

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[Correction]

[25 PA. CODE CH. 86]

Surface and Underground Coal Mining: General

An error occurred in the document amending § 86.5 (relating to extraction of coal incidental to noncoal surface mining) which appeared at 25 Pa.B. 5821, 5831 (December 16, 1995). Subsection (d) was printed incorrectly. The correct version of § 86.5(d) is as follows, with ellipses referring to the existing text of the section.

This section will be codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 255) (February, 1996).

§ 86.5. Extraction of coal incidental to noncoal surface mining.

* * * * *

(d) A person who has commenced incidental extraction of coal under a noncoal mining activity permit prior to December 16, 1995, may continue the extraction until February 14, 1996, after which no further incidental coal extraction may occur unless that person files an administratively complete request for exemption as described in subsection (g). Incidental coal extraction may then continue until the Department has made its final decision and written determination on the request for exemption.

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[Pa.B. Doc. No. 95-2107. Filed for public inspection December 15, 1995, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

Examination Fees

The State Board of Chiropractic (Board) amends § 5.6 (relating to fees) pertaining to the requisite licensure examinations and corresponding fees for the May 1996, and subsequent examinations for licensure as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 502(d) of the Chiropractic Practice Act (act) (63 P. S. § 625.502(d)), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Board. This amendment notifies candidates of examinations and examination fees commencing with the May 1996, examination.

In December 1995, the Board administered the Oral/Practical Examination in Chiropractic Technic and Jurisprudence (§45) as had been done in the past. However, for the May 1996 examination, the Board will only administer the practical part of the Oral/Practical Examination in Chiropractic Technic and Jurisprudence. The jurisprudence portion will consist of the new Pennsylvania Chiropractic Law Examination (§87), to be administered by a professional testing organization.

Public notice of intention to amend § 5.6 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (CDL) (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendment have been given actual notice of the Board's intention to amend § 5.6 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 1101 of the act (63 P. S. § 625.1101).

Fiscal Impact and Paperwork Requirements

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

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), a copy of the amendment was submitted on December 8, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was approved by the House and Senate Committees on December 13, 1995, and approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Kathleen McLinn, Board Administrator, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7156.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination.

(2) Persons affected by the amendment adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending § 5.6 to read as set forth in Annex A.

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

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

(d) This order shall be come effective immediately upon publication in the *Pennsylvania Bulletin*, and apply to examinations given in May 1996.

RANDY W. MCCALL, D.C.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-435. 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 5. STATE BOARD OF CHIROPRACTIC

Subchapter A. GENERAL PROVISIONS

§ 5.6. Fees.

The Board will charge the following fees:

Oral/Practical Examination in Chiropractic Technic for May 1996 examination only	\$45
Pennsylvania Chiropractic Law Examination	\$87
Application for Licensure by Examination	\$25
Application for Licensure by Reciprocity.....	\$65
Biennial Registration	\$210
Limited License	\$30
Adjunctive Procedure Certification	\$25
Certification of Grades or Licensure.....	\$25
Application for Continuing Education Course Approval	\$30
Radiological Procedures Examination	\$55
License Restoration	\$25

[Pa.B. Doc. No. 96-96. Filed for public inspection January 26, 1996, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

Examination Fees

The State Board of Cosmetology (Board) amends § 7.2 (relating to fees) pertaining to increased fees for January 1996, and subsequent examinations for licensure as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a), and section 16 of the Cosmetology Law (act) (63 P.S. § 522), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure to reflect contract costs for examination services. Beginning with the January 1996 examination, the professional testing contractor will offer the written examination in two parts: State law and regulations and the NIC examination. The theory only examination will no longer be available. Also, contract costs will change for examinations given on and after July 1996.

Public notice of intention to amend § 7.2 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (CDL) (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), has been omitted as authorized under section 204(3) of the CDL (45 P.S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendment have been given actual notice of the Board's intention to amend § 7.2 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 16 of the act.

Fiscal Impact and Paperwork Requirements

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

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P.S. § 745.5(f)), a copy of the amendment was submitted on December 6, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P.S. §§ 732-1—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was approved by the House Committee on December 13, 1995, deemed approved by the Senate Committee on December 26, 1995, and approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Sara Sulpizio, Board Administrator, State Board of Cosmetology, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7130.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires candidate fees cover the cost of the examination.

