

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

2013 FEB 21 AM 10:55

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(1) Agency
Department of State, Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

(2) Agency Number: 16A
Identification Number: 6920

IRRC Number: 2983

(3) PA Code Cite: 49 Pa. Code § 47.4

(4) Short Title: **Biennial Renewal Fees**

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: **Cynthia K. Montgomery, Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 1105-2649 (phone 717-783-7200) (fax 787-0251) cymontgome@pa.gov.**

Secondary Contact: **Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649 (phone 717-783-7200) (fax 787-0251) bmichlovit@pa.gov.**

(6) Type of Rulemaking (check applicable box):

PROPOSED REGULATION

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The proposal would amend § 47.4 (relating to licensure fees) to increase the biennial renewal fee for all classes of license (licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors) from \$75 to \$115.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Section 18 (c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Except as set forth in paragraph (8), the regulation is not mandated by any federal or state law or court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Under section 18(c) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

The Board's current biennial license renewal fees were last increased in 2008 (See 38 Pa.B. 4509), effective with the 2009 biennial renewal. At that time, it was anticipated that the increase would be sufficient to carry the board for at least 9 years. However, at the February 2, 2012, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for fiscal years 2009-2010 and 2010-2011, and projected revenue and expenses through 2014-2015. BFO pointed out that as of June 2010, in spite of the increase, the Board still had a deficit of \$31,505.87. At the current renewal fee level of \$75, the Board produces approximately \$1,350,000 in revenue in a given 2-year period, while expenditures for the past 2-year period equaled more than \$1,420,000. BFO projects that, without an increase to the biennial renewal fees, the Board will incur a deficit of approximately \$209,434 in fiscal year 2011-2012, and a deficit of approximately \$556,434 by fiscal year 2013-2014, necessitating a fee increase. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. As a result, the Board voted at its March 13, 2012 meeting to increase the biennial renewal fees to \$115. The proposed new biennial renewal and application fees will enable the Board to recoup the projected deficits and meet its estimated expenditures for a number of years to come.

(11) 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 regulations.

There are no federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Attached is a chart that compares the renewal fees of surrounding states, which range from \$60 to \$225. Based on this information, the Board believes the proposed \$115 biennial renewal fee will not put Pennsylvania at a competitive disadvantage.

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

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Because an increase in the biennial renewal fee is mandated by section 18 (c) of the act, pre-draft input was not solicited. However, the proposal was discussed at public meetings of the Board on December 13, 2011, February 14, 2012, March 13, 2012, and April 10, 2012, which were routinely attended by professional associations who represent the regulated community and other organizations who have an interest in the regulatory agenda of the Board. The Board also shared drafts with and considered input from the National Association of Social Workers – Pennsylvania Chapter. In addition, the Board invites the professional organizations that represent the regulated community to submit comments following publication of the notice of proposed rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

At present there are approximately 6,829 licensed social workers, 4,595 licensed clinical social workers, 440 licensed marriage and family therapists, and 4,457 licensed professional counselors, for a total of 16,320 individuals licensed by the Board. These licensees will be directly affected in that they will be required to pay an additional \$40 each time they renew their licenses beginning in 2015.

According to the Pennsylvania Department of Labor and Industry in 2008 (the most recent year for which data is available), social workers, marriage and family therapists and professional counselors provide their services for a variety of private and public sector employers. Excluding those who work for local and state governments and in elementary and secondary schools, licensees are employed in the following private sector positions (listed in alphabetical order): child day care services, colleges and universities, community care facilities for the elderly, emergency and other relief services, general medical and surgical hospitals, home health care services, individual and family services, nursing care facilities, offices of other health care practitioners, other residential care facilities, outpatient care centers, psychiatric and substance abuse hospitals, residential mental health facilities, vocational rehabilitation services, while a small minority are self-employed.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where licensees may work, a small business in Subsector 624 (Social Assistance), Subsector 623 (Nursing and Residential Care Facilities) or Subsector 621 (Ambulatory Health Care Services) is one that has \$7.0 million or less in average annual receipts. (These would include those that work for child and youth services, services for the elderly and persons with disabilities, other individual and family services, emergency and other relief services and child day care services, residential mental health and substance abuse facilities, homes for the elderly and other residential care facilities, offices of mental health practitioners and offices of all other miscellaneous health care practitioners. For those licensees who are employed in outpatient mental health and substance abuse centers (# 621420), the small business threshold is \$10.0 million or less in average annual receipts. Those licensees in home health care services (# 621610) and nursing care facilities (# 623110) have a small business threshold of \$13.5 million or less in average annual receipts. Finally, licensees employed in general medical and surgical hospitals (# 622110) or in psychiatric and substance abuse hospitals (# 622210) have a small business threshold of \$34.5 million or less in average annual receipts. Based on this variety of employers, the Board believes that most social workers and marriage and family therapists in Pennsylvania are employed in small businesses. The Board does not collect information on the size of the businesses where its licensees are employed.

