

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): January 3, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: January 13, 2012

BRIEF *SUMMARY: This Office of Professional and Occupational Regulation (“OPOR”) proposes to: (1) establish a \$25 annual license fee for the new limited barber license, (2) eliminate license renewal fees for student intern pharmacy technicians and eliminate the additional license fee for student intern pharmacy technicians who also work as ordinary pharmacy technicians outside of the internship, (3) establish a \$200 fee for applications for continuing education course approval made to the Board of Real Estate Appraisers, (4) convert the \$225 biennial license fee for speech-language pathologists, audiologists and combined speech-language pathologists/audiologists to a \$110 annual fee, and (5) lower the annual fee for temporary speech-language pathologists and audiologists from \$225 to \$110. The proposed rule 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 §13724; 32 MRSA §14238; 32 MRSA §14012-A; 32 MRSA §17309

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

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DATE AND PLACE OF PUBLIC HEARING: January 3, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

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PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: Statutory creation of the new license category of Limited Barber; coordination with substantive rulemaking proceedings of the Maine Board of Pharmacy, Board of Real Estate Appraisers, and Board of Speech, Audiology and Hearing.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Budgetary needs of the Barbering and Cosmetology Licensing Program, Maine Board of Pharmacy, Board of Real Estate Appraisers and Board of Speech, Audiology and Hearing; current rulemaking proceeding of the Maine Board of Pharmacy and Board of Speech, Audiology and Hearing; upcoming rulemaking proceeding of the Board of Real Estate Appraisers; professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Limited Barbers. The limited barber license was created by PL 2011, c. 286, Part M. The proposed rule establishes a license fee of \$25 for the new license. This is half the current \$50 fee for barbers. The lower fee is justified by the narrower scope of the limited barber license.

Student Pharmacy Technicians. Currently, all pharmacy students pay a \$25 annual license fee for licensure as a student intern pharmacy technician. If the intern also works as a pharmacy technician outside of the internship, the student must in addition apply for and obtain a separate pharmacy technician license at an additional annual cost of \$25. The Maine Board of Pharmacy is currently engaged in rulemaking to consolidate the two licenses into one pharmacy technician intern license. As envisioned by the Maine Board of Pharmacy, there will be one initial fee for the unified license and no renewal fee for the life of the license. The proposed rule accordingly establishes a single one-time license fee of \$25 for this category of pharmacy technician license. This coordinated action by the Maine Board of Pharmacy and the Office of Professional and

Occupational Regulation will reduce the total cost of licensure for many pharmacy students by up to \$150 or more over the course of their professional education and post-doctoral period.

Applicants to the Board of Real Estate Appraisers for continuing education program approval. The Board of Real Estate Appraisers will soon propose an amendment to Chapter 220 of its rules, entitled Educational Course Requirements. The amendment will establish a continuing education course approval mechanism that will be administered by the board. The amendment requires course sponsors (or a prospective attendee) to apply for course approval and pay an application fee. The amendment to this chapter (i.e., Chapter 10, Establishment of License Fees) sets the amount of that fee at \$200. The fee will support staff review of continuing education program applications and staff audit of approved programs.

Speech-Language Pathologists, Audiologists and Combined Speech-Language Pathologists/Audiologists: The Board of Speech, Audiology and Hearing, with authorization from the Commissioner of Professional and Financial Regulation, is currently engaged in rulemaking to reduce the license term of speech-pathologists, audiologists, and combined speech pathologists/audiologists from 2 years to 1 year with respect to license terms beginning on or after March 1, 2012. The amendment to this chapter correspondingly reduces the license fee by half, from \$225 for 2 years to \$110 for 1 year, with respect to license terms beginning on or after March 1, 2012.

Temporary Speech Language Pathologists and Audiologists: The license term for temporary speech-language pathologists and audiologists is currently 1 year, and the current license fee is \$225. The amendment to this chapter reduces the annual license fee to \$110 for consistency with the annual license fee to be charged to all other licensees of the Board of Speech, Audiology and Hearing (see previous paragraph). The effective date of this fee reduction is not dependent upon rulemaking by the Board of Speech, Audiology and Hearing.

