

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission November 24, 2025	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Real Estate Commission		IRRC Number: 3471	
(2) Agency Number: 16A Identification Number: 5625			
(3) PA Code Cite: 49 Pa. Code §§ 35.201, 35.203, 35.230 and 35.231			
(4) Short Title: Licensure by Endorsement			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Marc J. Farrell, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; marcfarrel@pa.gov. Secondary Contact: Dean Picarella, Commission Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; dpicarella@pa.gov.			
(6) Type of Rulemaking (check applicable box): ☒ PROPOSED REGULATION ☐ Final Regulation ☐ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) This proposed rulemaking effectuates 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Commission. The Commission is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. This proposed rulemaking sets forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and requirements for provisional endorsement licenses.			

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

Section 3111(a) of 63 Pa.C.S. requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, provided the applicant is licensed in good standing in another jurisdiction and meets the requirements for licensure by endorsement. The Commission is proposing regulations to implement § 3111(a)(1)-(5), relating to information required to determine: whether another jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Commission; the methods of demonstrating competency; whether an applicant has committed an act that would be grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice in the profession or occupation in this Commonwealth, and whether such act should be an impediment to licensure; disciplinary actions and whether such discipline should be an impediment to licensure; and the fee as established by the Commission by regulation. 63 Pa.C.S. § 3111(b) also requires boards and commissions that issue provisional licenses, certificates, registrations or permits to set the expiration of the provisional endorsement license by regulation.

Section 404 of the Real Estate Licensing and Registration Act (act) (63 P.S. § 455.404) authorizes the Commission to "promulgate rules or regulations in order to administer and effectuate the purposes of" the act.

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

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

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation, as well as any deadlines for action.

Section 3111(a)(5) of 63 Pa.C.S. requires the Commission to set the fee to be charged by regulation and subsection (b)(2) requires the Commission to set an expiration of the provisional endorsement license. Section 2 of Act 41 directed that each licensing board and commission promulgate final regulations implementing Act 41. Otherwise, this rulemaking is not mandated by any Federal or state law or court order, or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers

to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. Section 3111 of 63 Pa.C.S. enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Commission has not received or considered any applications, nor issued any licenses, certificates, registrations or permits, by endorsement under 63 Pa.C.S. § 3111. One of the reasons for this is the availability of a less stringent pathway to licensure: reciprocity. The Commission may issue a reciprocal license to an individual or entity whose principal place of business for the provision of real estate services is outside of this Commonwealth, and who holds a current license to provide real estate services from a state that either has executed a reciprocal agreement with the Commission (currently, Pennsylvania has reciprocity agreements in place with five states: Arkansas, Georgia, Louisiana, Maryland and Massachusetts) or from a state that has qualifications for licensure that are substantially comparable to those required by the Commission. The standard for reciprocity, “substantially comparable,” is a somewhat less rigorous standard than “substantially equivalent.” Moreover, with reciprocity, no showing of competency – such as continuing education or experience in 2 of the last 5 years – is required. Therefore, because applicants can qualify for licensure more easily based on the Commission’s existing licensure-by-reciprocity pathway, the Commission anticipates receiving approximately 0-2 applications for licensure by endorsement under 63 Pa.C.S. § 3111 on an annual basis.

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

There are no federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

This regulation will not adversely affect Pennsylvania’s ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment, which will make Pennsylvania more competitive. Licensure by endorsement under 63 Pa.C.S. § 3111 and the Commission’s proposed regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania’s economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the real estate field.

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

provisional endorsement licenses.

The Commission also researched whether other real estate boards and commissions in the states surrounding Pennsylvania (DE, MD, NJ, NY, OH and WV) have similar licensure by endorsement laws and regulations applicable to the real estate profession. For those states that have similar licensure by endorsement laws and regulations, the Commission compared other states' standards in areas where the Commission is using its discretion in proposing regulations for eligibility requirements (substantial equivalence or other standard), competency methods, and the issuance and expiration of provisional licenses.

With regard to the real estate profession specifically, only New Jersey has a law or regulation permitting the endorsement of licenses for out-of-state real estate professionals on the basis of substantial equivalence. New Jersey imposes an additional competence requirement of active practice under the license prior to the application for endorsement.

Maryland does not offer a true endorsement pathway to licensure for real estate brokers and salespersons licensed in other states, territories and countries, nor does it provide for a provisional license. Maryland has two options for out-of-state licensees to become licensed without having to go through all of the standard requirements for licensure. First, Maryland has entered into reciprocal agreements with two states: Oklahoma and Pennsylvania. Licensees holding a reciprocal license under the Maryland-Pennsylvania agreement are excused from exams and continuing education. Second, individuals actively licensed in other states can apply through Maryland's "Out-of-State License Recognition (Waiver)" process. The applicant's education and experience is reviewed for transferability on an individual basis. Otherwise, an individual seeking licensure in Maryland would have to go through Maryland's standard licensing process, which requires completing all coursework, experience, and examinations.

