

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CHIROPRACTIC [49 PA. CODE CH. 5]

Radiologic Procedures Examination Fees

The State Board of Chiropractic (Board) amends § 5.6 (relating to fees) to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a), and section 522(a) of the Chiropractic Practice Act (act) (63 P. S. § 625.522(a)), required examinations must be prepared and administered by a professional testing organization under contract to the Board. The Board contracts with the American Chiropractic Registry of Radiologic Technologists (ACRRT) to provide the Board approved radiologic procedures examination for auxiliary personnel. The new fee reflects a reduction in the fee charged to examinees.

Public notice of intention to amend the regulation under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) 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, however, 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.

Compliance with Executive Order 1996-1

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

Statutory Authority

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

Fiscal Impact and Paperwork Requirements

This rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Persons wishing to perform radiologic procedures under the supervision of a chiropractor are required to take and pass either a National certification examination or an examination approved by the State Boards of Medicine or Osteopathic Medicine, or the Board under § 5.62 (relating to auxiliary personnel who may perform radiological procedures). Persons who elect to take the Board approved examination will be required to pay the fee to cover contract costs for the examination.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 12, 1999, a copy of the

final-omitted regulation was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairperson of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the final-omitted regulation 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 5.1(d) of the Regulatory Review Act, the final-omitted regulation was deemed approved by the Senate Committee on April 1, 1999, and was approved by the House Committee on March 23, 1999. Under section 5.1(e) of the Regulatory Review Act, IRRC met and approved the final-omitted regulation on April 8, 1999.

Additional Information

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

Findings

The Board finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under sections 201 and 202 of the CDL, has been omitted under 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 regulation as amended 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.

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 become effective immediately upon publication in the *Pennsylvania Bulletin*.

DONALD J. MAHER, D.C.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 2195 (April 24, 1999).)

Fiscal Note: 16A-4310. 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

§ 5.6. Fees.

The Board will charge the following fees:

Pennsylvania Chiropractic Law Examination	\$87
Application for licensure by examination	\$25
Application for licensure by reciprocity	\$65
Biennial registration	\$210
Limited license	\$30
Adjunctive procedure certification	\$25
Certification of grades or licensure	\$25
Application for continuing education course approval	\$30
Radiological procedures examination	\$58
License restoration	\$25

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[Pa.B. Doc. No. 99-701. Filed for public inspection April 30, 1999, 9:00 a.m.]

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 examination fees for licensure of landscape architects, to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. The Board contracts with the Council of Landscape Architectural Registration Boards (C.L.A.R.B.) to provide the Landscape Architect Registration Examination (L.A.R.E.) to Pennsylvania applicants. Costs for examination services will increase slightly beginning with the December 1999 examinations. This rulemaking will update fees for examinations to applicants for licensure as landscape architects in accordance with the new costs.

The rulemaking will also incorporate revised section designations which will be utilized beginning with the June 1999 L.A.R.E. administration. Alphabetical, rather than numerical, designations will identify the various sections of the L.A.R.E. A new Section C will replace old Sections 3 and 4 which were administered for the last time in December 1998. Applicants who have passed either Section 3 or Section 4, but not both, will be required to complete new Section C. Those who have passed both Sections 3 and 4 will be given credit for new Section C.

The following chart summarizes the section designation changes.

<i>Current (1998) L.A.R.E. Equivalent</i>	<i>New (1999) L.A.R.E. Title</i>
Section 1—Legal and Administrative Aspects of Practice	Section A—Legal and Administrative Aspects of Practice
Section 2—Analytical and Technical Aspects of Practice	Section B—Analytical Aspects of Practice
Section 3—Conceptualization and Communication; and	Section C—Planning and Site Design
Section 4—Design Synthesis	
Section 5—Integration of Technical and Design Requirements	Section D—Structural Considerations and Materials and Methods of Construction
Section 6—Grading and Drainage	Section E—Grading, Drainage and Storm Water Management

Public notice of intention to amend the regulation under procedures in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted 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 regulation, however, have been given actual notice of the Board's intention to adopt this regulation in advance of final rulemaking under section 204(2) of the CDL.

Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory review and promulgation). This rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Statutory Authority

This rulemaking is proposed under section 812.1 of The Administrative Code of 1929 and sections 4(2) and (9) and 5(a) of the Landscape Architects' Registration Law (63 P. S. §§ 904(2) and (9) and 905(a)).

Fiscal Impact and Paperwork Requirements

This rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Applicants for the licensure examinations will be required to pay slightly increased fees to cover contract costs for the examinations.

This rulemaking will not create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 10, 1999, a copy of this rulemaking was submitted to the Independent Regulatory Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Profes-

sional Licensure and the House Committee on Professional Licensure. At the same time, a copy of this rulemaking 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 5.1(d) of the Regulatory Review Act, this rulemaking was approved by the House Committee on March 23, 1999, and deemed approved by the Senate Committee on March 30, 1999. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 1999 and approved the rulemaking.

Additional Information

Individuals who desire information may submit inquiries to Shirley S. Klinger, Board Administrator, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 772-8528.

Findings

The Board finds that:

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

(2) Persons affected by the regulation as 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 regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

The Board, acting under its authorizing statutes, 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 upon publication in the *Pennsylvania Bulletin*.

DAVID M. DUTOT, L.A.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 2195 (April 24, 1999).)