However, according to the Small Business Administration (SBA), there are approximately 982,692 businesses in Pennsylvania; of which 978,831 are small businesses; and 3,861 are large businesses. Of the 978,831 small businesses, 236,775 are small employers (those with fewer than 500 employees) and the remaining 772,056 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. Therefore, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

Although many licensees probably work for "small businesses," whether these businesses will be adversely affected by the increase in the biennial renewal fee depends on whether the employer elects to pay the biennial renewal fees on behalf of its licensed employees. Some companies may do so, others may not. A company could avoid the adverse effect by simply requiring its employees to pay their own licensure fees.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The 6,829 licensed social workers, 4,595 licensed clinical social workers, 440 licensed marriage and family therapists, and 4,457 licensed professional counselors will be required to comply with the regulation in order to renew their licenses in 2015 and thereafter. The businesses that employ these licensees and that chose to pay the biennial renewal fees for their employees would be required to comply with the regulation.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Board's current biennial license renewal fees were last increased in 2008 (See 38 Pa.B. 4509), effective with the 2009 biennial renewal. At that time, it was anticipated that the increase would be sufficient to carry the board for at least 9 years. However, at the February 2, 2012, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for fiscal years 2009-2010 and 2010-2011, and projected revenue and expenses through 2014-2015. BFO pointed out that as of June 2010, in spite of the increase, the Board still had a deficit of \$31,505.87. At the current renewal fee level of \$75, the Board produces approximately \$1,350,000 in revenue in a given 2-year period, while expenditures for the past 2-year period equaled more than \$1,420,000. BFO projects that, without an increase to the biennial renewal fees, the Board will incur a deficit of approximately \$209,434 in fiscal year 2011-2012, and a deficit of approximately \$556,434 by fiscal year 2013-2014, necessitating a fee increase. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. As a result, the Board voted at its March 13, 2012 meeting to increase the biennial renewal fees to \$115. The proposed new biennial renewal fees will enable the Board to recoup the projected deficits and meet its estimated expenditures for a number of years to come.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The increase is mandated by section 18 (c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1918(c)), which requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. The regulation benefits every citizen of the Commonwealth in that it will ensure the fiscal integrity of the Board and allow the Board to carry out its mission. The cost to the regulated community is outweighed by the Board's duty to license and regulate its licensees in the public interest.

(19) 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. Explain how the dollar estimates were derived.

The result of the \$40 increase in biennial renewal fees is a cost to the regulated community in the amount of approximately \$652,800 every two years. ($\$40 \times 16,320 = \$652,800$).

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local government.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board will not incur an increase in administrative costs by implementing the rulemaking. Indeed, the regulatory amendment will permit the Board to recoup the costs of its operations. There are no other costs or saving to state government associated with compliance with the proposed rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This proposed rulemaking would not require any additional recordkeeping or other paperwork.

