

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Cocodrilli

IRRC Number: 2015

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Psychology

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

16A-635

(3) Short Title

Examination Fees

(4) PA Code Cite

49 Pa. Code §41.12

(5) Agency Contacts & Telephone Numbers

Primary Contact: Joyce McKeever, Deputy Chief Counsel
(717) 783-7200

Secondary Contact: Judith P. Schulder, Counsel, State Board of Psychology - (717) 783-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No

Yes: By the Attorney General

Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation amends the fee schedule for the State Board of Psychology.

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

The regulation is adopted under the authority of Section 812.1 of the Administrative Code of 1929 (71 P.S. §279.3a) and Section 3.3(d) of the Professional Psychologists Practice Act (63 P.S. §§1203.2(2) and 1203.3(d)).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The Board is required by statute to adopt regulations setting fees. See Item No. 9 for the specific law.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulation is necessary to insure that the candidates' fees cover the cost of the examinations and to comply with Section 812.1 of the Administrative Code of 1929, 71 P.S. §279.3a.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

If the examination fees are not established by regulation, the Board will not be in compliance with the law and prospective psychologists will be unable to obtain licensure in the most cost-effective manner.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The licensing population generally will benefit by having cost of services which are utilized by only a portion of the licensees paid by those users.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The regulation will create no adverse effects on any person or group of persons. In fact, all will benefit. See paragraphs 12 and 13.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Candidates for licensure by examination will be required to comply with the regulation in order to sit for the licensure examination. The Board estimates that approximately 100 persons will apply to take the examination in the Commonwealth each fiscal year.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Board has not communicated with or received input from regulated interests in the development and drafting of this regulation because the fees represent the actual contractual rate for the professional testing agency to develop, administer and grade the licensure examination. Under these circumstances, public comment is unnecessary. All persons affected by the fee increase, however, will be given actual notice of the Board's intention to amend the regulation in advance of final rulemaking pursuant to Section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Candidates for licensure will be required to pay \$395.00 for the national portion of the examination (\$350.00 examination cost plus \$45.00 administration fee). This cost represents the increase in the examination fee as a result of the contract with Professional Examination Services (PES). Except for the candidates for licensure, the regulated community will experience no costs or savings associated with this regulation. The cost for the state portion is unchanged.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments would not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The regulation should not impose any costs and/or savings on state government.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$n/a	\$	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	\$	\$39,500	\$39,500	\$39,500	\$39,500	\$39,500
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Actual contractual rate to obtain the national portion of the examination will be \$350.00. PES administrative overhead is \$45.00. Total cost is estimated at \$395.00 times an estimated 100 applicants per year.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	(1995-96)FY -3	(1996-97)FY -2	(1997-98)FY -1	(Budgeted 98-99)Current FY
State Board of Psychology	353,795.89	323,626.49	304,123.09	336,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The amendments to the existing regulations will assure that the costs of providing the specified services to certain applicants and licensees will be borne by individuals who receive the service.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Inasmuch as licensing boards are required to contract with a professional testing organization to prepare and administer the licensure examination and to establish examination fees by regulation, no other regulatory approaches were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See No. 22 above.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The regulation will not put Pennsylvania at a competitive disadvantage with other states. All other licensing jurisdictions utilize the same examination to qualify candidates for licensure.

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

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Application forms for licensure by examination will be amended to reflect new examination nomenclature, procedures and fees.

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

This regulation applies to all candidates for licensure by examination. The Board has perceived no special needs of any subset or group which should be excepted.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Inasmuch as the contracted price for examination services covered by these fees applies to licensure examinations administered on and after April 1999, the regulation should be adopted as soon as possible in order to allow candidates to apply and qualify for the examination.

(31) Provide the schedule for continual review of the regulation.

The Bureau of Professional and Occupational Affairs constantly monitors the effectiveness of the Board's examination program. The fees imposed by this regulation are established by contract. No sunset date has been assigned.

