

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="font-size: 2em; font-weight: bold; margin: 0;">RECEIVED</p> <p style="margin: 10px 0 0 0;">JUL 25 2023</p> <p style="margin: 0 0 0 0;">Independent Regulatory Review Commission</p>
<p>(1) Agency</p> <p style="margin-left: 40px;">Department of State, Bureau of Professional and Occupational Affairs, State Board of Chiropractic</p>		<p>IRRC Number: 3378</p>
<p>(2) Agency Number: 16A</p> <p style="margin-left: 40px;">Identification Number: 4335</p>		
<p>(3) PA Code Cite:</p> <p style="margin-left: 40px;">49 Pa. Code §§ 5.6, 5.15 and 5.16</p>		
<p>(4) Short Title: Fees</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="margin-left: 40px;">Primary Contact: Tyesha Miley, Counsel, State Board of Chiropractic, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; tmiley@pa.gov.</p> <p style="margin-left: 40px;">Secondary Contact: Jacqueline A. Wolfgang, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251; jawolfgang@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>The State Board of Chiropractic ("Board") proposes to amend § 5.6 (relating to fees), § 5.15 (relating to licensure examinations) and § 5.16 (relating to failure on examination; reexamination) to read as set forth in Annex A. The proposed rulemaking provides for graduated increases to four application fees (application for chiropractic licensure by examination, application for chiropractic licensure by reciprocity, application for certification to use adjunctive procedures, and application for continuing education course approval). The proposed rulemaking further provides for a graduated biennial registration fee increase for licensed chiropractors. The proposed rulemaking would also eliminate references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure. Other health boards under the Bureau do not perform this type of testing and the Board no longer believes testing an applicant's knowledge of Pennsylvania law is a necessary component of licensure.</p>		

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

Pursuant to section 302(3) of the Chiropractic Practice Act (act), 63 P.S. § 625.302(3), the Board is authorized to promulgate rules and regulations necessary to carry out the act. Under section 1101(a) of the act, the Board shall, by regulation, fix the fees required for examination, licensure, renewal of licenses and limited licenses. 63 P.S. § 625.1101(a). Section 1101(b) of the act provides that if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures. 63 P.S. § 625.1101(b). Additionally, section 502 of the act provides the nature and content of the examination. 63 P.S. § 625.502.

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under 71 P.S. § 279.1(a)(7), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

(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.

The Board is required to support its operations from revenue that is generated from fees, fines and civil penalties. When that revenue is insufficient to meet expenditures over a two-year period, the act requires an increase in fees so that the projected revenues will meet or exceed projected expenditures. The majority of the general operating expenses of the Board are borne by the licensee population through revenue generated by applications and the biennial registration of licenses. The proposed rulemaking is necessary to help ensure the fiscal integrity of the Board and allow it to carry out its mission.

The Board receives an annual report from the Department of State’s Bureau of Finance and Operations (BFO) regarding the Board’s income and expenses. For the sake of brevity and clarity, the dollar figures in this answer to Question 10 have been rounded down to the nearest whole dollar (cents have been omitted).

In fiscal years (FYs) 2018-2019 and 2019-2020, the Board’s total revenue was \$927,621, which fell short of meeting its total expenses (\$1,116,543) by \$188,922. At the end of FY 2020, the Board showed an overall remaining balance of \$1,685,626.

In FYs 2020-2021 and 2021-2022, the Board’s total revenue was \$897,455, which fell short of meeting its total expenses (\$1,103,936) by \$206,481. The Board showed a positive overall remaining balance at the end of FY 2022 of \$1,479,145 – a smaller overall balance than at the end of FY 2020.

For FYs 2022-2023 and 2023-2024, BFO projected the Board's total revenues would be \$933,000, which would fall short of meeting its total projected expenses (\$1,137,000) by \$204,000. BFO projects the Board would continue to have a positive overall balance at the end of FY 2024 of \$1,275,145 – albeit a smaller overall balance than at the end of FY 2022.

Based on BFO's projections, if the Board were to keep its current fee structure in place (no increases for any of the fees), the Board's projected annual revenue would be about \$933,000 for each of the next six years. However, its expenses each year over that same time period are expected to grow, such that the amount the Board would be spending above and beyond its revenues would become increasingly larger each successive year. Specifically, the Board's projected revenue would fall short of meeting its expenses by \$238,000 in FY 24-25/FY 25-26, then by \$273,000 in FY 26-27/FY 27-28, and finally by \$309,000 in FY 28-29/FY 29-30. These projections also show a significant reduction in the Board's overall remaining balance, which by the end of FY 29-30 would be down to \$455,145 – approximately one-third of what it was at the end of FY 2022.

Given that its revenues generated by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period, the Board voted to adopt the proposed graduated fee increases for application and biennial registration fees contained in BFO's report as reflected in this rulemaking.

As a part of this rulemaking, the Board reviewed the fees currently charged for its various applications and determined that the following application fees do not accurately reflect the actual cost of processing applications: application for chiropractic licensure by examination; application for chiropractic licensure by reciprocity; application for certification to use adjunctive procedures; and application for continuing education course approval. Accordingly, the increased fees adopted by the Board more accurately reflect the cost of processing each application.

BFO projects that the new application and biennial registration fee structure will produce biennial revenue of \$1.083 million in FY 2024-2025 and FY 2025-2026, compared to \$1.171 million in expenses, thereby reducing the shortfall between revenue and expenses to \$88,000. In FY 2026-2027 and FY 2027-2028, BFO projects biennial revenue of \$1.162 million compared to \$1.206 million in expenses, further reducing the shortfall between revenue and expenses to \$44,000. Finally, by FY 2028-2029 and FY 2029-2030, BFO projects the Board's biennial revenue of \$1.246 million will exceed its expenses of \$1.242 million. The Board's overall remaining balance is projected to be \$1,147,145 at the end of FY 2029-2030.

The fee increases for application and biennial registration fees will enable the Board to meet its operating expenses and prevent further deficits from accruing. The proposed rulemaking will benefit every citizen of the Commonwealth in that it ensures the fiscal integrity of the Board so that it can continue to carry out its mission of protecting the public by its enforcement of the licensure act and its continued regulation of the chiropractic profession. The costs to applicants and licensees are outweighed by the Board's duty to license and regulate the practice of chiropractic in the public's interest.

Lastly, the proposed rulemaking would eliminate references to the Pennsylvania Chiropractic Law Examination (PCLE), as well as the PCLE fee, to reflect the Board's current license application procedure. Other health boards under the Bureau do not perform this type of testing and the Board no longer believes testing an applicant's knowledge of Pennsylvania law is a necessary component of licensure. Removing this requirement will benefit applicants in that the licensure requirements will be more in line with other health boards and other states and will be less stringent.

(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.

No, there are no federal licensure 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?

In comparing the proposed fees with the chiropractic fees of other states, the Board does not believe this rulemaking will put Pennsylvania at a competitive disadvantage with surrounding states in the Northeast Region (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont and West Virginia).

Proposed Application Fee Increases

Chiropractic licensure by examination

Pennsylvania's proposed fee of \$105 is lower than all of the surrounding states: Connecticut \$565.00; Delaware \$274; Maine \$121; Maryland \$700 (\$200 application fee/\$300 examination fee/\$200 license fee); Massachusetts \$764 (for two years); New Hampshire \$328; New Jersey \$125 initial application fee plus \$350 fee at the time of examination; New York \$294 (\$115 application fee/\$179 registration fee); Ohio \$250; Rhode Island \$210; Vermont \$200; and West Virginia \$50 initial licensing fee plus \$150 examination fee.

Chiropractic licensure by reciprocity

Pennsylvania's proposed fee of \$150 is lower than the following comparative states: Massachusetts \$502; New Jersey \$75 licensure by endorsement fee (plus \$125 application fee and \$350 initial licensing license fee); Ohio \$500 licensure by endorsement fee; and Rhode Island \$210 initial application endorsement fee. Pennsylvania's fee is higher than Vermont's initial competency endorsement fee of \$70.

Some states' reciprocity fees vary and are determined on a case-by-case basis, while for other states fee information is not otherwise readily available, including New Hampshire and New York. Delaware only has a reciprocity option for physiotherapy and the licensee must contact the board for fees related to specific parts of the exam. In Maine, licensees must contact the board for processing (fee is not available). West Virginia's endorsement is handled on a case-by-case basis (no fee information available). Connecticut and Maryland do not offer chiropractic licensure by reciprocity.

Adjunctive procedures certification

There were no comparisons for any of the 12 noted states.

