

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

CHAPTER NUMBER AND TITLE: Chapter 10, Establishment of License Fees

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Jeffrey Frankel, Staff Attorney, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel.: (207) 624-8615, email: jeffrey.m.frankel@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Jeffrey Frankel

PUBLIC HEARING (if any): August 6, 2012, 2:00 p.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 16, 2012

BRIEF *SUMMARY: The Office of Professional and Occupational Regulation (“OPOR”) proposes to: (1) eliminate all application fees for licenses issued by the barbering and cosmetology program; (2) eliminate license fees for barbering and cosmetology trainees and students; (3) lower fees for all licenses issued by the barbering and cosmetology program to cosmetologists, barbers, limited barbers, manicurists, aestheticians, instructors, demonstrators, temporary workers, establishments, booths and mobile shops; (4) create a new license fee for off-site (satellite) classrooms that are part of a barbering or cosmetology school; (5) clarify that a separate license fee is payable upon a change of location or change of ownership of a barbering or cosmetology establishment, booth, mobile shop, school, branch school or off-site satellite classroom; (6) change the license fee for occupational therapists from \$80 for a 2-year license to \$40 for a 1-year license, and (7) change the license fee for occupational therapy assistants from \$70 for a 2-year license to \$35 for a 1-year license. The proposed rule, which shows these fee changes in detail, may be downloaded from OPOR’s web site at www.maine.gov/professionallicensing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): none

STATUTORY AUTHORITY FOR THIS RULE: 10 MRSA §8003(2-A)(D); 32 MRSA §2285; 32 MRSA §14238

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Rule-Making Fact Sheet

(5 MRSA §8057-A)

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NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Jeffrey Frankel, Staff Attorney, 35 State House Station, Augusta, ME 04333, (207) 624-8615, jeffrey.m.frankel@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 10, Establishment of License Fees

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D); 32 MRSA §2285; 32 MRSA §14238

DATE AND PLACE OF PUBLIC HEARING: August 6, 2012, 2:00 p.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 16, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

Barbering and Cosmetology Licensing Program: Financial projections for the program showed that an overall reduction in license fees was feasible.

Board of Occupational Therapy Practice: The board is currently proposing to reduce the license term for occupational therapists and occupational therapy assistants from two years to one year. In this rulemaking proceeding, the director proposes to halve the license fees for these two groups to correspond to the reduced license term.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Budgetary needs of the Barbering and Cosmetology Licensing Program; current rulemaking proceeding of the Board of Occupational Therapy Practice; professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Barbering and Cosmetology Licensing Program. The Office of Professional and Occupational Regulation (“OPOR”) proposes to: (1) eliminate all application fees for licenses issued by the barbering and cosmetology program; (2) eliminate license fees for barbering and cosmetology trainees and students; (3) lower fees for all licenses issued by the barbering and cosmetology program to cosmetologists, barbers, limited barbers, manicurists, aestheticians, instructors, demonstrators, temporary workers, establishments, booths and mobile shops; (4) create a new license fee for off-site (satellite) classrooms that are part of a barbering or cosmetology school; (5) clarify that a separate license fee is payable upon a change of location or change of ownership of a barbering or cosmetology establishment, booth, mobile shop, school, branch school or off-site satellite classroom. The proposed rule shows these fee changes in detail.

Board of Occupational Therapy Practice: The Board of Occupational Therapy Practice, with authorization from the Commissioner of Professional and Financial Regulation, is currently engaged in rulemaking to reduce the license term of occupational therapists and occupational therapy assistants from two years to one year with respect to license terms beginning on or after March 31, 2013. The amendment to this chapter correspondingly reduces license fees for these two groups by half beginning on March 31, 2013. Current fees for a 2-year license are \$80 for occupational therapists and \$70 for occupational therapy assistants. Proposed fees for a 1-year license are \$40 for occupational therapists and \$35 for occupational therapy assistants. This proposed fee change is contingent upon final rulemaking action by the Board of Occupational Therapy Practice as described above, or action by the Commissioner of Professional and Financial Regulation.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation; (B) There are fees included in the rule. The burden of the fees is discussed immediately above in the section of this document entitled “Analysis and Expected Operation of the Rule;” (C) There is no cost to the public in terms of time and money required to comply with the rule; (D) No other state laws or rules already address the subject matter of this rule; (E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****Chapter 10: ESTABLISHMENT OF LICENSE FEES**

Summary: This chapter establishes fees for professional and occupational licenses and registrations issued by the Office of Professional and Occupational Regulation.