Similarly, New York does not offer licenses by endorsement or provisional licenses for brokers or salespersons, and has very few options for out-of-state licensees looking to become licensed in New York. New York currently has no real estate license reciprocity agreements with any other state for brokers or salespersons. To become a licensed agent or broker in New York with an out-of-state license, an individual who has already completed qualifying coursework outside of New York can request a waiver for some or all of the pre-licensing education requirements. Aside from that one concession, however, individuals must still complete the remainder of the New York licensing process, including passing the state licensing exam and finding a sponsoring New York broker.

Likewise, licenses by endorsement and provisional licenses are not available in Delaware. Moreover, Delaware law does not provide the authority to even enter into reciprocal agreements with other states and therefore full licensure by reciprocity is not available. Instead, the lone option for out-of-state licensees to become licensed in Delaware is partial reciprocity, wherein individuals must complete a 99-hour Delaware pre-licensing course (or provide a certificate showing completion of a different jurisdiction's pre-licensing course of at least 99 hours), pass the Delaware exam, fulfill other state-specific requirements, and then affiliate with a sponsoring broker in Delaware.

West Virginia eliminated all reciprocal agreements with other states related to licensure of real estate agents and brokers in 2017, so full reciprocity is not available there either. Nor are endorsement licenses or provisional licenses available. The pathway for an out-of-state licensee to become licensed as a broker or salesperson in West Virginia, requires the following: the out-of-state license holder must have held a license as a salesperson for at least 2 years in the other state, must submit a list of closed transactions, must take and pass the state portion of the West Virginia real estate licensing exam, and must obtain a

sponsoring broker with an active West Virginia broker license.

Based on this research relating to surrounding states' licensure by endorsement and/or reciprocity requirements, the Commission believes the amendments will not put Pennsylvania at a competitive disadvantage. To the contrary, other than New Jersey, none of the states offer true endorsement licenses (let alone discretionary provisional endorsement licenses) for real estate brokers or salespersons. By allowing applicants who can demonstrate competency by experience for at least 2 of the 5 years immediately preceding the date of application to become licensed through endorsement, and by providing for discretionary provisional licenses which allow an applicant to commence practicing in this Commonwealth while the applicant is satisfying remaining requirements for licensure by endorsement, Pennsylvania will be at a competitive advantage over states that do not have licensure by endorsement and/or do not provide for the issuance of a discretionary provisional license. The proposed regulation will not raise any additional barriers to out-of-state licensees, nor will it impose new ones on those states with whom the Commission has established reciprocity agreements. Of the states that do have licensure by endorsement provisions, the requirements for licensure by endorsement in those states are similar to those of 63 Pa.C.S. § 3111.

Licensure by reciprocity under § 35.223 is only available to someone who holds a current license to provide real estate services from (1) a *state* that either has executed a reciprocal agreement with the Commission or (2) a *state* that has qualifications for licensure that are substantially comparable to those required by the Commission. It does not address licensees from other countries and territories. This proposed regulation provides a possible pathway to licensure for individuals from other countries and territories.

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

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

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Commission discusses its regulatory proposals at regularly scheduled public meetings. Representatives of the professional associations representing the regulated community routinely attend those meetings. In drafting the proposal, the Commission solicited comments from stakeholders and interested parties. The Commission provided an exposure draft to stakeholders and other interested parties, and received no comments on the regulation.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This rulemaking only affects individuals who apply for licensure by endorsement under 63 Pa.C.S. § 3111. For purposes of this rulemaking, the Commission estimates that 0-2 individuals will apply for licensure by endorsement on an annual basis.

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

According to the Pennsylvania Department of Labor and Industry (L&I), nationally in 2020 (the most recent year for which such data is available), real estate professionals provide their services for a variety of private and public sector employers. Approximately 58% of real estate brokers and salespersons were self-employed and 37% of brokers worked in real estate and rental and leasing with 3% also in construction.

According to the Pennsylvania Department of Labor and Industry (L&I), on the state level in 2022 (the most recent year for which such data is available), real estate professionals within this Commonwealth provide their services for a variety of private and public sector employers. Approximately 52.39% of real estate salespersons were self-employed, 1.67% worked in management of companies and enterprises, 0.99% worked in state government, excluding education and hospitals, and 0.88% worked in federal government. There were a number of industries marked as “Confidential” for which data was not available in the L&I report, such as oil and gas extraction, coal mining, support activities for mining, electric power generation, transmission and distribution, residential building construction, and nonresidential building construction.

