being changed periodically by the national examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the national examiners' examination fees in the Board's regulations. Because examination fees are no longer established by the Board, section 13.1 of the act is inapplicable as to national uniform examinations. Thus, the Board is eliminating reference to these examination fees. Also, the Board is proposing to eliminate the reference to the osteopathic diagnosis and manipulative therapy (OMT) examination fee. This examination is administered by Professional Credential Services (PES) and the applicant for this examination pays the examination fee directly to PES.

In addition, the Board is taking this opportunity to delete references in §25.223(b) to specific dates for the administration of examinations and related deadlines for submission of those examination applications because the examinations are now computer-based, rather than written, and therefore are administered regularly as scheduled by the applicant.

D. Fiscal Impact and Paperwork Requirements

The proposed amendment would have no adverse fiscal impact on the Commonwealth or its political subdivisions, or those members of the private sector who apply for examinations. The

amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

E. Sunset Date

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

F. Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 20, 2005 the Board submitted a copy of this proposed rulemaking and a copy of the 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, recommendations 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.

G. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Beth Sender Michlovitz, Counsel, State Board of Osteopathic Medicine, Post Office 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 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

* * *

**Subchapter E. PERFORMANCE OF RADIOLOGIC PROCEDURES BY
AUXILIARY PERSONNEL**

* * *

§25.223. Applications for examination.

* * *

(b) [The examinations listed in subsection (a) are administered in this Commonwealth on the third Thursday of March, July and October. Applications for the March examination shall be received by December 31, applications for the July examination shall be received by April 30 and applications for the October examination shall be received by July 31.

(c)] * * *

Subchapter F. FEES

§25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

* * *

Application for short-term camp license as
osteopathic physician\$30
[Osteopathic Manipulative Therapy Examination \$87]

* * *

Application for radiology [(ARRT)] examinations.....\$25
[ARRT Examination in Radiography.....\$20
ARRT Examination in Nuclear Medicine Technology.....\$20
ARRT Examination in Radiation Therapy Technology.....\$20
ARRT Limited Examination in Radiography-
Thorax and Extremities.....\$25
ARRT Limited Examination in Radiography-
Skull and Sinuses.....\$25]

* * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OSTEOPATHIC MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-4858

April 20, 2005

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 Osteopathic Medicine
16A-5315: Deletion of Exam Fees

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Osteopathic Medicine pertaining to Deletion of Exam Fees.

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

Sincerely,


Oliver C. Bullock, D.O., Chairperson
State Board of Osteopathic Medicine

OCB/BSM:lm

Enclosure

cc: Albert H. Masland, Chief Counsel
Department of State
Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
Beth Sender Michlovitz, Counsel
State Board of Osteopathic Medicine
State Board of Osteopathic Medicine

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

I.D. NUMBER: 16A-5315

SUBJECT: State Board of Osteopathic Medicine - Deletion of Exam Fees

AGENCY: DEPARTMENT OF STATE

2480

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

RECEIVED
 2005 APR 20 PM 2:54
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4-20-05	<i>Sandra J. Hayler</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4-20-05	<i>Jim Johnson</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/20/05	<i>Steph J. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
4-20-05	<i>C. Lee Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

April 14, 2005