

Regulatory Analysis Form

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REGULATORY
REVIEW COMMISSION



IRRC Number: 2105

(1) Agency

Office of Attorney General

(2) I.D. Number (Governor's Office Use)

(3) Short Title

Proposed Regulations for Coroners' Education Board

(4) PA Code Cite

37 Pa. Code 199.1-199.99

(5) Agency Contacts & Telephone Numbers

Andrea F. McKenna (717) 787-6348

Primary Contact: Senior Deputy Attorney General

Secondary Contact: Gwendolyn Casey
Executive Secretary to the Board
(717) 783-3014

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

SEE ATTACHED SHEET.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

These proposed regulations are promulgated under the statutory authority of 71 P.S. section 185.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

There is no state or federal law or court order mandating the proposed regulations.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

SEE ATTACHED SHEET.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

There are no public health, safety, environment or general welfare risks associated with this rulemaking.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Persons who will benefit directly are the persons statutorily required to take the Basic Education Course and pass the examination and those required to complete yearly continuing education requirements. These persons are elected coroners and their deputies in the 65 Pennsylvania counties which have an elected coroner. A general benefit accrues to the public in having competent and trained coroners and deputy coroners.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse impact is foreseen from the proposed regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

SEE ATTACHED SHEET.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

SEE ATTACHED SHEET.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There are no costs associated with the adoption of these proposed regulations in that the proposed regulations generally codify existing practices.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Any additional costs associated with compliance would be minimal, at best, as the proposed regulations generally codify existing practices.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

No additional costs or cost savings are anticipated as the proposed regulations generally codify existing practice.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. N/A

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.
N/A.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The nonregulatory alternative is to continue without the benefit of written regulations. This practice carries significant, noneconomic cost in that without regulations no convenient location exists for persons subject to the Board's authority to ascertain the Board's administrative practices.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes have been considered.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Not applicable.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

SEE ATTACHED SHEET.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No such meetings are anticipated. However, draft regulations were publicly discussed at the statewide coroners' convention in September 1998 at which public comment was obtained from those persons who would be affected by adoption of the proposed regulations.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable as the affected group are coroners and their deputies.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The anticipated effective date of the regulation is _____ with compliance to take effect as of that date. Because the proposed regulations, for the most part, codify existing Board practice, no major impact is foreseen on the affected persons.

(31) Provide the schedule for continual review of the regulation.

The Board anticipates reviewing regulations on a yearly basis.

Regulatory Analysis Form Attachment

Number 8. The Coroner's Education Board is statutorily charged with these duties: (1) establishing a course of instruction for elected coroners, chief deputy and full-time deputy coroners; (2) establishing tuition for the course of instruction; (3) preparing an examination to be given at the end of the course of instruction; (4) approving courses of instruction for continuing education credit; (5) determining whether a coroner of deputy has fulfilled the continuing education requirements. The proposed regulations are intended to codify existing practice and to provide guidance to persons having business with the Board.

Number 11. Coroners are charged by statute with serious and important duties. Coroners are responsible for investigating the facts and circumstances surrounding: sudden death; death occurring under suspicious circumstances; death occurring as a result of violence or trauma, chemical injury, drug overdose or reaction to drugs or medication or medical treatment is an apparent cause of death; death wherein the body is unidentified or unclaimed; death constituting a public hazard because of known or suspected contagious disease; death occurring in prison or while in the custody of police; death appearing to be the result of sudden infant syndrome and stillbirths.

The proposed regulations are designed to facilitate the uniform administration of a Basic Education Course and continuing education courses for coroners and their deputies so that these officials are properly trained for the duties for their position. The proposed regulations are also intended to codify existing Board practice and to provide a ready source of information and guidance for person subject to the supervision of the Coroners' Education Board and to providers of courses of instruction for coroners and their deputies.

Number 15. Sixty-five Pennsylvania counties have an elected coroner, who then appoints chief deputy coroners, full and part time deputy coroners as their work-loads require and as their budgets will allow. There are approximately 180 such persons as of July 1999. In addition, approximately 30 groups or individuals routinely offer courses accredited for continuing education requirements.

Number 16. Draft regulations were presented to attendees of the State Coroners Association annual meeting in September 1998. Comments were solicited and obtained from those in attendance. In addition, the State Coroners Association sends representatives to regularly scheduled Coroners' Board meetings. During the relevant time period, these representatives were Michael Norris, Cumberland County Coroner and now Board chairman, Kenneth Peiffer, Franklin Country Coroner; Patricia Leinbach, Adams County Coroner.