Continuing education course approval

Pennsylvania's proposed fee of \$100 is equal to West Virginia's \$100 fee per course. States for which fee information was available include: Delaware \$45 (when submitted by a course provider; no fee is required when submitted by a Delaware licensee); Maine \$75; Maryland \$25 per unit, and New York \$45. Fees information was not available for Connecticut, Massachusetts, New Hampshire, New Jersey, Ohio, Rhode Island and Vermont.

Proposed Biennial Registration Fee Increase for Chiropractors

Pennsylvania's proposed fee of \$225 is lower than most of the surrounding states: Connecticut \$570, Maryland \$700, Massachusetts \$270 (\$135 annually), New Hampshire \$328, New Jersey \$350, New York \$224 (triennial), Ohio \$500, Vermont \$265 and West Virginia \$600 (\$300 annually; out-of-state or retired chiropractors are charged a fee of \$150). In Delaware, licensees are notified of the amount of the renewal fee at the time of renewal. Only Maine (\$100) and Rhode Island (\$210) are lower than Pennsylvania.

Based on the information from the other states, the Board does not believe the amendments will put Pennsylvania at a competitive disadvantage. In voting to adopt the proposed increases set forth in this rulemaking, the Board noted that it had not raised its fees since 1996 (27 years).

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

No, this rulemaking will 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.)

Following BFO's annual budget presentation on March 11, 2021, the Board undertook a discussion of the potential need for a fee increase. Proposed fee increases were subsequently discussed on May 6, 2021, July 15, 2021, Sept. 23, 2021, February 24, 2022, October 6, 2022, and December 26, 2022, during the Board's regularly scheduled meetings which are routinely attended by representatives of the regulated community, including representatives of the Pennsylvania Chiropractic Association (PCA), the Chiropractor Fellowship of Pennsylvania and the Federation of Chiropractic Licensing Boards. PCA expressed an understanding of the Board's reasoning for the proposed fee increases, particularly given that Pennsylvania's fees were generally below comparable fees in the surrounding states. PCA asked that any fee increases, and the reasons therefor, be communicated clearly and concisely to those who will be affected by the increases.

Regarding application fees, the increase in chiropractic application fees is designed to cover the cost to process applications. This fee is borne by individual applicants. Subsequent increases are calculated at a rate of between 9-10%, based upon raises under current Commonwealth union contracts. Application fees are almost entirely dependent upon personnel-related costs. Application fees have not been increased since 1996. This fee increase is appropriate so that the applicants, and not existing licensees, bear the cost of processing those applications.

Regarding the increase in biennial registration fees, the Board is duty bound to ensure that the Board is fiscally sound. Absent a fee increase, the Board's deficit funding will worsen. With the fee increase, the Board's revenue is projected to exceed expenses by the end of FY 2029-2030. Therefore, increasing fees is critical to sustain the operations of the Board and enable it to meet its statutory obligation to increase fees by regulation when revenues raised by fees, fines and civil penalties are insufficient to meet expenditures over a two-year period.

(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?

On an annual basis, approximately 916 applicants will be affected by the following increased application fees: 175 chiropractors seeking licensure by examination; 15 chiropractors seeking licensure by reciprocity; 126 applications seeking certification to use adjunctive procedures and 600 applications for approval of continuing education courses. Approximately 4,011 licensed chiropractors will be affected by the increased biennial registration fee (projected to decrease to 3,810).

According to the Small Business Administration (SBA) 2021, there are approximately 1.1 million small businesses in Pennsylvania (99.6%) which employ 2.5 million small business employees (46.3%). Thus, the vast majority of businesses in Pennsylvania are considered small businesses. According to the Pennsylvania Department of Labor and Industry in 2020 (the most recent year for which data is available), chiropractors treat patients with health problems of the neuromusculoskeletal system which includes nerves, bones, muscles, ligaments and tendons. Approximately 69.17% work in offices of other health care practitioners, 28.31 % are self-employed and the remaining 2.52% work in offices of physicians, outpatient care centers, outpatient care centers, other ambulatory health care services and hospitals.

For the businesses listed above, 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. I 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 under NAICS Code 621310 (Offices of Chiropractors) are considered small businesses if they have \$8 million or less in average annual receipts; offices of physicians (NAICS code 621111) are considered small businesses if they have \$14 million or less in average annual receipts.

Based on this variety of employers, the Board believes that most chiropractors in Pennsylvania are employed in small businesses. However, the Board does not collect information on the size of the businesses where its licensees are employed. For purposes of determining the economic impact on small businesses, the Board assumes that large number of its licensees either are or work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

Those licensees that are self-employed are likely small businesses that would be impacted by the costs associated with this proposed rulemaking. For those licensees who are employees of small businesses, whether these small businesses will be impacted by the regulations depends on whether the businesses would pay costs associated with filing any of the four applications affected by this rulemaking or the biennial registration fee. Any business (small or otherwise) could avoid these costs by requiring employees to bear the costs associated with compliance.

(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.

There are approximately 4,011 chiropractors who will be impacted by the proposed biennial registration fee increases. BFO projects that the overall number of licensed chiropractors will decrease slightly (to about 3,810) over the next 6-7 years.

Approximately 916 applicants will be impacted by the increased application fees. Specifically, the number of applicants affected are as follows (on an annual basis): 175 applications for licensure by exam; 15 applications for licensure by reciprocity; 126 applications for certification to use adjunctive procedures; and 600 applications for continuing education course approvals.

The fees may be paid by applicants, licensees, registrants, certificate holders or possibly employers (if an employer chooses to pay these fees on behalf of its employees). The regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

The rulemaking will require the Board to alter its online applications to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

(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 proposes to amend § 5.6(a) to increase four of its application fees as well as the biennial registration fee for licensed chiropractors, all via graduated increases over a six-year period.

Proposed Application Fees

As set forth in § 5.6(a), the proposed graduated increases will have the following impacts:

Chiropractic licensure by examination

Each year, the Board receives approximately 175 applications for chiropractic licensure by exam (the equivalent of about 350 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$25 to \$105 will generate an additional \$28,000 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$105 to \$115 will generate an additional \$3,500 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$115 to \$126 will generate an additional \$3,850 in application fees.

Chiropractic licensure by reciprocity

Each year, the Board receives approximately 15 applications for chiropractic licensure by reciprocity (or about 30 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$65 to \$150 will generate an additional \$2,550 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$150 to \$164 will generate an additional \$420 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$164 to \$180 will generate an additional \$480 in application fees.

Adjunctive Procedures Certification

Each year, the Board receives approximately 126 applications for certification to use adjunctive procedures (or about 252 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$25 to \$105 will generate an additional \$20,160 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$105 to \$115 will generate an additional \$2,520 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$115 to \$126 will generate an additional \$2,772 in application fees.

Continuing Education Course Approval

Each year, the Board receives approximately 600 applications for approval of continuing education courses (or about 1,200 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$30 to \$100 will generate an additional \$84,000 in fees.

FY 26-27 through FY 27-28: The fee increase from \$100 to \$110 will generate an additional \$12,000 in fees.

FY 28-29 through FY 29-30: The fee increase from \$110 to \$120 will generate an additional \$12,000 in fees.

Proposed Biennial Registration Fee Increase for Chiropractors

As set forth in § 5.6(b), the proposed graduated increases of the biennial registration fee will impact all licensed chiropractors (currently 4,011). BFO projects that the overall number of licensed chiropractors will decrease slightly (to about 3,810) over the next 6-7 years. The graduated biennial registration fee increases will generate additional revenue as follows:

FY 24-25 and FY 25-26: The fee increase from \$210 to \$225 will generate an additional \$57,150 in revenue.

FY 26-27 and FY 27-28: The fee increase from \$225 to \$241 will generate an additional \$60,960 in revenue.

FY 28-29 and FY 29-30: The fee increase from \$241 to \$258 will generate an additional \$64,770 in revenue.

The Board also proposes to delete §§ 5.15(a)(2), 5.15(e) and 5.16(b), thereby eliminating references to the Pennsylvania Chiropractic Law Examination (PCLE) which been discontinued along with its corresponding fee.

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

The Board is a statutorily-created board which has powers and duties as set forth in the act, including the power to: determine the qualifications and fitness of applicants; adopt and revise regulations; refuse,

revoke, suspend or otherwise limit licensees; establish fees for the operation of the board; and conduct hearings. The Board's expenses include: Bureau administration, Commissioner's and Revenue office services, Departmental services, legal office services, hearing expenses, enforcement and investigation costs, Professional Compliance Office costs, and board member expenses. Under Section 1101 of the act, if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period, the Board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

The proposed rulemaking would benefit every citizen of the Commonwealth in that it would ensure the fiscal integrity of the Board and allow the Board to continue to carry out its mission of protecting the public by its enforcement of the licensure act and its continued regulation of the profession of chiropractic to ensure and promote fairness in the industry for the Board's licensees. The costs to applicants and licensees are outweighed by the Board's duty to license and regulate the profession of chiropractic. Additionally, application fees will more accurately address the actual cost of resources devoted to processing applications.

