

Regulatory Analysis Form

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 REVIEW COMMISSION

(1) Agency
Department of State, Bureau of Professional and Occupational Affairs, State Board of Dentistry

(2) I.D. Number (Governor's Office Use)
16A-4615

IRRC Number: **2436**

(3) Short Title
Biennial Renewal Fees – Dentists & Restricted Anesthesia Permit II

(4) PA Code Cite
49 Pa. Code §§ 33.3 and 33.339

(5) Agency Contacts & Telephone Numbers
Primary Contact: Cynthia K. Montgomery, Assistant Counsel Department of State, State Board of Dentistry (717) 783-7200
Secondary Contact: Joyce McKeever, Deputy Chief Counsel, (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 increases the biennial renewal fees for dentists and for the restricted anesthesia permit II from \$100 to \$250 for dentists and \$25 to \$50 for restricted II permits. The new fees are needed because the current fees, established in 1995 and 1988, respectively, no longer cover the cost of sustaining the Board's operations, including the increased duties assigned under Act 135 of 2002, the Act of November 25, 2002 (P.L. 1105, No. 135).

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.
The amendments are adopted under sections 4(b) and 11.2(a)(6) and of the Dental Law (act) (63 P.S. §§ 123(b) and 130c(a)(6)).

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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 section 4(b) of the Act (63 P.S. § 123(b)) to reconcile its expenses and revenue biennially and to increase fees as needed to meet or exceed projected expenditures.

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

The Board is required by section 4(b) of the Act (63 P.S. § 123(b)) to set fees to raise sufficient revenue to meet expenditures. It is anticipated that without raising fees the Board will realize a deficit of \$1.74 million dollars by fiscal year 2006-2007.

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

Nonregulation would adversely impact the fiscal integrity of the Board.

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

Recipients of dental services in the Commonwealth will benefit by having adequate funding for the Board to regulate the profession to insure that the appropriate standards of professional competence and integrity are maintained.

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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 licensee population will bear the cost of the increased fees.

(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.)

All dentists seeking to renew their dental licenses or restricted II anesthesia permits will be required to comply with this regulation. The Board estimates 9,443 dental license renewals, and 2,223 restricted II anesthesia permit renewals. Dental hygienist and expanded function dental assistant fees will be retained at their current rate.

(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 receives its budget reports and discusses fee increases in public sessions, which are attended by the general public, including representatives of the Pennsylvania Dental Association (PDA), the Pennsylvania Association of General Dentistry (PAGD) and the Pennsylvania Society of Oral and Maxillofacial Surgeons (PSOMS).

(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 that may be required.

The Board estimates that 9,443 dentists will renew their licenses. Total additional cost for these dentists for a biennial period is approximately \$1,416,450. Total additional cost for the 2,389 unrestricted permit II holders will be \$55,575. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.

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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 will 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 that may be required.

The Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of its operations.

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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	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$1,472,025	\$0	\$1,472,025	\$0	\$1,472,025	\$0
Local Government						
State Government						
Total Costs	\$1,472,025	\$0	\$1,472,025	\$0	\$1,472,025	\$0
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

See attached fee report form.

The cost estimates are based upon the licensee population of 9,443 dentists and 2,223 restricted II permit holders.

Biennial renewal - Dentists

9,443 renewals x increase of \$150 over current fee = \$1,416,450.00

Biennial renewal – Restricted anesthesia permit II

2,223 renewals x increase of \$25 over current fee = \$55,575.00

Regulatory Analysis Form

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

Program	FY -3 FY 01-02 Actual	FY -2 FY 02-03 Actual	FY -1 FY 03-04 Projected	Current FY FY 04-05 Budgeted
State Board of Dentistry	\$905,710.74	\$1,018,724.64	\$1,020,169.72	\$1,124,000

(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 are mandated by section 4(b) of the act (63 P.S. § 123(b)), so that Board revenues meet Board expenses.

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

No nonregulatory alternatives were considered. See Question 21.

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

No alternative regulatory schemes were considered. See Question 21.

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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.

There are no federal licensure standards.

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

This regulation will not put Pennsylvania licensees at a competitive disadvantage with other states, as the proposed fees are consistent with surrounding states. For example, the biennial renewal fee for dentists in New Jersey is \$280, the annual renewal fee for an anesthesia permit in New Jersey is \$80; in New York, dentists pay a triennial renewal fee of \$345 and an annual anesthesia permit fee of \$100; in Ohio, dentists pay a \$245 biennial renewal fee; a \$527 anesthesia application fee and a \$327 conscious sedation application fee; West Virginia charges a \$300 application fee for anesthesia permits; the annual dental licensure renewal in Delaware is \$125; finally, in Maryland, dentists pay a \$449 biennial renewal fee, an anesthesia application fee of \$1,050, and renew the anesthesia permit every 5 years for a \$450 fee.

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

This regulation is related to the Board's regulation numbered 16A-4614, which was published in the Pennsylvania Bulletin as proposed rulemaking on April 10, 2004. This regulation amends § 33.339(3), which was also amended by the regulation numbered 16A-4614.