Number 25. Pennsylvania is one of approximately 12 states which legislatively mandates basic education and continuing education for coroners and their deputies. Because these regulations will impact elected state officials and their appointees, the implementation of these regulations will not place Pennsylvania at any “competitive disadvantage” with other states.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

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(Pursuant to Commonwealth Documents Law)

REVIEWED DOCUMENTS
DO NOT WRITE IN THIS SPACE

2105

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Copy below is hereby approved as to form and legality Executive or Independent Agencies

Coroners' Education Board
Office of Attorney General
(AGENCY)

BY *C. Andrew McLean*

By: _____
(DEPUTY ATTORNEY GENERAL)

DOCUMENT/FISCAL NOTE NO. 59-07

3/29/01
DATE OF APPROVAL

DATE OF ADOPTION January 18, 2000

DATE OF APPROVAL

(~~Deputy General Counsel~~)
(~~General~~ Counsel - Independent Agency)
(Strike inapplicable title)

Check if applicable
Copy not approved. Objections attached.

BY *[Signature]*
TITLE Michael L. Norris
Chairman,
Coroners' Education Board

Check if applicable. No Attorney General Approval or objection within 30 days after submission.

Notice of Final Rulemaking

OFFICE OF ATTORNEY GENERAL
Coroners' Education Board
37 Pa. Code Chap. 199 Education Requirements

NOTICE OF FINAL RULE-MAKING

**OFFICE OF ATTORNEY GENERAL
CORONERS' EDUCATION BOARD**

[37 Pa. Code Chapter 199]
"Coroners' Education Board"

ORDER

The Coroners' Education Board (Board), housed in the Office of Attorney General, by this Order amends 37 Pa. Code by adding Chapter 199 (relating to the duties of the Coroners' Education Board) to read as set forth in Annex A.

Chapter 199 regulates the duties of the Coroners' Education Board.

This final rule-making was adopted by the Board at its meetings of January 18, 2000 and November 13, 2000.

A. Effective Date

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

B. Contact Persons

For further information contact Andrea F. McKenna, Senior Deputy Attorney General, Office of Attorney General, 16th floor, Strawberry Square, Harrisburg, Pa. 17120, (717)787-6348, amckenna@attorneygeneral.gov or Gwendolyn Casey, Executive Secretary to the Board, Office of Attorney General, 16th floor Strawberry Square, Harrisburg, Pa. 17120 (717) 783-3014, gcasey@attorneygeneral.gov.

C. Statutory Authority

Final rule-making is made under authority of section 6 of the act of March 2, 1988 (P.L. 108, No.22) known as the Coroners' Education Board Law, (16 P. S. §9525.6) ("the Act") and section

506 of The Administrative Code of 1929 (71 P.S. §186).

D. Background and Purpose

Final rule-making regulates the duties of the Board as set forth in the act (16 P.S. §9525.1-9525.6), to establish a course of instruction to be given to coroners upon first election to office as well as to chief deputy and full-time deputy coroners; to prepare a written examination to be given at the conclusion of each course of instruction; to set tuition for the courses of instruction; to determine what offerings qualify for continuing education requirements; and to notify the Governor or the appropriate county officer when persons bound by the act fail to comply with its requirements. These regulations codify existing practices of the Board in carrying out its statutory duties and provides guidance to coroners and their deputies bound by the provisions of the Act.

E. Summary of Regulatory Requirements and Changes from Proposed to Final

These amendments to 37 Pa. Code Chapter 199 are the first regulations promulgated by the Coroners' Education Board. A summary of final rule-making follows:

CHAPTER 199, CORONERS' EDUCATION BOARD

§199.1 Definitions

Section 199.1 defines terms used as words of art in the regulation of activities of the Coroners' Education Board, namely: "Act," "Basic Education Course," "Board," "certification," "continuing education," "examination," "full-time deputy coroner," and "just-cause." Final rule-making enlarges the definition of "just-cause" to include "instances where an appointment to fill a vacancy occurs prior to the next scheduled Basic Education Course."

§191.2 Application of Act

Section 191.2 designates the categories of persons subject to final rule-making.