The regulatory amendment is mandated by section 1101(b) of the act (63 P.S. § 625.1101(b)) and is necessary to assure the fiscal integrity of the Board so that it may continue to carry out its mission.

Removing the PCLE exam and fee will benefit applicants in that the licensure requirements will be more in line with other health boards and other states and will be less stringent.

(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.

As reflected in the Board's response to question 17, the regulated community will incur additional costs as a result of the graduated application and biennial registration fee increases. The total economic impact attributable to the graduated application fee increases is as follows:

FYs 24-25 and 25-26:	\$134,710
FYs 26-27 and 27-28:	\$18,440
<u>FYs 28-29 and 29-30:</u>	<u>\$19,102</u>
TOTAL:	\$172,252

The total economic impact attributable to the graduated biennial registration increases is as follows:

FYs 24-25 and 25-26:	\$57,150
FYs 26-27 and 27-28:	\$60,960
<u>FYs 28-29 and 29-30:</u>	<u>\$64,770</u>
TOTAL:	\$182,880

Thus, the total economic impact to applicants, licensees, registrants, and employers (if employers choose to pay the application or biennial registration fees of their employees) is \$355,132. This amount reflects the economic impact that will occur over six years (three biennium), beginning with FY 2024-2025 through and including FY 2029-2030.

The Board does not anticipate additional administrative, legal, accounting or consulting costs to the Board, applicants or licensees by implementing the rulemaking. There are no other costs or savings to the regulated community that will result from compliance with the rulemaking.

(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.

There are no costs or savings to local governments associated with compliance with the rulemaking.

(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.

The Board will incur a minimal cost to revise its online application forms and online biennial registration platform to indicate the increased fees. The Board would incur no other increase in administrative costs by implementing the rulemaking. There are no other costs or savings to state government associated with implementation of the 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 rulemaking will not require any additional record keeping nor will there be any legal, accounting or consulting procedures required for implementation of the final rulemaking. The new fees will require no additional paperwork, as these fees are being imposed to cover the Board's costs associated with services that are already being provided and paperwork that is already required.

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

No new application forms are required. The Board uses online application forms, which will be amended to reflect the new fee schedule.

(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.**

In October of 2016, the Bureau launched the Pennsylvania Licensing System (PALS), which provides for an online application and biennial renewal system. Applicants and licensees must apply for initial licensure and renewal through PALS. The Board no longer uses physical applications. Online PALS applications will have to be modified to reflect the fee schedule amendments in this final regulation. The Board will only need to revise existing online applications to reflect the increased fees for initial applications and biennial renewal applications, as reflected in the final annex.

(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 (22-23)	FY +1 (23-24)	FY +2 (24-25)	FY +3 (25-26)	FY +4 (26-27)	FY +5 (27-28)
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	N/A	N/A	\$124,505	\$67,355	\$70,180	\$9,220
Local Government	N/A	N/A	\$0	\$0	\$0	\$0
State Government	N/A	N/A	\$0	\$0	\$0	\$0
Total Costs	N/A	N/A	\$124,505	\$67,355	\$70,180	\$9,220
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 2019-2020 (actual)	FY -2 2020-2021 (actual)	FY -1 2021-2022 (estimated)	Current FY 2022-2023 (budgeted)
State Board of Chiropractic	\$581,536.81	\$563,936.23	\$540,000	\$581,000

(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) All “small businesses” as that term is defined by the Regulatory Review Act and the SBA, who are licensees or that employ licensees would be subject to the proposed rulemaking. The Board does not collect data relating to the size of the businesses that employ its licensees. Please also see the response to Question 15.
- (b) There are no projected reporting or recordkeeping costs required for compliance. There are only negligible additional administrative costs required to revise online applications for increased fees.
- (c) The probable effect on impacted small businesses may be an increase in application and biennial registration fees for applicants or licensees employed by small businesses, in instances where the businesses choose to pay these fees for their employees.
- (d) As previously discussed, absent a fee increase, the Board’s expenditures will continue to exceed its revenue. Section 1101(b) of the act mandates a fee increase when expenditures outpace revenue. Thus, based upon the insufficient revenue and the deficit spending, the Board determined that fee increases are the only way to sustain operations, ensuring public health and safety.

(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 groups with particular needs have been identified.

(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 Board considers the regulation to be the least burdensome and acceptable alternative, consistent with public health, safety and welfare. The fee increases are necessary to ensure the fiscal integrity of the Board and to assure that the Board’s mandate to protect the health, safety and welfare of the public is carried out. The new fee structure for application fees is beneficial for licensees generally as the costs associated with each application will be paid by the applicant rather than distributed among the Board’s licensees. Structuring the increases in a graduated manner allows the needed increases to be spread out over time, rather than trying to close the gap between the Board’s expenses and its incoming revenue all at once with even higher fees.

The Board considered increasing just the four application fees, but that course of action would not generate nearly enough revenue to cover the Board’s expenses. The Board believes the increases are beneficial because the graduated application fee amounts are reflective of actual costs to process applications, and the biennial registration fee amounts coincide more closely with the projected expenses for each biennium.

(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) All applicants pay the application fees at the time the application is submitted, and all licenses renew biennially. The Board did not consider less stringent reporting requirements for small businesses or for licensees who work for small businesses.
- (b) All applicants pay the application fees at the time the application is submitted, and all licenses register biennially. The Board did not consider less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
- (c) There are no compliance or reporting requirements that could be consolidated or simplified. The application and biennial renewal processes are the same whether a particular licensee or applicant is, or 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) The exclusion of any applicants or licensees from the requirements contained in the rulemaking based on the size of the business would not be consistent with public health and welfare because it would prevent the Board from obtaining adequate revenue to meet projected expenditures and the Board 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.

The Board relied on financial records of the Board presented by BFO, including the BFO Financial Report and fee report forms that provide the breakdown of costs for application fees. *See Attachment "A."*

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

- | | |
|---|--|
| A. The length of the public comment period: | <u>30 days from publication in the PA Bulletin</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>No public hearings are scheduled. The proposed rulemaking was discussed at public Board meetings on March 11, 2021, May 6, 2021, July 15, 2021, Sept. 23, 2021, February 24, 2022, October 6, 2022 and December 26, 2022. The remaining Board meeting dates in 2023 are June 29, August 10, October 12 and December 14, 2023.</u> |

- | | |
|---|---|
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>Summer 2024</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon notice or publication in the <i>PA Bulletin</i> as final.</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>Upon notice or publication in the <i>PA Bulletin</i> as final.</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

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

The Board regularly evaluates the effectiveness of its regulations. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations causing the Board to evaluate the regulations' impact and necessity. The Board reviews all regulatory proposals at regularly scheduled meetings.

