

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>Independent Regulatory Review Commission</p> <p>September 19, 2025</p>	
<p>(1) Agency</p> <p>Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners</p>		<p>IRRC Number: 3457</p>	
<p>(2) Agency Number: 16A</p> <p>Identification Number: 4212</p>			
<p>(3) PA Code Cite:</p> <p>49 Pa. Code §§ 3.1, 3.16, 3.17 and 3.103</p>			
<p>(4) Short Title: Licensure by Endorsement</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Marc J. Farrell, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; marcfarrel@pa.gov.</p> <p>Secondary Contact: Michael Merten, Board Counsel, State Board of Barber Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; mmerten@pa.gov.</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This final rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Board. The Board is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. This final rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>63 Pa.C.S. § 3111(a) requires licensing boards and commissions to issue a license, certificate, registration</p>			

or permit to an applicant, provided the applicant is licensed in good standing in another jurisdiction and meets the requirements for licensure by endorsement. The Board is proposing regulations to implement § 3111(a)(1)-(5), relating to information required to determine: whether another jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board; the methods of demonstrating competency; whether an applicant has committed an act that would be grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice in the profession or occupation in this Commonwealth, and whether such act should be an impediment to licensure; whether an applicant has had disciplinary actions taken in another jurisdiction and whether such discipline should be an impediment to licensure; and the fee as established by the Board by regulation. Section 3111(b) also requires boards and commissions that issue provisional licenses, certificates, registrations or permits to set the expiration of the provisional endorsement license by regulation.

Section 15-A.4(b) of the Barbers' License Law (act) (63 P.S. § 566.4(b)) also authorizes the Board to "make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of the act."

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, and the several departmental administrative boards and commissions, to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards, or commissions.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48, now repealed) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

(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.

Section 3111(a)(5) of 63 Pa.C.S. requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. Otherwise, this rulemaking 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.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. Section 3111 of 63 Pa.C.S. enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

The Board receives between 30-40 applications each year for consideration under 63 Pa.C.S. § 3111, and on average issues licenses to about 35 applicants. The Board anticipates those numbers should remain steady moving forward.

(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 this 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?

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. Section 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy. As explained in more detail below, surrounding states also have similar laws and regulations for licensure by endorsement in the fields of barbering and barber teaching, but not barber managing.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other state (New Jersey) as having a comprehensive license by endorsement law applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing in another jurisdiction whose licensure standards are substantially equivalent to the current standards of New Jersey. New Jersey requires applicants to demonstrate competency through experience in the practice of the profession within the 5 years immediately preceding the filing of the application. Section 3111 allows for additional methods of demonstrating competency that New Jersey does not, including completion of continuing education. Additionally, unlike the Board's proposed regulations, New Jersey does not provide for the issuance of discretionary provisional endorsement licenses.

Barbers and barber-teachers

The Board also researched whether barber boards in the states surrounding Pennsylvania have similar licensure by endorsement laws and regulations applicable to the barbering profession. For those states that have similar licensure by endorsement laws and regulations applicable to barbers and barber-teachers, the Board compared other states' standards in areas where the Board is using its discretion in proposing regulations for eligibility requirements (substantial equivalence or other standard), competency methods, and the issuance and expiration of provisional endorsement licenses.

New York offers licensure by reciprocity to barbers licensed in Maine, New Mexico and Pennsylvania, on the basis that New York's standards are very similar to the standards in those three states. New York will waive the practical exam requirement, provided the reciprocity applicant supplies a copy of their ME, NM or PA original license or certificate, submits the required application, and pays the filing fee. New York also offers a licensure pathway for barbers who have at least 3 years of experience in the practice of

barbering in another state or country. While New York does not specifically call for a demonstration of “competency,” it does require that applicants for licensure by experience submit a copy of their original license or certificate from their home state or country and two “experience statements” from individuals who have knowledge of the applicant’s experience and can attest to the timeframes during which the applicant was engaged in the active practice of barbering in the other state or country. Once New York reviews and verifies the applicant’s experience and approves the application, the applicant must then schedule and take New York’s practical examination. New York does not provide for the issuance of provisional endorsement licenses or any other type of license that would allow an applicant to be issued a temporary license to begin practicing in New York immediately while the applicant worked towards satisfying any deficiencies.

Ohio offers licensure by “reciprocity” to applicants who have held an out-of-state license or certificate for at least 1 year immediately preceding the date the application is submitted, provided the applicant has been actively engaged in the practice of barbering in the other state for at least 1 of the 5 years immediately preceding the date the application is submitted. The latter requirement, while not described as “competency,” serves that very function. Ohio also offers a form of licensure by endorsement to applicants who hold a current license as a barber in another state or country whose requirements are substantially equivalent to Ohio’s, provided the other state or country extends similar opportunities for licensure to individuals licensed in Ohio. Ohio defines “substantially equivalent” as any state that requires at least 1,800 hours of training. Ohio allows the substitution of 1 year of licensed experience for 100 hours of training, up to a maximum of 5 years/500 hours. Ohio does not provide for the issuance of provisional endorsement licenses or any other type of license that would allow an applicant to be issued a temporary license to begin practicing in Ohio immediately while the applicant worked towards satisfying any deficiencies.