§ 191.3 Appeal

Final rule-making adds §199.3 which provides that any coroner or deputy aggrieved by a decision of the Board has the right to appeal according to the provisions of Title 2 of Pennsylvania Consolidates Statutes, relating to administrative law and procedure.

§191.11 Board chairperson

This provision establishes how and when the Board will elect its chairperson.

§199.12 Temporary chairperson

This section describes the process by which a temporary chairperson will be selected in the absence of the elected chairperson. Final rule-making clarifies that approval of the temporary chairperson is to come from the majority of Board members present.

§199.13 Meeting schedule

This provision establishes the number of times the Board will meet yearly and establishes when the annual meeting schedule is to be set.

§199.21 General requirement

This section addresses the general requirement that all newly elected coroners and newly appointed chief deputy and full-time deputy coroners attend the Basic Education Course and pass the examination. The provision states the minimum hours of necessary instruction and the time period in which the course will be offered. Final rule-making includes forensic autopsies among the topics to be included in the course of instruction.

§199.22 Basic Education Costs

Final rule-making adds this section which provides that costs for persons statutorily required to take the Basic Education Course are to be the minimum necessary to pay the cost of instruction

and room and board and provides that a list of cost options to attend the Basic Education Course will be available from the Board.

§199.23 Postponement for just-cause

This provision establishes that the Board has discretion to determine “just-cause” to postpone compliance with any provision of the Act and establishes a time frame in which persons seeking an exemption must initiate contact with the Board.

§199.24 Exemption for qualified forensic pathologist

This section derives from the Board’s statutory authority to exempt persons otherwise required to take the Basic Education Course who are physicians licensed and certified in Pennsylvania. This section sets standards for the exercise of such discretion.

§199.25 Exemptions for licensed professionals

Taking into account comments informally received from several physicians, and mindful of the specialized knowledge required of coroners, this section establishes that no licensed professionals, other than licensed forensic pathologists, will be eligible for exemption from the requirement of attending the Basic Education Course and passing the examination.

§199.26 Eligibility for Certification

This provision addresses certification of both persons statutorily required to take the Basic Education Course and pass the examination and also persons who take the course voluntarily.

§199.27 Failure of coroner to attend Basic Education Course or to pass examination

This section addresses the notification duties of the Board when a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination.

§199.28 Failure of chief deputy coroner to attend Basic Education Course or to pass examination

This provision addresses the notification duties of the Board when a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination.

§199.30 Appointments made more than six months prior to course.

Section 199.30 addresses procedures for meeting Basic Education requirements when an appointment to office is made more than 6 months prior to the next scheduled Basic Education Course.

§199.41 Continuing education

This provision relates to the statutory requirement that coroners and deputy coroners obtain a minimum of 8 hours of continuing education credits in each calendar year. Final rule-making adds the directive that continuing education credits be obtained in subject areas relevant to the statutorily defined duties of coroners and deputy coroners.

§199.42 Approval of course for continuing education credit

This provision sets out the procedure for obtaining approval of a course for continuing education. Final rule-making changes the period in which approval must be sought from three months to 90 days prior to the date of instruction.

§199.43 Standards for course approval

This provision establishes criteria to guide the Board's discretion in approving a course for continuing education credit. Final rule-making enlarges the criteria to include the education and relevant experience of the course instructors.

§199.44 Approval by chairperson

Section 199.30 permits the Board chairperson to approve courses for continuing education credit subject to ratification by the Board.

§199.45 Board ratification

This section sets the schedule for Board ratification of the chairperson's approval of courses for continuing education credit.

§199.46 Approval by simple majority

This provision establishes the required vote for Board ratification of the chairperson's approval of a course for continuing education credit.

§199.47 Unit of credit

This section establishes what shall constitute a unit of continuing education credit, limits the amount of continuing education credit available in a calendar year and establishes the amount of continuing education credit to be awarded teachers of approved course.

§ 199.48 Continuing education for persons required to attend Basic Education Course

This provision states continuing education requirements for newly elected and newly appointed coroners and deputies.

§199.49 Failure of coroner to meet Continuing Education requirements

This provision states the action the Board will take in the event a coroner fails to meet yearly Continuing Education requirements.

§199.50 Failure of chief deputy coroner or full-time deputy coroner to meet Continuing Education requirements

This provision states the action the Board will take in the event a chief deputy coroner or

full-time deputy coroner fails to meet yearly continuing education requirements.