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

The Board reviews regulatory proposals at regularly scheduled public meetings. However, in light of the statutory mandate, the Board has not scheduled public hearings or informational meetings regarding this regulation.

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(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 changes to reporting, record keeping, or other paperwork is required by this regulation.

(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.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(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?

The regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

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

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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REVIEW COMMISSION

(Pursuant to Commonwealth Documents Law)

2436

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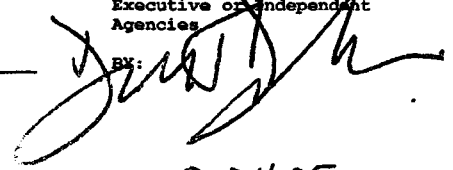
Copy below is hereby approved as to form and legality. Attorney General

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

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BY: _____
(DEPUTY ATTORNEY GENERAL)

STATE BOARD OF DENTISTRY
(AGENCY)

BY: 

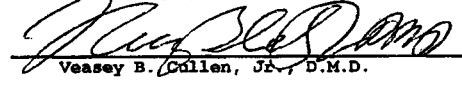
DOCUMENT/FISCAL NOTE NO. 16A-4615

2.24.05

DATE OF APPROVAL

DATE OF APPROVAL

DATE OF ADOPTION: _____

BY: 
Veasey B. Cullen, Jr., D.M.D.

EXECUTIVE
(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 RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF DENTISTRY
49 Pa. Code, Chapter 33, §§ 33.3 and 33.339

BIENNIAL RENEWAL FEES - DENTIST, RESTRICTED ANESTHESIA PERMIT II

The State Board of Dentistry (Board) hereby amends §§ 33.3 and 33.339 (relating to fees; and fees for issuance of permits) to read as set forth in Annex A. The amendments increase the biennial license renewal fee for dentists from \$100 to \$250 and increase the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50.

Effective Date

The rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new fees will apply to the biennial renewal period beginning April 1, 2005 and thereafter.

Statutory Authority

Section 4(b) of the Dental Law (act) (63 P.S. § 123(b)) provides that if existing revenues are not sufficient to meet expenditures over a two year period, the Board shall increase fees by regulation to meet or exceed projected expenditures. Section 11.2(6) of the act (63 P.S. § 130c(a)(6)) specifically authorizes the Board to assess biennial renewal fees for anesthesia permits.

Background and Need for Amendments

The Board's current biennial license renewal fee for dentists was established by regulation on July 1, 1995. See 25 Pa. B. 2598 (July 1, 1995). The Board's current fee schedule for renewal of anesthesia permits was established by regulation on July 9, 1988. See 18 Pa. B. 3045 (July 9, 1988). Under section 4(b) of the act, the Board must support its operations with the revenue it derives from fees, fines and civil penalties. Historically, the Board raises virtually all of its operating revenue through biennial renewal fees.

At Board meetings in November 2003 and July 2004, the Department of State's Offices of Revenue and Budget (Offices) presented a summary of the Board's revenue and expenses for fiscal years 2001-2002 and 2003-2004, and projected revenue and expenses through 2007-2008. The Offices projected a deficit of \$838,225.49 in fiscal year 2004-2005, a deficit of \$1,900,225.49 in fiscal year 2005-2006, a deficit of \$1,743,225.49 in fiscal year 2006-2007, and a deficit of \$2,876,225.49 in fiscal year 2007-2008. The Offices recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act.

The Board's review of its actual and projected expenses over the past 5 years revealed significant shortfalls in the areas of hearing expenses, Board administration and legislative and regulatory analysis. For example, despite annual budget increases, the hearing expenses were \$6,225

over budget in 1999-2000, \$3,188 over budget in 2000-2001, \$19,954 over budget in 2001-2002, \$11,283 over budget in 2002-2003. The amount budgeted for hearing expenses has risen from \$3,000 in FY 1999-2000 to \$26,000 in FY 2003-2004. Nevertheless, the hearing expenses are expected to be \$43,310 over budget in 2003-2004. Similarly, the budgeted amounts for law enforcement have risen from \$233,000 in FY 1999-2000 to \$345,000 in 2003-2004. The Board has also experienced significant increases in actual expenses over estimated expenses in other areas of the legal office and the Professional Health Monitoring Program (PHMP), the Bureau-wide program for impaired professionals. Overall increased expenditures in these program areas have resulted from greater enforcement activity and increases in the number of disciplinary actions and in the numbers of licensees participating in the PHMP. At the same time, the Board's licensee population has declined by about 400 licensees over the past 5 years, decreasing the Board's biennial revenue. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to recapture the current deficit and to maintain a stable fee structure for renewals upon which its licensees can rely for the next four renewal periods.

In considering the appropriateness of the fee, the Board also compared the proposed renewal fee to similar fees in surrounding states. The Board found that the increase to \$250 would result in a renewal fee which is comparable to the renewal fees charged in the surrounding states.

