

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

Dealer Participation Fee

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) amends § 19.4 (relating to fees) to read as set forth in Annex A.

Effective Date

The amendment will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 332.1(c) of the Board of Vehicles Act (act) (63 P.S. § 818.332a(c)), as amended under the act of October 24, 2018 (P.L. 816, No. 134), regarding recreational vehicle shows, recreational vehicle off-premise sales, recreational vehicle exhibitions and recreational vehicle rallies, requires an out-of-State recreational vehicle dealer to register with the Board before participating in a recreational vehicle show, off-premise sale, exhibition or rally in this Commonwealth. Section 332.1(c)(1)(v) of the act requires the registration to include payment of a participation fee.

Section 302(a)(9) of the act (63 P.S. § 818.302(a)(9)), regarding powers and duties of the Board, authorizes the Board to promulgate regulations, consistent with the act, that it deems necessary and proper to effectuate the provisions of the act. Additionally, under section 330(a) of the act (63 P.S. § 818.330(a)), regarding fees, the Board must set fees required under the provisions of the act by regulation.

Background and Need for the Amendment

Section 332.1(c) of the act permits recreational vehicle dealers licensed in another state or domiciled in another jurisdiction that does not require licensure of recreational vehicle dealers to participate in recreational vehicle shows, off-premise sales, exhibitions and rallies in this Commonwealth under certain circumstances and requires the out-of-State recreational vehicle dealer to register with the Board. Since this provision became effective, the Board has been receiving, reviewing and accepting these registration applications for each event in which an out-of-State recreational vehicle dealer intends to participate without charging a participation fee for this service.

Section 332.1(c)(7) of the act requires the out-of-State recreational vehicle dealer to engage in at least four of five business activities in a state that is contiguous to this Commonwealth. Those activities include: (1) accepting delivery of recreational vehicles from the manufacturer; (2) maintaining of inventory offered for sale to the public; (3) consummating and finalizing recreational vehicle sales; (4) service and repair of recreational vehicles; and (5) delivery of recreational vehicles to buyers along with titling, registration and collection of taxes. Section 318 of the act (63 P.S. § 818.318) also authorizes the Board to take disciplinary action against recreational vehicle dealers for violations of these provisions.

Before the act was amended in 2008 under the act of October 8, 2008 (P.L. 1086, No. 90) (Act 90), recreational

vehicle dealers from states that did not provide for reciprocity with this Commonwealth would set up “shell” dealerships in contiguous states with reciprocity for the sole intent of participating in shows and other sales events in this Commonwealth. Many contiguous states did not have facility requirements for a recreational vehicle dealership. Consumers in this Commonwealth were led to believe they were buying from a full-service dealership in a contiguous state. However, the actual dealership and facilities necessary to pick up the recreational vehicle, and later service the recreational vehicle, may have been far beyond the borders of this Commonwealth.

The requirements mandated under section 332.1(c) of the act require expenditure of staff time to evaluate the applications for registration and ensure that reasonable protections are in place for consumers in this Commonwealth. To cover the cost of providing this service, the Board’s regulations add a participation fee of \$65. Currently, the Board processes these applications without collecting a participation fee. The purpose of this final-form rulemaking is to set a participation fee for out-of-State recreation vehicle dealer registrations.

Summary of Comments to the Proposed Rulemaking and the Board’s Response

Comments from the public

There were no comments received from the public.

Comments from the House Professional Licensure Committee (HPLC)

There were no comments received from the HPLC.

Comments from the Independent Regulatory Review Commission (IRRC)

Under section 332.1(c) of the act, an out-of-State recreational vehicle dealer must register with the Board before participating in a recreational vehicle show, off-premise sale, exhibition or rally. The language of the act states that the registration must include payment of a “participation fee.” To be consistent with the terminology in the act, IRRC recommended that the Board replace “registration” with “participation” in the regulation. As a result of IRRC’s comments, the Board revises § 19.4 from “out-of-State recreation vehicle dealer registration” to “out-of-State recreation vehicle dealer participation fee,” consistent with the wording of section 332.1(c) of the act.

IRRC commented that Act 90 established the requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies. Act 90 provided for the participation of out-of-State recreational vehicle dealers in these types of events. IRRC suggested that the Board draft a separate rulemaking to ensure that the regulated community is informed and in compliance with the requirements of the act. By way of background, when Act 90 was enacted, the Board considered the law and concluded that, other than considering the implementation of a fee, the amendments under Act 90 did not require the promulgation of regulations to implement it because Act 90 and its requirements were sufficiently specific. Nevertheless, as suggested by IRRC, the Board will re-evaluate whether it should initiate a rulemaking to ensure that the regulated community is adequately informed regarding the requirements of the act. In the meantime, the Board will add additional information on its web site to ensure that

the regulated community has sufficient information regarding the application process, including requirements for recreational vehicle shows, off-premise sales, exhibitions and rallies and the participation fee.

Fiscal Impact and Paperwork Requirements

Under this final-form rulemaking, out-of-State recreational vehicle dealers applying for registration will incur costs by having to pay a \$65 participation fee for registration. Should an out-of-State recreational vehicle dealer return to this Commonwealth for another show the same year, they will be required to file another application with the Board. The Board anticipates approximately 100 applications per year, for a total fiscal impact of \$6,500 annually. This final-form rulemaking should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector.