Similarly for real estate brokers within this Commonwealth according to the L&I report, approximately 52.90% were self-employed and 1.72% worked in management of companies and enterprises. There were a number of industries marked as “Confidential” for which data was not available in the L&I report, such as insurance carriers, legal services, advertising, public relations, and related services, community food and housing, and emergency and other relief services, oil and gas extraction, electric power generation, transmission and distribution, and nonresidential building construction.

Small businesses are defined in section 3 of the Regulatory Review Act (71 P.S. § 745.3), which provides that a small business is defined by the SBA’s Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the 2022 NAICS base standards to the types of businesses where licensees may work, together with certain new size standards that took effect March 17, 2023, a business classified as “offices of real estate agents and brokers” (NAICS code 531210) is one that has \$15 million or less in average annual receipts. For residential property managers (NAICS code 531311) the small business threshold is \$12.5 million; for nonresidential property managers (NAICS code 531312), the threshold is \$19.5 million.

In applying the NAICS standards to the L&I “Confidential” types of businesses where real estate brokers or salespersons may work, both crude petroleum extraction (NAICS code 211120) and natural gas extraction (NAICS code 211130) has a small business threshold of 1,250 employees. Support activities for oil and gas operations (NAICS code 213112) has a small business threshold of \$47.0 million and support activities for coal mining (NAICS code 213113) has a threshold of \$27.5 million. Businesses involving electric power generation, transmission and distribution vary by source (NAICS codes 221111-221122) but have small business thresholds ranging as low as 250 employees to 1,150 employees. Housing, remodeling and building construction businesses (NAICS code 236115-236118, 236210, 236220) all have a small business threshold of \$45.0 million.

In applying the NAICS standards to the L&I types of businesses marked “Confidential” for real estate brokers employment, direct title insurance carriers (NAICS code 524127) and other direct insurance (except life, health and medical) carriers (NAICS code 524128) have a small business threshold of \$47.0 million. Direct property and casualty insurance carriers (NAICS code 524126) have a small business threshold of 1,500 employees. Title abstract and settlement offices (NAICS code 541191) have a small business threshold of \$19.5 million and all other legal services (NAICS code 541199) have a small business threshold of \$20.5 million. Advertising agencies (NAICS code 541810) have a small business threshold of \$25.5 million, public relations agencies (NAICS code 541820) have a threshold of \$19.0 million and all other services related to advertising (NAICS code 541890) a threshold of \$19.0 million. Community food services (NAICS code 624210) have a small business threshold of \$19.5 million, temporary shelters (NAICS code 624221) have a threshold of \$13.5 million, other community housing services (NAICS code 624229) a threshold of \$19.0 million and emergency and other relief services (NAICS code 624230) have a small business threshold of \$41.5 million.

The Commission does not collect data relating to business size generally, nor does it collect information on the size of the businesses where its licensees are employed specifically. Nevertheless, the Commission believes that most real estate professionals including brokers and salespeople in Pennsylvania are employed in small businesses because the majority of brokers and salespeople are self-employed. Additionally, in view of the small business thresholds set by NAICS for the businesses in which its licensees work, the Commission believes that the majority of its licensees in the Commonwealth work in “small businesses” as that term is defined by the SBA and the Regulatory Review Act. Therefore, for purposes of determining the economic impact on small businesses, the Commission must assume that a large number of its licensees either are, or work for, small businesses.

This rulemaking only affects individuals seeking licensure by endorsement under 63 Pa.C.S. § 3111. These individuals would be impacted by the fees to apply for licensure, the amounts of which varies depending upon license type. Applicants pay both an application fee and a license fee. Currently, the application fees are as follows: \$75 for brokers, cemetery brokers and rental listing referral agents; \$25 for salespersons, builder-owner salespersons, time-share salespersons, campground membership salespersons, associate brokers and cemetery associate brokers; and \$20 for cemetery salespersons. The current license fees are as follows: \$94.50 for brokers, cemetery brokers and rental listing referral agents; and \$72 for salespersons, builder-owner salespersons, time-share salespersons, campground membership salespersons, associate brokers, cemetery associate brokers and cemetery salespersons.

To use real estate salespersons as an example (who comprise approximately 48,000 of the Commission’s 63,000 total licensees), a real estate salesperson’s fees are \$25 (application fee) plus \$72 (license fee), for a total of \$97. The next largest category of licensee, brokers (who comprise approximately 8,300 of the Commission’s 63,000 total licensees) pay a \$75 application fee plus a \$94.50 license fee, for a total of \$169.50.