§199.61 Statement of Board approval

This section informs continuing education course providers of the need to have written authorization from the Board prior to representing that the course offering is approved for continuing education credit.

§199.62 Verification of attendance

The provision informs continuing education providers of record-keeping and notification requirements.

§199.63 Certificate of attendance

This section informs continuing education providers of requirements pertaining to certification of attendance.

§199.64 Notification to Board

This provision informs course providers of requirements for reporting attendance and credit hours to the Board.

§199.71 Board to maintain current list

This regulation states the Board will keep a list of all currently elected coroners.

§ 199.72 Coroners' duty to notify Board

This provision informs coroners of the responsibility to provide the Board with the names of all chief deputy coroners and full-time deputy coroners. Final rule-making clarifies the relevant time period from one-month to 30 days following appointment.

F. Summary of Comments and Responses on the Proposed Rule-making

Notice of proposed rule-making was published at *30 Pa.B 1871* (April 8, 2000). The Board

received comments only from the Independent Regulatory Review Commission (IRRC). All comments submitted to the Board were duly considered and final rule-making was revised to reflect the commentators' suggestions or objections on the proposal.

The comments from IRRC focused on clarity of language and consistency with the enabling statutes. The Board, accordingly, made revisions in final rule-making to comport with the suggestions of the IRRC. For example, the Board has stricken proposed regulations attaching consequences to failure to meet continuing education requirements. This change was made because there is no statutory authority for creating such consequences. At the direction of IRRC, the Board has amended the proposed regulations to include notice of the right to appeal decisions of the Board in accordance with provisions of administrative law and procedure. In response to IRRC, the Board has included a proposed regulation pertaining to the fixing of costs for those statutorily required to attend the Basic Education Course. Final rule-making includes a more complete description of the Basic Education Course curriculum and more fully describes standards for Board approval of courses proposed for continuing education credit.

G. Benefits and Costs

Executive order 1996-1 requires a cost/benefit analysis of the final form regulations.

(1) Benefits

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), the Board has sought in final rule-making to achieve clear and, where possible, nontechnical language. Likewise, it has reviewed and incorporated comments pertaining to clarity of language received from IRRC.

(2) Costs

The proposed regulations will impose no new costs on the private sector or on the general public.

(3) Paperwork requirements

The proposed regulations will not increase paperwork.

H. Sunset Date

The Board will continuously monitor 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 a copy of the proposed rule-making, published at 30 *Pa.B.* 1871 (April 8, 2000) on March 23, 2000, to the Independent Regulatory Review Commission (IRRC), the Office of the Budget and the chairpersons of the House and Senate Judiciary Committees. The Board was later notified that the Senate Local Government Committee was to receive proposed rule-making, in lieu of the Senate Judiciary Committee. This oversight was corrected and a copy of the proposed rule-making submitted to the Chairmen of the Senate Local Government Committee in June of 2000. IRRC issued written comments on July 24, 2000.

In preparing the final form regulations, the Board has considered all comments received from the Commission. Neither the Committees nor the public provided comments on the proposed rule-making.

These final form regulations were (deemed) approved by the House and Senate Committee on _____. The Commission met _____ 2001 and approved the final form regulations in accordance with section 5(c) of the Regulatory Review Act.

J. Findings

The Board finds that:

(1) Public notice of proposed rule-making 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 at 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 to proposed rule-making do not enlarge the purpose of proposed rule-making published at 30 *Pa. B.* 1871(April 8, 2000).


(4).These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part C of this Order.

L. Order of the Board

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

1. 37 Pa. Code be amended to include Chapter 199, to read as set forth in Annex A.
2. The Board shall submit this order and Annex A to the Office of Attorney General as required by law.
3. The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
4. The order shall take effect on publication in the *Pennsylvania Bulletin*.

BY



MICHAEL L. NORRIS, Chairman, Coroners' Education Board

Annex "A"

General

§ 199.1 Definitions.

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

Act--The Act of March 2, 1988, (P. L. No. 1988- No. 22) (16 P.S. §§9525.1--9525.6)

Basic Education Course--The course of instruction required by the Act to be given to all coroners upon their first election to office and to all chief deputy and full-time deputy coroners upon first being appointed to either position.

Board--The Coroners' Education Board.

Certification--Documentation issued by the Board indicating that education requirements have been met.