The Board is also removing the anesthesia permit biennial renewal fee from § 33.3 and moving it to § 33.339 (relating to fees for issuance of permits). The Board finds that § 33.339 is the more appropriate place for these fees because it lies within Subchapter E (relating to administration of general anesthesia, deep sedation, conscious sedation and nitrous oxide/oxygen analgesia), which relates solely to anesthesia permits and standards for the administration of anesthesia in dental offices. In a proposed rulemaking published on April 10, 2004, the Board filed notice that it intends to amend § 33.339 to reflect new fees for anesthesia permits. See 34 Pa. B. 1949 (April 10, 2004). Finally, the Board is adding a cross reference in § 33.3 to § 33.339.

Comment and Review of Proposed Rulemaking

Publication of proposed rulemaking on October 9, 2004 at 34 Pa.B. 5596 was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Dental Association (PDA) and one individual dentist, Thomas F. Cwalina, D.M.D. On December 8, 2004, the Board received comments from the Independent Regulatory Review Commission (IRRC) under the Regulatory Review Act. The Board did not receive comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The Board reviewed all of the comments and subsequently voted to adopt the final rulemaking at its January 14, 2005 meeting.

IRRC and the PDA noted that the increase in the biennial renewal fee for dentists from \$100 to \$250 was significant. PDA opined that raising fee at the same level in future licensure cycles

could have a negative impact on patients' access to dental care should dentists elect to practice in other states. The Board has reviewed the license renewal fees for dentists in the surrounding states and finds that \$250 will not place Pennsylvania dentists at a competitive disadvantage. For example, in New Jersey, dentists pay a biennial renewal fee of \$280. In Ohio, the biennial renewal fee is \$245, and in Maryland, it is \$449. In New York, dentists pay a triennial renewal fee of \$345. In Delaware, the renewal fee is assessed annually at \$125. Moreover, the Board notes that the methodology it followed in establishing the fee is that employed by every licensing board in the Department of State of averaging costs over several biennial renewal cycles. It believes that this approach provides stable fees and allows the Board to operate in compliance with Section 4(b) of the act.

The PDA also suggested that the Board consider other methods to meet its budgetary needs, such as raising the disciplinary charges or raising fees for those dentists who are licensed in Pennsylvania, but practice in a different state. The Board is limited by section 10.1 of the act (63 P.S. § 129.1) to the imposition of a civil penalty up to \$1,000 on any current licensee who violates any provision of the act or any individual who practices as a dentist, dental hygienist or expanded function dental assistant without a license or certificate. Therefore, the first option suggested by the PDA is not available absent legislative action. The Board issues licenses and certificates which authorize the holders to practice their professions in this Commonwealth without regard to whether they reside or are licensed and practice in other states. The second option suggested by the PDA raises legal considerations that the Board believes makes that option untenable.

Both the PDA and IRRC questioned the Board's decision not to increase the biennial renewal fees for dental hygienists and expanded function dental assistants. IRRC commented that these other license groups impact program and disciplinary costs and therefore the Board should consider at least moderate increases for these groups. PDA also requested that the Board consider increasing licensure fees for hygienists because their infractions and subsequent disciplinary hearings incur costs that should not be absorbed by dentists alone. While the Board agrees that dental hygienists and expanded function dental assistants contribute to program costs, the Board finds that the costs associated with disciplinary matters within these groups are relatively low. There are currently 362 open disciplinary matters before the Board. Of these, 333 involve dentists, 26 involve dental hygienists, 1 involves an expanded function dental assistant, and 2 involve the unlicensed practice of dentistry. Therefore, over 90% of the disciplinary matters handled by the Board involve dentists. The Board believes that these costs are more equitably borne by dentists, rather than their employees.

IRRC also commented regarding the increase to the renewal fees for anesthesia permits. IRRC noted that the biennial renewal fees are twice the initial permit fee and asked for an explanation. The initial permit fee has been set by the Board at a level that covers the cost of processing the initial permit application. However, the bulk of the Board's revenue is raised through biennial renewal fees. These fees are set at a level that is sufficient to fund the board's operations, including Board administration, enforcement and investigation, and legal office costs including

hearing expenses, and legislative and regulatory activity. These costs are therefore borne by licensees and permit holders, rather than initial applicants.

Dr. Cwalina also commented regarding the proposed increase in the biennial renewal fee for restricted permit II holders. He suggested that the increased fees be used to pay for a program of state inspections of nitrous oxide/oxygen analgesia equipment. Dr. Cwalina's comment is related to the Board's proposed rulemaking regarding anesthesia, which was published on April 10, 2004. See 34 Pa.B. 1949. That rulemaking requires dentists who hold restricted II permits to install, maintain and calibrate their nitrous oxide/oxygen analgesia equipment according to the manufacturer's guidelines. Dr. Cwalina suggests that the costs associated with calibration of nitrous oxide machines would be prohibitive because the unit must be returned to the manufacturer for calibration. The increase in the renewal fee for restricted II permits is required to support the operations of the Board as discussed above, including the costs of implementing the anesthesia regulations. The Board has no plans at this time to implement an inspection program for nitrous oxide/oxygen analgesia equipment.

