

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Advance Notice of Proposed Rulemaking on Generic Competitive Safeguards and Imputation Requirements for IntraLATA Services; Doc. Nos. L-00990141, M-00960799

The Pennsylvania Public Utility Commission (Commission) is required to develop regulations for competitive safeguards under 66 Pa.C.S. §§ 3005(b) and 3005(g)(2).

The Commission seeks comments on any and all issues relevant to the development of generic competitive safeguards regulations. The Commission is particularly interested in seeking comments on whether cost allocation, unbundling and imputation issues developed in its earlier proceedings at Doc. Nos. P-00930715 and M-00940587 should be included in any generic competitive safeguards regulations. The Commission also seeks comment on whether imputation requirements for intraLATA services by local exchange carriers remaining from the Commission's Federal Telecommunications Act of 1996 Implementation Order, Doc. No. M-00960799, should be addressed in the competitive safeguards regulations.

Interested persons wishing to submit comments must file an original and 15 copies with the Secretary's Bureau, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 45 days of publication in the *Pennsylvania Bulletin* and reply comments within 30 days thereafter.

The contact persons at the Commission are Carl S. Hisiro, Assistant Counsel, Law Bureau, (717) 783-2812 (legal) and Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175 (technical).

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-585. Filed for public inspection April 9, 1999, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

### [49 PA. CODE CH. 33] Verification/Certification Fees

The State Boards of Dentistry, Occupational Therapy Education and Licensure, Social Work Examiners, Veterinary Medicine and the Registration Board for Professional Engineers, Land Surveyors and Geologists (Boards), propose to amend their regulations in §§ 33.3, 47.4, 42.17, 31.41 and 37.17, pertaining to fees for verification and certification of licensure records to read as set forth in Annex A, B, C, D and E.

#### A. *Effective Date*

The proposed amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

The Boards are authorized to set fees by regulation under the following statutory provisions: section 4(b) of The Dental Law (63 P.S. § 123(b)); section 17 of the Occupational Therapy Practice Act (63 P.S. § 1517); section 18(c) of the Social Workers' Practice Act (63 P.S. § 1918(c)); section 13(a) of the Veterinary Medicine Practice Act (63 P.S. § 485.13(a)); and section 9 of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156).

#### C. *Description*

The statutory provisions in Section B require that the Boards set fees to cover operating and enforcement costs. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees proposed by the Boards in this rulemaking represent the cost of providing an official sealed document of Board records. Verification refers to license status and certification refers to examination scores or reports. Both certification and verification documents are typically used in connection with a licensee's application for a license in another state. By these proposed amendments, the cost of providing the service will be apportioned to users.

This proposed rulemaking results from a recent systems audit of the existing fees for services of the Boards within the Bureau of Professional and Occupational Affairs. The fees had been established based on 1988 estimated costs. Auditors analyzed all fees for services to determine if the fees reflected actual current costs of services. The audit determined that the current service fees for the Boards subject to this proposed rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records. For verifications in §§ 33.3 (Dentistry) and 31.41 (Veterinary Medicine), the existing fee of \$10 was insufficient to capture the actual cost of providing the service. The proposed amendments would increase the fee \$5, reflecting actual cost rounded to the nearest \$5 increment. For certifications, the fee would similarly be increased from \$15 to \$25 in § 33.3. A new fee for certifications would be added to §§ 31.41 (Veterinary Medicine) and 47.4 (Social Workers). New verification and certification fees would be added to §§ 42.17 (Occupational Therapy) and 37.15 (Engineers, Land Surveyors and Geologists).

In adopting the proposed amendments, the Boards will place all fees for the services which they provide upon the licensee who requests the service. Allocating the cost of a service to licensees will allow the Boards to more fairly apportion the enforcement and operating costs on the licensing population when the Boards make their biennial reconciliation of revenue and expenditures. These overall costs are borne by all licensees through biennial renewal fees.

#### D. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 1999, the Boards submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the

proposed amendments, the Boards have provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Boards in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Boards within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor, of objections raised.

E. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Boards considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who request certification or verification services from the Boards. The proposed amendments will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

G. Sunset Date

The Boards continuously monitor the cost effectiveness of the regulations. Therefore, no sunset date has been assigned.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments by writing the Board Administrator at P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking. The appropriate Administrator is as follows: June Barner—State Board of Dentistry; Clara Flinchum—State Board of Occupational Therapy Education and Licensure; Clara Flinchum—State Board of Social Work Examiners; Robert Kline—State Board of Veterinary Medicine; Shirley Klinger, State Registration Board for Professional Engineers, Land Surveyors and Geologists.

NORBERT O. GANNON, D.D.S.,  
Chairperson

**Fiscal Note:** 16A-469. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter A. GENERAL PROVISIONS**

**§ 33.3. Fees.**

Following is the schedule of fees charged by the Board:

\* \* \* \* \*

Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants. . . . [ \$10 ] \$15

Certification of scores, permit or registration fee—dentists, dental hygienists and expanded function dental assistants . . . . . [ \$15 ] \$25

\* \* \* \* \*

[Pa.B. Doc. No. 99-586. Filed for public inspection April 9, 1999, 9:00 a.m.]

**STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

[49 PA. CODE CH. 42]

**Fees**

*(Editor's Note:* For the preamble related to this proposal see 29 Pa.B. 1895 (April 10, 1999)).

HANNA GRUEN,  
Chairperson

**Fiscal Note:** 16A-672. No fiscal impact; (8) recommends adoption.

**Annex B**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

**LICENSURE**

**§ 42.17. Licensure fees.**

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

\* \* \* \* \*

(4) Verification of licensure . . . . . \$15  
(5) Certification of license, scores or hours. . . . . \$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

\* \* \* \* \*

(4) Verification of licensure . . . . . \$15  
(5) Certification of license, scores or hours. . . . . \$25

[Pa.B. Doc. No. 99-587. Filed for public inspection April 9, 1999, 9:00 a.m.]

# STATE BOARD OF SOCIAL WORK EXAMINERS

[49 PA. CODE CH. 47]  
Verification Fee

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

MANUEL J. MANOLIOS,  
Chairperson

**Fiscal Note:** 16A-693. No fiscal impact; (8) recommends adoption.

## Annex C

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 47. STATE BOARD OF SOCIAL WORK EXAMINERS**  
**GENERAL PROVISIONS**

### § 47.4. Licensure fees.

(a) The fee schedule for licensure as a licensed social worker or for a provisional license shall be as follows:

\* \* \* \* \*

(5) Verification of licensure . . . . . [ \$10 ] \$15

(6) Certification of license, scores or hours . . . \$25

\* \* \* \* \*

[Pa.B. Doc. No. 99-588. Filed for public inspection April 9, 1999, 9:00 a.m.]

# STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]  
Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

JEFFREY M. OTT, V.M.D.,  
Chairperson

**Fiscal Note:** 16A-578. No fiscal impact; (8) recommends adoption.

## Annex D

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**  
**FEES**

### § 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

*Veterinarians:*

\* \* \* \* \*

Verification of licensure . . . . . [ \$10 ] \$15  
Certification of scores or hours . . . . . \$25

\* \* \* \* \*

*Animal health technicians:*

\* \* \* \* \*

Verification of certification . . . . . [ \$10 ] \$15  
Certification of scores or hours . . . . . \$25

\* \* \* \* \*

[Pa.B. Doc. No. 99-589. Filed for public inspection April 9, 1999, 9:00 a.m.]

# STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[49 PA. CODE CH. 37]  
Verification/Certification Fees

(Editor's Note: For the preamble related to this proposal, see 29 Pa.B. 1895 (April 10, 1999)).

LOUIS A. GUZZI, P.E.,  
President

**Fiscal Note:** 16A-477. No fiscal impact; (8) recommends adoption.

## Annex E

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**  
**QUALIFICATIONS FOR LICENSURE**

### § 37.17. Schedule of fees.

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

\* \* \* \* \*

(c) *Other Fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores . . . . . \$25  
Verification of license, registration or permit . . \$15

[Pa.B. Doc. No. 99-590. Filed for public inspection April 9, 1999, 9:00 a.m.]