West Virginia offers licensure by “reciprocity” to an applicant who has previously attended school, or who has graduated from, a school of barbering in another state. Such individual may receive credit towards the 1,500 clock-hours (for barbering with chemical services) or 1,200 clock-hours (for barbering without chemical services) needed for graduation in West Virginia if, on entrance into a school in West Virginia, the applicant requests credit for hours obtained in the other state and subsequently presents to the West Virginia school manager credentials that show the subjects studied and the hours of credit received, duly signed and certified by the manager of the school previously attended. The Board may also award credit to those applicants who can demonstrate work experience. The amount of credit awarded is 25 hours credit for each month or 300 hours credit for 1 year of experience, not to exceed a total award of 50% of West Virginia’s hour requirements. West Virginia does not provide for the issuance of provisional endorsement licenses or any other type of license that would allow an applicant to be issued a temporary license to begin practicing in West Virginia immediately while the applicant worked towards satisfying any deficiencies.

Manager-barbers

Historically, under Sections 4(a) and (b) of the Barbers’ License Law (63 P.S. § 554(a) and (b)), licensure for individuals licensed in other states has been available via reciprocity solely for *barbers*, and not for barber-teachers or manager-barbers. It was just over a year ago, with the passage of Act 66 of 2024, that reciprocity was added for barber-*teachers* licensed in other states. Notably, reciprocity for *manager-barbers* was not added.

The reason for this differing treatment – and the reason why the Board has not included manager-barbers as part of these licensure by endorsement regulations – is due in large part to the fact that the manager-

barber license is somewhat unique to Pennsylvania. Of the 6 states that surround Pennsylvania (DE, MD, NJ, NY, OH, WV) and the 6 New England states (CT, MA, ME, NH, RI, VT), only Ohio offers a separate license for barber managers.

New York does not specifically license individuals as barber managers. Instead, New York’s licensing system provides oversight of individuals who perform barbering services (known as barber operators) and those who own or operate a barber shop (referred to as barber shop owners). Individuals who manage a barber shop would need to be either the licensed owner or a licensed barber operator who may be designated by the owner to manage the day-to-day operations. There is no specific “manager” license. To manage a barbershop in New Jersey, an individual must hold a valid barber license. There is no specific barber manager license. In Maryland, individuals who manage or own barbershops may hold a Barbershop Owner License if they are operating their own business, but Maryland does not specifically license barber shop managers. Delaware licenses barbers and barber instructors, but there is no separate and distinct license category for managing a barbershop. West Virginia does not license barber managers separately from licensed barbers. West Virginia does require that owners and operators of a barbershop obtain a shop license, and all shops are required to have a designated individual as the manager overseeing its operations. That individual must be a licensed barber.

Connecticut does not have a separate license category specifically for barber managers. Instead, to operate – and by implication, to manage – a barbershop in Connecticut, the individual responsible for operating the shop needs to be a licensed barber with at least two years of experience. Vermont does not license barber managers but does require that each barbershop have a designated licensee responsible for overall cleanliness, sanitation, and safety of a licensed barbershop. To own and operate a barbershop in New Hampshire, an individual must either be a licensed “master barber” and supervise the shop, or must employ a full-time, licensed “master barber” as a manager. Similarly, neither Maine, Massachusetts nor Rhode Island license barber managers.

The three most populous states nationally do not license barber managers. In Texas, which has the highest employment level for barbers according to the U.S. Bureau of Labor Statistics, there is no license specific to barber managers. Instead, individuals must simply possess the relevant practitioner license (e.g., Class A Barber license) before they can be responsible for the operations of the establishment they are managing, including ensuring proper licensing of personnel and adherence to health and safety standards. In California, which has the second-highest employment level for barbers, a licensed barber with sufficient experience can manage a barbershop, or an individual can manage a barbershop’s business aspects (but not perform services) by holding an establishment license. There is no specific manager license for barbers. Florida allows licensed barbers to manage licensed shops, but does not offer a separate barber manager license.

It would be difficult if not impossible to perform any sort of meaningful comparison when most jurisdictions do not offer an analogous license type. Even for those jurisdictions that do offer a manager license, the Board would not view any other jurisdiction as substantially equivalent when assessing that jurisdiction’s requirements versus Pennsylvania’s. The Pennsylvania theory exam for manager-barbers includes questions that test an applicant’s knowledge of current Pennsylvania laws and regulations. In the Board’s view, it is unlikely another jurisdiction’s manager exam could ever be substantially equivalent because it would not include any testing on Pennsylvania laws and regulations.