Description of Proposed Amendments

Based upon the above expense and revenue estimates provided to the Board, the Board is amending § 33.3 (relating to fees) to increase the fee for biennial renewal of licenses for dentists from \$100 to \$250. The Board is also removing the renewal fees for anesthesia permits from § 33.3 and moving them to § 33.339 (related to fees for issuance of permits) and is increasing the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50. The biennial renewal fees for an unrestricted anesthesia permit and a restricted anesthesia permit I were previously amended in the Board's proposed rulemaking published on April 10, 2004 (34 Pa. B. 1949).

Fiscal Impact

The rulemaking will increase the biennial renewal fee for dentists and will increase the biennial renewal fee a restricted anesthesia permit II. The rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, it should not create additional paperwork for the private sector.

Sunset Date

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 29, 2004, the Board submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 5596, 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) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on _____, 2005, the final-form rulemaking was approved by the HPLC. On _____, 2005, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____ 2005, and approved the final-form rulemaking.

Additional Information

Individuals who need information about the rulemaking may contact Lisa Burns, Administrator, State Board of Dentistry, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649.

Findings

The State Board of Dentistry finds that:

(1) Public notice of intention to adopt amendments was given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final rulemaking is necessary and appropriate for administration of the act.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code, Chapter 33, are amended by amending §§33.3 and 33.339 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on 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 33. STATE BOARD OF DENTISTRY

SUBCHAPTER A. GENERAL PROVISIONS

* * *

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

Biennial renewal fee -- dentists (FOR THE RENEWAL PERIOD COMMENCING APRIL 1,
2005 AND THEREAFTER).....\$[100]250

[Biennial renewal fee -- unrestricted or restricted anesthesia permit.....\$25]

For fees related to anesthesia permits, refer to § 33.339 (relating to fees for issuance of permits).

* * *

**SUBCHAPTER E. ADMINISTRATION OF GENERAL ANESTHESIA, DEEP
SEDATION, CONSCIOUS SEDATION AND NITROUS OXIDE/OXYGEN ANALGESIA**

§ 33.339. Fees for issuance of permits.

The following fees are charged for the issuance of permits under this subchapter:

(1) *Unrestricted permit.*

- (i) [Issuance under § 33.335(a)(1) or (2)] Initial.....\$[15]100
- (ii) [Issuance under § 33.335(a)(3)] Renewal.....\$[300]200
- (iii) Temporary.....\$100

(2) *Restricted permit I.*

- (i) [Issuance under § 33.336(a)(1)] Initial.....\$[15] 100
- (ii) [Issuance under § 33.336(a)(2)] Renewal.....\$[300] 200
- (iii) Temporary.....\$100

(3) *Restricted permit II.*

- (i) [Issuance under § 33.337(a)(1)] Initial.....\$15
- (ii) [Issuance under § 33.337(a)(2)] Renewal.....\$[15]50
- (iii) Temporary.....\$15

FEE REPORT FORM

Agency: State - BPOA

Date: 07/16/04

Contact: Basil Merenda
Commissioner, Bureau of Professional and Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Dentist Biennial Renewal Fee: \$250.00

Restricted Anesthesia Permit II Renewal Fee: \$50.00

Estimated Biennial Revenue:

Dentist - \$2,360,750.00 (9,443 renewals x \$250.00)

Restricted Anesthesia Permit II - \$111,150.00 (2,223 renewals x 50.00)

Total Estimated Biennial Revenue from above license types: \$2,471,900.00.

Total Estimated Biennial Revenue from all license types: \$2,929,900.00

Fee Description:

The fee will be charged biennially to every applicant for license renewal.

Fee Objective:

The fee should defray a substantial portion of the State Board of Dentistry's administrative overhead, specifically the difference between the Board's total biennial expenditures and its total biennial revenues from non-renewal sources.

Fee-Related Activities and Costs:

Estimated balance at end of 04/05 cycle:	811,674.51
FOR BIENNIAL CYCLE 7/01/05-6/30/06	
Estimated non-renewal revenue:	70,000.00
Estimated renewal revenue @ above rates:	45,000.00
Total revenue available:	926,674.51
Estimated expenditures:	1,158,000.00
Estimated ending balance on 6/30/06:	<u>(231,325.49)</u>
FOR BIENNIAL CYCLE 7/01/06-6/30/07	
Estimated non-renewal revenue:	70,000.00
Estimated renewal revenue @ above rates:	2,929,900.00
Estimated expenditures:	1,193,000.00
Estimated ending balance on 6/30/07:	<u>1,575,574.51</u>

Analysis, Comment, and Recommendation:

It is recommended that the above renewal fee's be established to cover shortfalls in the Board's total biennial expenditures and its total biennial revenues from non-renewal sources.

§ 901.807. Fees.