(23) 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:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	N/A	N/A	N/A	\$652,800	N/A	\$652,800
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	\$652,800	N/A	\$652,800
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2009-2010	FY -2 2010-2011	FY -1 2011-2012	Current FY 2012-2013
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$682,504.57	\$709,516.54	\$790,000.00	\$814,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
-
- (a) **Assuming that the majority of licensees work for “small businesses” as that term is defined by the Regulatory Review Act and the SBA, there could be as many as 16,320 small businesses subject to the regulation.**
 - (b) **There are no projected reporting, or recordkeeping costs required for compliance. There are no additional administrative costs required for compliance. (The administrative costs would be those associated with filling out the biennial renewal form or online renewal application and either writing a check or processing the payment of the fee. These costs would be the same regardless of the increase in the fee.) Also, these fees can be avoided by the small businesses by simply requiring employees to pay their own biennial renewal fees.**
 - (c) **The probable effect on impacted small businesses would be a \$40 increase in the biennial renewal fee for each of the employed licensees.**
 - (d) **The board considered three alternatives as set forth in item no. (26) below, but the alternative of a \$35 increase would not achieve the purposes of the regulation – to produce enough revenues to recoup the existing deficits, cover current expenses, and allow the board to continue to carry out its legislative mandate. The \$50 increase was rejected because the Board saw it as excessive.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Bureau of Finance and Operations presented possible increases of \$35 (to \$110); \$40 (to \$115) and \$ 50 (to \$125). The \$35 increase was rejected because while it would be sufficient to meet current expenditures, because implementation will not occur until the 2015 renewal, it did not allow the Board to recoup the existing and projected deficits until well after 2021. The \$50 increase was rejected because the Board saw it as excessive. The Board considered the \$40 increase to be the least restrictive alternative that meets the statutory mandate to provide for biennial expenditures and allows the Board to recoup the existing and projected deficits at a reasonable pace.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) & b) All licensees renew biennially. The Board did not consider less stringent reporting requirements or deadlines for small businesses or for licensees that work for small businesses.

c) There are no compliance or reporting requirements that could be consolidated or simplified. The biennial renewal process is the same whether a particular licensee is employed by a small business or a large business.

d) The regulations do not contain design or operational standards that need to be altered for small businesses.

e) To exclude any licensees from the requirements contained in the regulation (an increased biennial renewal fee) based on the size of their employers would not be consistent with public health and welfare because it would prevent the Board from obtaining adequate revenue to meet projected expenditures and it would not be able to carry out its legislative mandate.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: **Within 30 days of publication as proposed**

B. The date or dates on which public meetings or hearings will be held:
No public hearings are scheduled. The Board discusses its regulatory proposals at monthly meetings usually held on the second Tuesday of each month.

C. The expected date of promulgation of the proposed regulation as a final-form regulation: **Spring of 2013**

D. The expected effective date of the final-form regulation: **Upon publication as final.**

E. The date by which compliance with the final-form regulation will be required:
The increased biennial renewal fees apply to the March 1, 2015 biennial renewal.

F. The date by which required permits, licenses or other approvals must be obtained: **N/A**

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings, generally the second Tuesday of each month. The Board will meet on the following dates in 2012: November 13, 2012; and December 11, 2012. More information can be found on the Department's website (www.dos.state.pa.us).

CURRENT RENEWAL FEES FOR STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL COUNSELORS

STATE	Social Worker	Clinical Social Worker	Marriage and Family Therapist	Professional Counselor	Social Worker Assistant	RENEWAL PERIOD
PENNSYLVANIA	\$75	\$75	\$75	\$75	N/A	2 years
NEW YORK	\$179	N/A	N/A	N/A	N/A	3 years
NEW JERSEY	\$120	\$160	N/A	N/A	N/A	2 years
DELAWARE	\$123	N/A	N/A	N/A	N/A	2 years
OHIO	\$60-\$75	\$75	\$60-\$75	\$60	\$40	2 years
WEST VIRGINIA	\$85	N/A	N/A	N/A	N/A	2 years
MARYLAND	\$80-\$225	\$225	N/A	N/A	N/A	2 years

N/A - not available or applicable

2013 FEB 21 AM 10:56

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

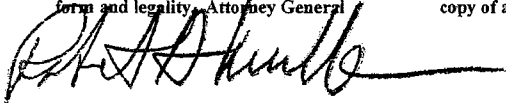
(Pursuant to Commonwealth Documents Law)

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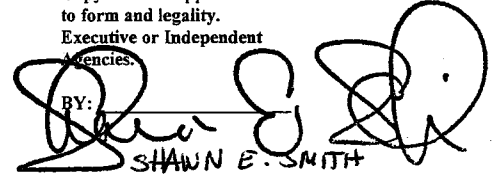
Copy below is hereby approved as to form and legality. Attorney General

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.