The Commission proposes to charge the same application and license fees for licensure by endorsement as it charges for any other license type, both standard and reciprocal. For example, applicants for real estate salesperson licensure by endorsement will pay the same application and license fees as those who apply for standard licensure and reciprocal licensure, namely, \$97. Whether small businesses will be impacted by the regulation depends on whether the businesses will pay the application fee for licensure by endorsement. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

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

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Applicants for licensure by endorsement will be required to comply with the rulemaking. The Commission estimates that 0-2 licensure by endorsement applications will be considered each year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

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

The citizens of Pennsylvania will also benefit from the enhanced workforce and growth in the economy while still having assurance of a level of competence on par with existing licensees in this Commonwealth. The Commission has selected a method of competence (by experience) that requires an applicant to demonstrate that they have actively engaged in the practice of their profession for 2 of the 5 years immediately preceding the filing of the application with the Commission. This method assures competency because it requires the applicant to show that they have actively engaged in the practice of their profession, thereby showing that they are current and up to date on recent trends and changes in their field.

The financial impact of the regulation falls primarily on applicants for licensure and the Commission. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay a \$75, \$25 or \$20 application fee (depending on the license type) and a \$72 or \$94.50 license fee (again, depending on the license type), which will cover the costs of processing the application and issuing the license. These application and license fees are the same fees currently paid by individuals applying via the standard pathway or via reciprocity. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 35.230(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense. To date, the Commission has not received any licensure by endorsement applications from applicants licensed in other countries or territories.

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

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

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth, its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Commission to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Commission, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that board fees are necessary in order to pay for the costs associated with the filing of applications. Additionally, whether an applicant obtains licensure via one of the Commission's existing pathways or by licensure by endorsement under 63 Pa.C.S. § 3111, applicants face the same costs (i.e., application fee, Criminal History Records Check (CHRC) fee); therefore, any additional cost to a licensure by endorsement applicant will be minimal, if any.

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

Regarding costs associated with demonstrating competency, the Commission is authorized to select the appropriate methods of competency under 63 Pa.C.S. § 3111(a)(2), and the method chosen by the Commission is cost-free. Applicants can demonstrate competency through experience in the practice of pharmacy in one or more substantially equivalent jurisdictions for at least 2 of the 5 years immediately preceding the filing of the application. To the extent ancillary costs arise in satisfying the competency requirement, they would be outweighed by the benefit of this proposed regulation, because demonstrating competency is a statutory requirement that helps to ensure applicants are safe to practice the profession and will not present a danger to the public.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including paying an application fee and a CHRC fee – currently \$22 for a Pennsylvania CHRC obtained through the Pennsylvania State Police, plus additional CHRC fees charged by any other states in which an applicant has lived, worked or completed professional training/studies for the past 5 years. These are fees/costs that all applicants for licensure must endure, not just those applying for licensure by endorsement under 63 Pa.C.S. § 3111. Since the effective date of 63 Pa.C.S. § 3111, the Commission has not considered or approved any licensure by endorsement applications. Therefore, during this period, the total costs incurred for application and license fees were \$0. Based upon this information, and using the license type “broker” as an example, the Commission anticipates that 0-2 licensure by endorsement

applications will be considered each year, which will result in approximate application/license costs in the amount of \$339 annually (\$75 application fee + \$94.50 license fee, multiplied by 2 applicants).

Because all applicants must demonstrate competency by experience in 2 of the last 5 years, there should be no added costs. If no applications for licensure by endorsement under 63 Pa.C.S. § 3111 are filed in a given year, the totals costs would be **\$0**. If two applications are filed, and using the example of the “broker” license type, the total cost estimate for the application fee and CHRC fee would be: \$75 application fee + \$94.50 license fee + \$22 CHRC = \$191.50 per applicant, multiplied by two applicants = **\$383** annually (exclusive of any translation costs). The same calculation for two real estate salesperson applicants would be: \$25 application fee + \$72 license fee + \$22 CHRC = \$119, multiplied by two applicants = **\$238** annually (exclusive of any translation costs).

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

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

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

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

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

Yes, applicants are required to submit an online application.

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

The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa.C.S. § 3111. Within the online

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

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

	Current FY 25-26	FY +1 26-27	FY +2 27-28	FY +3 28-29	FY +4 29-30	FY +5 30-31
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383	\$0 - \$383
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY –3 2022-2023	FY –2 2023-2024	FY –1 2024-2025	Current FY 2025-2026
State Real Estate Commission	\$4,135,658	\$4,607,528	\$5,134,000	\$5,277,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Responses:

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Commission's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses and help grow Pennsylvania's economy.
- (d) The Commission could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Commission's mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

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

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

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

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Responses:

- a) & b) The Commission did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

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

- | | |
|---|---|
| A. The length of the public comment period: | 30 days |
| B. The date or dates on which any public meetings or hearings will be held: | No public hearings were scheduled or held. The Commission discusses its regulatory proposals at regularly scheduled public meetings. This rulemaking was discussed at public Commission meetings on: August 25, 2020; August 2, 2022; and April 27, 2023. |
| C. The expected date of delivery of the final-form regulation: | Fall 2025 |
| D. The expected effective date of the final-form regulation: | Upon publication as final. |
| E. The expected date by which compliance with the final-form regulation will be required: | Upon publication as final. |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | N/A |

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

The Commission continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Commission reviews its regulatory proposals at regularly scheduled public meetings. The Commission will meet on the following remaining date(s) in 2025: November 12, 2025. The Commission's 2026 meetings are scheduled for January 7, February 11, March 23, May 5, June 30, August 4, September 16, October 21 and December 8, 2026. More information can be found on the Commission's website.