The licensing authority may establish a fee for the issuance of a special [permits] raffle permit. The fee may not exceed \$25.

§ 901.808. Special raffle permit application.

The application for a special raffle permit [shall] must be made to the licensing authority. The application [shall] must include the following information:

(1) The [club] licensed eligible organization's name.

(2) The [club's small] licensed eligible organization's games of chance license number.

* * * * *

§ 901.810. Effective period.

A special raffle permit will remain effective from the date on which ticket sales begin until the earlier of the date of the drawing, the expiration date of their [small] games of chance license held when the special raffle permit was issued or 6 months.

§ 901.811. [Location limits] (Reserved).

[A location or licensed premises may not be used by more than one licensed club for a special permit raffle in a calendar year.]

(Editor's Note: The following text is proposed to be added. It is printed in regular text to enhance readability.)

Subchapter I. ENFORCEMENT**Sec.**

- 901.901. Criminal complaints.
- 901.902. Requests for information on criminal complaints, investigations and convictions.
- 901.903. Notice of eligible organization violation.
- 901.904. Notice of manufacturer or distributor violation.
- 901.905. Investigations of manufacturers, distributors and eligible organizations.
- 901.906. Investigations of a manufacturer or distributor.
- 901.907. Notice of investigations.
- 901.908. Information sharing.

§ 901.901. Criminal complaints.

The district attorney of each county investigates criminal violations of the act. Complaints for criminal violations of the act are initiated as provided by law for criminal complaints and actions.

§ 901.902. Requests for information on criminal complaints, investigations and convictions.

The Department and licensing authority may request information on a complaint, investigation or conviction involving a manufacturer, distributor or eligible organization or a responsible person or member of the organization for purposes of initiating administrative action against the manufacturer, distributor eligible organization.

§ 901.903. Notice of eligible organization violation.

A person may notify the licensing authority of a licensed eligible organization's violation of the act or this part. The notice must be given to the licensing authority that issued the eligible organization's license.

§ 901.904. Notice of manufacturer or distributor violation.

A person may notify the Department of a registered manufacturer or licensed distributor's violation of the act or this part.

§ 901.905. Investigations of manufacturers, distributors and eligible organizations.

The licensing authority, or its designee, may investigate an eligible organization when it has reason to believe that a violation of the act or this part has occurred or is occurring.

§ 901.906. Investigations of a manufacturer or distributor.

The Department, or its designee, may investigate a manufacturer or distributor when it has reason to believe that a violation of the act or this part has occurred or is occurring.

§ 901.907. Notice of investigations.

(a) The licensing authority and the Department may provide information and documentation regarding an investigation of a manufacturer, distributor or eligible organization to the district attorney or law enforcement official for purposes of criminal investigation and prosecution.

(b) The licensing authority may provide information and documentation to the Department about violations of the act or this part by a manufacturer or distributor that it discovers as part of an investigation involving an eligible organization.

(c) The Department may provide information and documentation to a licensing authority about violations of the act or this part by an eligible organization that it discovers as part of an investigation involving a manufacturer or distributor.

§ 901.908. Information sharing.

The right of the Department, licensing authorities, district attorneys and law enforcement officials to transmit and share information for purposes of enforcing the act or this part may not be restricted by this section or this part.

[Pa.B. Doc. No. 04-1853. Filed for public inspection October 8, 2004, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II

The State Board of Dentistry (Board) proposes to amend §§ 33.3 and 33.339 (relating to fees; and fees for issuance of permits) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for dentists from \$100 to \$250 and would increase the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50. A restricted anesthesia permit II authorizes the permitholder to administer nitrous oxide/oxygen analgesia.

Effective Date

The proposed rulemaking will be effective upon final form publication in the *Pennsylvania Bulletin*. The new fees will take effect for the biennial period beginning March 31, 2005.

Statutory Authority

Section 4(b) of The Dental Law (act) (63 P. S. § 123(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures. Section 11.2(6) of the act (63 P. S. § 130c(a)(6)) specifically authorizes the Board to assess biennial renewal fees for anesthesia permits.

Background and Need for the Proposed Rulemaking

The Board's current biennial license renewal fee for dentists was established by regulation on July 1, 1995. See 25 Pa.B. 2598 (July 1, 1995). The Board's current fee schedule for renewal of anesthesia permits was established by regulation on July 9, 1988. See 18 Pa.B. 3045 (July 9, 1988). Under section 4(b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At Board meetings in November 2003 and July 2004, the Department of State's Offices of Revenue and Budget (Offices) presented a summary of the Board's revenue and expenses for fiscal years 2001-2002 and 2003-2004, and projected revenue and expenses through 2007-2008. The Offices projected a deficit of \$838,225.49 in fiscal year 2004-2005, a deficit of \$1,900,225.49 in fiscal year 2005-2006, a deficit of \$1,743,225.49 in fiscal year 2006-2007 and a deficit of \$2,876,225.49 in fiscal year 2007-2008. The Offices recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act.