State Board of Social Workers, Marriage and Family Therapists and Professional Counselors


BY: SHAWN E. SMITH

BY: _____
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-6920

JAN 17 2013

DEC 18 2012

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: 
Donna A. Tonrey

(~~Executive~~ Deputy General Counsel
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.

NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

49 PA. CODE, CHAPTER 47, § 47.4

BIENNIAL RENEWAL FEES

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend § 47.4 (relating to licensure fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fees for licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors from \$75 to \$115.

Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin. It is expected that the increased fees will be effective for the March 1, 2015, renewal.

Statutory Authority

Section 18 (c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

Background and Need for Amendment

Under section 18(c) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

The Board's current biennial license renewal fees were last increased in 2008 (See 38 Pa.B. 4509), effective with the 2009 biennial renewal. At that time, it was anticipated that the increase would be sufficient to carry the board for at least 9 years. However, at the February 2, 2012, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for fiscal years 2009-2010 and 2010-2011, and projected revenue and expenses through 2014-2015. BFO pointed out that as of June 2010, in spite of the increase, the Board still had a deficit of \$31,505.87. At the current renewal fee level of \$75, the Board produces approximately \$1,350,000 in revenue in a given 2-year period, while expenditures for the past 2-year period equaled more than \$1,420,000. BFO projects that, without an increase to the biennial renewal fees, the Board will incur a deficit of approximately \$209,434 in fiscal year 2011-2012, and a deficit of approximately \$556,434 by fiscal year 2013-2014, necessitating a fee increase. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. As a result, the Board voted at its March 13, 2012 meeting to increase the biennial renewal fees to \$115. The

proposed new biennial renewal and application fees will enable the Board to recoup the projected deficits and meet its estimated expenditures for a number of years to come.

Description of Proposed Amendments

The proposal would amend § 47.4 to increase the biennial renewal fee for all classes of license (licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors from \$75 to \$115.

Fiscal Impact

The proposed amendment will increase the biennial renewal fees for licensees of the Board. There are currently approximately 16,320 licensees that will be required to pay more to renew their licenses when they expire in 2015, and thereafter. Small businesses that employ licensees of the Board may be impacted if they choose to pay the biennial renewal fees on behalf of employees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees; however, the amendment will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. 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 February 21, 2013, 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, recommendations or objections must specify the regulatory review criteria that 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 any comments, recommendations and objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

Donna A. Tonrey
Chairperson

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

GENERAL PROVISIONS

* * * * *

§ 47.4. Licensure fees.

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

* * * * *

(2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor[\$75] \$115

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1389

February 21, 2013

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Social Workers, Marriage and Family Therapists
and Professional Counselors
16A-6920:BIENNIAL RENEWAL FEES

Dear Chairman Lutkewitte:

Enclosed is a copy of a proposed rulemaking package of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors pertaining to Biennial Renewal 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 "Donna A. Tonrey".

Donna A. Tonrey, Chairperson
State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors

DAT/CKM:rs

Enclosure

cc: Katie True, Commissioner
Bureau of Professional and Occupational Affairs
Rebecca Oyler, Director of Policy, Department of State
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State

Beth Sender Michlovitz, Counsel

State Board of Social Workers, Marriage and Family Therapists
and Professional Counselors

State Board of Social Workers, Marriage and Family Therapists
and Professional Counselors

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

I.D. NUMBER: 16A-6920
 SUBJECT: BIENNIAL RENEWAL FEES
 AGENCY: DEPARTMENT OF STATE
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
 STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
 THERAPISTS AND PROFESSIONAL COUNSELORS

TYPE OF REGULATION

- 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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DATE	SIGNATURE	DESIGNATION
		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
<u>2/21/13</u>	<u>Angie Kelly</u>	MAJORITY CHAIR <u>Julie Harhart</u>
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
<u>2/21/13</u>	<u>Mary Walmer</u>	MAJORITY CHAIR <u>Robt. M. Tomlinson</u>
		INDEPENDENT REGULATORY REVIEW COMMISSION
<u>2/21/13</u>	<u>K Cooper</u>	ATTORNEY GENERAL (for Final Omitted only)
<u>2-21-13</u>	<u>Jan</u>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)