ATTACHMENT A

STATE REAL ESTATE COMMISSION

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

Telephone: (833) 367-2762
Website: www.dos.pa.gov/estate
E-Mail: RA-REALESTATE@pa.gov

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

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

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

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

1. REQUIREMENTS

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

- A. Hold a current license, certificate, registration or permit in good standing to practice real estate in a jurisdiction whose standards are substantially equivalent to or exceed those of the Commission.
- B. Demonstrate competency by the following:
 - Experience in the practice of real estate by demonstrating, at a minimum, that the applicant has actively engaged in the practice of real estate in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application with the Commission.
- C. Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice real estate under the act (63 P.S. § 455.604) and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit or by any other jurisdiction.
- D. Pay the applicable application fee:

Broker	\$75	Builder-owner salesperson	\$25
Cemetery broker	\$75	Time-share salesperson	\$25
Rental listing referral agent	\$75	Associate broker	\$25
Salesperson	\$25	Cemetery associate broker	\$25
Campground membership salesperson	\$25	Cemetery salesperson	\$20

- E. Pay the applicable license fee:

Broker	\$94.50	Builder-owner salesperson	\$72
Cemetery broker	\$94.50	Time-share salesperson	\$72
Rental listing referral agent	\$94.50	Associate broker	\$72
Salesperson	\$72	Cemetery associate broker	\$72
Campground membership salesperson	\$72	Cemetery salesperson	\$72

- F. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

2. APPLICATION CHECKLIST

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

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

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

- ☐ Application Fee (see above, 1(D)) and License Fee (see above, 1(E)) – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- ☐ Have the out-of-state licensing authorities in which you hold or have held a license submit a letter of good standing directly to the Commission with a state seal affixed to the letter.
- ☐ A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Commission.

3. INFORMATION

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

STATE REAL ESTATE COMMISSION

Mailing Address:

P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: (833) 367-2762
Fax: (717) 705-5540

Courier Address:

2525 N 7th Street
Harrisburg, PA 17110
www.dos.pa.gov/estate
RA-REALESTATE@pa.gov

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

APPLICATION FEE:

Broker, cemetery broker, rental listing referral agent	\$75
Salesperson, builder-owner salesperson, time-share salesperson, campground membership salesperson, associate broker, cemetery associate broker	\$25
Cemetery salesperson	\$20

LICENSE FEE:

Broker, cemetery broker, rental listing referral agent	\$94.50
Salesperson, builder-owner salesperson, time-share salesperson, campground membership salesperson, associate broker, cemetery associate broker, cemetery salesperson	\$72

PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES ☐ NO ☐ If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are not forwardable.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____

Social Security Number: _____

7. Select the license for which you are applying:

- ☐ Broker ☐ Cemetery Broker ☐ Rental listing referral agent
- ☐ Salesperson ☐ Builder-Owner Salesperson ☐ Time-share salesperson ☐ Associate broker
- ☐ Campground Membership Salesperson ☐ Cemetery salesperson ☐ Cemetery associate broker

8. Competency Requirement

Experience:

Have you actively engaged in the practice of real estate in the jurisdiction that issued your license, certificate, registration or permit, for at least 2 of the last 5 years immediately preceding the filing of this application?

- ☐ Yes
- ☐ No

Provide a curriculum vitae demonstrating this experience.

9. Name of state or jurisdiction where initial license to practice was issued.

Date initial license was issued _____

List any other state, territory or country where you hold or have held a license/certificate.

