

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Application Fees

The State Board of Funeral Directors (Board) adopts an amendment to § 13.12 (relating to fees) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 31 Pa.B. 1468 (March 17, 2001). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and from the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This final-form rulemaking is authorized under section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1).

Response to HPLC and IRRC Comments

The HPLC and IRRC both commented that the proposed amendment did not list a fee for "preceptor registration or change," though this service and its cost are included in the supporting materials provided by the Board. The Board has not previously charged a fee for this service. In light of the analysis performed to support this nonrenewal fee package, the Board intended to begin charging this fee. The omission of this fee from the proposed rulemaking was an inadvertent oversight. The Board has added the fee for "initial registration as preceptor or change" as set forth in Annex A.

Additionally, both the HPLC and IRRC commented that the service "address change without inspection" should be clarified, because the fee is also charged for other services. The Board has renamed the former "address change without reinspection" as "change director or name on existing license without reinspection."

Compliance with Executive Order 1996-1

The Board reviewed the final-form rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1. The final-form amendment addresses a compelling public interest as described in this preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking 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 final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. 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 January 26, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 1468 to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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." In preparing the final-form rulemaking, the Board has considered the comments received from IRRC and the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on December 11, 2001, the final-form rulemaking was approved by the HPLC. The final-form rulemaking was deemed approved by the SCP/PLC on December 17, 2001. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 20, 2001, and approved the final-form rulemaking.

Further Information

Individuals who need information about the final-form rulemaking may contact the Board Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397.

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 in 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) The final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 31 Pa.B. 1468.

(4) The final-form rulemaking is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

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

(1) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending § 13.12 to read as set forth in Annex A.

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

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

(4) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAMES O. PINKERTON, FD,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 123 (January 5, 2002).)

Fiscal Note: Fiscal Note 16A-482 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS LICENSURE

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

| | |
|---|-------|
| Initial registration for student trainee..... | \$25 |
| Annual registration for student trainee..... | \$15 |
| Initial registration for resident intern..... | \$25 |
| Initial registration for preceptor or change..... | \$25 |
| Initial license for funeral director..... | \$25 |
| Initial license for restricted business corporation, professional corporation, partnership or shared funeral establishment..... | \$150 |
| Initial license for estate or widow, sole proprietorship or branch office..... | \$125 |
| Initial registration for supervisor..... | \$25 |
| Change director or name on existing license without reinspection..... | \$35 |
| Address change with inspection..... | \$125 |
| Reinspection after failure..... | \$85 |
| Certification..... | \$25 |
| Verification of licensure or registration..... | \$15 |
| Biennial renewal..... | \$130 |

[Pa.B. Doc. No. 02-135. Filed for public inspection January 25, 2002, 9:00 a.m.]

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

The State Board of Psychology (Board) amends Chapter 41 (relating to State Board of Psychology) to read as set forth in Annex A.

Summary

This final-form rulemaking deletes references to examination fees. Specifically, the regulation deletes references to the National portion of the examination, the State portion of the examination and the administrative fee. Third-party testing organizations develop and administer the examinations. The fees for these services are established by contract. The examiners communicate directly with the applicants. The applicants pay the examination

fees directly to the examiners. Thus, to avoid the necessity of amending its regulations whenever the examination administrators might change the fees, the Board has deleted all references to examination fees except reapplication fees.

Statutory Authority

The amendments are authorized under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 3.3 of the Professional Psychologists Practice Act (63 P. S. § 1203.3).

Response to Comments

Notice of proposed rulemaking was published at 31 Pa. B. 2380 (May 5, 2001). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The final-form rulemaking is in response to the comments and suggestions made by IRRC.

IRRC recommended that the Board delete all references to examination fees in §§ 41.11(a)(4), 41.31(a)(1) and (2) and (b) and 41.42(a) and (b). The Board concurs with this recommendation and has amended §§ 41.11(a)(4), 41.31(a)(1) and 41.42(a) and (b).

The Board has not amended § 41.31(a)(2) and (b) since the elimination of the examination fees does not change the Board's review process. The Board still determines eligibility to sit for the examinations.

Upon request, applicants receive two applications from the Board. The first application seeks the applicant's education and supervision information. This is sent directly to the Board. Once the Board has determined that the applicant has the requisite education and experience, the Board sends a list of approved applicants to the provider of the National examination. The examiner then sends the applicant the scheduling forms. The applicant completes the form and mails it with the examination fee to the National examination provider.

The second application the applicant obtains from the Board is to take the State examination. The applicant sends it, with the examination fee, directly to the State examination contractor.

Section 41.42(a) and (b) is amended to clarify that applicants who are subject to reexamination are required to pay a reapplication fee to the Board, for the costs incurred in reviewing the application.