For those reasons, the Board concluded it was not appropriate to include manager-barbers in the amendments.

Based on this information, the Board believes the amendments will not put Pennsylvania at a competitive disadvantage. To the contrary, by allowing applicants who can demonstrate competency by experience for at least 2 of the 5 years immediately preceding the date of application to become licensed through endorsement, and by providing for discretionary provisional endorsement licenses which allow an applicant to commence practicing in this Commonwealth while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement and/or do not provide for the issuance of a discretionary provisional license. Of the states that do have licensure by endorsement provisions, the requirements for licensure by endorsement in those states are similar to those of 63 Pa.C.S. § 3111.

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

This rulemaking does not affect other regulations of the Board or other state agencies.

(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.)

The Board discusses its regulatory proposals at regularly scheduled public meetings. Representatives of the professional associations representing the regulated community routinely attend those meetings. In drafting the proposal, the Board solicited comments from stakeholders and interested parties. On October 22, 2020, an exposure draft was released to stakeholders and interested parties, inviting the submission of written comments by November 30, 2020. The Board received no comments. As indicated in Question #29, the Board continued to discuss this proposed regulation at its public board meetings.

(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?

This rulemaking only affects individuals who apply for licensure by endorsement under 63 Pa.C.S. § 3111. For purposes of this rulemaking, the Board estimates that 30-40 individuals will apply for licensure by endorsement on an annual basis.

According to the Small Business Administration (SBA), there are approximately 1,131,036 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,131,036 small businesses, 228,272 are small employers (those with fewer than 500 employees) and the remaining 902,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

The largest employers of barbers are barber shops, with the majority being self-employed workers. Other barbers work in personal care services.

According to the Pennsylvania Department of Labor & Industry (L&I), barbers who provide services such as cutting, trimming, shampooing, styling hair, trimming beards and giving shaves held approximately

2,473 jobs Commonwealth-wide in 2022 (the most recent year for which data is available). The largest employers of barbers are barber shops, with the majority being self-employed workers (78.97%). Other barbers work in personal care services (20.30%) and private households (0.53%). Other industries were marked 'Confidential' as part of L&I's report, including: in state and local government (excluding schools and hospitals); psychiatric and substance abuse hospitals; civic and social organizations; and continuing care retirement communities and assisted living facilities for the elderly.

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 barbers and barber-teachers may work, "barber shops" (NAICS code 812111) are considered small businesses if they have \$9.5 million or less in average annual receipts. Other personal care services (NAICS code 812199) are considered small businesses if they have \$9.0 million or less in average annual receipts. Nursing care facilities (NAICS code 623110) are considered small businesses if they have \$34 million or less in average annual receipts. Psychiatric and substance abuse hospitals (NAICS code 622210) are considered small businesses if they have \$47 million or less in average annual receipts. Continuing care retirement communities (NAICS code 623311) and assisted living facilities for the elderly (NAICS code 623312) are considered small businesses if they have \$34 million or less in average annual receipts and 23.5 million or less in average annual receipts, respectively. Civic and social organizations (NAICS code 813410) are considered small businesses if they have \$9.5 million or less in average annual receipts.

Barber teachers may work at barber schools. Barber schools (NAICS code 611511) are considered small businesses if they have \$13 million or less in average annual receipts. Professionals who are self-employed obviously work in small businesses.

The Board does not collect data relating to business size generally, nor does it collect information on the size of the businesses where its licensees are employed specifically. Nevertheless, in view of the small business thresholds set by NAICS for the businesses in which barbers and barber-teachers work, the Board believes that the majority of barbers and barber-teachers in this Commonwealth work in "small businesses" as that term is defined by the SBA and the Regulatory Review Act. Moreover, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees either are, or work for, small businesses.

This rulemaking only affects individuals seeking licensure by endorsement under 63 Pa.C.S. § 3111. These individuals would be impacted by the \$65 application fee. However, this fee is the same as the fee currently paid by applicants who apply for initial licensure via reciprocity. Whether small businesses will be impacted by the regulation depends on whether the businesses will pay the application fee for licensure by endorsement and whether employers will voluntarily pay the costs of completing competency requirements, which may include passing a Board-approved examination. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

The Board believes this proposed rulemaking will have a positive impact in that it is implementing 63 Pa.C.S. § 3111, which provides an additional pathway to licensure that previously did not exist.

(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.

Applicants for licensure by endorsement as a barber or barber-teacher will be required to comply with the rulemaking. The Board estimates that 30-40 licensure by endorsement applications will be considered each year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(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.

This Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of Pennsylvania will also benefit from the enhanced workforce and growth in the economy while still having assurance of a level of competence on par with existing licensees in this Commonwealth. The Board has selected methods of competence, including experience or achievement of a passing score on a Board-approved skills examination. These methods assure competency because they show that the applicant has remained current with technological advancements and other updates within the profession, and has the requisite knowledge and skills to practice as a barber or barber-teacher.