The Board's review of its actual and projected expenses over the past 5 years revealed significant shortfalls in the areas of hearing expenses, Board administration and legislative and regulatory analysis. For example, despite annual budget increases, the hearing expenses were \$6,225 over budget in 1999-2000, \$3,188 over budget in 2000-2001, \$19,954 over budget in 2001-2002 and \$11,283 over budget in 2002-2003. The amount budgeted for hearing expenses has risen from \$3,000 in FY 1999-2000 to \$26,000 in FY 2003-2004. Nevertheless, the hearing expenses are expected to be \$43,310 over budget in 2003-2004. Similarly, the budgeted amounts for law enforcement have risen from \$233,000 in FY 1999-2000 to \$345,000 in 2003-2004. The Board has also experienced significant increases in actual expenses over estimated expenses in other areas of the legal office and the Professional Health Monitoring Program. Overall increased expenditures in these program areas have resulted from greater enforcement activity and increases in the number of disciplinary actions and in the numbers of licensees participating in the Bureau-wide program for impaired professionals. At the same time, the Board's licensee population has declined by about 400 licensees over the past 5 years, decreasing the Board's biennial revenue. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to recapture the current deficit and meet its estimated expenditures for at least 7 or 8 years.

In determining the fee, the Board also considered the renewal fees charged to dentists in surrounding states. The Board found that the proposed increase to \$250 would be consistent with the renewal fees charged in the surrounding states.

The Board also proposes to remove the anesthesia permit biennial renewal fee from § 33.3 and move it to § 33.339. The Board finds that § 33.339 is the more appropriate place for these fees because it lies within Subchapter E (relating to administration of general anesthesia, conscious sedation, and nitrous oxide/oxygen analgesia), which relates solely to anesthesia permits and standards for the administration of anesthesia in dental offices. In a proposed rulemaking earlier this year, the Board filed notice that it intends to amend § 33.339 to reflect new fees for anesthesia permits. See 34 Pa.B. 1949 (April 10, 2004). Finally, the Board will add a cross reference in § 33.3 to § 33.339.

Description of Proposed Rulemaking

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 33.3 to increase the fee for biennial renewal of licenses for dentists from \$100 to \$250. The Board declined to assess an across-the-board increase on all its renewal fees based on its assessment that additional expenditures can be more equitably borne by dentists rather than by their employees, who must work under the supervision of a dentist. The Board also proposes to remove the renewal fees for anesthesia permits from § 33.3 and move them to § 33.339 and to increase the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50. The biennial renewal fees for an unrestricted anesthesia permit and a restricted anesthesia permit I were already amended in the Board's proposed rulemaking published at 34 Pa.B. 1949.

Fiscal Impact

The proposed rulemaking will increase the biennial renewal fee for dentists and will increase the biennial renewal fee for a restricted anesthesia permit II. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed rulemaking should not create additional paperwork for the private sector.

Sunset Date

The act requires that the Board monitor its revenue and cost on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 29, 2004, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria 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 of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Lisa Burns, Administrator, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

VEASEY B. COLLEN, Jr., D.M.D.,
Chairperson

Fiscal Note: 16A-4615. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Biennial renewal fee—dentists.....\$[100]250

* * * * *

[Biennial renewal fee—unrestricted or restricted anesthesia permit.....\$25]

* * * * *

For fees related to anesthesia permits, refer to § 33.339 (relating to fees for issuance of permits).

Subchapter E. ADMINISTRATION OF GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE/OXYGEN ANALGESIA

§ 33.339. Fees for issuance of permits.

The following fees are charged for the issuance of permits under this subchapter:

(1) *Unrestricted permit.*

(i) [Issuance under § 33.335(a)(1) or (2)]

Initial.....\$[15]100

(ii) [Issuance under § 33.335(a)(3)]

Renewal.....\$[300]200

(iii) **Temporary.....\$100**

(2) *Restricted permit I.*

(i) [Issuance under § 33.336(a)(1)]

Initial.....\$[15] 100

(ii) [Issuance under § 33.336(a)(2)]

Renewal.....\$[300] 200

(iii) **Temporary.....\$100**

(3) *Restricted permit II.*

(i) [Issuance under § 33.337(a)(1)] **Initial..... \$15**

(ii) [Issuance under § 33.337(a)(2)]

Renewal.....\$[15]50

(iii) **Temporary.....\$15**

[Pa.B. Doc. No. 04-1854. Filed for public inspection October 8, 2004, 9:00 a.m.]

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Drug Therapy and Injectable Medications, Biologicals and Immunizations

The State Board of Pharmacy (Board) proposes to amend §§ 27.1, 27.32 and 27.91 (relating to definitions; continuing education; and schedule of fees) and to add §§ 27.301 and 27.401—27.406 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The amendments are authorized under sections 4(j), 6(k)(1) and (9), 8.2(a), 9.1(d)(3) and (e) and 9.2(a) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9), 390-8.2(a), 390-9.1(d)(3) and (e) and 390-9.2(a)).