Continuing education--Yearly educational requirement mandated by the Act for every coroner, chief deputy coroner and full-time deputy coroner.

Examination--The examination given at the conclusion of the Basic Education Course.

Full-time deputy coroner--An individual employed by a county and deemed by the county to be "full-time."

Just-Cause--Instances such as job-related emergencies, or illness or accident suffered either by a person required to meet Basic Education requirements or by such person's immediate family[.] or instances where an appointment to fill a vacancy occurs prior to the next scheduled Basic Education Course.

Application

§ 199.2 Application of Act

All coroners, whether elected or appointed, and their deputies, are subject to the provisions of the Act and of this chapter.

§199.3 Appeal Procedure

Any coroner or deputy aggrieved by a decision of the Board shall have the right to appeal in accordance with the provisions of Title 2 of the Pennsylvania Consolidated Statutes, relating to administrative law and procedure.

Organization of the Board

§199.11 Board chairperson

The Board members will elect a chairperson from the Board membership at the first regularly scheduled meeting of each calendar year.

§199.12 Temporary chairperson

In the absence of the elected chairperson, any Board member may serve as temporary chairperson with the approval of a majority of the Board members present.

§199.13 Meeting schedule

The Board will schedule six regular meetings per calendar year, with the meeting dates to be set at or before the first meeting of the calendar year.

Basic Education Course

§199.21 General requirement

All newly elected coroners and newly appointed chief deputy and full-time deputy coroners must attend the Basic Education Course and pass the examination. The Basic Education Course is a minimum 32 hours of instruction given between the date of each municipal election and December 31 of that year. The course of instruction includes subjects such crime-scene investigation, toxicology, forensic autopsies and the legal duties of a coroner. A written examination is given at the conclusion of the course.

§ 199.22 Basic Education Course Costs

Costs for those persons statutorily required to attend the Basic Education course will be the

minimum necessary to pay the cost of instruction, required course materials, and room and board. A schedule of cost options to attend the Basic Education Course is available upon request from the Board.

§199. [22] 23 Postponement for Just Cause

The determination of the existence of Just Cause to postpone attendance at the Basic Education Course, completion of the examination or compliance with any other provision of the Act, shall be at the discretion of the Board. The person seeking exemption bears the responsibility of initiating contact with the Board within 30 days of the event asserted as Just Cause.

§199.[23] 24 Exemption for qualified forensic pathologist[s]

A licensed forensic pathologist may be exempt from the requirement of attendance at the Basic Education Course and completion of the examination. The Board will determine eligibility for exemption. based upon the applicant's ability to demonstrate active, current involvement in the practice of forensic pathology.

§199.[24] 25 Exemptions for licensed professionals

With the exception of §199.[23] 24, no exemptions from §199.21, General Requirement, will be permitted based on other types of education or experience.

§199.[25] 26 Eligibility for Certification

Persons statutorily required to complete the Basic Education Course and pass the examination will receive Certification from the Board.

Persons who are under no statutory obligation to do so, but who register for the Basic Education Course through the Board, attend the course and pass the examination, will receive Certification. Such certification will expire in 1 year, unless the Board receives evidence of yearly compliance with the Continuing Education requirement.

§199.[26] 27 Failure of coroner to attend Basic Education Course or to pass examination.

When a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the Governor, following the last Board meeting of the year, unless the Board has postponed compliance for Just Cause.

§199.[27] 28 Failure of chief deputy coroner or full-time deputy coroner to attend Basic Education course or pass examination.

When a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the coroner of the appropriate county and the county commissioners or county executive, as appropriate, unless the Board has postponed compliance for Just Cause. The notification will be made in writing within 30 days of the examination.

§199.[28] 29 Appointees' Basic Education requirement

A person appointed to fill a vacancy in the office of coroner who has never taken the Basic Education Course and passed the examination shall attend the next scheduled Course and pass the examination given at its conclusion. The failure to meet the Basic Education requirement will result in a vacancy in the office.

§199.[29] 30 Appointments made more than six months prior to course.

When a chief deputy coroner or full-time deputy is appointed more than 6 months before the next scheduled Basic Education Course, the coroner making the appointment shall apply to the Board for an extension of time in which the deputy may take the required course.

Continuing Education

§199.41 Continuing education

All coroners and deputy coroners are required to obtain a minimum of 8 hours of continuing education credits in each calendar year. Continuing education credits are to be obtained in subject areas relevant to the statutorily defined duties of coroners and deputy coroners.