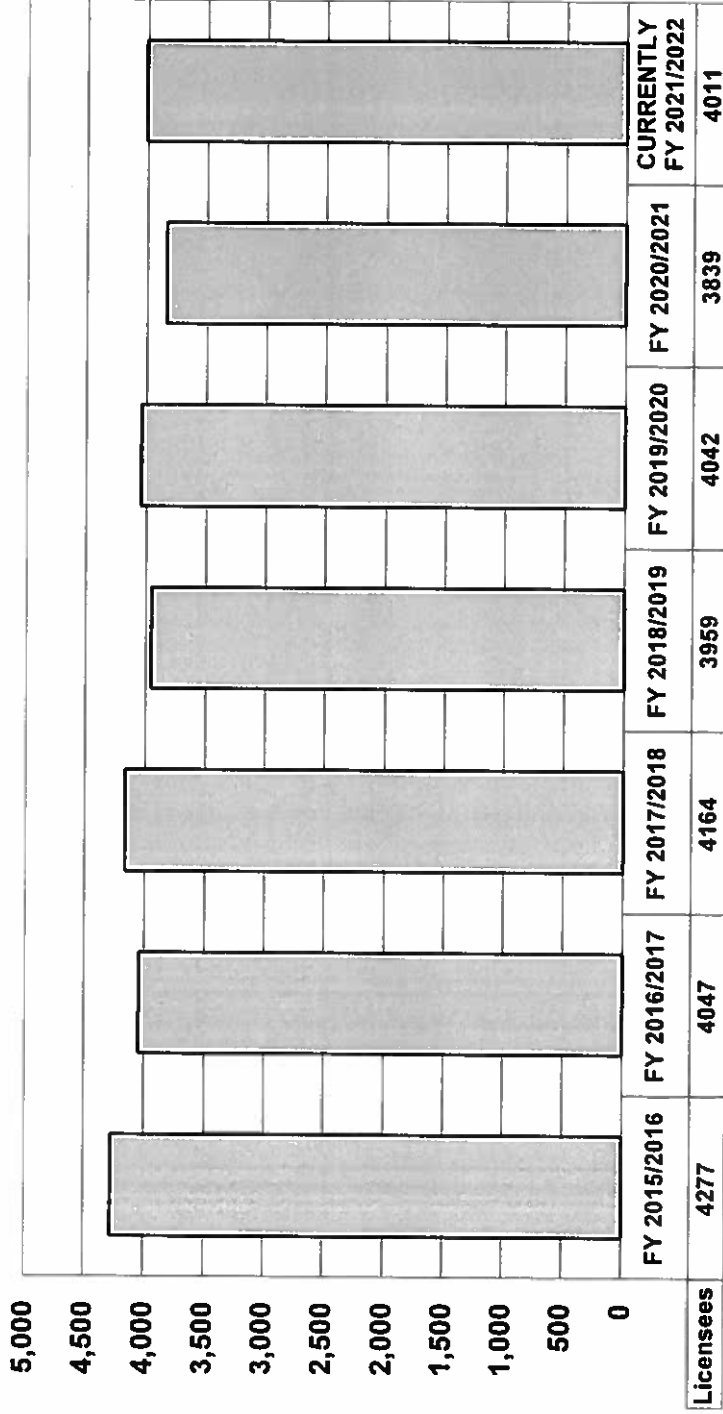
ATTACHMENT A

State Board of Chiropractic

Projected Biennial Revenue	\$897,546
Projected Biennial Budget/Expenses	\$1,145,473
Projected Biennial Balance	(\$247,927)

Biennial revenue and expenses from FY19-20 and FY20-21 were used to show anticipated biennial balance.

STATE BOARD OF CHIROPRACTIC RENEWABLE LICENSEE COUNTS



<u>LICENSEES BY CLASS</u>	<u>FY 19-20</u>	<u>FY 20-21</u>	<u>FY 21-22</u>
Chiropractor	4,042	3,839	4,011
TOTAL	4,042	3,839	4,011

**PA DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF CHIROPRACTIC**

Cost Center	RENEWAL YR				RENEWAL YR				RENEWAL YR			
	Actual Expenses FY15-16	Actual Expenses FY16-17	Actual Expenses FY17-18	Actual Expenses FY18-19	Actual Expenses FY19-20	Actual Expenses FY20-21	Actual Revenue FY15-16	Actual Revenue FY16-17	Actual Revenue FY17-18	Actual Revenue FY18-19	Actual Revenue FY19-20	Actual Revenue FY20-21
BPOA Administration	104,979.84	112,423.03	111,688.73	121,311.23	85,264.93	111,696.19						
Commissioner's Office	3,265.00	3,871.58	4,050.16	4,107.79	3,774.07	2,703.47						
Revenue Office	1,895.50	2,090.82	1,793.57	1,681.16	1,718.19	1,397.38						
Departmental Services	20,035.02	18,757.41	23,688.49	23,215.20	18,870.00	19,590.20						
Board Member Expenses	16,052.01	15,652.29	12,065.67	18,783.62	5,375.66	2,804.30						
Legal Administration	12,920.46	3,658.42	2,122.27	2,391.95	8,593.24	6,601.55						
Legal Prosecution	141,360.89	79,905.30	89,265.66	147,955.86	212,786.23	151,423.48						
Legal Counsel	62,890.81	74,652.15	54,164.20	78,682.57	79,132.25	100,123.84						
Hearing Expenses	3,103.33	2,014.74	7,326.41	5,973.18	39,836.18	11,760.55						
Enforcement & Investigation	101,516.69	75,137.38	119,246.23	121,890.81	115,887.77	149,841.40						
Professional Health Monitoring Program	6,036.86	7,379.92	7,252.82	9,013.38	10,298.29	5,993.87						
TOTAL	474,056.41	395,543.04	432,664.21	535,006.75	581,536.81	563,936.23						

Revenue By Source	RENEWAL YR				RENEWAL YR				RENEWAL YR			
	Actual Revenue FY15-16	Actual Revenue FY16-17	Actual Revenue FY17-18	Actual Revenue FY18-19	Actual Revenue FY19-20	Actual Revenue FY20-21	Actual Revenue FY15-16	Actual Revenue FY16-17	Actual Revenue FY17-18	Actual Revenue FY18-19	Actual Revenue FY19-20	Actual Revenue FY20-21
Renewals	110,760.00	732,115.00	6,300.00	823,520.00	7,995.00	815,380.00						
Applications	29,550.00	22,700.00	24,750.00	32,566.00	25,910.00	28,070.00						
Letters of Good Standing	4,520.00	3,510.00	2,260.00	2,175.00	2,625.00	1,914.94						
Civil Penalties	4,000.00	0.00	0.00	19,350.00	2,425.63	2,100.00						
Act 48	9,425.00	4,250.00	3,900.00	0.00	500.00	2,000.00						
Investigations	0.00	0.00	0.00	2,248.00	426.93	113.15						
Licensee Lists	5,541.39	4,087.46	7,461.07	4,671.72	3,207.77	4,877.81						
TOTAL REVENUE	163,796.39	766,662.46	44,671.07	884,530.72	43,090.33	854,455.90						

**State Board of Chiropractic
PROPOSED BIENNIAL RENEWAL FEE INCREASE
CURRENT FINANCIAL STATUS**

LICENSE CLASSES	LICENSE COUNT	CURRENT RENEWAL FEE	TOTAL RENEWAL FEES	LICENSE COUNT	NO CHANGE PROPOSED RENEWAL FEE	TOTAL REVENUE
Chiropractor	4,011	\$ 210.00	\$ 842,310.00	4,011	\$ 210.00	\$ 842,310.00
TOTAL RENEWAL REVENUE:			\$ 842,310.00			\$ 842,310.00
TOTAL APPLICATION REVENUE:			\$ 53,000.00			\$ 53,000.00
TOTAL NON-RENEWAL OTHER REVENUE:			\$ 38,000.00			\$ 38,000.00
TOTAL BOARD REVENUE:			\$ 933,310.00			\$ 933,310.00

Renewal - August even years
Current fee effective since 1996.

FINANCIAL STATUS	Actual FY 18-19	Actual FY 19-20	Actual FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30
Beginning Balance:	1,874,548.53	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,567,145.69	1,037,145.69	1,311,145.69	764,145.69	1,020,145.69
Revenue:	884,530.72	43,090.33	854,455.90	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00	890,000.00	43,000.00
Total Available:	2,759,079.25	2,267,162.83	2,540,081.92	2,019,145.69	2,369,145.69	1,831,145.69	2,165,145.69	1,610,145.69	1,927,145.69	1,354,145.69	1,654,145.69	1,063,145.69
Expenses/Budget:	535,006.75	591,536.61	563,936.23	540,000.00	561,000.00	556,000.00	599,000.00	573,000.00	616,000.00	590,000.00	634,000.00	608,000.00
Remaining Balance:	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,567,145.69	1,037,145.69	1,311,145.69	764,145.69	1,020,145.69	455,145.69

State Board of Chiropractic
PROPOSED APPLICATION FEE INCREASE

Renewal - August even years
Current fee effective since 1996.