Background and Purpose

In August 2002, the act was amended to add sections 9.1 and 9.2, as well as to modify and add several definitions to the act. The additional sections authorize pharmacists to manage drug therapy by means of a written protocol as well as administer injectable medications, biologicals and immunizations. This proposed rulemaking is required to implement the new provisions of the act.

Description of Proposed Rulemaking

The Board proposes to amend § 27.1 by adding the definition of "Bureau" to define the term as it is used in the regulations. The Board also proposes to amend § 27.1 by changing the definitions of "institution" and "practice of pharmacy" to correspond with the definitions in the act.

The Board proposes to amend § 27.32 to remove obsolete portions of the regulation and add the continuing education requirements necessary to renew the authority to administer injectable medications, biologicals and immunizations.

The Board proposes to amend § 27.91 to add the fees necessary for pharmacists to apply for and renew the approval to administer injectable medications, biologicals and immunizations.

Proposed § 27.301 (relating to written protocol) sets out the requirements for the drug therapy management written protocol. Proposed § 27.301 incorporates the requirements under section 9.1 of the act and adds a section that requires the protocol to identify the types of drug therapy management decisions that the pharmacist is authorized to make, the ailments or diseases involved in the physician's scope of practice and types of drug therapy management authorized. The act also requires the Board to

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
DANIEL F. CLARK, ESQ.
ARTHUR COCCODRILLI
MURRAY UFBERG, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



COPY

PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 8, 2004

Veasey B. Cullen, Jr., D.M.D., Chairman
State Board of Dentistry
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4615 (IRRC #2436)
State Board of Dentistry
Biennial Renewal Fees - Dentist, Restricted Anesthesia Permit II

Dear Chairman Cullen:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulation review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

wbg

Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Dentistry Regulation #16A-4615 (IRRC #2436)

Biennial Renewal Fees – Dentist, Restricted Anesthesia Permit II

December 8, 2004

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Dentistry (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on November 8, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 33.3. Fees. – Fiscal impact; Reasonableness.

In its Preamble, the Board states that there have been significant increases in actual expenses over estimated expenses in the areas of hearing expenditures, board administration, and legislative and regulatory analysis. To increase revenues for operating expenses, the Board is proposing to increase the biennial renewal fee for dentists from \$100 to \$250. The Board also notes that it is declining to raise licensure renewal fees for dental hygienists and expanded function dental assistants based on the assessment that additional fees, “. . . can be more equitably borne by dentists rather than their employees” The Board also indicated a need to cover the costs incurred through the Professional Health Monitoring Program, disciplinary hearings and other Board related programs. We question the Board’s decision not to consider moderate increases for other license groups who impact program and disciplinary costs.

2. Section 33.339. Fees for issuance of permits. – Consistency with existing regulations; Reasonableness; Clarity.

The Board’s Regulation #16A-4614, submitted to this Commission on March 30, 2004, proposed revisions to Section 33.339 similar to the revisions in this proposal. Deletion of existing references in Section 339 is consistent with other amendments to Regulation #16A-4614. Therefore, the Board should submit its final-form of Regulation #16A-4614 concurrently with Regulation #16A-4615.

Additionally, we note the proposed fee renewal of a restricted permit II is set in the amount of \$15 in Regulation #16A-4614 and in the amount of \$50 in Regulation #16A-4615. The increased amount for the fee should be reflected in the final-form of #16A-4614 when it is submitted in final-form.

Finally, when the Commission submitted comments on Regulation #16A-4614, we noted that Paragraphs (1)(ii) and 2(ii) in Section 33.339 set the permit renewal fees at \$200 for an

unrestricted permit and a restricted permit I. Although these fees represent a \$100 reduction from the renewal fees in the Board's existing regulations, the revised fee levels for renewals are still twice as much as the \$100 fee for an initial unrestricted permit or restricted permit I. We questioned why the renewal fees are twice as much as the initial issuance fees. The question is applicable to this proposal as well.

November 5, 2004

COPY



Ms. Lisa Burns, Administrator
State Board of Dentistry
Bureau of Professional and Occupational Affairs
Pennsylvania Department of State
P. O. Box 2649
Harrisburg, PA 17105-2649

Re: Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II

Dear Ms. Burns:

On behalf of the more than 5,700 members of the Pennsylvania Dental Association (PDA), I am writing in regards to the proposed rulemaking to increase biennial licensure renewal fees for dentists and permit fees for restricted permit II holders.

PDA understands that there are increasing expenses incurred with hearings, enforcing disciplinary actions and assisting impaired professionals. However, PDA questions an exponential increase in licensure fees from \$100 to \$250 within one licensure cycle. There does not appear to be sufficient cause for a significant increase of 150 percent in licensure fees. PDA also cautions the Department of State against a trend in raising fees at this level in future licensure cycles, because it could ultimately impact patients' ability to access dental care should dentists and hygienists elect to practice in other states.