§199.42 Approval of course for continuing education credit

Persons seeking to have a course approved for continuing education credit shall submit a course approval application form to the chairperson of the Board at least [3 months] 90 days prior to the date[s] of instruction. Approval will not be given retroactively.

§199.43 Standards for course approval

In evaluating the suitability of a course proposed for continuing education[course] credit, the Chairperson and the Board shall consider factors such as the relevancy of the course content to the duties of the coroner and the qualifications of the course instructors, including education and experience in the subject matter of the course.

§199.44 Approval by chairperson

The Board chairperson shall have the right to approve courses for continuing education credits subject to ratification by the Board.

§199.45 Board ratification

Continuing education courses approved by the Board chairperson will be proposed for Board ratification at the next regularly scheduled Board meeting.

§199.46 Approval by simple majority

Concurrence by a simple majority of the Board is needed to ratify the chairperson's approval of a course for continuing education.

§199.47 Unit of credit

Attendees at approved continuing education courses will be granted 1 hour of continuing education credit for 1 hour of instruction. Credit in excess of 8 hours will not be given.

Teachers at an approved continuing education course will be granted 1 hour of continuing education credit for each hour of instruction. Credit in excess of 8 hours will not be given.

§199.48 Continuing education for persons required to attend Basic Education Course

Within the first year of election or appointment, persons required to complete the Basic Education Course shall also obtain eight hours of continuing education.

§199.49 Failure of coroner to meet Continuing Education requirements

When a person holding the office of coroner fails to meet yearly Continuing Education requirements, the Board will notify the Governor, in writing, following the last Board meeting of the calendar year, unless the Board has postponed compliance for Just Cause.

§199.50 Failure of chief deputy coroner or full-time deputy coroner to meet Continuing Education requirements

When a chief deputy coroner or full-time deputy coroner fails to meet yearly Continuing Education requirements, the Board will notify the coroner of the proper county and the county commissioners or county executive, as appropriate. The notification will be made in writing following the last Board meeting of the year, unless the Board has postponed compliance for Just Cause.

§199.51 Requirements for re-appointees to vacancies

When a coroner re-appoints a chief deputy or full-time deputy to a vacancy created by that same individual's failure to meet the yearly Continuing Education requirement, the Board shall deem that individual to be newly appointed and subject to the requirement of §199.21, General Requirement.

§199.52 Extension of time to complete Continuing Education requirements

Extension of the time to complete continuing education requirements shall be at the discretion of the Board for Just Cause . The person seeking an extension bears the responsibility of initiating contact with the Board.

Responsibility of Education Providers

§199.61 Statement of Board approval

Course providers may not represent that a course has been approved for Continuing Education requirements unless written authorization has been received from the Board.

§199.62 Verification of attendance

Course providers shall be responsible for taking attendance, verifying attendance upon Board request, and notifying course attendees of approved hours of credit.

§199.63 Certificate of attendance

Course providers shall be responsible for providing a written certificate of attendance to the attendee indicating course title and date, name of course provider, and number of hours of approved credit earned.

§199.64 Notification to Board

Course providers shall submit to the Board a list of all course attendees with number of credit hours earned, within 60 days of completion of the course.

Registration of Coroners and Deputies

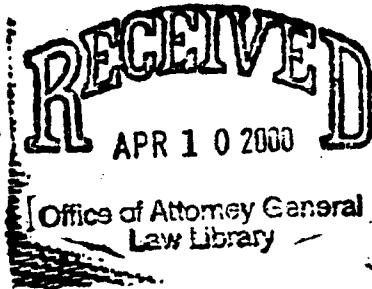
§199.71 Board to maintain current list

The Board shall maintain a list of all currently elected coroners.

§199.72 Coroners' duty to notify Board

Coroners shall provide the Board with the names of all chief deputy coroners and full-time deputy coroners within [1 month] 30 days of their appointment. Coroners shall notify the Board within [1 month] 30 days of the departure of chief deputy and full-time deputy coroners. Notification shall be made in writing addressed to Chairman, Coroners' Education Board, c/o Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, Pa. 17120.