Approved 2.24.22

	FY2020-2021, 2021-2022		FY2022-2023, 2023-2024		FY2024-2025, 2025-2026		FY2026-2027, 2027-2028		FY2028-2029, 2029-2030	
	APPLICATION COUNT	TOTAL APPLICATION FEES	APPLICATION COUNT	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE	PROPOSED APPLICATION FEE	TOTAL REVENUE
RENEWAL APPLICATION COUNTS										
Chiropractic License by Exam Application	350	\$ 8,750.00	350	\$ 8,750.00	\$ 105.00	\$ 36,750.00	\$ 115.00	\$ 40,250.00	\$ 126.00	\$ 44,100.00
Chiropractic License by Reciprocity Application	30	\$ 1,950.00	30	\$ 1,950.00	\$ 150.00	\$ 4,500.00	\$ 164.00	\$ 4,920.00	\$ 180.00	\$ 5,400.00
Continuing Education Program Application	1,300	\$ 39,000.00	1,700	\$ 51,000.00	\$ 300.00	\$ 510,000.00	\$ 110.00	\$ 187,000.00	\$ 120.00	\$ 204,000.00
Chiropractic License Renewal Application	252	\$ 7,560.00	252	\$ 7,560.00	\$ 125.00	\$ 31,500.00	\$ 115.00	\$ 28,950.00	\$ 126.00	\$ 31,752.00
TOTAL APPLICATION REVENUE:		\$ 57,260.00		\$ 63,260.00		\$ 187,710.00		\$ 208,150.00		\$ 225,252.00
OTHER NON-RENEWAL REVENUE:		\$ 1,000.00		\$ 28,000.00		\$ 30,000.00		\$ 38,000.00		\$ 38,000.00
TOTAL ANTICIPATED RENEWALS:		\$ 58,260.00		\$ 91,260.00		\$ 217,710.00		\$ 246,150.00		\$ 263,252.00
TOTAL BOARD REVENUE:		\$ 59,260.00		\$ 93,260.00		\$ 247,710.00		\$ 284,150.00		\$ 301,252.00
Non-Renewal		\$ 43,000.00		\$ 43,000.00		\$ 97,000.00		\$ 104,000.00		\$ 112,000.00
Renewal		\$ 890,000.00		\$ 890,000.00		\$ 971,000.00		\$ 982,000.00		\$ 994,000.00

FINANCIAL STATUS	CURRENT FEE		CURRENT FEE		CURRENT FEE		CURRENT FEE		CURRENT FEE		CURRENT FEE	
	Actual FY 18-19	Projected FY 19-20	Projected FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30
Beginning Balance:	1,874,548.53	2,224,072.50	1,685,626.02	1,976,146.69	1,479,145.69	1,788,145.69	1,275,145.69	1,608,145.69	1,172,145.69	1,538,145.69	1,052,145.69	1,412,145.69
Revenue:	884,530.72	43,090.33	854,455.90	43,000.00	890,000.00	43,000.00	971,000.00	97,000.00	982,000.00	104,000.00	994,000.00	112,000.00
Total Available:	2,759,079.25	2,267,162.83	2,540,081.92	2,019,146.69	2,369,145.69	1,831,145.69	2,246,145.69	1,705,145.69	2,154,145.69	1,642,145.69	2,046,145.69	1,524,145.69
Impairment Budget:	535,006.75	581,536.81	663,036.23	640,000.00	681,000.00	555,000.00	590,000.00	573,000.00	616,000.00	595,000.00	634,000.00	653,000.00
Remaining Balance:	2,224,072.50	1,685,626.02	1,976,145.69	1,479,145.69	1,788,145.69	1,275,145.69	1,608,145.69	1,172,145.69	1,538,145.69	1,052,145.69	1,412,145.69	871,145.69

**State Board of Chiropractic
PROPOSED BIENNIAL RENEWAL FEE INCREASE
5% Decrease to License Population
7% Renewal and Application Increase - Effective in August 2024, 2026, 2028**

Approved 2-24-22
Renewed - August even years
Current fee effective since 1996

LICENSE CLASSES	FY2022-2023		FY2023-2024		FY2024-2025		FY2025-2026		FY2026-2027		FY2027-2028		FY2028-2029		FY2029-2030			
	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES	LICENSE COUNT	TOTAL RENEWAL FEES		
Chiropractor	4,011	\$ 210,000	\$ 842,310.00	4,011	\$ 210,000	\$ 842,310.00	3,810	\$ 225,000	\$ 857,351.25	3,810	\$ 241,000	\$ 919,318.45	3,810	\$ 258,000	\$ 983,096.10	3,810	\$ 983,096.10	
TOTAL RENEWAL REVENUE:		\$ 842,310.00	\$ 842,310.00		\$ 842,310.00	\$ 842,310.00		\$ 857,351.25	\$ 857,351.25		\$ 919,318.45	\$ 919,318.45		\$ 983,096.10	\$ 983,096.10		\$ 983,096.10	
BIENNIAL APPLICATION COUNTS:																		
Chiropractic License Application	350	\$ 25.00	\$ 8,750.00	350	\$ 25.00	\$ 8,750.00	350	\$ 105.00	\$ 36,750.00	350	\$ 115.00	\$ 40,250.00	350	\$ 126.00	\$ 44,100.00	350	\$ 137.00	\$ 47,950.00
Chiropractic License by Reciprocity Application	50	\$ 65.00	\$ 3,250.00	50	\$ 65.00	\$ 3,250.00	50	\$ 150.00	\$ 7,500.00	50	\$ 164.00	\$ 8,200.00	50	\$ 180.00	\$ 9,000.00	50	\$ 196.00	\$ 9,800.00
Continuing Education Program Application	1,200	\$ 30.00	\$ 36,000.00	1,200	\$ 30.00	\$ 36,000.00	1,200	\$ 110.00	\$ 132,000.00	1,200	\$ 110.00	\$ 132,000.00	1,200	\$ 120.00	\$ 144,000.00	1,200	\$ 130.00	\$ 156,000.00
Chiropractic Adjustive Procedure Application	252	\$ 25.00	\$ 6,300.00	252	\$ 25.00	\$ 6,300.00	252	\$ 105.00	\$ 26,460.00	252	\$ 115.00	\$ 29,160.00	252	\$ 126.00	\$ 31,752.00	252	\$ 137.00	\$ 34,344.00
OTHER NON RENEWAL REVENUE:																		
TOTAL NON-RENEWAL REVENUE:		\$ 91,000.00	\$ 91,000.00		\$ 91,000.00	\$ 91,000.00		\$ 225,110.00	\$ 225,110.00		\$ 318,000.00	\$ 318,000.00		\$ 344,160.00	\$ 344,160.00		\$ 370,220.00	
TOTAL BOARD REVENUE:		\$ 933,310.00	\$ 933,310.00		\$ 933,310.00	\$ 933,310.00		\$ 1,082,461.25	\$ 1,082,461.25		\$ 1,237,318.45	\$ 1,237,318.45		\$ 1,327,256.10	\$ 1,327,256.10		\$ 1,353,316.10	
Renewal		\$ 842,310.00	\$ 842,310.00		\$ 842,310.00	\$ 842,310.00		\$ 857,351.25	\$ 857,351.25		\$ 919,318.45	\$ 919,318.45		\$ 983,096.10	\$ 983,096.10		\$ 1,013,000.00	
Non-Renewal		\$ 91,000.00	\$ 91,000.00		\$ 91,000.00	\$ 91,000.00		\$ 125,110.00	\$ 125,110.00		\$ 198,000.00	\$ 198,000.00		\$ 344,160.00	\$ 344,160.00		\$ 340,316.10	

FINANCIAL STATUS	CURRENT FEE		PROJECTED FEE		PROJECTED FEE		PROJECTED FEE		PROJECTED FEE		PROJECTED FEE		PROJECTED FEE	
	Actual FY 18-19	Actual FY 19-20	Projected FY 20-21	Projected FY 21-22	Projected FY 22-23	Projected FY 23-24	Projected FY 24-25	Projected FY 25-26	Projected FY 26-27	Projected FY 27-28	Projected FY 28-29	Projected FY 29-30	Projected FY 30-31	Projected FY 31-32
Beginning Balance:	1,874,948.53	2,224,072.50	1,685,226.02	1,976,145.59	1,479,145.59	1,784,145.59	1,275,145.59	1,643,145.59	1,197,145.59	1,628,145.59	1,143,145.59	1,642,145.59	1,187,145.59	1,642,145.59
Revenue:	884,530.72	43,090.33	854,465.50	43,000.00	890,000.00	43,000.00	965,000.00	97,000.00	1,057,000.00	1,065,000.00	1,133,000.00	1,133,000.00	1,133,000.00	1,133,000.00
Total Available:	2,759,479.25	2,267,162.83	2,539,691.52	2,019,145.59	2,369,145.59	1,831,145.59	2,381,145.59	1,760,145.59	2,254,145.59	2,335,145.59	2,276,145.59	2,775,145.59	2,320,145.59	2,775,145.59
Expenses/Budget:	\$35,066.75	\$51,535.31	\$63,334.23	\$40,000.00	\$81,000.00	\$56,000.00	\$99,000.00	\$73,000.00	\$116,000.00	\$90,000.00	\$143,000.00	\$143,000.00	\$143,000.00	\$143,000.00
Remaining Balance:	2,224,412.50	1,685,627.52	1,976,357.29	1,479,145.59	1,788,145.59	1,275,145.59	1,643,145.59	1,197,145.59	1,628,145.59	1,143,145.59	1,642,145.59	1,187,145.59	1,642,145.59	1,187,145.59

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE:
 CURRENT FEE (if applicable):
 NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

FEE OBJECTIVE:

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	0.5	\$25.15
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD COUNSEL REVIEW	Attorney 3	0.3	\$32.69
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$99.55
TRANSACTION FEE:			\$2.66
PROPOSED FEE:			\$102.21

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$105.00 be established for processing an application for Chiropractor Adjunctive Procedures license.