The financial impact of the regulation falls primarily on applicants for licensure and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay a \$65 application fee, which covers the costs of processing the application. This is the same fee currently paid by applicants applying by reciprocity. For foreign applicants, if the other law, regulation or other rule is in a language other than English, proposed § 3.16(a)(1)(iv) would require the applicant to have it professionally translated at the applicant's expense. The Board anticipates that the translation costs will be approximately \$25 per page and range between two and five pages in length. To date, the Board has not yet received any applications under 63 Pa.C.S. § 3111 from other countries or territories.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provide a new pathway to licensure that did not previously exist.

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth, its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to

individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications. Additionally, whether an applicant obtains licensure via one of the Board's existing pathways or by licensure by endorsement under 63 Pa.C.S. § 3111, applicants face the same costs (i.e., application fee, Criminal History Records Check (CHRC) fee); therefore, any additional cost to a licensure by endorsement applicant will be minimal, if any.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. To date, the Board has not received any licensure by endorsement applications that required a translation of the law, regulation or rule into English, nor does the Board anticipate that many, if any, applicants will incur this cost. Nevertheless, the Board anticipates that the cost of translation would be approximately \$25 per page with the length ranging between two and five pages. Applicants for licensure by endorsement would incur fees for a CHRC; however, applicants incur this fee regardless of whether they apply by endorsement or by a more traditional pathway such as licensure by examination.

Regarding costs associated with demonstrating competency, the Board is authorized to select the appropriate methods of competency under 63 Pa.C.S. § 3111(a)(2) and has provided applicants with two alternatives. Applicants who choose to demonstrate competency through experience in the practice of barbering or barber-teaching will incur no costs to demonstrate competency. Applicants who choose to demonstrate competency by completing a Board-approved skills examination within 18 months preceding the filing of their application may incur costs associated with any exam fees. The exam fees vary from jurisdiction to jurisdiction. By way of reference, the costs associated with the Pennsylvania exams are \$110.

Regardless of which alternative the applicant chooses, the costs that may be incurred would be outweighed by the benefits of this proposed regulation. Moreover, demonstrating competency is a statutory requirement; it helps to ensure applicants are safe to practice the profession and will not present a danger to the public.

(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.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying a \$65 application fee and a CHRC fee – currently \$22 for a Pennsylvania CHRC obtained through the Pennsylvania State Police, plus additional CHRC fees charged by any other states in which an applicant has lived, worked or completed professional training/studies for the past 5 years. These are fees/costs that all applicants for licensure must endure, not just those applying for licensure by endorsement under 63 Pa.C.S. § 3111. The Board considers approximately 30-40 applications per year for licensure by endorsement, which will result in approximate application costs in the amount of \$1,950-\$2,600 annually (30-40 applicants x \$65 application fee).

If an applicant chooses to demonstrate competency by experience in 2 of the last 5 years, there should be no added costs. An applicant who chooses to demonstrate competency by passing a Board-approved skills examination, may have to pay an examination fee. To apply for and take the skills portion of the Pennsylvania barber or barber-teacher exam is \$77, plus a \$33 application fee, for a total of \$110. In some

instances, an applicant may have already taken and passed the exam, in which case the applicant would incur no new or added costs to demonstrate competency. Otherwise, if all 30-40 applicants annually were to choose to demonstrate competency via examination, the examination costs would be $30-40 \times \$110 = \$3,300-\$4,400$.

Below are cost estimates for the application fee, CHRC fee and competency methods (exclusive of any translation costs). For purposes of calculating these estimates, the Pennsylvania CHRC fee of \$22 was used:

Applicant who demonstrates competency *via experience*: \$65 application fee + \$22 CHRC = \$87 per applicant, multiplied by 30-40 applicants = **\$2,610-\$3,480** combined total, annually.

Applicant who demonstrates *competency via examination and has already taken and passed the applicable barber or barber-teacher skills exam*: \$65 application fee + \$22 CHRC = \$87 per applicant, multiplied by 30-40 applicants = **\$2,610-\$3,480** combined total, annually.

Applicant who demonstrates *competency via examination and needs to take and pass the applicable barber or barber-teacher skills exam*: \$65 application fee + \$22 CHRC fee + \$110 exam fee = \$197 per applicant, multiplied by 30-40 applicants = **\$5,910-\$7,880** combined total, annually.

If fewer than 30-40 applicants are considered for licensure by endorsement under 63 Pa.C.S. § 3111 in a given year, then obviously the combined annual totals would be lower. At the lowest end, assuming 30 individuals were considered for licensure by endorsement under 63 Pa.C.S. § 3111 each year, and further assuming that all 30 individuals chose a no-cost method to demonstrate competency by either (a) experience, or (b) having previously taken and passed the skills exam, the total annual cost would be **\$2,610**, consisting of the \$65 application fee and \$22 CHRC fee (\$87 per individual) multiplied by 30 applicants. At the highest end, assuming 40 individuals were considered for licensure by endorsement under 63 Pa.C.S. § 3111 each year, and further assuming that all 40 individuals chose to demonstrate competency via examination and had not yet taken and passed the skills exam, the total annual cost would be **\$7,880**, consisting of the \$65 application fee, \$22 CHRC fee and \$110 exam fee (\$197 per individual) multiplied by 40 applicants.

