

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF PODIATRY [49 PA. CODE CH. 29]

#### Fees

The State Board of Podiatry (Board) amends §§ 29.1, 29.12, 29.13 and 29.83 to read as set forth in Annex A, by revising those fees which are not related to license renewals but rather to applications and specific services to accurately reflect the cost of processing applications and providing services, and by omitting a reference to the examination fees for the National licensing examination and podiatry radiology examination.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The amendments are authorized under section 14(a) of the Podiatry Practice Act (63 P. S. § 42.14(a)).

#### C. *Background and Purpose*

Expenses of the Board which are related to processing individual applications or providing certain services directly to individual licensees or applicants are funded through fees which are based on the cost of providing the service. The fee is charged to the person requesting the service.

A recent systems audit within the Bureau of Professional and Occupational Affairs determined that the application and service fees did not accurately reflect the actual cost of processing the applications and performing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 31 Pa.B. 1858 (April 7, 2001).

#### D. *Comment and Regulatory Review of Proposed Rule-making*

Publication of proposed rulemaking at 31 Pa.B. 1858 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 comments from either the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The following is a response to the comments submitted by IRRC:

IRRC suggested that the Board define "National Board" in the definitional section of Chapter 29. The Board has complied with this suggestion by adding the definition in § 29.1 (relating to definitions) and making editorial changes to § 29.12 (relating to adoption of National Board examination).

Currently, candidates take the National Board examination and the PM Lexis examination sequentially. Both examinations are recognized uniform examinations used throughout the United States. 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). The fee for the examination is established by the National examiner and communicated directly to the applicants. Applicants for the exam pay the examination fee directly to the National examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiner's examination fee in the Board's regulations. Therefore, the Board is eliminating reference to the examination fee.

IRRC further inquired whether there is a mechanism in place to provide for a refund of the advance-paid \$25 fee for the application for authorization to perform radiologic procedures in the event that the applicant does not pass the examination and ultimately decides not to retake it. Applicants may request a refund by providing to the Board their name, address, Social Security number and a statement they are no longer interested in obtaining authorization in this Commonwealth. Because this is the only application fee that can be refunded, the original language in § 29.13 (relating to fees) stating, "These fees will not be refunded," has been deleted.

#### E. *Description of Amendments*

The following table outlines the affected application fees, changes and date the indicated fee was last changed:

<i>Fee Type</i>	<i>Current Fee</i>	<i>Effective Date</i>	<i>Proposed Fee</i>
1. Initial License	\$25	03/17/90	\$30
2. License By Reciprocity	\$105	02/18/89	\$95
3. Application For Approval of Educational Conference	\$50	02/18/89	\$75
4. Certification of Licensure or Scores	\$15	02/18/89	\$25
5. Verification of License	\$10	02/18/89	\$15
6. Application for Authorization to Perform Radiologic Procedures	\$0		\$25

#### F. *Compliance with Executive Order 1996-1*

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

#### G. *Fiscal Impact and Paperwork Requirements*

The 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

amendments will impose no additional paperwork requirements upon this Commonwealth, its political subdivisions or the private sector.

H. *Sunset Date*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 1858 to IRRC, the SCP/PLC and the HPLC for review and comment.

In preparing the final-form regulations, the Board has considered any 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 and the SCP/PLC on December 26, 2001. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 10, 2002, and approved the final-form regulations.

J. *Contact Person*

Further information may be obtained by contacting Gina Bittner, Board Administrator, State Board of Podiatry, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649 (gbittner@state.pa.us).

K. *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) The amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 1858.

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

L. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 29, are amended by amending §§ 29.1, 29.12, 29.13 and 29.83 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to 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 on publication in the *Pennsylvania Bulletin*.

JEFFREY S. GERLAND, D.P.M.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 477 (January 26, 2002).)*

**Fiscal Note:** Fiscal Note 16A-444 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 29. STATE BOARD OF PODIATRY**

**Subchapter A. FEES**

**§ 29.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Podiatry Act of 1956 (63 P. S. §§ 42.1—42.21a).

*Board*—The State Board of Podiatry Examiners of the Commonwealth.

*National Board*—The examination given by the National Board of Podiatric Medical Examiners.

**§ 29.12. Adoption of National Board examination.**

(a) The Board adopts as part of its examination the National Board. Candidates who have passed this examination under the standards in section 8 of the act (63 P. S. § 42.8) will be considered as having passed this portion of the Board's examination.

(b) Applicants who have passed the National Board will be permitted to take the PM Lexis examination or an examination given by its current provider or successor provided they meet the other requirements for examination imposed by the act or by this chapter.

(c) The Board has adopted Nationally recognized examinations for both of the examinations in subsections (a) and (b). Fees are established by the National owners/providers of the examinations. Candidates for examination shall obtain applications directly from the provider and pay the fee for the examination directly to the provider.

**§ 29.13. Fees.**

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

Initial license.....	\$30
Biennial renewal of license .....	\$175
License by reciprocity .....	\$95
Branch office certificate .....	\$ 20
Application for approval of educational conference .	\$75
Certification of licensure or scores .....	\$25
Verification of licensure .....	\$15
Application for authorization to perform radiologic procedures .....	\$25

(b) Fees shall accompany applications and be made payable to the "Commonwealth of Pennsylvania" by personal check or money order.

**Subchapter B. EXAMINATIONS**

**§ 29.83. Examinations.**

(a) An examination in radiology shall cover the subjects of anatomy, physiology and physics for technicians and

radiographers, with emphasis being placed on the scope of the practice of podiatric medicine.

(b) Applications for examination shall be completed on forms furnished by the Board and submitted at least 60 days prior to the scheduled date of the examination to the address indicated on the application materials with the fee as required by the examination administrator.

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