RECEIVED

99 MAR 12 AM 11:59

INDEPENDENT LEGISLATIVE
REVIEW COMMISSION

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

DO NOT WRITE IN THIS SPACE

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

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

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

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Psychology
(AGENCY)

Margy E. Dunlop

DOCUMENT/FISCAL NOTE NO. 16A-635

DATE OF ADOPTION: _____

3/1/99
DATE OF APPROVAL

DATE OF APPROVAL

BY: Yvonne E. Keairns Ph.D.
Yvonne E. Keairns, Ph.D.

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

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

NOTICE OF FINAL/PROPOSED OMITTED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PSYCHOLOGY
49 Pa. Code, Chapter 41
Examination Fees

By this Order, the State Board of Psychology amends 49 Pa. Code, Chapter 41, pertaining to increased fees for the national portion of the April 1999 and subsequent examinations for licensure as set forth in the following annex.

Under Section 812.1 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, added by the Act of October 8, 1980, P.L. 785, as amended, 71 P.S. §279.3a, examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. Both the national portion (Pennsylvania Practice of Psychology Examination) and the state portion (Pennsylvania Psychology Law Examinations) are administered by Professional Examination Service.

These amendments will change fees for the national portion of the examination to candidates for licensure. Contract costs for the national portion of the examination will increase from \$295 to \$350 per candidate beginning April 1999. In order to identify the source of the increase, the contract costs for each portion of the examination are segregated from the administrative costs. Therefore, while the Annex alters the fees for the national and state portions of the examination as well as the administrative costs, only the fees for the national portion will be increased.

Public notice of intention to amend the regulations pursuant to the procedures specified in Sections 201 and 202 of the Act of July 31, 1968, P.L. 769, 45 P.S. §§1201-1202 (commonly referred to as the "Commonwealth Documents Law"), has been omitted as authorized pursuant to Section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204(3), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because Section 812.1 of the Administrative Code requires that candidate fees cover the cost of the examination. All persons affected by the amendments, however, have been or will be given actual notice of the Board's intention to amend the regulations in advance of final rulemaking pursuant to Section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

STATUTORY AUTHORITY

These amendments are adopted under the authority of Section

812.1 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §279.3a, and Sections 3.2(2) and 3.3(d) of the Professional Psychologists Practice Act (63 P.S. §§1203.2(2) and 1203.3(d)).

FISCAL IMPACT AND PAPERWORK REQUIREMENTS

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay an increased fee to cover contract costs for the national portion of the examination.

REGULATORY REVIEW

Pursuant to Section 5.1(c) of the Regulatory Review Act, Act of June 30, 1989, (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), a copy of the amendment was submitted on March 12, 1999 to the Independent Regulatory Review Commission (IRRC) and the Chairmen of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Attorney General for review and comment pursuant to the Commonwealth Attorneys Act.

Under Section 5(e) of the Regulatory Review Act, the amendment was (deemed) approved by the Senate Consumer Protection and Professional Licensure Committee on _____ and (deemed) approved by the House Professional Licensure Committee on _____. IRRC met on _____ and approved the regulation.

ADDITIONAL INFORMATION

Individuals who desire information are invited to submit inquiries to Melissa Wilson, Board Administrator, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board is (717) 783-7155.

The State Board of Psychology finds:

1. That public notice of intention to amend the regulations as adopted by this Order pursuant to the procedures specified in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, has been omitted pursuant to the authority contained in Section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204(3), because the Board has, for good cause, found that the procedure specified in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, is in this circumstance, unnecessary, because Section 812.1 of the Administrative Code requires candidate fees cover the cost of the examination.

2. That all persons affected by the regulation as adopted by this Order have been or will be given actual notice of the Board's intention to amend the regulations in advance of final rulemaking pursuant to Section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

3. That the amendment of the regulations of the Board in the manner provided in this Order is necessary and appropriate for the administration of its authorizing statute.

