

PROPOSED RULEMAKING

STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

Licensure, Certification, Examination and Registration Fees

The State Board of Medicine (Board) proposes to amend §§ 16.13, 16.13a, 16.17 and 18.303, by revising certain application fees to read as set forth in Annex A.

A. *Effective Date*

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

B. *Statutory Authority*

The amendments are authorized under section 6 of the Medical Practice Act (act) (63 P. S. § 422.6).

C. *Background and Purpose*

Section 6 of the act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs (Bureau), the fees for services for licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{array}{r} \text{Number of minutes to perform the function} \\ \times \\ \text{Pay rate for the classification of the personnel performing} \\ \text{the function} \\ + \\ \text{A proportionate share of administrative overhead} \end{array}$$

As a result of the audit, the Board proposes to increase 17 existing fees and to decrease two fees. The analysis determined that current fees do not accurately reflect the actual cost of processing applications and providing other services.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or submit an application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

Administrative Overhead

During reviews of other Bureau proposed fee regulations, the Independent Regulatory Review Commission (IRRC) requested that the Bureau and the boards: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the

charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the boards' enabling statutes.

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

IRRC suggested that within each Board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay 1/2 as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying IRRC suggested time factor versus the current method.

This review of board operations showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratiobased time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations

for the past 10 years. During these five biennial cycles, the experience of both the boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

In the past, questions have arisen as to the difference between certification and verification fees. The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally, the state of original licensure is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Pennsylvania Board and other boards certify the examination score the applicant achieved on the licensure examination.

The difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As noted above, states request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when applying to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee.

In the case of a "verification" the staff produces the requested documentation by a letter, usually computer-generated, which contains the license number, date of original issuance and current expiration date, and status of the license. The letters are printed for the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes.

The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment or training in another state. A certification document contains information specific to the individual requestor. It may include dates or locations where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to

prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted in order to provide the information requested. The Board staff then seals and issues this document.

The Board is also taking this opportunity to consolidate its fees under one section. The Board is also eliminating references to Nationally established examination fees over which the Board has no control or involvement.

The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Over the past several years National uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the National examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to National examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in the Board's regulations. Since examination fees are no longer established by the Board, section 6 of the act is inapplicable as to National uniform examinations. Thus, the Board is eliminating reference to these examination fees.

D. *Compliance with Executive Order 1996-1*

In accordance with the Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. *Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no adverse 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 apply for services from the Board. The proposed amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of this proposed regulation on November 16, 2000, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any portion of the proposed rulemaking, it will notify the Board 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 regulations, by the Board, the General Assembly and the Governor, of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Gerald S. Smith, Counsel, State Board of Medicine, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-4910 (Fees), when submitting comments.

CHARLES D. HUMMER, JR., M.D.
Chairperson

Fiscal Note: 16A-4910. 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 16. STATE BOARD OF MEDICINE

Subchapter B. GENERAL LICENSURE, CERTIFICATION EXAMINATION AND REGISTRATION PROVISIONS

§ 16.13. Licensure, certification, examination and registration fees.

[(a) The examination fee for the December 1995, and following administrations of the USMLE Step 3 examination is \$375.

(b) The fee for a license without restriction for a graduate of an accredited medical college is \$20. The fee for a license without restriction for a graduate of an unaccredited medical college is \$80. The biennial registration fee for a license without restriction is \$125.

(c) The fee for an institutional license is \$35.

(d) The fee for an extraterritorial license is \$10. The biennial registration fee for an extraterritorial license is \$80.

(e) The fee for a graduate license for a graduate of an accredited medical college is \$15. The fee for a graduate license for a graduate of an unaccredited medical college is \$80. The fee to renew a graduate license is \$15.

(f) The fee for a temporary license is \$35.

(g) The fee for an interim limited license is \$10. The fee to renew an interim limited license is \$10.

(h) The fee for a midwife license is \$20. The biennial registration fee for a midwife license is \$40.

(i) The fee for a physician assistant certificate is \$15. The biennial registration fee for a physician assistant certificate is \$40.

(j) The fee for registration as a supervising physician of a physician assistant is \$15.

(k) The fee for registration as a physician assistant supervisor of a physician assistant is \$55.

(l) The application fee for satellite location approval is \$45.