PDA encourages the Pennsylvania Department of State and the State Board of Dentistry to consider other methods to meet its budgetary needs, such as raising the disciplinary charges for licensees or raising fees for those dentists who are licensed in Pennsylvania but practice in a different state. PDA also requests that the Department of State consider increasing licensure fees for hygienists because their infractions and subsequent disciplinary hearings incur costs that should not be absorbed by dentists alone.

Please contact the PDA government relations staff at (717) 234-5941, should you have any questions or concerns. Thank you for your consideration of this important matter.

Sincerely,

Charles R. Weber, DMD
President

cc: PDA Board of Trustees and Council on Government Relations
Senator Robert Tomlinson, Chair, Consumer Protection and Professional
Licensure Committee
Representative Thomas Gannon, Chair, House Professional Licensure
Committee
John R. McGinley, Jr., Esquire, Chairman, Independent Regulatory Review
Commission

3501 N. Front Street • P.O. Box 3341 • Harrisburg, PA 17105
(717) 234-5941 • (717) 232-7169 Fax • www.padental.org

See your PDA member dentist regularly.

Thomas F. Cwalina DMD
Diplomat American Dental Board of Anesthesiology
PO Box 744
Ingomar, PA 15127
412-635-0613 Fax 412-635-8342

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NOV 03 2004
HEALTH LICENSING BOARDS

October 28, 2004

Lisa Burns
Administrator
State Board of Dentistry
P. O. Box 2649
Harrisburg, PA 17105-2649

**RE: Biennial Renewal Fees--Dentist, Restricted Anesthesia Permit II
and Calibration of Nitrous oxide machines**

Dear Ms. Burns:

I would like to make a comment on the proposed increase in nitrous oxide anesthesia permit fees and the proposed regulations requiring calibration of nitrous oxide machines.

I propose that the increased fees for nitrous oxide permit should be used to pay for the state of Pennsylvania to inspect a dentist's nitrous oxide machine. My reason for proposing this is that pending regulation will require calibration of a nitrous oxide machine. This threatens to eliminate the use of nitrous oxide from the dental office. This can occur because calibration of a nitrous oxide machine is not an office procedure. The nitrous unit must be mailed to the manufacturer. This places a great burden on dentists and could eliminate the use of nitrous oxide as a safe and effective treatment for Pennsylvania dental patients. Each dentist on the board should talk with their local dental supply repair person concerning calibration of nitrous oxide machines. You will find that no dental repair person is capable of performing a calibration. The only alternative is to mail the nitrous oxide oxygen analgesia machine back to the manufacturer. This is an expensive

proposition and does not guarantee that the nitrous unit is calibrated. When the unit is transported back to the dental office it can be damaged. I predict that dentists will not bother to spend hundreds of dollars to get their units calibrated. They will simply prescribe and use unregulated oral sedatives which require no permit to use. The safe and effective nitrous oxide analgesia machine will simply collect dust.

I propose that a more logical and reasonable regulation would be to require a dentist to have his nitrous oxide unit tested every few years. If the unit fails the test then it could be sent to the manufacturer for calibration. If the unit is not broken and works according to specifications there is no need for a calibration. The testing of nitrous units could be done with an inexpensive oxygen analyzer that a state technician could carry to the office. The testing could be conducted by the state at the same time the dentist's x-ray unit is tested.

The state technician could check the output of oxygen from the nitrous oxide unit at 50% nitrous oxide and also at the maximum level of nitrous oxide. The fail safe could also be checked at this time.

Hospitals don't periodically recalibrate their flowmeters on general anesthesia machines but they do test the output. Why are Pennsylvania dentists being forced to exceed hospital standards.

Each year, Pennsylvania automobiles undergo testing of the emission system. If the emissions are excessive then the owner is forced to calibrate his engine.

Please consider my recommendation that testing of nitrous oxide machines be performed and that calibration be required only when the machine fails testing. Using the increase in permit fees to pay for testing will satisfy the concerns of the legislature without eliminating nitrous oxide from the armamentarium of Pennsylvania dentists.

Sincerely,

Thomas F. Cwalina DMD

Thomas F. Cwalina DMD



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF DENTISTRY

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7162

March 11, 2005

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

Re: Final Regulation
State Board of Dentistry
16A-4615: Biennial Renewal Fees - Dentists & Restricted Anesthesia Permit II

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Dentistry pertaining to Biennial Renewal Fees – Dentist & Restricted Anesthesia Permit II.

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

Sincerely,

A handwritten signature in black ink that reads "Veasey B. Cullen, Jr. D.M.D.".

Veasey B. Cullen, Jr., D.M.D., Chairperson
State Board of Dentistry

VBC/CKM:sb

Enclosure

c: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Herbert Abramson, Senior Counsel in Charge
Department of State
State Board of Dentistry

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

I.D. NUMBER: 16A-4615

SUBJECT: State Board of Dentistry - Biennial Renewal Fees - Dentists & Restricted Anesthesia Permit II

AGENCY: DEPARTMENT OF STATE # 2436

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/11/05	<i>Sandra Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/11/05	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/11/05	<i>Jeff J. Allen</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)