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

		YES	NO
10.	Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction? If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession. _____ _____ The Commission must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Commission does NOT need to receive verification for licenses issued by one of the licensing boards or commissions within the Pennsylvania Bureau of Professional and Occupational Affairs.</i>	☐	☐

<i>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Commission office.</i>		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	☐	☐
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	☐	☐
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	☐	☐
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	☐	☐

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

Applicant's Statement:

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

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

Applicant's Signature

Date

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

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

November 24, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: Katherine P. Zimmermann (DEPUTY ATTORNEY GENERAL) Digitally signed by Katherine P. Zimmermann Date: 2025.11.10 11:37:40 -05'00' <u>November 10, 2025</u> DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached.	Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by: <u>State Real Estate Commission</u> (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>16A-5625</u> DATE OF ADOPTION: _____  By: _____ Kyle J. Sampson TITLE <u>Commission Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)
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PROPOSED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE REAL ESTATE COMMISSION**

TITLE 49 PA CODE CHAPTER 35

§§ 35.201, 35.203, 35.230 and 35.231

LICENSURE BY ENDORSEMENT

The State Real Estate Commission (Commission) proposes to amend §§ 35.201 and 35.203 (relating to definitions; and fees), and add §§ 35.230 and 35.231 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

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

Commission must set by regulation the terms of expiration.

Additionally, section 404 of the Real Estate Licensing and Registration Act (act) (63 P.S. § 455.404) authorizes the Commission to “promulgate rules or regulations in order to administer and effectuate the purposes of” the act.

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

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

Background and Need for the Amendments

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

establish, by regulation, the expiration of provisional endorsement licenses.

This proposed rulemaking sets forth the Commission’s criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency. It also sets forth the requirements for granting a provisional endorsement license. Section 3111 of 63 Pa.C.S. further provides that the Commission may establish appropriate fees for this licensure.

Description of the Proposed Amendments

The Commission proposes to amend § 35.201 (relating to definitions) by adding a definition for the term “jurisdiction” consistent with 63 Pa.C.S. § 3111. The Commission proposes to amend § 35.203 (relating to fees) to indicate that applicants for licensure by endorsement will pay the same fee as applicants for standard and reciprocal licensure.

Proposed § 35.230 (relating to licensure by endorsement) requires an applicant to satisfy six criteria for licensure by endorsement. Under subsection (a)(1), an applicant shall have a current license, certificate, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed the qualifications for licenses and registration certificates established by the Commission under Chapter 5 of the act, including specifically 63 P.S. §§ 455.511 (broker’s license), 455.521 (salesperson’s license), 455.531 (cemetery broker’s license), 455.541 (cemetery salesperson’s license), 455.551 (builder-owner salesperson’s license), 455.561 (rental listing referral agent’s license), 455.581 (campground salesperson’s license) and 455.591 (time-share salesperson’s license), as well as §§ 35.221–35.229 (relating to licensure requirements). Proposed § 35.230(a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate,

registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries where the applicable law, regulation or other rule may be in a language other than English, the Commission would require translation of the applicable law, regulation or other rule by a professional translation service, at the applicant's expense.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession. To demonstrate competency by experience, an applicant must show active engagement in the practice of the profession under a license, certificate, registration or permit in one or more jurisdictions that have substantially equivalent standards for at least 2 of the 5 years immediately preceding the filing of the application.

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

Proposed subsection (a)(5) provides for payment of an application fee, as required by 63 Pa.C.S. § 3111(a)(5). No new fee is being proposed. Instead, the applicable fees for licensure by endorsement under 63 Pa.C.S. § 3111 will be the same fees currently paid by applicants for standard and reciprocal licensure in § 35.203 (relating to fees).

Proposed subsection (a)(6) requires applicants to apply for licensure in accordance with the

act and in the manner and format prescribed by the Commission in Chapter 35.

In proposed § 35.230(b), the Commission may require a personal interview or additional information to assist the Commission determining eligibility and competency. When a personal interview is necessary, the applicant may request that the interview be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), § 35.230(c) authorizes the Commission, in its discretion, to determine that an act prohibited under section 604 of the act (63 P.S. § 455.604), or disciplinary action by a jurisdiction, are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111. Boards and commissions routinely consider whether discipline or prohibited acts are impediments to licensure. The Commission may consider the facts and circumstances surrounding the prohibited act or disciplinary action, an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, disciplinary history (or lack thereof) before and after the date of the prohibited act or disciplinary action, successful completion of education and training activities relating to the prohibited act or disciplinary action, and any other information relating to the fitness of the individual for licensure.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 35.231(a) provides that the Commission may, in its discretion, issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 35.230. Proposed subsection (b)(1) sets the expiration of a provisional endorsement license at 1 year, unless the Commission determines that an expiration date of less than 1 year is appropriate. Additionally, under subsection (b)(2), upon a written request, the Commission may extend the term of the

provisional license by no longer than 1 year upon a showing of good cause. Proposed subsection (c) sets forth reasons for which a provisional endorsement license will be terminated, including when the Commission denies or grants a license, the provisional endorsement licensee fails to comply with the terms of the provisional endorsement license or the provisional endorsement license expires. Finally, proposed subsection (d) clarifies that while an individual may reapply for a license by endorsement under proposed § 35.230, the Commission will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Commission related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Under § 35.203 (relating to fees), all applicants for initial licensure must pay an application fee, which is the same fee that applicants for licensure by endorsement would pay.