CLERICAL REVIEW: Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research.

BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board’s Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.

BEI INSPECTION:

BOARD COUNSEL REVIEW: Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review.

BOARD MEMBER REVIEW: Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE:
 CURRENT FEE (if applicable):
 NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

FEE OBJECTIVE:

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	0.5	\$25.15
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD COUNSEL REVIEW	Attorney 3	0.3	\$32.69
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$99.55
TRANSACTION FEE:			\$2.66
PROPOSED FEE:			\$102.21

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$105.00 be established for processing an application for Chiropractor license.

CLERICAL REVIEW: Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research or clearance reports online.

BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board’s Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.

BEI INSPECTION:

BOARD COUNSEL REVIEW: Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review.

BOARD MEMBER REVIEW: Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE:
 CURRENT FEE (if applicable):
 NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

FEE OBJECTIVE:

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	1	\$50.31
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.2	\$12.57
BOARD COUNSEL REVIEW	Attorney 3	0.5	\$54.48
BOARD MEMBER REVIEW	Board Members	0.25	\$26.00
TOTAL ESTIMATED COST:			\$143.36
TRANSACTION FEE:			\$3.82
PROPOSED FEE:			\$147.18

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$150.00 be established for processing an application for Chiropractor by Reciprocity license.

CLERICAL REVIEW: Board Staff – Applications are submitted online via the licensing system. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application to ensure that all of the required documentation has been received, and that all of the necessary information is complete and correct. Staff makes appropriate notations in the applicant’s file through the licensing system. If any documents are not received and/or any information is incorrect, staff sends a discrepancy email. In addition to evaluating the materials received, applications may require staff to complete additional research or clearance reports online.

BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. Applications with disciplinary/legal issues may require a lengthy review of legal documents. Such applications are forwarded to the Board’s Legal Counsel for further review. If warranted, the application will be placed on the agenda for Board review. If the application is complete and correct, and all necessary approvals have been obtained, the Board Administrator may issue the license through the licensing system.

BEI INSPECTION:

BOARD COUNSEL REVIEW: Any applications with legal issues will be sent by the Board Administrator to the Board’s Legal Counsel for review. Board Counsel will review the applications by researching law and board regulations. Once review is complete, Board Counsel responds to Board Administrator via email with directives to continue processing application or place on the agenda for an entire Board review.

BOARD MEMBER REVIEW: Applications that require Board review will be placed on the Board agenda and then reviewed at a Board meeting.

**PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY:

DATE:

CONTACT:

PHONE:

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE:
 CURRENT FEE (if applicable):
 NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

FEE OBJECTIVE:

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
CLERICAL REVIEW	Clerical Assistant 3	1	\$50.31
BOARD ADMINISTRATOR REVIEW	Administrative Asst 2	0.25	\$15.71
BOARD MEMBER REVIEW	Board Member	0.3	\$31.20
TOTAL ESTIMATED COST:			\$97.22
TRANSACTION FEE:			\$2.60
PROPOSED FEE:			\$99.82

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$100.00 be established for processing an application for Approval of Continuing Education Program.

CLERICAL REVIEW: Board Staff – Staff opens, date stamps, and distributes mail. Paper applications are manually input into the licensing system. Staff downloads supporting documents (as needed). Staff matches supporting documents with the respective application, or creates a miscellaneous mail number in the licensing system and files the supporting documents. Before evaluating an application, staff must find and pull any miscellaneous documents received in the office prior to the application. Staff then reviews the application by ensuring all documents are received, complete and correct. Staff makes appropriate notations in the applicant's file through the licensing system. If any documents are not received and/or are incorrect, staff creates and mails a discrepancy letter. In addition to evaluating the materials received, applications may require staff to complete additional research. When complete, staff forwards applications to a Board member who is qualified and on the continuing education review committee of the Board.

BOARD ADMINISTRATOR REVIEW: Board Administrator reviews the application for completeness. The application is then forwarded to a Board member who is qualified and on the continuing education review committee of the Board.

BEI INSPECTION:

BOARD COUNSEL REVIEW:

BOARD MEMBER REVIEW: The Board member must carefully review the continuing education course application and supporting documents to determine eligibility and acceptability. All of these applications require Board review. Once approved, staff will prepare and mail the approval letter and/or issue the approval through the licensing system.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED

JUL 25 2023

Independent Regulatory
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>Amy M. Elliott BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M. Elliott DN: c=US, o=PA, ou=Attorney General, email=amy@attorneygeneral.gov, cn=Amy M. Elliott</small></p> <p><u>7/13/2023</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>Bureau of Professional and Occupational Affairs and the State Board of Chiropractic _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-4335</u></p> <p>DATE OF ADOPTION: _____</p> <p><i>Arion R Claggett</i> BY: _____ ARION R. CLAGGETT Acting Commissioner, Bureau of Professional and Occupational Affairs</p> <p>TITLE _____</p> <p><i>William Aukerman</i> BY: _____ WILLIAM AUKERMAN, DC</p> <p>TITLE <u>Chairperson</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p><i>[Signature]</i> BY: _____ (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>June 29, 2023</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 CHIROPRACTIC

TITLE 49 PA CODE CHAPTER 5

§ 5.6, 5.15 and 5.16

FEEs

The State Board of Chiropractic (Board) and the Acting Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) propose to amend Chapter 5 (relating to the State Board of Chiropractic) by amending § 5.6 (relating to fees), § 5.15 (relating to licensure examinations) and § 5.16 (relating to failure on examination; reexamination) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The first graduated increases for application fees will be implemented on the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*, and then subsequently increased a second time on July 1, 2026, and a third time on July 1, 2028.

The increased biennial registration fees would be effective on the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*, enabling the Board to implement the first increase for the September 2, 2024–September 1, 2026 biennial registration period. This first increase will impact licenses that expire on September 1, 2024. The fee will subsequently increase a second time for the September 2, 2026–September 1, 2028 biennial registration, impacting licenses that expire on September 1, 2026, and then increase a third time for the September 2, 2028–September 1, 2030 biennial registration period, impacting licenses that expire on September 1, 2028, and thereafter.

Statutory Authority

Pursuant to section 302(3) of the Chiropractic Practice Act (act), 63 P.S. § 625.302(3), the Board is authorized to promulgate rules and regulations necessary to carry out the act. Under section 1101(a) of the act, the Board shall, by regulation, fix the fees required for examination, licensure, renewal of licenses and limited licenses. 63 P.S. § 625.1101(a). Section 1101(b) of the act provides that if the revenues raised by fees, fines and civil penalties imposed are not sufficient to meet expenditures over a two-year period, the Board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures. 63 P.S. § 625.1101(b). Additionally, section 502 of the act provides the nature and content of the examination. 63 P.S. § 625.502.

The Commissioner is appointed by the Governor and has a number of powers and duties. Specifically, under 71 P.S. § 279.1(a)(7), the Commissioner has the power and duty, “[u]nless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department.”

Background and Purpose

This proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. The Board last increased its fees in 1996.

This rulemaking proposes to increase the following application fees on a graduated basis: application for chiropractic licensure by examination; application for chiropractic licensure by reciprocity; application for certification to use adjunctive procedures; and application for continuing education course approval. Approximately 916 applicants will be impacted annually by the increased application fees.

The Board is also implementing a graduated biennial registration fee increase for chiropractors. There are approximately 4,011 licensed chiropractors who will be required to pay more for biennial registration. Chiropractic licenses expire on September 1 of every even numbered year. The first of three graduated biennial registration fee increases will be implemented and in effect for the September 2, 2024–September 1, 2026 biennial registration period.

Lastly, the proposed rulemaking would eliminate references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure. Other health boards under the Bureau do not perform this type of testing and the Board no longer believes testing an applicant's knowledge of Pennsylvania law is a necessary component of licensure.

The Board's operations are supported from the revenue it generates through fees, fines and civil penalties. The act provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial registration of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties. Board expenses are the result of direct charges, timesheet-based charges, and licensee-based charges.

The Board receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses. BFO presented the following information to the Board at its public meeting on February 24, 2022.

In fiscal years (FYs) 2018-2019 and 2019-2020, the Board incurred expenses of \$535,006.75 and \$581,536.81, respectively, and received \$884,530.72 and \$43,090.33 in revenue, respectively. In other words, over that two-year timeframe, the Board's total expenses (\$1,116,543.56) outpaced its total revenue (\$927,621.05) by \$188,922.51. The Board's overall remaining balance at the end of FY 2019-2020 was \$1,685,626.02.