Fiscal Note: 16A-614. 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) Fee per section of licensing examination:
 - (i) June 1999:
 - Section A \$40
 - Section B \$75
 - Section C \$150
 - Section D \$125
 - Section E \$150
 - (ii) December 1999:
 - Section Anot administered
 - Section Bnot administered
 - Section C \$160
 - Section D \$130
 - Section E \$160
 - (iii) June 2000:
 - Section A \$40
 - Section B \$80
 - Section C \$160
 - Section D \$130
 - Section E \$160
- (4) Administration of examination for one section or more \$45
- (5) Application for licensure without examination:
 - (i) With proof of licensure \$45
 - (ii) Without proof of licensure \$255
- (6) Duplicate certificate fee \$5
- (7) Biennial registration fee \$125

[Pa.B. Doc. No. 99-702. Filed for public inspection April 30, 1999, 9:00 a.m.]

**STATE BOARD OF PSYCHOLOGY
[49 PA. CODE CH. 41]
Examination Fees**

The State Board of Psychology (Board) amends § 41.12 (relating to fees) pertaining to increased fees for the National portion of the April 1999 and subsequent examinations for licensure to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a), examinations for licensure must be

prepared and administered by a professional testing organization under contract to the appropriate board. Both the National portion (Pennsylvania Practice of Psychology Examination) and the State portion (Pennsylvania Psychology Law Examinations) are administered by Professional Examination Service.

This rulemaking will change fees for the National portion of the examination to candidates for licensure. Contract costs for the National portion of the examination will increase from \$295 to \$350 per candidate beginning April 1999. To identify the source of the increase, the contract costs for each portion of the examination are segregated from the administrative costs. Therefore, while the Annex A alters the fees for the National and State portions of the examination as well as the administrative costs, only the fees for the National portion will be increased.

Public notice of intention to amend the regulation under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), 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. All persons affected by the rulemaking, however, 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.

Statutory Authority

This rulemaking is adopted under the authority of section 812.1 of The Administrative Code of 1929 and sections 3.2(2) and 3.3(d) of the Professional Psychologists Practice Act (act) (63 P. S. §§ 1203.2(2) and 1203.3(d)).

Fiscal Impact and Paperwork Requirements

The rulemaking 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 National portion of the examination.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 12, 1999, a copy of the final-omitted regulation was submitted 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 final-omitted regulation was submitted to the Office Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, the final-omitted regulation was deemed approved by the Senate Consumer Protection and Professional Licensure Committee on April 1, 1999, and was approved by the House Professional Licensure Committee on March 23, 1999. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 1999, and approved the final-omitted regulation.

Additional Information

Individuals who desire information are invited to submit inquiries to Melissa Wilson, Board Administrator, State Board of Psychology, 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 as 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 as 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.

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

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending § 41.12 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*.

YVONNE E. KEAIRNS, Ph.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to the document, see 29 Pa.B. 2195 (April 24, 1999).)

Fiscal Note: 16A-635. 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 41. STATE BOARD OF PSYCHOLOGY LICENSES

§ 41.12. Fees.

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

Initial application fee	\$105
Reapplication fee—first time examination failure.	\$15
Reapplication fee—subsequent examination failure	\$105
Examination fee—National part only	\$350
Examination fee—State part only	\$42
Administration fee (to be added to sum of parts taken at one sitting)	\$45

Certification fee.....	\$15
Biennial renewal fee.....	\$120
Application fee—continuing education sponsor/ provider approval.....	\$165

[Pa.B. Doc. No. 99-703. Filed for public inspection April 30, 1999, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Importation and Transportation of Horseshoe Crabs

The Fish and Boat Commission (Commission) by this order amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The rulemaking relates to the importation and transportation of horseshoe crabs.

A. Effective Date

The rulemaking will go into effect upon publication of an order adopting the regulation in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the rulemaking, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

The rulemaking is published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

D. Purpose and Background

The rulemaking is designed to update, modify and improve Commission regulations relating to the importation and transportation of fish. The specific purpose is described in more detail under the summary of changes.

E. Summary of Changes

Late in 1998, the Commission's Law Enforcement and Fisheries staff became aware of issues related to landing in Commonwealth ports of horseshoe crabs taken from ocean waters. These animals are protected in New Jersey and Delaware, and the Atlantic States Marine Fisheries Commission is working on efforts to provide coastal wide protections.

The immediate issue late last year was resolved when Delaware was able to take action to prevent the transportation of these fish through Delaware waters. However,

there was still a need for the Commission to take some action (similar to that the Commission took with respect to weakfish) to close any possible loopholes permitting landing of these fish in the Commonwealth. The Commission adopted the rulemaking as proposed.

F. Paperwork

The rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The rulemaking will impose no new costs on the private sector or the general public, except on those individuals who will now have to land horseshoe crabs in ports located in states other than this Commonwealth.

H. Public Involvement

A notice of proposed rulemaking was published at 29 Pa.B. 1397 (March 13, 1999). The Commission did not receive any public comments regarding this proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

(3) The adoption of the regulation of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by adding § 63.31 to read as set forth at 29 Pa.B. 1397.

(b) The Executive Director will submit this order and 29 Pa.B. 1397 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 1397 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-94 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-704. Filed for public inspection April 30, 1999, 9:00 a.m.]