Sunset Date

The Commission continuously monitors the cost effectiveness of the Commission's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 24, 2025, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee

(SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523, or by e-mail to RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference “16A-5625 (Licensure by Endorsement)” when submitting comments.

Kyle J. Sampson
Chairperson
State Real Estate Commission

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

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

* * * * *

Instructor-led learning—An interactive educational program, including a classroom or simulated classroom, that provides significant ongoing contact from the instructor to the participant during the learning process.

Jurisdiction—A state, territory or country.

Licensee—An individual or entity holding either a standard or reciprocal license, under the act. For purposes of the consumer notice in § 35.336(a) (relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant), the term means a broker or salesperson.

* * * * *

§ 35.203. Fees.

(a) The following fees are charged by the Commission:

Review of qualifications of candidate for broker or cemetery broker	
licensing examination	\$40
Application for standard <u>licensure</u> , [or] reciprocal licensure <u>or licensure by endorsement</u>	
of:	
(i) Broker, cemetery broker or rental listing referral agent	\$75
(ii) Branch office	\$65
(iii) Associate broker, salesperson, cemetery associate broker, builder-owner salesperson, time-share salesperson, campground membership salesperson, or broker of record, partner or officer for a partnership, association or corporation	\$25
(ii) Cemetery salesperson	\$20
Application for registration of cemetery company	\$25
Initial standard <u>licensure</u> , [or] reciprocal licensure <u>or licensure by endorsement</u> , for broker, cemetery broker, branch office, rental listing referral agent, or broker of record, partner or officer for a partnership, association or corporation	\$94.50
Initial standard or reciprocal registration for cemetery company or initial standard <u>licensure</u> , [or] reciprocal licensure <u>or licensure by endorsement</u> , for associate broker, salesperson, cemetery associate broker, cemetery salesperson, builder-owner salesperson, time-share salesperson or campground membership salesperson	\$72
Biennial renewal of standard <u>license</u> , [or] reciprocal license <u>or license by endorsement</u> , of broker, cemetery broker, branch office, rental listing referral agent or broker of record, partner or officer for a partnership, association or corporation	\$126

* * * * *

Subchapter C. LICENSURE

LICENSURE REQUIREMENTS

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

§ 35.230. Licensure by endorsement.

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

(1) Have a current license, certificate, registration or permit in good standing to practice real estate in another jurisdiction whose licensure standards are substantially equivalent to or exceed those established under Chapter 5 of the act pertaining to qualifications and applications for licenses and registration certificates, specifically 63 P.S. §§ 455.511, 455.521, 455.531, 455.541, 455.551, 455.561, 455.581 and 455.591, and §§ 35.221–35.229 (relating to licensure requirements). The following apply:

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

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

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

(2) Demonstrate competency by experience in the practice of real estate by demonstrating, at a minimum, that the applicant has actively engaged in the practice of real estate under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards, for at least 2 of the 5 years immediately preceding the filing of the application with the Commission.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice real estate under section 604 of the act (63 P.S. § 455.604).

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

(5) Have paid the application fee as required by § 35.203 (relating to fees).

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

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

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Commission may, in its discretion, determine that an act prohibited under section 604 of the act, or disciplinary action by another jurisdiction, is not an impediment to licensure under 63 Pa.C.S.

§ 3111.

§ 35.231. Provisional endorsement license.

(a) *Provisional endorsement license.* The Commission may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 35.230 (relating to licensure by endorsement).

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

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

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

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

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

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

(3) The provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 35.230 after expiration or termination of a provisional endorsement license; however, the Board will not

issue a subsequent provisional endorsement license.



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE REAL ESTATE COMMISSION**

**Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
1-833-367-2762**

November 24, 2025

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

Re: Proposed Rulemaking
State Real Estate Commission
16A-5625: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Real Estate Commission pertaining to Licensure by Endorsement.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Sampson".

Kyle Sampson, Chairperson
State Real Estate Commission

KS/MJF/jpp
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Marc J. Farrell, Regulatory Counsel, Department of State
Dean Picarella, Commission Counsel, State Real Estate Commission
State Real Estate Commission

Worthington, Amber

Independent Regulatory
Review Commission

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Monday, November 24, 2025 1:16 PM
To: Worthington, Amber
Subject: Re: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

November 24, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

Received.

Jen

On Nov 24, 2025, at 12:08 PM, Worthington, Amber <agontz@pa.gov> wrote:

ⓘ CAUTION : External Email ⓘ

Please be advised that the following five (5) boards and commission are **electronically delivering** the below-identified proposed rulemakings today **Monday, November 24, 2025**.