Because the Board has already been receiving and processing these applications without collecting a participation fee, other than making minor revisions to the application form, this final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, its 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 November 24, 2020, the Board submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide to IRRC, the HPLC and the SCP/PLC copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC. The Board did not receive any comments from the HPLC, SCP/PLC or the public.

On September 30, 2021 the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on December 8, 2021, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 9, 2021, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by contacting Janice Cline, Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-VEHICLE@PA.GOV.

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), referred to as the Commonwealth Documents Law and the regula-

tions promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 50 Pa.B. 7024 (December 12, 2020).

(4) This final-form regulation is necessary and appropriate for administration and enforcement of the act.

Order

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

(a) The regulations of the Board at 49 Pa. Code Chapter 19 are amended by amending § 19.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Board shall submit this final-form rulemaking to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC for approval as required by law.

(d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

KIRK A. DAVIS,
Chairperson

(Editor's Note: For IRRC's approval order, see 51 Pa.B. 8061 (December 25, 2021).)

Fiscal Note: Fiscal Note 16A-6011 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 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

GENERAL PROVISIONS

§ 19.4. Fees.

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

	* * * * *
Salesperson change of employer transfer applica- tion	\$25
Out-of-State recreational vehicle dealer participa- tion fee	\$65
Business name or post office address change	\$30
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[Pa.B. Doc. No. 22-114. Filed for public inspection January 21, 2022, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Licensure by Endorsement

The State Board of Psychology (Board) amends Chapter 41 by adding §§ 41.52a and 41.52b (relating to licensure by endorsement; and provisional endorsement license) and amending § 41.1 (relating to definitions) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration, or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the *Pennsylvania Consolidated Statutes*. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

Background and Purpose

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111, requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of provisional endorsement license. This final-form rulemaking sets forth the criteria for eligibility for licensure by endorse-

ment, including the specific methods required for an applicant to demonstrate competency as well as requirements for a provisional license, including expiration and termination provisions.

Comments to the Proposed Rulemaking

The Board published a notice of proposed rulemaking at 50 Pa.B. 7191 (December 19, 2020), for 30 days of public comment. The Board did not receive any public comments. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and informed the Board that it had no objections, comments or recommendations to offer on the proposed rulemaking. 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) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

Amendments to the Final-form Rulemaking

Under § 41.52a(b), an applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. In drafting this final-form rulemaking, the Board clarifies that an applicant may request the interview to be conducted by video teleconference for good cause. The Board wishes to ensure an alternative to in-person interview if circumstances warrant a video teleconference. Additionally, the Board revises § 41.52b(c) to make clear that a provisional endorsement license terminates when the Board denies or grants a license.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$105 initial application fee in § 41.12 (relating to fees) and may incur continuing education expenses if they choose to demonstrate competency by completing 30 hours of continuing education. Applicants who demonstrate competency through experience will pay the \$105 initial application fee. Applicants must complete child abuse recognition and reporting training, as required by 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training), known as the Child Protective Services Law. There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

Sunset Date

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

Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on December 9, 2020, the Board submitted a copy of the notice of proposed rulemaking, published at 50 Pa.B. 7191, to IRRC and the Legislative Reference Bureau. The Board subsequently submitted the notice of proposed rulemaking to the Chairpersons of the HPLC and the SCP/PLC for review and comment on February 19, 2021, as required under section 5(f) of the Regulatory Review Act. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. No public comments were submitted on the proposed rulemaking, and IRRRC did not submit any comments on this rulemaking. The Board received no comments from the HPLC or the SCP/PLC.

On October 28, 2021, the Board delivered this final-form rulemaking to IRRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on December 8, 2021, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRRC met on December 9, 2021, and approved the final-form rulemaking.

Additional Information

Further information may be obtained by contacting the Board Administrator, State Board of Psychology, P.O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-6326 (Licensure by Endorsement), when requesting information.

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), referred to as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 50 Pa.B. 7191.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration of 63 Pa.C.S. § 3111.

Order

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

(a) The regulations of the Board at 49 Pa. Code Chapter 41 are amended by amending § 41.1 and adding §§ 41.52a and 41.52b read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this final-form rulemaking to IRRRC, the HPLC and the SCP/PLC as required by law.

(d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

CATHERINE S. SPAYD, PhD,
Chairperson

(Editor's Note: For IRRRC's approval order, see 51 Pa.B. 8061 (December 25, 2021).)

Fiscal Note: Fiscal Note 16A-6326 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

GENERAL

§ 41.1. Definitions.

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

* * * * *

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Jurisdiction—A state, territory or country.

National Register—The Council for the National Register of Health Service Providers.

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MISCELLANEOUS

§ 41.52a. Licensure by endorsement.

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following requirements:

(1) Has a current license, certification, registration or permit in good standing to practice psychology in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 6 of the act (63 P.S. § 1206) and §§ 41.31 and 41.32 (relating to educational qualifications; and experience qualifications).