In FYs 2020-2021 and 2021-2022, the Board's expenses were \$563,936.23 and \$540,000 (projected), respectively, with revenues of \$854,455.90 and \$43,000 (projected), respectively. In other words, over that two-year timeframe, the Board's total expenses (\$1,103,936.23) outpaced its total revenue (\$897,455.90) by \$206,480.33. The Board's overall remaining balance at the end of FY 2021-2022 was \$1,479,145.69.

In FYs 2022-2023 and 2023-2024, the Board's expenses were projected to be \$581,000 and \$556,000, respectively, with revenues projected to be \$890,000 and \$43,000, respectively, meaning for that two-year timeframe, the Board's total expenses (\$1,137,000) are projected to outpace its total revenue (\$933,000) by \$204,000. The Board's overall remaining balance at the end of FY 2023-2024 is projected to be \$1,275,145.69.

According to BFO's projections, if the Board were to keep its current fee structure in place (no increases for any of its fees), the Board's annual revenue would remain at \$933,000 for each of the next six years. However, its expenses are projected to grow each year, such that the amount the Board would be spending above and beyond its revenue would become increasingly larger each successive year. The Board's projected revenue would fall short of meeting its expenses by \$238,000 in FY 24-25/FY 25-26, then by \$273,000 in FY 26-27/FY 27-28, and then by \$309,000 in FY 28-29/FY 29-30. Those projections also show a significant reduction in the Board's overall remaining balance, which by the end of FY 29-30 would be down to \$455,145.

Given that its revenues generated by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period, the Board voted on February 24, 2022, to adopt the proposed graduated fee increases for application and biennial registration fees contained in BFO's report.

Description of Proposed Amendments

The Board proposes to amend § 5.6 to set forth graduated fee schedules for application fees and biennial registration fees, while retaining certain other fees as-is (no increases). In doing so, the Board proposes to delete the existing fee schedule and add a new graduated fee schedule. New subsection (a) lists the graduated schedule of fees for applications for licensure (by examination and by reciprocity), applications for certification to use adjunctive procedures, and applications for approval of continuing education courses, along with corresponding effective dates. The Board also reviewed its fees for limited licenses, license restoration, and certification of grades or licensure, and determined that the current fee amounts still cover the cost to process each of those respective items. Therefore, the fee amounts for those three items are not affected by this rulemaking; they will remain at their current respective amounts.

The Board proposes to add subsection (b), which sets forth the graduated schedule of fees and corresponding effective dates for biennial registration. The Board adopted the graduated fee schedule in an effort to minimize the impact of fee increases to licensees and to ensure that fee increases only occur when it is fiscally necessary to do so.

The proposed fee increases under § 5.6(a) are structured to be implemented on a graduated basis so that the fees collected during each biennium reflect the anticipated costs of processing the respective applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{array}{c} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of the personnel performing the function} \end{array}$$

Application fees are based on time study reports created within the Bureau that identify each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for one year (multiplied by two since the increases are biennial). Application fees are almost entirely dependent upon personnel-related costs.

Under § 5.6(a), the first application fee increases would become effective on the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The second increases would take effect on July 1, 2026, and then the third increases on July 1, 2028.

Under § 5.6(b), the graduated increases for the biennial registration fee would be implemented beginning with the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*, such that the first increase will be in effect for the September 2, 2024–September 1, 2026, biennial period, the second increase will be in effect for the September 2, 2026–September 1, 2028 biennial period, and the third increase will be in effect for the September 2, 2028–September 1, 2030 biennial period, and thereafter.

During its presentation to the Board on February 14, 2022, BFO reported that consideration was given to merely pursuing increases in the application fees (and not seek an increase in the biennial registration fee). BFO's projections show that increasing application fees alone would not be enough to produce sufficient revenue to meet or exceed expenses over the next six years.

BFO projects that the new application and biennial registration fee structure approved by the Board and set forth in this proposed rulemaking will produce biennial revenue of \$1.083 million in FY 2024-2025 and FY 2025-2026, which will narrow the gap between its expenses (\$1.171 million) to \$88,000; biennial revenue of \$1.162 million in FY 2026-2027 and FY 2027-2028, which will narrow the gap between its expenses (\$1.206 million) to \$44,000; and biennial revenue of \$1.246 million in FY 2028-2029 and FY 2029-2030, which will be sufficient to exceed its expenses (\$1.242 million) and still leave an overall remaining balance of \$1,147,145.

The Board also proposes to delete §§ 5.15(a)(2), 5.15(e) and 5.16(b), thereby eliminating references to the Pennsylvania Chiropractic Law Examination (PCLE), which the Board decided to discontinue.

Proposed Application Fees

As set forth below and in § 5.6(a), the proposed graduated increases will impact applicants as follows:

Chiropractic licensure by examination

Each year, the Board receives approximately 175 applications for chiropractic licensure by exam (the equivalent of about 350 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$25 to \$105 will generate an additional \$28,000 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$105 to \$115 will generate an additional \$3,500 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$115 to \$126 will generate an additional \$3,850 in application fees.

Chiropractic licensure by reciprocity

Each year, the Board receives approximately 15 applications for chiropractic licensure by reciprocity (or about 30 every two years). The graduated increases for this application fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$65 to \$150 will generate an additional \$2,550 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$150 to \$164 will generate an additional \$420 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$164 to \$180 will generate an additional \$480 in application fees.

Adjunctive Procedures Certification

Each year, the Board receives approximately 126 applications for certification to use

adjunctive procedures (or about 252 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$25 to \$105 will generate an additional \$20,160 in application fees.

FY 26-27 through FY 27-28: The fee increase from \$105 to \$115 will generate an additional \$2,520 in application fees.

FY 28-29 through FY 29-30: The fee increase from \$115 to \$126 will generate an additional \$2,772 in application fees.

Continuing Education Course Approval

Each year, the Board receives approximately 600 applications for approval of continuing education courses (or about 1,200 every two years). The graduated increases for this fee will generate additional revenue as follows:

FY 24-25 through FY 25-26: The fee increase from \$30 to \$100 will generate an additional \$84,000 in fees.

FY 26-27 through FY 27-28: The fee increase from \$100 to \$110 will generate an additional \$12,000 in fees.

FY 28-29 through FY 29-30: The fee increase from \$110 to \$120 will generate an additional \$12,000 in fees.

Proposed Biennial Registration Fees

As set forth below and in § 5.6(b), the proposed graduated increases will impact licensees as follows:

Chiropractors

There are approximately 4,011 chiropractors who are subject to the current biennial registration fee of \$210, and who will be impacted by the proposed biennial registration fee increases. BFO projects that the overall number of licensed chiropractors will decrease slightly (to about 3,810) over the next 6-7 years. The graduated biennial registration fee increases will generate additional revenue as follows:

FY 24-25 and FY 25-26: The fee increase from \$210 to \$225 will generate an additional \$57,150 in revenue.

FY 26-27 and FY 27-28: The fee increase from \$225 to \$241 will generate an additional \$60,960 in revenue.

FY 28-29 and FY 29-30: The fee increase from \$241 to \$258 will generate an additional \$64,770 in revenue.

Fiscal Impact and Paperwork Requirements

The proposed amendments will increase application and biennial registration fees on a graduated basis. All applicants, licensees and registrants will be required to comply with the regulation. The fees may be paid by applicants, licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. The proposed regulation should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 916 applicants will be impacted by the increased application fees. Specifically, the number of applicants affected are as follows: 175 applications for licensure by exam; 15 applications for licensure by reciprocity; 126 applications for certification to use adjunctive procedure; and 600 applications for continuing education course approvals.

Based upon the graduated application fee increases, the total economic impact is as follows:

FYs 24-25 and 25-26: \$134,710
FYs 26-27 and 27-28: \$18,440
FYs 28-29 and 29-30: \$19,102
TOTAL: \$172,252

All licensed chiropractors will be impacted by the increased biennial registration fees. Based upon the above graduated increases, the economic impact is as follows:

FYs 24-25 and 25-26: \$57,150
FYs 26-27 and 27-28: \$60,960
FYs 28-29 and 29-30: \$64,770
TOTAL: \$182,880

Thus, the total economic impact to applicants, licensees, registrants, or employers (if employers choose to pay application or biennial registration fees) is \$355,132. This amount reflects the economic impact that will occur as a result of the fee increases between FY 2024-2025 and FY 2029-2030.