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

The Board reviewed this 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 amendments will have no adverse fiscal impact or paperwork requirements on the Board, licensees, 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 May 5, 2001, the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa. B. 2380 to IRRC, the SCP/PLC and the HPLC for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC, the SCP/PLC and the HPLC with copies of comments received as well as other documents. In preparing the final-form regulations, the Board has considered the comments received from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the HPLC on December 11, 2001, and deemed approved by the SCP/PLC on December 17, 2001. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 20, 2001, and approved the final-form regulations.

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) 783-7155.

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) These amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2380.

(4) These amendments are necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

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 §§ 41.11, 41.12, 41.31 and 41.32 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) 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 take effect upon 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. 123 (January 5, 2002).)

Fiscal Note: Fiscal Note 16A-6311 remains valid for the final adoption of the subject regulations.

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

§ 41.11. Licenses.

(a) To be considered for admission to the examination provided in the act, an applicant shall first file with the Board or its designee:

(1) A completed, notarized application form and the application fee.

(2) Official transcripts of graduate work from an accredited college or university.

(3) Supervisory rating forms validating the applicant's qualifying experience.

(4) Other forms or materials requested by the Board.

(b) An applicant who has demonstrated compliance with the education and experience requirements of the act and of §§ 41.31 and 41.32 (relating to qualifications for taking licensing examination; and standards for supervisors), who has completed the procedures in subsection (a), who has passed the examination provided for in the act and who has satisfied the other qualifications for licensure set out in the act shall be granted a license by the Board. Only the holder of a current license shall have the right and privilege of using the title "psychologist" and of practicing psychology. Other professionals may, however, use official titles and engage in the practice of psychology or do work of a psychological nature insofar as they are excepted from licensure by applicable provisions under section 3 of the act (63 P. S. § 1203).

(c) Each licensee is issued a wall certificate indicating initial licensure and a registration packet including a biennial renewal certificate and a wallet-size license card, both of which show the expiration date of the license. Licenses expire on November 30 of each odd-numbered year, regardless of the date of issuance.

(d) Licenses are renewable for a 2-year period beginning December 1 of each odd-numbered year. The fee for biennial renewal is set by the Board. See § 41.12 (relating to fees). Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) shall be added to the renewal fees of licensees who do not submit their renewal applications by December 1 of the year of expiration of their licenses. Upon renewing their licenses, licensees receive new biennial renewal certificates and wallet-size license cards which show the next expiration date of the license. These documents are the only evidence of valid, current licensure.

(e) Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act shall be charged for duplicate wall certificates and biennial renewal documents. Duplicates will be issued only upon submission by the licensee of a notarized statement specifying that the

original has been lost or destroyed and stating that the duplicate will be returned if the original is recovered.

§ 41.12. Fees.

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

| | |
|---|-------|
| Initial application fee | \$105 |
| Reapplication fee—first time examination failure .. | \$20 |
| Reapplication fee—subsequent examination failure. | \$90 |
| Certification fee | \$25 |
| Verification fee | \$15 |
| Biennial renewal fee | \$120 |
| Application fee—continuing education sponsor/ provider approval..... | \$165 |
| Fictitious/corporate name registration..... | \$80 |

QUALIFICATIONS

§ 41.31. Qualifications for taking licensing examination.

(a) *Administrative procedures.*

(1) Applications to take the licensing examination and instructions for applicants, including deadlines for filing, may be secured from the Board. If an applicant, without reasons satisfactory to the Board, fails to report for both the first examination and the one subsequent to it, the applicant's application will be considered to have been withdrawn. If the applicant wishes to take a future examination, a new application shall be submitted to the Board. The application will be reviewed on the basis of the law and regulations existing at the time.

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EXAMINATIONS

§ 41.42. Reexamination.

(a) After first-time failure, candidates may take a second examination upon filing an updated application and paying the reapplication fee specified in § 41.12 (relating to fees), but only after the expiration of 6 months and within 2 years following the first examination date.

(b) After two unsuccessful examinations, applicants may reapply for admission to the licensing examination, but shall satisfy conditions prevailing at the time of the reapplication, including administrative, education and experience requirements. The Board will permit applicants to retake the examination after a second failure only within 2 years after a 12-month interval has elapsed. The applicant shall file the verification of experience form included in the application packet and shall pay the reapplication fee specified in § 41.12. After a third failure, applicants may retake the examination under the conditions in subsection (a).

(c) The applicant will be judged pass or fail on the basis of the standards prevailing at the time of reexamination.

(d) An applicant will not be permitted to sit for more than four examinations in any 8-year period.

[Pa.B. Doc. No. 02-136. Filed for public inspection January 25, 2002, 9:00 a.m.]