The State Board of Psychology, acting under its authorizing statute, orders:

A. Regulations of the State Board of Psychology are hereby amended by amending Section 41.12, as set forth in Annex A attached hereto.

B. The Chairperson of the State Board of Psychology shall submit this Order and attached Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

C. The Chairperson of the State Board of Psychology shall certify this Order and attached Annex A and deposit the same with the Legislative Reference Bureau as required by law.

D. This Order shall become effective immediately upon publication in the Pennsylvania Bulletin.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 41. STATE BOARD OF PSYCHOLOGY

LICENSES

§41.12. Fees.

The schedule of fees charged by the Board is as follows:

Initial application fee.....	\$105
Reapplication fee--first time examination failure.....	\$15
Reapplication fee--subsequent examination failure.....	\$105
[Effective October 1995, examination fee--all parts.....	\$337]
[Effective October 1995, e]	
<u>Examination fee--National part only.....</u>	<u>[\$295] \$350</u>
<u>Examination fee--State part only.....</u>	<u>[\$87] \$42</u>
<u>Administration Fee (to be added to sum of parts</u>	
<u> taken at one sitting).....</u>	<u>\$45</u>
Certification fee.....	\$15
Biennial renewal fee.....	\$120
Application fee--continuing education sponsor/ provider approval.....	\$165

FEE REPORT FORM

Agency: State - BPOA

Date: 11/03/98

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Effective April, 1999 Examination:

Professional Practice of Psychology (EPPP) \$350.00

Pennsylvania Psychology Law Examination (PPL) 42.00

Administration Fee: 45.00

(to be added to the sum of total parts taken at one sitting)

Biennial Revenue: = \$(fees submitted directly to testing organization)

Fee Description:

The fee will be charged to every applicant for the Pennsylvania Psychology Licensing Examination.

Fee Objective:

The fee should offset the actual, contractual cost to provide the examination.

Fee-Related Activities and Costs:

Actual, contractual rate to develop, prepare and grade the Pennsylvania Practice of Psychology (EPPP) Examination: 350.00

Actual, contractual rate to develop, prepare and grade the Pennsylvania Psychology Law Examination: 42.00

Actual, contractual rate with professional testing organization to administer the examination (to be added to the sum of parts taken at one sitting): 45.00

Analysis, Comment, and Recommendation:

It is recommended that fees as noted be established for the Pennsylvania Psychology Licensing Examination.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
116 Pine Street
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

State Board of Psychology

(717) 783-7155

March 12, 1999

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

Re: Final/Proposed Omitted Regulation:
State Board of Psychology
Examination Fees (16A-635)

Dear Chairman McGinley:

Enclosed is a copy of a final/proposed omitted rulemaking package of the State Board of Psychology pertaining to examination fees.

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

Sincerely,

Yvonne E. Keairns

Yvonne E. Keairns, Ph.D., Chairperson
State Board of Psychology

YEK/JPS:ddw
Enclosures

c: The Hon. Kim Pizzingrilli, Acting Secretary of the Commonwealth
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs

Robert J. DeSousa, Chief Counsel

Department of State

Joyce McKeever, Deputy Chief Counsel

Department of State

Deborah M. Griffiths, Regulatory Review Officer

Department of State

State Board of Psychology

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

RECEIVED

I.D. NUMBER:	16A-635	99 MAR 12 AM 11:59
SUBJECT:	State Board of Psychology - Examination Fees	INDEPENDENT REGULATORY REVIEW COMMISSION
AGENCY:	DEPARTMENT OF STATE	

TYPE OF REGULATION

Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/12/99	<i>Charlotte C. Kasari</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3-12-99	<i>Dyane ...</i>	
3-12-99	<i>S. Brault</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/12/99	<i>April Zuber</i>	
3/12/99	<i>Kenneth ...</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
3-12-99	<i>Joseph ...</i>	ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

March 2, 1999