This rulemaking will require the Board to revise certain applications and biennial registration forms to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, BFO provides the Board with an annual report detailing the Board’s financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 25, 2023, 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 Board Counsel, Department of State, State Board of Chiropractic, P.O. Box 69523, Harrisburg, PA 17106-9523 or by email at RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference “Regulation No. 16A-4335 (Fees)” when submitting comments.

William Aukerman, D.C.
Chairperson, State Board of Chiropractic

Arion R. Claggett
Acting Commissioner, Bureau of
Professional and Occupational Affairs

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter A. GENERAL PROVISIONS

* * * * *

§ 5.6. Fees.

[The Board will charge the following fees:

Pennsylvania chiropractic law examination	\$87
Application for licensure by examination	\$25
Application for licensure by reciprocity	\$65
Biennial registration	\$210
Limited license	\$30
Adjunctive procedure certification	\$25
Certification of grades or licensure	\$25
Application for continuing education course approval	\$30
License restoration	\$25]

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application: (Editor's Note: The blank in the first column of effective dates refers to the date of publication of the final-form rulemaking in the Pennsylvania Bulletin).

		<u>Effective</u> <u>July 1, 2026</u>	<u>Effective</u> <u>July 1, 2028</u>
<u>Licensure by examination</u>	<u>\$105</u>	<u>\$115</u>	<u>\$126</u>
<u>Licensure by reciprocity</u>	<u>\$150</u>	<u>\$164</u>	<u>\$180</u>
<u>Limited License</u>	<u>\$30</u>	<u>\$30</u>	<u>\$30</u>
<u>Adjunctive Procedures Certification</u>	<u>\$105</u>	<u>\$115</u>	<u>\$126</u>
<u>Certification of grades or licensure</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>
<u>Continuing Education Course Approval</u>	<u>\$100</u>	<u>\$110</u>	<u>\$120</u>
<u>Licensure restoration</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>

(b) An applicant for biennial registration shall pay the following fees:

	<u>September 2, 2024 -</u> <u>September 1, 2026</u> <u>Biennial Registration</u> <u>Fee</u>	<u>September 2, 2026 -</u> <u>September 1, 2028</u> <u>Biennial Registration</u> <u>Fee</u>	<u>September 2, 2028 -</u> <u>September 1, 2030</u> <u>Biennial Registration</u> <u>Fee and thereafter</u>
<u>Chiropractor</u>	<u>\$225</u>	<u>\$241</u>	<u>\$258</u>

**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND
REGISTRATION PROVISIONS**

§ 5.15. Licensure examinations.

(a) To qualify for licensure by examination, an applicant shall successfully complete the following examinations:

(1) Parts I, II, III and IV of the National Board Examination.

(2) [The Pennsylvania Chiropractic Law Examination developed, prepared, administered and graded by the professional testing organization approved by the Board.] (Reserved).

(b) The applicant shall apply to the NBCE for admission to the National Board Examinations and pay the required fees at the direction of the NBCE.

* * * * *

(e) [An application to take the Pennsylvania Chiropractic Law Examination shall be submitted with the required application fee specified in § 5.6 (relating to fees) to the Board approved professional testing organization at least 60 days prior to the date of the examination.] (Reserved).

§ 5.16. Failure on examination; reexamination.

(a) An applicant who fails one or more of the National Board Examinations is eligible for reexamination in accordance with the rules and regulations of the NBCE.

(b) [An applicant who fails the Pennsylvania Chiropractic Law Examination may take a reexamination within 2 years. If the applicant fails the reexamination, the applicant may be required to complete studies as directed by the Board prior to reapplication for licensure.]

(Reserved).



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF CHIROPRACTIC
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 772-8528

July 25, 2023

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

Re: Proposed Regulation
State Board of Chiropractic
16A-4335 Fees

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Chiropractic pertaining to 16A-4335 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, appearing to read "William Auckerman, DC".

William Auckerman, DC, Chairman
State Board of Chiropractic

CKM/elb
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Andrew LaFratte, Executive Policy Specialist, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State
Tyasha C. Miley, Counsel, State Board of Chiropractic
State Board of Chiropractic

RECEIVED

JUL 25 2023

From: Rolko, Seth
To: Bennetch, Erica
Subject: RE: DELIVERY NOTICE: FEES 16A-4335
Date: Tuesday, July 25, 2023 9:44:51 AM
Attachments: image001.png

Independent Regulatory
Review Commission

Received. Thanks.

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Tuesday, July 25, 2023 8:39 AM
To: Rolko, Seth <seth.rolko@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: DELIVERY NOTICE: FEES 16A-4335

■ **EXTERNAL EMAIL** ■

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

Please be advised that the Chiropractic Board is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

16A-4335 – Board of Chiropractic – FEES

The proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@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 message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.



Protecting public health and safety.

Preserving the integrity of every vote.

Promoting business excellence.

RECEIVED

JUL 25 2023

Independent Regulatory
Review Commission

From: Orchard, Kari L.
To: Bennetch, Erica; Barton, Jamie; Brett, Joseph D.
Subject: Re: DELIVERY NOTICE: FEES 16A-4335
Date: Tuesday, July 25, 2023 9:06:36 AM
Attachments: Image001.png

Received. Thank you!

Kari Orchard

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

From: Bennetch, Erica <erbennetch@pa.gov>
Date: Tuesday, July 25, 2023 at 8:43 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>, Barton, Jamie <JBarton@pahouse.net>, Brett, Joseph D. <JBrett@pahouse.net>
Subject: DELIVERY NOTICE: FEES 16A-4335

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

Please be advised that the Chiropractic Board is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

16A-4335 – Board of Chiropractic –FEES

The proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@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 message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

RECEIVED

From: Bulletin
To: Bennetch, Erica
Cc: Adeline E. Gaydosh
Subject: [External] Re: DELIVERY NOTICE: FEES 16A-4335
Date: Tuesday, July 25, 2023 9:33:49 AM
Attachments: image001.png

JUL 25 2023

Independent Regulatory
Review Commission

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, Erica,

Thank you for sending this proposed rulemaking. It's scheduled for publication in the 8.5 issue of the *Pennsylvania Bulletin*.

Have a terrific day!
Adeline

Adeline Gaydosh | Legal Assistant
agaydosh@palrb.us | 717.783.3984
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Tuesday, July 25, 2023 9:02 AM
To: Bulletin <bulletin@palrb.us>
Subject: DELIVERY NOTICE: FEES 16A-4335

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

Please be advised that the Chiropractic Board is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

16A-4335 – Board of Chiropractic –FEES

The proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@pa.gov | www.dos.pa.gov
(preferred pronouns: she, her, hers)
PRIVILEGED AND CONFIDENTIAL COMMUNICATION

RECEIVED

JUL 25 2023

Independent Regulatory
Review Commission

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 message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.



Protecting public health and safety.

Preserving the integrity of every vote.

Promoting business excellence.

RECEIVED

JUL 25 2023

From: [Nicole Sidle](#)
To: [Bennetch, Erica](#); [Francesca Summa](#)
Subject: RE: DELIVERY NOTICE: FEES 16A-4335
Date: Tuesday, July 25, 2023 11:16:00 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

This has been received. Thanks!

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Tuesday, July 25, 2023 11:05 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Francesca Summa <Fsumma@pahousegop.com>
Subject: DELIVERY NOTICE: FEES 16A-4335

Apologies if you received this twice. I am having trouble with my email this morning.

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

Please be advised that the Chiropractic Board is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

16A-4335 – Board of Chiropractic –FEES

The proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@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 message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.



Protecting public health and safety.

Preserving the integrity of every vote.

Promoting business excellence.

RECEIVED

JUL 25 2023

From: [Smeltz, Jennifer](#)
To: [Bennetch, Erica](#)
Subject: RE: DELIVERY NOTICE: FEES 16A-4335
Date: Tuesday, July 25, 2023 8:55:55 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

Received.

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

From: Bennetch, Erica <erbennetch@pa.gov>
Sent: Tuesday, July 25, 2023 8:43 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Subject: DELIVERY NOTICE: FEES 16A-4335

Ⓞ CAUTION : External Email Ⓞ

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

Please be advised that the Chiropractic Board is delivering the below proposed rulemaking.

Thank you for your attention to this matter.

16A-4335 – Board of Chiropractic –FEES

The proposed rulemaking increases application fees to reflect updated costs of processing applications and increases the Chiropractic Board's biennial registration fees to ensure its revenue meets or exceeds its current and projected expenses. It also eliminates references to the Pennsylvania Chiropractic Law Examination (PCLE), including the PCLE fee, to reflect the Board's current license application procedure.

Erica L. Bennetch | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.775.8145 | Fax: 717.787.0251
erbennetch@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 message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.