1. **16A-5517 Licensure by Endorsement – State Board of Accountancy**
2. **16A-4120 Licensure by Endorsement – State Architects Licensure Board**
3. **16A-4334 Licensure by Endorsement – State Board of Chiropractic**
4. **16A-5432 Licensure by Endorsement – State Board of Pharmacy**
5. **16A-5625 Licensure by Endorsement – State Real Estate Commission**

These proposed rulemakings each effectuate 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the identified board or commission. Each board/commission is required to determine methods of demonstrating competency, including completion of continuing education or experience in the profession/ occupation for at least 2 of the preceding 5 years, and must establish, by regulation, the expiration of provisional endorsement licenses. These proposed rulemakings set forth eligibility criteria for licensure by endorsement, the specific methods required to demonstrate competency, and the requirements for provisional endorsement licenses.

The identified state boards/commissions are requesting a written (email) confirmation of receipt of this delivery from the designated contact person(s) from your office for the Majority or Minority Chair of your office effectuating the electronic deliveries.

Thank you for your attention to this matter.

<image002.png>

Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

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Independent Regulatory
Review Commission

November 24, 2025

Preferred Pronouns: We/Us, They/Them/Theirs

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<16A-5517 Stefano.pdf>
<16A-4120 Licensure by Endorsement Stefano.pdf>
<16A-4334 Proposed Stefano.pdf>
<16A-5432 Proposed Stefano.pdf>
<16A-5625 Stefano.pdf>

Worthington, Amber

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Review Commission

From: Bulletin <bulletin@palrb.us>
Sent: Monday, November 24, 2025 1:09 PM
To: Worthington, Amber; Adeline E. Gaydosh
Cc: Roland, Joel; Wolfgang, Jacqueline; Alyssa M. Burns
Subject: [External] RE: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

November 24, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon,

Thank you for submitting these five proposed rulemakings. They will be published in the December 20, 2025, issue of the *Pennsylvania Bulletin*.

Have a great day!

Alyssa Burns | Legal Assistant
aburns@palrb.us | 717.783.1531
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120

From: Worthington, Amber <agontz@pa.gov>
Sent: Monday, November 24, 2025 12:08 PM
To: Bulletin <bulletin@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>; Leah Brown <lbrown@palrb.us>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

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Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg, PA 17106-9523

Office Phone 717.783.7200 | Fax: 717.787.0251

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Worthington, Amber

Independent Regulatory
Review Commission

From: Orchard, Kari L. <KOrchard@pahouse.net>
Sent: Monday, November 24, 2025 12:31 PM
To: Worthington, Amber; Barton, Jamie; Brett, Joseph D.
Cc: Roland, Joel
Subject: RE: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

November 24, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

Regulations received. Thank you!

Kari Orchard

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

From: Worthington, Amber <agontz@pa.gov>
Sent: Monday, November 24, 2025 12:05 PM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

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Office of Chief Counsel | Department of State
Governor's Office of General Counsel

P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax: 717.787.0251
agontz@pa.gov | www.dos.pa.gov

Independent Regulatory
Review Commission

November 24, 2025

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Worthington, Amber

From: Emily Hackman <Ehackman@pahousegop.com>
Sent: Monday, November 24, 2025 12:21 PM
To: Worthington, Amber
Cc: Roland, Joel; Cindy Sauder
Subject: RE: [EXTERNAL]: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

November 24, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

Received. Thank you!

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

From: Worthington, Amber <agontz@pa.gov>
Sent: Monday, November 24, 2025 12:06 PM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>; Emily Hackman <Ehackman@pahousegop.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

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Review Commission

November 24, 2025



Amber A. Worthington, PLS | Legal Office Administrator 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel

P.O. Box 69523 | Harrisburg, PA 17106-9523
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Worthington, AmberIndependent Regulatory
Review Commission

From: Monoski, Jesse <jesse.monoski@pasenate.com>
Sent: Monday, November 24, 2025 12:05 PM
To: Worthington, Amber; Dimm, Ian; Kelly, Joseph; Vazquez, Enid
Cc: Roland, Joel
Subject: RE: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

November 24, 2025

Follow Up Flag: Follow up
Flag Status: Flagged

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Jesse A. Monoski

Executive Director
Senate Consumer Protection & Professional Licensure Committee
Senator Lisa M. Boscola, Minority Chair
Room 458 Main Capitol Bldg., Harrisburg, Pa. 17120
Office: 717-787-4236 | Direct: 717-787-3506
www.senatorboscola.com

From: Worthington, Amber <agontz@pa.gov>
Sent: Monday, November 24, 2025 12:02 PM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: FIVE (5) PROPOSED REGULATIONS # 16A-5517, 16A-4120, 16A-4334, 16A-5432 & 16A-5625 (Licensure by Endorsement)

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