1. Section 5(8) (barbering and cosmetology) and Section 5(25) (occupational therapy practice) of this chapter are amended to read as shown on pages 2-3 below.

2. The March 31, 2013 effective date of the amendments to Section 5(25) is contingent upon adoption of a proposed rule by the Board of Occupational Therapy Practice (or action by the Commissioner of Professional and Financial Regulation) that reduces the license term for occupational therapists and occupational therapy assistants from 2 years to 1 year with respect to license terms beginning on or after March 31, 2013.

3. All other provisions of this chapter remain unchanged.

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D); 32 MRSA §2285; 32 MRSA §14238

EFFECTIVE DATE:

Section 5(8) (barbering and cosmetology):

Section 5(25) – (occupational therapy practice): March 31, 2013

8. Barbering and Cosmetology Program

Individual		
Cosmetologist	1 yr	<u>\$5020</u>
Barber	1 yr	<u>\$5020</u>
Limited Barber	1 yr	<u>\$2520</u>
Manicurist	1 yr	<u>\$5020</u>
Aesthetician	1 yr	<u>\$5020</u>
Instructor	1 yr	<u>\$5020</u>
Demonstrator	1 yr	<u>\$5020</u>
Trainee (all categories, limited to two renewals)	<u>1 yr</u>	<u>\$10</u>
—Cosmetology and Barbering	18 mo	\$25
—Manicuring	6 mo	\$25
—Aesthetics	1 yr	\$25
Student	1 yr	\$25
Temporary Work Permit (nonrenewable)	6 mo	<u>\$2510</u>
Examination	NA	3d party
Application		
—Trainee	NA	<u>\$75</u>
—Cosmetologist, barber, manicurist or aesthetician		
—who was trained or licensed out of state	NA	<u>\$75</u>
Businesses Other Than Schools		
Establishment*	1 yr	<u>\$5020</u>
Booth*	1 yr	<u>\$5020</u>
Mobile Shop*	1 yr	<u>\$5020</u>
<u>*separate license fee also payable upon change of location or change of ownership</u>		
Special Inspection	NA	<u>\$100</u>
Reissuance of shop license after ownership change	<u>See 32 MRSA</u>	<u>\$10</u>
resulting from death or divorce of an owner when at	<u>§14224(2-C)</u>	
least one owner retains ownership	NA	<u>\$50</u>
Application		
—Establishment, booth or mobile shop	NA	<u>\$75</u>
Special event services permit – per licensee for each	NA – permit ends	<u>\$10</u>
event	with each event	<u>\$10</u>
Schools		
School*	1 yr	<u>\$500</u>
Branch School*	1 yr	<u>\$500</u>
Off-site (satellite) classroom*	<u>1 yr</u>	<u>\$100</u>
<u>*separate license fee also payable upon change of location or change of ownership</u>		
On-site evaluation	<u>NA</u>	As per 32 M-R-S-A- §14248
Application		
—New school, change of location, change of	NA	<u>\$100</u>
—ownership, off-site (satellite) classroom		
All Categories		
Late Renewal		
More than 90 days	NA	<u>\$10025</u>

25. Board of Occupational Therapy Practice

Occupational Therapist	2 -1 yr	\$8040
Occupational Therapy Assistant	2 -1 yr	\$7035
Temporary Occupational Therapist	6 mo	\$25
Temporary Occupational Therapy Assistant	6 mo	\$20
One-Time Renewal:		\$60
Temporary Occupational Therapist	6 mo	\$25
Temporary Occupational Therapy Assistant	6 mo	\$20
Application	NA	\$60
Examination	NA	3d Party