(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 governments.

(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 incur increased operational costs to implement licensure by endorsement under 63 Pa.C.S. § 3111. The costs incurred by the Board should be recouped in the form of application fees paid by applicants.

(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.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation and payment of a fee.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another jurisdiction and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the final rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent Criminal History Records Check (CHRC) from the state police or other state or agency or other appropriate agency of a territory or country that is the official repository for criminal history record information for each jurisdiction in which they have lived, worked or completed professional training/studies for the past 5 years. Based upon the above, applications are then forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa. C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa. C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board attaches a paper application which will be the basis for developing the electronic licensure by endorsement application. (See Attachment “A”).

(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 24-25	FY +1 25-26	FY +2 26-27	FY +3 27-28	FY +4 28-29	FY +5 29-30
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SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880	\$2,610 - \$7,880
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
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 2021-2022	FY –2 2022-2023	FY –1 2023-2024	Current FY 2024-2025
State Board of Barber Examiners	\$958,187	\$918,605	\$1,067,684	\$1,142,000

(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) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

(b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.

(c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy.

(d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(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.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(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) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure

are treated equally.

- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application 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 applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(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 length of the public comment period: | 30 days |
| B. The date or dates on which any public meetings or hearings will be held: | No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled public meetings. This rulemaking was discussed at public board meetings on: August 19, 2019; January 27, 2020; August 17, 2020; October 19, 2020; December 14, 2020; February 22, 2021; April 19, 2021; June 21, 2021; June 27, 2022; and August 15, 2022. |
| C. The expected date of delivery of the final-form regulation: | Winter 2026 |
| D. The expected effective date of the final-form regulation: | Upon publication as final. |
| E. The expected date by which compliance with the final-form regulation will be required: | Upon publication as final. |
| F. The expected 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. The Board will meet on the following remaining dates in 2025: September 22 and November 24, 2025. More information can be found on the Board's website.

ATTACHMENT A

STATE BOARD OF BARBER EXAMINERS

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: 833-367-2762
Fax: 717-705-5540
Website: www.dos.pa.gov/barber
E-Mail: RA-BARBER@pa.gov

Courier Address:
2525 N 7th Street
Harrisburg, PA 17110

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

PLEASE NOTE: If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the State Board of Barber Examiners (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

1. REQUIREMENTS

Persons applying for licensure by endorsement under 63 Pa.C.S. § 3111 must:

- A. Hold a current license, certificate, registration or permit in good standing to practice as a barber or barber-teacher in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrate competency by one of the following:
 - Experience in the practice of barbering or barber-teaching by demonstrating, at a minimum, that the applicant has actively engaged in the practice of barbering or barber-teaching in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application with the Board.
 - A passing score in a Board-approved barber or barber-teacher skills examination within 18 months of the filing of this application with the Board.
- C. Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice as a barber or barber-teacher under the act (63 P.S. § 565) and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Pay the \$65 application fee.
- E. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

Persons licensed in other jurisdictions who possess a current license, registration, certificate or permit in good standing:

- ☐ Complete pages 1, 2 and 3 of the application.

If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).

- ☐ \$ 65 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. If you do not receive the Board's approval to sit for the examination (if applicable) within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- ☐ Have the out-of-state licensing authorities in which you hold or have held a license to practice as a barber or barber-teacher submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- ☐ A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593.
(If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction. For a list of other state identification agency websites, visit <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks/state-identification-bureau-listing>)

3. INFORMATION

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

STATE BOARD OF BARBER EXAMINERS

Mailing Address:

P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: 833-367-2762
E-Mail: RA-BARBER@pa.gov

Courier Address:

2525 N 7th Street
Harrisburg, PA 17110
Fax: **717-705-5540**

APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111

INITIAL APPLICATION FEE: \$ 65 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE THE BOARD'S APPROVAL TO SIT FOR THE EXAMINATION WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____
7. Select the license for which you are applying: <input type="checkbox"/> Barber <input type="checkbox"/> Barber-Teacher
8. Competency Requirement <u>Experience:</u> Have you actively engaged in the practice of barbering or barber-teaching in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application?

☐ Yes

☐ No

Provide a curriculum vitae demonstrating this experience.

Examination:

Have you achieved a passing score in a Board-approved barber or barber-teacher skills examination within 18 months of the filing of the application with the Board?

☐ Yes

☐ No

If you responded "Yes," provide proof of your examination score(s).