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

<p><i>FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:</i></p> <p>ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:</p> <p>INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:</p> <p>BENEFITS OF THE RULE:</p>
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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), 5(27) (pharmacy), 5(34) (speech, audiology and hearing) and 5(38) (real estate appraisers) of this chapter are amended to read as shown on pages 2-4 below.

2. The March 1, 2012 effective date of the amendment to Section 5(28) as it affects speech-language pathologists, audiologists and combined speech-language pathologists/audiologists is contingent upon the timing of the Board of Speech, Audiology and Hearing's adoption of a rule change heard on September 19, 2011 that reduces the license term for these licensees from 2 years to 1 year with respect to license terms beginning on or after March 1, 2012. The license term for temporary speech-language pathologists and audiologists is currently 1 year. The effective date of the amendment of Section 5(28) as it affects temporary speech-language pathologists and audiologists is **not** contingent upon rulemaking by the Board of Speech, Audiology and Hearing.

3. All other provisions of this chapter remain unchanged.

STATUTORY AUTHORITY: 10 MRSA §8003(2-A)(D); 32 MRSA §13724; 32 MRSA §14238; 32 MRSA §14012-A; 32 MRSA §17309

EFFECTIVE DATE:

Section 5(8) – Limited Barber:

Section 5(27) – Pharmacy student licensed as Pharmacy Technician:

Section 5(34) – Application to Board of Real Estate Appraisers for continuing education program approval:

Section 5(38) – Speech-Language Pathologist, Audiologist and Combined Speech-Language Pathologist/Audiologist: March 1, 2012

Section 5(38) – Temporary Speech Language Pathologist or Audiologist:

8. Barbering and Cosmetology Program

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

27. Board of Pharmacy

Reciprocity pharmacist	1 yr	\$150
Renewal pharmacist	1 yr	\$100
Nonactive pharmacist age 65 or older	1 yr	\$15
Nonactive pharmacist under age 65	1 yr	\$50
Reinstatement from lapsed nonactive status	NA	\$60+ back fees
Certificate of administration of drugs and immunizations:		
Application (licensees only; no application fee payable by persons seeking certificate at time of application for initial licensure)	NA	\$25
Renewal (all certificate holders)	1 yr	\$10
Drug Outlet:		
Retail	1 yr	\$200
Mail Order Prescription	1 yr	\$200
Mail Order Contact Lens Supplier	1 yr	\$200
Wholesale	1 yr	\$200
Rural Health Center	1 yr	\$200
Free Clinic	1 yr	\$200
Manufacturer	1 yr	\$200
Pharmacy technician	1 yr	\$25
<u>Exception: Pharmacy students may be renewed for successive 1-year periods at no additional cost upon certification that the licensee continues to be enrolled in a professional academic degree program. The pharmacy technician intern license automatically expires on the second renewal subsequent to the licensee's graduation and may not be further renewed.</u>		
NABPLEX examination (per sitting)	NA	3d party + \$100
MPJE examination (per sitting)	NA	3d party + \$100
Pharmacist-in-charge change report	per occurrence	\$100
Late Renewal		
91 days - 2 yrs	NA	\$50

34. Board of Real Estate Appraisers

Certified General Real Property Appraiser	1 yr	\$425
Certified Residential Real Property Appraiser	1 yr	\$425
Licensed Real Property Appraiser	1 yr	\$425
Trainee Real Property Appraiser	1 yr	\$425
Temporary License	6 mo	\$100
Application	NA	\$50
Examination	NA	3d party
Late Renewal		
91 days - 2 yrs	NA	\$50
<u>Application for Continuing Education Program Approval</u>	<u>NA</u>	<u>\$200</u>

38. ~~Board of Examiners on Speech-Language Pathology, Audiology and Hearing Aid Dealing and Fitting~~ Speech, Audiology and Hearing

Speech-Language Pathologist	2 <u>1</u> yr	\$225 <u>110</u>
Audiologist	2 <u>1</u> yr	\$225 <u>110</u>
Combined Speech-Language Pathologist/Audiologist	2 <u>1</u> yr	\$225 <u>110</u>
Temporary Speech-Language Pathologist or Audiologist	1 yr	\$225 <u>110</u>
Hearing Aid Dealer and Fitter	1 yr	\$110
Trainee Hearing Aid Dealer and Fitter	18 months	\$110
Application	NA	\$50
Examination	NA	3d party