(2) Persons affected by the amendment adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 7, are amended by amending § 7.2 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the Pennsylvania Bulletin, and apply to examinations administered on and after January 1, 1996.

ANTONETTE J. GRYGÓ, Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-452. 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 7. STATE BOARD OF COSMETOLOGY GENERAL PROVISIONS

§ 7.2. Fees.

(a) Following is the schedule of fees charged by the Board:

Licensing examination for cosmetologist (complete) \$50
Licensing examination for cosmetologist (practical only) \$24
Licensing examination (State law, rules and regulations) \$18.50
Licensing examination (NIC written) \$24.50

Licensing examination for manicurist (complete) \$50
Licensing examination for manicurist (State law, rules and regulations) \$18.50
Licensing examination for manicurist (practical only) \$24
Licensing examination for manicurist (NIC written) \$24.50
Licensing examination for cosmetician (complete) \$55
Licensing examination for cosmetician (practical only) \$24
Licensing examination for cosmetician (State law, rules and regulations) \$18.50
Licensing examination for cosmetician (NIC written) \$29.50
Licensing examination for cosmetology teacher (complete) \$55
Licensing examination for cosmetology teacher (practical only) \$24
Licensing examination for cosmetology teacher (State law, rules and regulations) \$18.50
Licensing examination for cosmetology teacher (NIC written) \$29.50
Licensing examination for cosmetology shop manager \$31
Licensing examination for cosmetology shop manager (State law, rules and regulations) \$18.50
Licensing examination for cosmetology shop manager (NIC written) \$29.50
Licensure of cosmetologist, manicurist or cosmetician \$5
Licensure of cosmetology shop manager or cosmetology teacher \$10
Licensure of cosmetology shop, manicurist shop or cosmetician shop \$35
Licensure of cosmetology school \$95
Licensure by reciprocity \$25
Registration of cosmetology apprentice \$35
Biennial renewal of manicurist's license \$21
Biennial renewal of cosmetician's license \$21
Biennial renewal of cosmetologist's license \$23
Biennial renewal of cosmetology shop manager's or cosmetology teacher's license \$36
Biennial renewal of cosmetology shop's license \$41
Biennial renewal of cosmetician or manicurist shop's license \$25
Biennial renewal of cosmetology school's license \$66
Approval of cosmetology school supervisor \$10
Change in cosmetology shop (inspection required) \$35
Change in cosmetology shop (no inspection required) \$15
Reinspection of cosmetology shop \$15
Certification of licensure \$10

(b) Effective July 1996, fees will increase as indicated:

Licensing examination for cosmetologist (complete)	\$52.50
Licensing examination for cosmetologist (practical only)	\$24
Licensing examination (State law, rules and regulations)	\$18.50
Licensing examination (NIC written)	\$27
Licensing examination for manicurist (complete) ..	\$52.50
Licensing examination for manicurist (State law, rules and regulations)	\$18.50
Licensing examination for manicurist (practical only)	\$24
Licensing examination for manicurist (NIC written)	\$27
Licensing examination for cosmetician (complete) .	\$52.50
Licensing examination for cosmetician (practical only)	\$24
Licensing examination for cosmetician (State law, rules and regulations)	\$18.50
Licensing examination for cosmetician (NIC written)	\$27
Licensing examination for cosmetology teacher (complete)	\$52.50
Licensing examination for cosmetology teacher (practical only)	\$24
Licensing examination for cosmetology teacher (State law, rules and regulations)	\$18.50
Licensing examination for cosmetology teacher (NIC written)	\$27
Licensing examination for cosmetology shop manager	\$28.50
Licensing examination for cosmetology shop manager (State law, rules and regulations)	\$18.50
Licensing examination for cosmetology shop manager (NIC written)	\$27

[Pa.B. Doc. No. 96-97. Filed for public inspection January 26, 1996, 9:00 a.m.]

new contract with the Council of Landscape Architectural Registration Boards executed September 1, 1995.

