

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 401]

Corrective Amendment to 34 Pa. Code §§ 401.4 and 401.5

The Department of Labor and Industry has discovered a discrepancy between the agency text of 34 Pa. Code §§ 401.4 and 401.5 (relating to application and identification; and waivers) as deposited with the Legislative Reference Bureau, and the official text published at 32 Pa.B. 1849, 1855 (April 13, 2002) and scheduled to appear in the June 2002 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 331). Several dates were listed incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Labor and Industry has deposited with the Legislative Reference Bureau a corrective amendment to 34 Pa. Code §§ 401.4 and 401.5. The corrective amendment to 34 Pa. Code §§ 401.4 and 401.5 is effective July 12, 2002.

The correct version of 34 Pa. Code §§ 401.4 and 401.5 appears in Annex A.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

§ 401.4. Application and identification.

(a) An applicant for certification shall submit a Department-provided application, pay the required fee and submit verification of meeting the requirements of this chapter and passing all of the certification examinations for a specific certification category in § 401.6 (relating to certification categories and testing) on or after July 12, 1996.

(b) The Department will issue an identification card to an applicant who meets the certification requirements.

(c) A certification holder shall notify the Department in writing if the identification card is lost or destroyed. The Department will charge a required fee for issuance of a new identification card.

(d) Certification and certification renewal will not be valid until the Department receives the required fee.

(e) The period of certification shall be 3 years from the issuance date of a certification under § 401.8(a) (relating to certification renewal).

(f) The Department may refuse to issue certification for just cause in accordance with § 401.14 (relating to decertification or refusal). The Department will provide written notification of the reasons for the refusal to issue certification.

§ 401.5. Waivers.

(a) The Department may grant a request for waiver of the testing requirements of § 401.6 (relating to certification categories and testing) if the applicant meets any of the following criteria:

(1) Passed a test substantially similar to the testing categories in § 401.6 within the 6 years prior to July 12, 2002.

(2) Passed a test substantially similar to the testing categories in § 401.6 before July 12, 1996, so long as the applicant submits any of the following to the Department:

(i) Evidence of continued employment as a code administrator in the related field.

(ii) Current certification issued by a model code organization.

(iii) Evidence of completion of 30 hours of continuing education or a college degree program in associated fields.

(3) Passed a certified building official examination. An applicant who passed the examination may be eligible to receive certification in the following categories:

(i) Residential building inspector.

(ii) Building inspector.

(iii) Building plans examiner.

(b) An applicant for waiver shall complete a Department-provided application form and pay the required initial certification fee under § 401.2 (relating to Department fees). If the Department approves the waiver, the applicant shall comply with § 401.4 (relating to application and identification).

[Pa.B. Doc. No. 02-742. Filed for public inspection April 26, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Continuing Education—Ethics

The State Board of Psychology (Board) hereby amends § 41.59 (relating to continuing education).

Statutory Authority

The final-form rulemaking is authorized under section 15 of the Professional Psychologists Practice Act (63 P. S. § 1215).

Response to Public Comments and Regulatory Review

Notice of proposed rulemaking was published at 31 Pa.B. 5270 (September 15, 2001). Publication was followed by a 30-day public comment period during which the Board did not receive any public comments. Following the close of the public comment period, the Board did not receive comments from the House Professional Licensure Committee, the Senate Consumer Protection and Professional Licensure Committee or the Independent Regulatory Review Commission (IRRC).

Amendments in Final-Form Rulemaking

The final-form rulemaking clarifies that licensees may only carry over 10 contact hours of continuing education from the immediately preceding biennium into the next biennium. If any of the 10 carried-over contact hours were completed in ethical issues they may only be credited toward the general requirement, and not toward the ethical hours requirement. Licensees must complete 3 contact hours in ethical issues each biennium.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact nor will it impose additional paperwork requirements on the Commonwealth, its political subdivisions or the public sector.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 6, 2002, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 5270, to IRRC and to the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on March 26, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, the amendment was deemed approved by IRRC effective April 2, 2002.

Contact Person

Further information may be obtained by contacting Christina Stuckey, Administrative Assistant, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7142, www.state.pa.us/bpoa/psybd/mainpage.htm.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was 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 as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 5270.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 41, are amended by amending § 41.59 to read as set forth at 31 Pa.B. 5270.

(b) The Board shall submit this order and 31 Pa.B. 5270 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 31 Pa.B. 5270 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on final-form publication in the *Pennsylvania Bulletin*.

ALEX M. SIEGEL, J.D., Ph.D.,

Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 2041 (April 20, 2002).)

Fiscal Note: Fiscal Note 16A-639 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 02-743. Filed for public inspection April 26, 2002, 9:00 a.m.]