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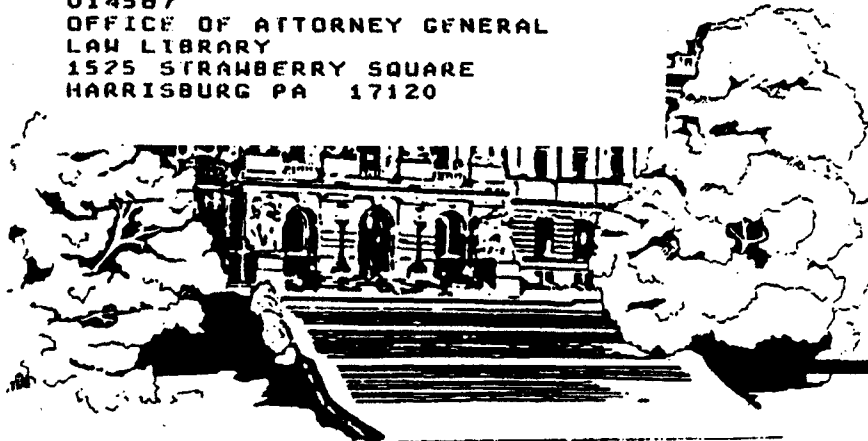
Agencies in this issue:

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Coroners' Education Board
Department of Banking
Department of Education
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Department of Health
Department of Public Welfare
Department of Transportation
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Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Turnpike Commission

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PROPOSED RULEMAKING

CORONERS' EDUCATION BOARD

[37 PA. CODE CH. 199]
Education Requirements

The Coroners' Education Board (Board), housed in the Office of Attorney General, under section 6 of the act of March 2, 1988 (P. L. 108, No. 22), known as the Coroners' Education Board Law (16 P. S. § 9525.6) (act) proposes to add Chapter 199 (relating to Coroners' Education Board) to read as set forth in Annex A. This proposed rulemaking regulates the duties of the Board, as set forth in the act (16 P. S. §§ 9525.1—9525.6), to establish a course of instruction to be given to coroners upon first election to office as well as to chief deputy and full-time deputy coroners; to prepare a written examination to be given at the conclusion of each course of instruction; to set tuition for the courses of instruction; to determine what offerings qualify for continuing education requirements; and to notify the Governor or the appropriate county coroner when persons bound by the act fail to comply with its requirements. The Board is publishing these proposed regulations under the authority of the act and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

A. Effective Date

The proposed regulations will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on proposed regulations, contact Andrea F. McKenna, Senior Deputy Attorney General, Office of the Attorney General, 16th Fl. Strawberry Square, Harrisburg, PA 17120, (717) 787-6348, amckenna@attorneygeneral.gov.

C. Statutory Authority

These proposed regulations are promulgated under the statutory authority of the act and section 506 of The Administrative Code of 1929.

D. Purpose and Background

The Board is statutorily charged with these duties: (1) establishing a course of instruction for elected coroners, chief deputy and full-time deputy coroners; (2) establishing tuition for the course of instruction; (3) preparing an examination to be given at the end of the course of instruction; (4) approving courses of instruction for continuing education credit; and (5) determining whether a coroner or deputy has fulfilled the continuing education requirements. The proposed regulations are intended to codify existing practices of the Board in carrying out its statutory duties and to provide guidance to coroners and their deputies who shall meet statutory requirements pertaining to basic and continuing education.

E. Summary of Proposal

The proposed regulations establish procedures for carrying out the statutorily mandated duties of the Board.

F. Paperwork

The proposed regulations will not increase paperwork.

G. Fiscal Impact

The proposed regulations will have no adverse impact on the Commonwealth or its political subdivision. The proposed regulations will impose no new costs on the private sector or on the general public.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 23, 2000, the Office of Attorney General submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. In addition to submitting the proposed regulations, the Office of Attorney General has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Office of Attorney General in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Office of Attorney General within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Office of Attorney General, the General Assembly and the Governor of objections raised.

I. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulations to Michael L. Norris, Chairperson, Coroners' Education Board, c/o Gwendolyn Casey, Executive Secretary to the Board, Office of the Attorney General, 16th Fl. Strawberry Square, Harrisburg, PA 17120, within 60 days after publication of this notice in the *Pennsylvania Bulletin*.

Comments may also be submitted electronically to gcasey@attorneygeneral.gov. A subject heading of the proposed regulations and a return name and address must be included in each transmission. If an acknowledgment of electronically-submitted comments is not received by the sender within 2 business days, the comments should be retransmitted to ensure receipt.