9. Name of state where initial license to practice as a barber or barber-teacher was issued.

Date initial license was issued _____.

List any other state, territory or country where you hold or have held a license/certificate to practice as a barber or barber-teacher.

Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number.

Applicant's Statement:

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Applicant's Signature




Date

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVEDIndependent Regulatory
Review Commission

September 19, 2025

DO NOT WRITE IN THIS SPACE		
<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u></u> (DEPUTY ATTORNEY GENERAL)</p> <p style="text-align: center;"><u>9/10/25</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;"><u>State Board of Barber Examiners</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-4212</u></p> <p>DATE OF ADOPTION: _____</p> <p>By: <u></u> Amber Derr</p> <p>TITLE <u>Board Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p style="text-align: right;"><small>Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o, ou, email=cymontgome@pa.gov, c=US Date: 2025.08.15 12:03:17 -04'00'</small></p> <p>BY: <u></u> Deputy General Counsel, Chief Counsel Independent Agency (Strike inapplicable title)</p> <p style="text-align: center;"><u>August 15, 2025</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>

PROPOSED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF BARBER EXAMINERS**

TITLE 49 PA CODE CHAPTER 3**§§ 3.1, 3.16, 3.17 and 3.103****LICENSURE BY ENDORSEMENT**

The State Board of Barber Examiners (Board) proposes to amend §§ 3.1 and 3.103 (relating to definitions; and fees), and add §§ 3.16 and 3.17 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to “issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth” provided the applicant meets the following criteria: “[h]olds a current license, certificate, registration or permit from another state, territory or country” whose licensing “requirements are substantially equivalent to or exceed the requirements. . .in this Commonwealth”; “demonstrates competency”; “[h]as not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines” such conduct is not an impediment to granting the “license, certificate, registration or permit”; “[i]s in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless. . .the board or. . .commission determines” such conduct is not an impediment to granting the “license, certificate, registration or permit” and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to “issue a provisional license, certificate, registration, or permit” while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

Additionally, section 15-A.4(b) of the Barbers' License Law (act) (63 P.S. § 566.4(b)) authorizes the Board to “make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of the act.”

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards, or commissions.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48, now repealed) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

Background and Need for the Amendments

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to an applicant who is licensed in good standing in another jurisdiction and meets the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111(a)(1), the Board must determine whether the other jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111(a)(2) requires the Board to determine the methods of competency, including experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, or completion of continuing education. Under 63 Pa.C.S. § 3111(b)(2), the Board must also establish, by regulation, the expiration of provisional endorsement licenses.

This proposed rulemaking sets forth the Board's criteria for eligibility for licensure by

endorsement, including the specific methods required for an applicant to demonstrate competency. It also sets forth the requirements for granting a provisional endorsement license. Section 3111 of 63 Pa.C.S. further provides that the Board may establish appropriate fees for this licensure.

This proposed rulemaking is applicable to barbers and barber-teachers, but not manager-barbers. The manager-barber license is somewhat unique to this Commonwealth. Most states do not have a separate and distinct license for manager-barbers or barber managers (terms which are used here interchangeably to refer to the same thing, namely, a credential issued specifically to managers of barbering establishments). It would be difficult if not impossible to perform any sort of meaningful comparison given that most jurisdictions do not offer an analogous license type. Even for those jurisdictions that do offer a manager license, the Board would not view any other jurisdiction as substantially equivalent when assessing that jurisdiction's requirements. The Board's theory exam for manager-barbers includes questions that test an applicant's knowledge of current Pennsylvania laws and regulations. Therefore, the Board concluded it was not appropriate to include manager-barbers in these proposed regulations.

In accordance with the requirements of Executive Order 1996-1 (4 Pa. Code §§ 1.371—1.382), the Board sent an exposure draft of this proposed rulemaking to interested parties on October 22, 2020, and asked for comments within 30 days. The Board received no comments.

Description of the Proposed Amendments

The Board proposes to amend § 3.1 (relating to definitions) by adding a definition for the term "jurisdiction" consistent with 63 P.S. § 3111. Proposed § 3.16 (relating to licensure by endorsement) requires an applicant to satisfy six criteria for licensure by endorsement. Under subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or

exceed those established by the Board under section 3(a) and (d) of the act (63 P.S. § 553(a) and (d)), and §§ 3.42, 3.71 and 3.90 (relating to examination; curriculum; and student curriculum). Proposed subparagraph (a)(1)(i) would further require an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. Because 63 Pa.C.S. § 3111 is applicable to territories and other countries where the applicable law, regulation or other rule may be in a language other than English, proposed subparagraph (a)(1)(ii) would require translation of the applicable law, regulation or other rule by a professional translation service, at the applicant's expense. Additionally, proposed subparagraph (a)(1)(iii) would require that the copy of the applicable law, regulation or other rule include the enactment date.