(m) The fee for an acupuncturist registration is \$15. The biennial registration fee for an acupuncturist registration is \$40.

(n) The fee for an acupuncturist supervisor registration is \$15.

(o) The biennial registration fee for a drugless therapist license is \$35.

(p) The biennial registration fee for a limited license—permanent—is \$25.

(q) There is no initial registration fee for a license, certificate or registration subject to biennial registration requirements.

(r) The fees for examination in radiologic procedures are listed in this subsection.

(1) The fee for the ARRT Examination in Radiography is \$30.

(2) The fee for the ARRT Examination in Radiation Therapy Technology is \$30.

(3) The fee for the ARRT Examination in Nuclear Medicine Technology is \$30.

(4) The fee for the ARRT Limited Examinations in Radiography is \$35. Study material may be purchased from the Board for \$21.

(5) The fee for the ARRT Limited Examination in Radiography—Skull and Sinuses is \$35.

(s) The fee for SPEX (Special Purpose Examination) is \$550.]

(a) *Fees.* The following fees apply:

Medical Doctor licenses:

License without restriction:

Application, graduate of accredited medical college	\$35
Application, graduate of unaccredited medical college	\$85
Biennial renewal	\$125

Extraterritorial license:

Application	\$30
Biennial renewal	\$80

Graduate license:

Application, graduate of accredited medical college	\$30
Application, graduate of unaccredited medical college	\$80
Annual renewal	\$15

Interim limited license:

Application	\$30
Biennial renewal	\$10

Miscellaneous:

Application, Institutional license	\$30
Application, Temporary license	\$35
Biennial renewal, Limited license (permanent)	\$25

Midwife license:

Application	\$30
Biennial renewal	\$40

Physician assistant certificate:

Application	\$30
Biennial renewal	\$40
Registration, physician assistant supervisor	\$45
Registration of additional supervisors	\$5
Satellite location approval	\$25

Acupuncturist registration:	
Application	\$30
Biennial renewal	\$40
Registration, acupuncture supervisor	\$30
Drugless therapist license:	
Biennial renewal	\$35
Radiology technician:	
Application for examination	\$25
Respiratory care practitioner certificate:	
Application, temporary permit	\$30
Application, initial certification	\$30
Biennial renewal	\$25
Verification or certification:	
Verification of status	\$15
Certification of records	\$25

(4) Reexamination	\$60
(5) Biennial renewal of certification	\$25]

[Pa.B. Doc. No. 00-2062. Filed for public inspection December 1, 2000, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Examinations, Application for Licensure and Certification, Fees

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.3, 31.11, 31.32—31.35 and 31.41 to read as set forth in Annex A. The proposed rulemaking would amend the Board's regulations to accurately reflect the provision and submission of applications for licensure as a veterinarian and for certification as an animal health technician. In addition, the proposed rulemaking deletes references to the fees charged by the testing organizations from the schedule of fees for both the National veterinary examination and National veterinary technician examination. Finally, the proposed rulemaking reflects the additional questions relating to an applicant's background that appear on the application for certification as an animal health technician.

Effective Date

The final-form regulations would be effective on final publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5), sets forth the powers and duties of the Board. Section 5(7) of the act directs the Board to prescribe the subject, character, manner, time and place of the filing of applications for examinations. In addition, section 11 of the act (63 P. S. § 485.11) directs the Board to promulgate by regulation the qualifications and requirements for the certification and regulation of animal health technicians.

Background and Need for the Proposed Rulemaking

Provision and Submission of Applications

The amendments proposed to §§ 31.3 and 31.11 (relating to examinations; and application for licensure) reflect the changes that have been made to the applications for licensure by examination for veterinarians. By way of final rulemaking published at 30 Pa.B. 3044 (June 17, 2000), the Board established the North American Veterinary Licensing Examination (NAVLE), administered by the National Board Examination Committee, as the examination required for licensure in this Commonwealth. Applicants for licensure by examination shall request the application for this examination from the Board and then shall submit the application form, along with the required fee, directly to the testing organization. A separate application form is mailed to applicants with the examination application; this application shall be completed and returned to the Board.

The National Board Examination Committee sets the deadline by which applications shall be received, therefore, references to the time by which the examination application shall be submitted is deleted from the regula-

(b) Examination fees. The Board has adopted Nationally recognized examinations in each licensing class. Fees are established by the National owners/providers of the examinations and are indicated in the examination applications.