Public notice of intention to amend § 15.12 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by this amendment have been given actual notice of the Board's intention to amend § 15.12 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 4(2) and (3) of the act.

Fiscal Impact and Paperwork Requirements

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

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), a copy of the amendment was submitted on December 6, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-1—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was approved by the House Committee on December 13, 1995, deemed approved by the Senate Committee on December 26, 1995, and approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Dorna Thorpe, Board Administrator, State Board of Landscape Architects, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires candidate fees cover the cost of the examination.

(2) Persons affected by the amendment adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Examination Fees

The State Board of Landscape Architects (Board) amends § 15.12 (relating to fees) pertaining to increased fees for December 1995, and subsequent examinations for licensure as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a), and section 4(2) and (3) of the Landscape Architects Registration Law (act) (63 P. S. § 904(2) and (3)), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure. Contract costs for examination services increased beginning December 1995, under the

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending § 15.12 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and apply to examinations administered on and after September 1, 1995.

DAVID M. DUTOT, LA,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-611. 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 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

- (1) Application for examination..... \$40
- (2) Certification of licensure or scores..... \$15
- (3) Complete licensing examination for:
 - (i) 1995..... \$440
 - (ii) 1996..... \$500
- (4) Partial licensing examination for:
 - (i) December 1995:
 - (A) Section 1..... Not available
 - (B) Section 2..... Not available
 - (C) Section 3..... \$97
 - (D) Section 4..... \$97
 - (E) Section 5..... \$97
 - (F) Section 6..... \$97
 - (G) Section 7..... Not available
 - (ii) June 1996:
 - (A) Section 1..... \$30
 - (B) Section 2..... \$35
 - (C) Section 3..... \$97
 - (D) Section 4..... \$97
 - (E) Section 5..... \$97
 - (F) Section 6..... \$97

- (G) Section 7..... \$47
- (iii) December 1996:
 - (A) Section 1..... Not available
 - (B) Section 2..... Not available
 - (C) Section 3..... \$106
 - (D) Section 4..... \$106
 - (E) Section 5..... \$106
 - (F) Section 6..... \$106
 - (G) Section 7..... Not available
- (iv) June 1997:
 - (A) Section 1..... \$38
 - (B) Section 2..... \$68
 - (C) Section 3..... \$106
 - (D) Section 4..... \$106
 - (E) Section 5..... \$106
 - (F) Section 6..... \$106
 - (G) Section 7..... Not available
- (5) The L.A.R.E. will become a six-part examination in June, 1997.
 - (i) December 1997:
 - (A) Section 1..... Not available
 - (B) Section 2..... Not available
 - (C) Section 3..... \$108
 - (D) Section 4..... \$108
 - (E) Section 5..... \$108
 - (F) Section 6..... \$108
 - (ii) June 1998:
 - (A) Section 1..... \$39
 - (B) Section 2..... \$69
 - (C) Section 3..... \$108
 - (D) Section 4..... \$108
 - (E) Section 5..... \$108
 - (F) Section 6..... \$108
 - (6) Administration of examination for one section or more..... \$45
 - (7) Landscape Architect Exam Review (optional)... \$75
 - (8) Application for licensure without examination:
 - (i) With proof of licensure..... \$45
 - (ii) Without proof of licensure..... \$255
 - (9) Duplicate certificate fee..... \$5
 - (10) Biennial registration fee..... \$125

[Pa.B. Doc. No. 96-98. Filed for public inspection January 26, 1996, 9:00 a.m.]

STATE BOARD OF PODIATRY

**[49 PA. CODE CH. 29]
Examination Fees**

The State Board of Podiatry (Board) amends §§ 29.13 and 29.83 (relating to fees; and examinations) pertaining

to increased fees for the radiology and licensure examinations for October and December 1995, respectively, and subsequent examinations for licensure as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 4, 14 and 21.2 of the Podiatry Practice Act (act) (63 P. S. §§ 42.4, 42.14 and 42.21c), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. These amendments will change fees for examinations to candidates for licensure.

