

<h1>Regulatory Analysis Form</h1>		<p>This space for use by IRRC RECEIVED 99 MAR 12 AM 11:59 INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>McGinley</p> <p>IRRC Number: <u>2016</u></p>
<p>(1) Agency</p> <p>Department of State, Bureau of Professional and Occupational Affairs, State Board of Chiropractic</p>		
<p>(2) I.D. Number (Governor's Office Use)</p> <p>16A-4310</p>		
<p>(3) Short Title</p> <p>Radiologic Procedures Examination Fees</p>		
<p>(4) PA Code Cite</p> <p>49 Pa. Code §5.6</p>	<p>(5) Agency Contacts & Telephone Numbers</p> <p>Primary Contact: Jude T. Walsh, Counsel, State Board of Chiropractic - 783-7200</p> <p>Secondary Contact: Joyce McKeever, Deputy Chief Counsel 783-7200</p>	
<p>(6) Type of Rulemaking (check one)</p> <p>Proposed Rulemaking Final Order Adopting Regulation <input checked="" type="checkbox"/> Final Order, Proposed Rulemaking Omitted</p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p><input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor</p>	
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>The amendment will decrease the fee for the radiologic procedures examination, from \$75 to \$58.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>The regulation is adopted under the authority of Section 812.1 of the Administrative Code of 1929 (71 P.S. §279.3a) and Section 1101(a) of the Chiropractic Practice Act (63 P.S. §625.1101(a)).</p>		

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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. Section 1101(a) of the Chiropractic Practice Act, 63 P.S. §625.1101(a), requires that examination fees be fixed by regulation.

(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 examination 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.

N/A

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

Candidates for licensure by examination will benefit from the regulation, which enables the American Chiropractic Registry of Radiologic Technologists (ACRRT) to prepare and administer the Board approved examination to persons wishing to perform radiologic procedures in a chiropractor's office.

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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.)

N/A.

(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.)

Persons who wish to perform radiologic procedures on the premises of a chiropractor must either have taken and passed the national certifying examination of the American Chiropractic Registry of Radiologic Technologists, the American Registry of Radiologic Technologists or an examination approved by the State Boards of Chiropractic, Medicine or Osteopathic Medicine.

(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 fee decrease represents the actual contractual rate for the professional testing agency to develop, administer and grade the licensure examination. Under these circumstances, public comment was unnecessary. All persons affected by the decrease, 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.

The cost to applicants who wish to take the radiologic procedures examination will decrease by \$17.

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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.

The regulation will not result in costs and/or savings to local governments.

(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:	\$	\$	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	See (20a)					
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 contract rate to sit for the American Chiropractic Registry of Radiologic Technologists examination is \$58.00.

Regulatory Analysis Form

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

Program	FY -3	FY -2	FY -1	Current FY

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

The costs of the examination are borne by the individuals who wish to perform radiologic procedures in a chiropractor's office and who must pass a qualifying examination to do so.

(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 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.

N/A

Regulatory Analysis Form

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

N/A

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

The regulation should not put Pennsylvania at a competitive disadvantage with other states.

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

No.

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

No.

Regulatory Analysis Form

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

No.

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

This regulation applies to all candidates applying for the examination to perform radiologic procedures under the direct supervision of a chiropractor. 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 the examination given in May 1999 and thereafter, the regulation should be adopted as soon as practicable in order to allow candidates to apply for the examination. Candidates begin applying for the May examination after the November 1998 exam.

(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.

FEE REPORT FORM

Agency: State - BPOA

Date: December 4, 1998

Contact: C. Michael Weaver

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Radiological Procedures Examination: =\$58.00

Estimated Biennial Revenue: \$0 (fees submitted directly to professional testing organization).

Fee Description:

The fee will be charged to any person applying for the examination to perform radiological procedures under the direct supervision of a chiropractor. The fee is specifically for the radiologic procedures examination offered by the American Chiropractic Registry of Radiologic Technologist (ACRRT).

Fee Objective:

The fee should defray the contracted cost of the ACRRT (American Chiropractic Registry of Radiologic Technologists) examination.