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certification, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrates competency by one of the following:

(i) Experience in the practice of psychology by demonstrating, at a minimum, that the applicant has actively engaged in the practice of psychology in the jurisdiction that issued the license, certificate, registration or permit for 2 of the last 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of § 41.59 (relating to continuing education) during the 24 months immediately preceding the date of the application.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license to practice psychology under section 8 of the act (63 P.S. § 1208) regarding refusal, suspension or revocation of license.

(4) Has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Has paid the initial application fee as set forth in § 41.12 (relating to fees).

(6) Satisfies application requirements as required by the act and this chapter, including § 41.30(b)(2) and (3) (relating to qualifications and documentation necessary for licensure).

(7) Completes 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 8 of the act or disciplinary action by a jurisdiction are not impediments to the granting of a license by endorsement under 63 Pa.C.S. § 3111.

§ 41.52b. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 41.52a(a) (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates as follows:

(1) The provisional endorsement license terminates when the Board denies or grants the license.

(2) Failure to comply with the terms of a provisional endorsement license will result in termination of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 41.52a after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 22-115. Filed for public inspection January 21, 2022, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

Educational Programs

The State Board of Occupational Therapy Education and Licensure (Board) proposes to amend §§ 42.1 and 42.13 (relating to definitions; and application for licensure) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5(b) of the Occupational Therapy Practice Act (act) (63 P.S. § 1505(b)) authorizes the Board to “adopt rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of this law.” Section 8(2) of the act (63 P.S. § 1508(2)) sets forth the requirements for licensure, which include completion of “the academic requirements of an approved educational program in occupational therapy recognized by the board with the advice and consultation of recognized national accrediting agencies and professional organizations including the American Occupational Therapy Association. . . .”

Background and Purpose

Under the Board’s existing regulations at § 42.13(a)(2), an applicant must meet “the academic requirements of an educational program in occupational therapy approved by the Board, or an equivalent program as defined in § 42.1. . . .” Regarding educational programs, the Board’s existing regulations do not specify which programs are “approved by the Board.” In the United States, the Accreditation Council for Occupational Therapy Education (ACOTE) is the only accreditation agency that accredits occupational therapy programs, and thus, ACOTE approved educational programs are the only programs approved by the Board. Significantly, this regulation serves to codify the Board’s current practices and procedures and do not change the Board’s current educational program standards. In drafting this final-form rulemaking, as required by section 8(2) of the act, the Board consulted with the American Occupational Therapy Association (AOTA) through the Pennsylvania Occupational Therapy Association (POTA) as well as the only National accrediting agency that currently accredits occupational therapy programs, ACOTE.

Comments to the Proposed Rulemaking

The Board published a notice of proposed rulemaking at 50 Pa.B. 5848 (October 24, 2020), for 30 days of public comment. The Board did not receive any public comments relating to the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and informed the Board that it had no objections, comments or recommendations to offer. 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) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

Fiscal Impact and Paperwork Requirements

There are no fiscal impacts or paperwork requirements associated with this final-form rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 8, 2020, the Board submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the HPLC and the SCP/PLC. A copy of this material is available to the public upon request.

On October 28, 2021, the Board delivered the final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on December 8, 2021, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC.

Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 9, 2021, and announced, because it had no comments on the proposed rulemaking and the Board did not amend the rulemaking, IRRC was deemed to have approved the final-form rulemaking under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)).

Additional Information

Further information may be obtained by contacting Christina Townley, Acting Board Administrator, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-6712 (Educational Programs), when requesting information.

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), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 50 Pa.B. 5848.

(4) This final-form rulemaking is necessary and appropriate for the administration of the Occupational Therapy Practice Act.

Order

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

(a) The regulations of the Board at 49 Pa. Code Chapter 42 are amended by amending §§ 42.1 and 42.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Board shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

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

KERRI L. HAMPLE, OTD, OTR/L,
Chairperson

(Editor's Note: For IRRC's approval order, see 51 Pa.B. 8061 (December 25, 2021).)

Fiscal Note: Fiscal Note 16A-6712 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 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

GENERAL PROVISIONS

§ 42.1 Definitions.

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

* * * * *

Commissioner—The Commissioner of Professional and Occupational Affairs.

Licensee—An individual who has been licensed under the act as an occupational therapist or an occupational therapy assistant.

* * * * *

LICENSURE

§ 42.13. Application for licensure.

(a) To apply for licensure, an applicant shall pay the required fee and submit evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets the following criteria:

(1) Is of good moral character.

(2) Has successfully completed an educational program for occupational therapists or occupational therapy assistants that is either:

(i) Accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) or predecessor organizations.

(ii) Approved by the Board and accredited by a National programmatic accrediting agency recognized by the United States Department of Education.

(3) Has successfully completed a period of supervised fieldwork experience as a part of an accredited educational program as required by paragraph (2) as follows:

(i) For an occupational therapist, a minimum of 6 months of supervised fieldwork.

(ii) For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork.

(4) Has passed the licensure examination or has qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

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[Pa.B. Doc. No. 22-116. Filed for public inspection January 21, 2022, 9:00 a.m.]