Public notice of intention to amend §§ 29.13 and 29.83 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendments have been given actual notice of the Board's intention to amend §§ 29.13 and 29.83 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

These amendments are adopted under section 812.1 of The Administrative Code of 1919 and sections 4, 14 and 21.2 of the act.

Fiscal Impact and Paperwork Requirements

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

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), a copy of the amendments was submitted on December 7, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-1—732-506).

Under section 5(c) of the Regulatory Review Act, the amendments were approved by the House Committee on December 13, 1995, deemed approved by the Senate Committee on December 27, 1995, and were approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Shirley Klinger, Board Administrator, State Board of Podiatry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulations adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 812.1

of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination.

(2) Persons affected by the amendments adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 29, are amended by amending §§ 29.13 and 29.83 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and apply to examinations administered on and after September 1, 1995.

STANLEY E. BOC, D.P.M.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-441. 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 29. STATE BOARD OF PODIATRY LICENSES

§ 29.13. Fees.

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

Examination or reexamination.....	\$345
Effective June 1996.....	\$395
Initial license.....	\$25
Biennial renewal of license.....	\$175
License by reciprocity.....	\$105
Branch office certificate.....	\$20
Application for approval of educational conference .	\$50
Certification of licensure or scores.....	\$15
Verification of licensure.....	\$10

(b) Fees for examination or reexamination and initial license shall accompany the application. Refunds of fees for examination or reexamination and initial license shall be as specified in the application for examination.

(c) Other fees shall accompany applications and be made payable to the "Commonwealth of Pennsylvania" by personal check or money order. These fees will not be refunded.

PERFORMANCE OF RADIOLOGICAL PROCEDURES BY AUXILIARY PERSONNEL

§ 29.83. Examinations.

(a) An examination in radiology shall cover the subjects of anatomy, physiology and physics for technicians and radiographers, with emphasis being placed on the scope of the practice of podiatric medicine.

(b) Applications for examination shall be completed on forms furnished by the Board and submitted at least 60 days prior to the scheduled date of the examination to the State Board of Podiatry, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

(c) The fee for examination is \$87.

[Pa.B. Doc. No. 96-99. Filed for public inspection January 26, 1996, 9:00 a.m.]

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
[49 PA. CODE CH. 39]
Examination Fees

The State Board of Examiners of Nursing Home Administrators (Board) amends § 39.72 (relating to fees) pertaining to increased fees for October 1995, and subsequent examinations for licensure as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a), and section 7.1 of the Nursing Home Administrators Act (act) (63 P. S. § 1107.1), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure. Contract costs for examination services increased October 1995, under the new contract executed September 1, 1995.

Public notice of intention to amend § 39.72 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (CDL) (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendment have been given actual notice of the Board's intention to amend § 39.72 in advance of final rulemaking under section 204(2) of the CDL.

Statutory Authority

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and section 7.1 of the act.

Fiscal Impact and Paperwork Requirements

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

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), a copy of the amendment was submitted

on December 7, 1995, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-1—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was deemed approved by the House Committee on December 13, 1995, deemed approved by the Senate Committee on December 27, 1995, and was approved by IRRC on January 3, 1996.

Additional Information

Individuals who desire information are invited to submit inquiries to Melissa Wilson, Board Administrator, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires candidate fees cover the cost of the examination.

(2) Persons affected by the amendment adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

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

Order

The Board acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 39, are amended by amending § 39.72 to read as set forth in Annex A.

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

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and apply to examinations administered on and after September 1, 1995.

RONALD GABRIEL,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 284 (January 20, 1996).)

Fiscal Note: 16A-621. 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 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

RENEWAL

§ 39.72. Fees.

The following is a schedule of fees charged by the Board:

- Biennial renewal of nursing home administrators license \$108
- License application fee \$30

- N.A.B. examination fee..... \$170
- State rules and regulations examination \$87
- Complete nursing home administration examination..... \$212
- Temporary permit fee \$150
- Certification of examination scores..... \$15
- Verification of licensure fee..... \$10
- Continuing education provider application fee \$50
- Continuing education program application fee per credit \$10
- Continuing education individual program application fee..... \$20

[Pa.B. Doc. No. 96-100. Filed for public inspection January 26, 1996, 9:00 a.m.]