With regard to the requirement that an applicant for a barber license have a certain number of training hours, the Board notes that the number of training hours varies widely from one jurisdiction to the next, but typically ranges from 1,000 to 1,500 hours. The Board considers a requirement of 1,000 hours or more to be substantially equivalent to the Board's requirement of 1,250 hours, as reflected in proposed subsection (a)(1).

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating either experience in the practice of the profession as a barber or barber-teacher or achievement of a passing score on a Board-approved skills examination. To demonstrate competency by experience, an applicant must show active engagement in the practice of the profession under a license, certificate, registration or permit in one or more jurisdictions that have substantially equivalent standards for at least 2 of the 5 years immediately preceding the filing of the application. To demonstrate competency through

examination, an applicant must achieve a passing score on a Board-approved skills examination within 18 months preceding the filing of the application.

Proposed subsection (a)(3) incorporates the statutory prohibition in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation. Similarly, proposed subsection (a)(4) incorporates the statutory prohibition pertaining to prior discipline by the jurisdiction that issued the license, certificate, registration or permit.

Proposed subsection (a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). No new fee is being proposed. Instead, the applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 for both barbers and barber-teachers will be the existing “licensure of barber by reciprocity” fee in § 3.103 (relating to fees), which is currently \$65. The Board further proposes to amend § 3.103 to rename that fee “licensure of barber or barber-teacher by reciprocity or endorsement.”

Proposed subsection (a)(6) requires applicants to apply for licensure in accordance with the act and in the manner and format prescribed by the Board in Chapter 3.

In proposed § 3.16(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request that the interview be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 3.16(c) would authorize the Board, in its discretion, to determine that an act prohibited under section 15 of the act (63 P.S. § 565), or disciplinary action by another jurisdiction are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111. Boards

routinely consider whether discipline or prohibited acts are impediments to licensure. The Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history (or lack thereof) before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action, and any other information relating to the fitness of the individual for licensure.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 3.17(a) provides that the Board may, in its discretion, issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 3.16. Proposed subsection (b)(1) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, under subsection (b)(2), upon a written request, the Board may extend the term of the provisional license upon a showing of good cause. Proposed subsection (c) sets forth reasons for which a provisional endorsement license will be terminated, including when the Board denies or grants a license, the provisional endorsement licensee fails to comply with the terms of the provisional endorsement license or the provisional endorsement license expires. Finally, proposed subsection (d) clarifies that while an individual may reapply for a license by endorsement under proposed § 3.16, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by

endorsement will be recouped through fees paid by applicants. Under § 3.103 (relating to fees), all barber and barber-teacher applicants applying for licensure via reciprocity currently pay an application fee of \$65, which is the same fee that applicants for licensure by endorsement will pay. Applicants who choose to demonstrate competency by examination may incur the added cost of an examination fee.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board's 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 19, 2025, 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 (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) 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.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections

regarding this proposed rulemaking to Regulatory Counsel, State Board of Barber Examiners, at P.O. Box 69523, Harrisburg, PA 17106-9523, or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference “16A-4212 (Licensure by Endorsement)” when submitting comments.

Amber Derr
Chairperson
State Board of Barber Examiners

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

GENERAL PROVISIONS

§ 3.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

EPA registered disinfectant—A product used to destroy pathogenic micro-organisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§136—136y).

Jurisdiction—A state, territory or country.

* * * * *

LICENSES

(Editor’s Note: The following two sections are proposed to be added and are printed in regular type to enhance readability.)

§ 3.16. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certificate, registration or permit in good standing to practice as a barber or barber-teacher in another jurisdiction whose licensure standards are substantially equivalent to or exceed those established under section 3(a) and (d) of the act (63 P.S. § 553(a) and (d)), and §§ 3.42, 3.71 and 3.90 (relating to examination; curriculum; and student curriculum). For an applicant seeking licensure by endorsement as a barber, the standards of a jurisdiction relating to minimum training hour requirements are substantially equivalent to those established by the Board under §§ 3.71 and 3.90 if the jurisdiction requires, at a minimum, the completion of at least 1,000 training hours.

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of barbering or as a barber-teacher by demonstrating, at a minimum, that the applicant has actively engaged in the practice of barbering or as a barber-teacher under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards, for

at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Achieve a passing score on a Board-approved barber or barber-teacher skills examination within 18 months preceding the filing of the application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice barbering or as a barber-teacher under section 15 of the act (63 P.S. § 565).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the required application fee as required by § 3.103 (relating to fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request that the interview be conducted by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 15 of the act (63 P.S. § 565), or disciplinary action by another jurisdiction, is not an impediment to licensure under 63 Pa.C.S. § 3111.

§ 3.17. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional

endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 3.16 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) The provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 3.16 after expiration or termination of a provisional endorsement license; however, the Board will not issue a subsequent provisional endorsement license.

FEES

§ 3.103. Fees.