§ 16.13a. [Temporary waiver of biennial registration fees] (Reserved).

[Biennial registration fees in § 16.13 (relating to licensure, certification, examination and registration fees) are waived until the expiration of the 1987-88 biennial registration period.]

§ 16.17. Certification of license, certificate or registration status.

(a) The status of a license, certificate or registration issued by the Board will be certified by the Board to other jurisdictions or persons upon formal application and payment of [\$10] the fee indicated under § 16.13 (relating to licensure, certification, examination and registration fees).

* * * * *

(c) A request to certify the status of a person's license, certificate or registration or information regarding a person's license, certificate or registration status shall be forwarded to the Board, accompanied by [a] the fee [of \$10] indicated under § 16.13 in the form of a certified check, cashier's check, money order or personal check payable to the Commonwealth of Pennsylvania.

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter F. RESPIRATORY CARE PRACTITIONERS

§18.303. [Fees] (Reserved).

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

(1) Temporary permit.....	\$15
(2) Initial certification.....	\$15
(3) Certification examination.....	\$90
(Effective 7-96).....	\$100

tions. In contrast, the application form that is submitted to the Board will be submitted at least 60 days prior to the first day of the administration of the NAVLE, so this information is added to the regulations.

The amendments proposed to §§ 31.33—31.35 (relating to applications; qualification for examination; and examinations) reflect changes to the application procedure for applicants for certification as an animal health technician.

The proposed amendment to § 31.33 reflects that applicants for certification by examination receive two application forms from the professional testing organization. One of the forms is returned, with the examination fee, to the professional testing organization. The second application form is returned, with the required fee, to the Board. The proposed amendments to § 31.33 also reflect that there is only one application for certification by endorsement and that this application is obtained from and submitted to the Board.

The proposed amendment to § 31.34 clarifies that a person who wishes to take the veterinary technician National examination shall be a graduate of an approved school. This amendment clarifies the Board's position that only graduates of approved schools who are seeking certification as an animal health technician may qualify to take the examination. A person who wishes to take the examination solely for the purpose of assisting legitimate applicants to pass the test do not qualify to take the examination.

The proposed amendments to § 31.35 serve to reflect that the professional testing organization, not the Board, determines the frequency and location of the Veterinary Technician National Examination. In addition, because the professional testing organization, not the Board, determines the fee charged for the examination, the proposed amendment deletes references to the cost of the examination in the Board's schedule of fees in § 31.41 (relating to schedule of fees).

Additional Requirements for Certification as an Animal Health Technician

The proposed amendment to § 31.32 (relating to certification) reflects that the technician application contains questions related to an applicant's criminal history and history of licensure in other states. The proposed amendments require that an applicant for licensure as an animal health technician disclose whether they have ever been licensed as such in another state and whether another state's licensing board has ever taken disciplinary action against that license. In addition, the proposed amendment would require applicants to disclose whether they had ever been convicted of a felony prohibited by The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or any felony relating to a controlled substance in another court, unless the conviction is more than 10 years old. The proposed amendment parallels the requirements for licensure as a veterinarian in the section 9 of the act (63 P. S. § 485.9). The proposed amendments would not automatically preclude an applicant with a felony record related to a drug offense from obtaining certification; however, the applicant would be required to demonstrate to the Board that they are no longer at risk of committing drug-related offenses.

Because the grant of a license to practice as an animal health technician may permit the licensee access to controlled substances and other drugs, the Board believes it is appropriate to conduct the same type of prescreening of these applicants as is conducted for applicants seeking licensure as a veterinarian.

Elimination of References to Examination Fees

The proposed amendment to § 31.41 deletes references to the North American Veterinary Licensing Examination fee of \$325 and the Veterinary Technician National Examination fee of \$125. These fees are set by the administrators of the examinations, not by the Board. The fees are uniform throughout the United States. To avoid the necessity of amending its regulations whenever the examination administrator might change the fees, the Board proposes to delete references to the fees.