Fee-Related Activities and Costs:

Actual, contractual cost of the ACRRT examination and administration: \$58.00

Total Estimated Cost: \$58.00

Proposed Fee: \$58.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$58.00 be established for the radiological procedures examination offered by the ACRRT.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED

99 MAR 12 AM 11:59

INDEPENDENT LEGISLATIVE
REVIEW COMMISSION

(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 Chiropractic
(AGENCY)

Bruce E. Dunlop

DOCUMENT/FISCAL NOTE NO. #16A-4310

DATE OF ADOPTION: 1/28/99

2/22/99
DATE OF APPROVAL

DATE OF APPROVAL

BY: *Donald J. Maher*
Donald J. Maher, D.C.

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

TITLE: Chairman
(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 CHIROPRACTIC
49 Pa. Code, Chapter 5
Radiologic Procedures Examination Fees

By this Order, the State Board of Chiropractic (Board) amends 49 Pa. Code §5.6 pertaining to fees for the radiologic procedures examination of the Board.

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, and Section 522(a) of the Chiropractic Practice Act, Act of December 16, 1986, P.L. 1646, as amended, 63 P.S. §625.522(a), required examinations must be prepared and administered by a professional testing organization under contract to the Board. The Board contracts with the American Chiropractic Registry of Radiologic Technologists (ACRRT) to provide the Board approved radiologic procedures examination for auxiliary personnel. The new fee reflects a reduction in the fee charged to examinees.

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).

COMPLIANCE WITH EXECUTIVE ORDER 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

STATUTORY AUTHORITY

These amendments are proposed under 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 Section 1101(a) of the Chiropractic Practice Act (63 P.S. §625.1101(a)).

FISCAL IMPACT AND PAPERWORK REQUIREMENTS

The proposed amendments will have no fiscal impact on the

Commonwealth or its political subdivisions. Persons wishing to perform radiologic procedures under the supervision of a chiropractor are required to take and pass either a national certification examination or an examination approved by the State Boards of Medicine or Osteopathic Medicine, or the Board under 49 Pa. Code §5.62. Persons who elect to take the Board approved examination will be required to pay the fee to cover contract costs for the examination.

REGULATORY REVIEW

Pursuant to Section 5.1(c) of the Regulatory Review Act, Act of June 30, 1989, P.L. 47, re-enacting and amending the Act of June 25, 1982 (P.L. 633, No. 181), as amended, (71 P.S. §745.5(f)), 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 House and Senate Committees on _____ and by IRRC on _____.

ADDITIONAL INFORMATION

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

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

A. Regulations of the State Board of Chiropractic are hereby amended by amending Section 5.6, as set forth in Annex A attached hereto.

B. The Chairman of the State Board of Chiropractic 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 Chairman of the State Board of Chiropractic 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 5. STATE BOARD OF CHIROPRACTIC

§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
Radiological Procedures Examination.....	[\$75] <u>\$58</u>
License Restoration.....	\$25

* * *



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 Chiropractic

(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 Chiropractic
Radiologic Procedures Examination Fees (16A-4310)

Dear Chairman McGinley:

Enclosed is a copy of a final/proposed omitted rulemaking package of the State Board of Chiropractic pertaining to radiologic procedures 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,

A handwritten signature in black ink, appearing to read "Donald J. Maher".

Donald J. Maher, D.C., Chairman
State Board of Chiropractic

DJM/JTW:ddw
Enclosures

c: The Hon. Kim Pizzigrilli, Acting Secretary of the Commonwealth
Department of State
Deborah M. Griffiths, Regulatory Review Officer
Department of State

Robert J. DeSousa, Chief Counsel

Department of State

Joyce McKeever, Deputy Chief Counsel

Department of State

Dorothy Childress, Commissioner

Bureau of Professional and Occupational Affairs

State Board of Chiropractic

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

99 MAR 12 AM 11:59

INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 16a-4310
 SUBJECT: State Board of Chiropractic - Radiologic Procedures Examination Fees
 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>Charles C. Kover</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3-12-99	<i>Dwight R. Smith</i>	
3-12-99	<i>D. Smith</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/12/99	<i>Paul Zuker</i>	
3/12/99	<i>Kam C. Gorman</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
3-12-99	<i>John W. ...</i>	ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

February 25, 1999