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

			Effective July 1, 2022	Effective July 1, 2024
(1) Initial Application for Licensure				
	Barber	\$10	\$30	\$33
	Barber Shop Manager	\$10	\$30	\$33
	Barber Teacher	\$10	\$30	\$33
	Barber Shop	\$110	\$145	\$160
	Barber School	\$140	\$170	\$185
(2) Miscellaneous				
	Licensure of barber <u>or barber-teacher</u> by reciprocity <u>or endorsement</u>	\$55	\$60	\$65
	Change in Barber Shop—inspection required	\$90	\$115	\$125
	Change in Barber Shop—no inspection required	\$40	\$45	\$50
	Reinspection after first fail—new or change (shop or school)	\$90	\$75	\$82
	Verify license/permit/registration	\$15	\$20	\$22
	Certification of student status or student training hours	\$30	\$35	\$40

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

* * * * *



**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
1-833-DOS-BPOA**

September 19, 2025

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Barber Examiners
16A-4212: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Barber Examiners pertaining to Licensure by Endorsement.

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 blue ink, appearing to read "Amber Derr".

Amber Derr, Chairperson
State Board of Barber Examiners

AD/MJF/mas
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Marc J. Farrell, Regulatory Counsel, Department of State
Michael P. Merten, Board Counsel, State Board of Barber Examiners
State Board of Barber Examiners

Sheehe, Melanie

From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Friday, September 19, 2025 8:32 AM
To: Sheehe, Melanie; Dimm, Ian; joseph.kelly; Vazquez, Enid
Subject: Re: DELIVERY NOTICE: REGULATION: 16A-4212

RECEIVED

Received.

Independent Regulatory
Review Commission

September 19, 2025

-Jesse Monoski

Get [Outlook for Android](#)

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Friday, September 19, 2025 8:30:36 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Subject: DELIVERY NOTICE: REGULATION: 16A-4212

EXTERNAL EMAIL

Please provide a written (email) confirmation of receipt of delivery of the attached rulemaking.

Please be advised that the State Board of Barber Examiners is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

- **16A-4212 – State Board of Barber Examiners – Licensure by Endorsement**

This final rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Board. The Board is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. This final rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.



Melanie A. Sheehe | Legal Assistant II
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.710.2749 | Fax: 717.787.0251
msheehe@pa.gov | www.dos.pa.gov

Preferred Pronouns: She, Her, Hers

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this

Sheehe, Melanie

From: Emily Hackman <Ehackman@pahousegop.com>
Sent: Friday, September 19, 2025 9:13 AM
To: Sheehe, Melanie; Nicole Sidle; Cindy Sauder
Subject: RE: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4212

Received. Thank you.

Emily Epler Hackman | Senior Policy Analyst
Pennsylvania House of Representatives
Health Committee (R)
141 Ryan Office Building
Phone: (717) 260-6351

RECEIVED

Independent Regulatory
Review Commission

September 19, 2025

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Friday, September 19, 2025 8:29 AM
To: Nicole Sidle <nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>; Emily Hackman <Ehackman@pahousegop.com>
Subject: [EXTERNAL]: DELIVERY NOTICE: REGULATION: 16A-4212
Importance: High

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msheehe@pa.gov | www.dos.pa.gov

Preferred Pronouns: She, Her, Hers

Sheehe, Melanie

From: Brett, Joseph D. <JBrett@pahouse.net>
Sent: Friday, September 19, 2025 9:39 AM
To: Sheehe, Melanie; Orchard, Kari L.; Barton, Jamie
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4212

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Independent Regulatory
Review Commission

September 19, 2025

Received.

Thank you,

Joe Brett

Research Analyst | House Professional Licensure Committee (D)
Chairman Frank Burns, 72nd Legislative District

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Friday, September 19, 2025 8:31 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: REGULATION: 16A-4212
Importance: High

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PRIVILEGED AND CONFIDENTIAL COMMUNICATION

Sheehe, Melanie

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Friday, September 19, 2025 8:31 AM
To: Sheehe, Melanie
Subject: RE: DELIVERY NOTICE: REGULATION: 16A-4212

RECEIVED

Independent Regulatory
Review Commission

Received.

September 19, 2025

*Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Friday, September 19, 2025 8:30 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: REGULATION: 16A-4212
Importance: High

⦿ CAUTION : External Email ⦿

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From: Bulletin <bulletin@palrb.us>
Sent: Friday, September 19, 2025 9:46 AM
To: Sheehe, Melanie; Leah Brown; Adeline E. Gaydosh
Subject: [External] Re: DELIVERY NOTICE: REGULATION: 16A-4212

September 19, 2025

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good morning Melanie!

Thank you for sending proposed rulemaking 16A-4212. A member from our staff will be in touch regarding the publication date for this proposed rulemaking.

Have a great weekend!

Leah

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Friday, September 19, 2025 9:42 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Subject: DELIVERY NOTICE: REGULATION: 16A-4212

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