Description of Proposed Amendments

The proposed rulemaking would amend the Board's regulations to reflect that the two applications for veterinary licensure are obtained from the Administrative Office of the Board and that one application is returned to the Board and one application is submitted, along with the required fee, directly to the National examination administrator. The proposed rulemaking would also amend the Board's regulations to reflect that the two applications for animal health technician certification are obtained directly from the professional testing organization and that one application is returned to the Board and one application is submitted, along with the required fee, directly to the testing organization. Finally, the proposed rulemaking would delete references to the cost of the veterinary examination and veterinary technician examination because these fees are set by the National examination administrator and professional testing organization and not by the Board.

Fiscal Impact

The proposed amendments will have no fiscal impact on the Board or its licensees. The proposed amendments should have no fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

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

Sunset Date

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 14, 2000, the Board submitted a copy of these proposed amendments to IRRC and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days after the expiration 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-form publication of the regulations, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

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

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Fiscal Note: 16A-5713. 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 31. STATE BOARD OF VETERINARY MEDICINE
GENERAL PROVISIONS

§ 31.3. Examinations.

(a) The examination required as a prerequisite to original licensure as a veterinarian is the North American Veterinary Licensing Examination (NAVLE). The examination will be given at least annually [and at other times deemed appropriate by the Board, in consultation with] by the National Board Examination Committee.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by [writing or telephoning] contacting the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649 [, (717) 783-1389], veterina@pados.dos.state.pa.us.

(c) Examination applications and the fee required [by § 31.41 (relating to schedule of fees)] shall be submitted directly to the [professional testing organization designated by the Board at least 60 days prior to the examination date] National Board Examination Committee.

LICENSURE

§ 31.11. Application for licensure.

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by [writing or telephoning] contacting the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 [, (717) 783-1389], veterina@pados.state.pa.us, or by accessing the Board's web page at www.dos.state.pa.us/bpoa/vetbd/mainpage.htm. Application forms shall be returned to the Board at least 60 days prior to the first day of the NAVLE testing period.

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ANIMAL HEALTH TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.32. Certification.

(a) The Board will grant certification as an animal health technician to an applicant who has [fulfilled the following criteria] provided the following:

(1) A completed and signed application for animal health technician certification.

(2) Satisfactory performance [of] on the proficiency examination as determined by the Board.

[(2)] (3) * * *

(4) A letter of good standing from the licensure board of each state where the applicant has held a license as an animal health technician, if any, reporting the outcome of disciplinary actions taken against the applicant in that state.

(5) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the Board's regulations.

(b) The fee for application for [initial] certification is as specified [at] in § 31.41 (relating to schedule of fees).

§ 31.33. Applications.

(a) An applicant for certification by examination shall complete and file an application with the Board as specified in § 31.32 (relating to certification) and remit to the Board the fee specified in § 31.41 (relating to schedule of fees). An applicant for certification [as an animal health technician] by examination shall also complete and file an application for the veterinary technician National examination and the required fee directly with the professional testing organization [designated by the Board an Animal Health Technician Certification Application]. Both applications may be obtained from the professional testing organization. [Applications shall be filed with the professional testing organization at least 60 days prior to the examination date.]

(b) An applicant for certification as an animal health technician by endorsement shall complete and file with the Board an application for certification by endorsement on forms prescribed by the Board. The application form may be obtained from the Administrative Office of the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 or by accessing the Board's web page at www.dos.state.pa.us/bpoa/vetbd/mainpage.htm.

[(c) Application forms may be obtained from the Administrative Office of the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at (717) 783-1389.]

§ 31.34. Qualification for examination.

An applicant for [certification as an animal health technician] examination shall be a graduate of an approved school.

§ 31.35. Examinations.

(a) The examination required for certification as an animal health technician is the Veterinary Technician National Examination (VTNE). [The examination will be offered at least once annually in this Commonwealth at a location to be determined by the Board, in consultation with the professional testing organization under contract with Board.]

(b) An applicant failing to pass an examination for which the applicant has previously qualified shall be reexamined at the applicant's request by submitting a new application and by paying the required fee [, as specified in § 31.41 (relating to schedule of fees.)]

* * * * *

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:

* * * * *

[North American Veterinary Licensing Examination \$325]

* * * * *

Animal Health Technicians:

* * * * *

[Veterinary Technical National Examination (VTNE) (Effective January 1996) \$125]

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[Pa.B. Doc. No. 00-2063. Filed for public inspection December 1, 2000, 9:00 a.m.]