MICHAEL L. NORRIS,
Chairperson

Fiscal Note: 59-07. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart M. CORONERS

CHAPTER 199. CORONERS' EDUCATION BOARD

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199.2.	Application of act.

ORGANIZATION OF THE BOARD

199.11.	Board chairperson.
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BASIC EDUCATION COURSE

- 199.21. General requirement.
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- 199.23. Exemption for qualified forensic pathologists.
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- 199.51. Requirements for reappointees to vacancies.
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RESPONSIBILITY OF EDUCATION PROVIDERS

- 199.61. Statement of Board approval.
- 199.62. Verification of attendance.
- 199.63. Certificate of attendance.
- 199.64. Notification to Board.

REGISTRATION OF CORONERS AND DEPUTIES

- 199.71. Board to maintain current list.
- 199.72. Coroners' duty to notify Board.

GENERAL**§ 199.1. Definitions.**

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

Act—The act of March 2, 1988 (P. L. 108, No. 22) (16 P. S. §§ 9525.1—9525.6).

Basic Education Course—The course of instruction required by the act to be given to coroners upon first election to office and to chief deputy and full-time deputy coroners upon first being appointed to either position.

Board—The Coroners' Education Board.

Certification—Documentation issued by the Board indicating that education requirements have been met.

Continuing education—Yearly educational requirement mandated by the act for every coroner, chief deputy coroner and full-time deputy coroner.

Examination—The examination given at the conclusion of the Basic Education Course.

Full-time deputy coroner—An individual employed by a county and deemed by the county to be "full-time."

Just-cause—Instances such as job-related emergencies, or illness or accident suffered either by a person required to meet basic education or continuing education requirements or by the person's immediate family or death of the person's immediate family member.

§ 199.2. Application of act.

Coroners, whether elected or appointed, and their deputies, are subject to the act and of this chapter.

ORGANIZATION OF THE BOARD**§ 199.11. Board chairperson.**

The Board members will elect a chairperson from the Board membership at the first regularly scheduled meeting of each calendar year.

§ 199.12. Temporary chairperson.

In the absence of the elected chairperson, a Board member may serve as temporary chairperson with the approval of the Board.

§ 199.13. Meeting schedule.

The Board will schedule six regular meetings per calendar year, with the meeting dates to be set at or before the first meeting of the calendar year.

BASIC EDUCATION COURSE**§ 199.21. General requirement.**

Newly elected coroners and newly appointed chief deputy and full-time deputy coroners shall attend the Basic Education Course and pass the examination. The Basic Education Course is a minimum 32 hours of instruction given between the date of each municipal election and December 31 of that year. The course of instruction includes subjects such as crime-scene investigation, toxicology and the legal duties of a coroner. A written examination is given at the conclusion of the course.

§ 199.22. Postponement for just cause.

The determination of the existence of just cause to postpone attendance at the Basic Education Course, completion of the examination or compliance with another provision of the act, will be at the discretion of the Board. The person seeking exemption bears the responsibility of initiating contact with the Board within 30 days of the event asserted as just cause.

§ 199.23. Exemption for qualified forensic pathologists.

A licensed forensic pathologist may be exempt from the requirement of attendance at the Basic Education Course and completion of the examination. The Board will determine eligibility for exemption based upon the applicant's ability to demonstrate active, current involvement in the practice of forensic pathology.

§ 199.24. Exemptions for licensed professionals.

With the exception of § 199.23 (relating to exemption for qualified forensic pathologists), no exemptions from § 199.21 (relating to general requirement) will be permitted based on other types of education or experience.

§ 199.25. Eligibility for certification.

(a) Persons statutorily required to complete the Basic Education Course and pass the examination will receive certification from the Board.

(b) Persons who are under no statutory obligation to do so, but who register for the Basic Education Course through the Board, attend the course and pass the examination, will receive certification. The certification will expire in 1 year, unless the Board receives evidence of yearly compliance with the continuing education requirement.

§ 199.26. Failure of coroner to attend Basic Education Course or to pass examination.

When a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the Governor,

following the last Board meeting of the year, unless the Board has postponed compliance for just cause.

§ 199.27. Failure of chief deputy coroner or full-time deputy coroner to attend Basic Education Course or pass examination.

When a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the coroner of the appropriate county and the county commissioners or county executive, as appropriate, unless the Board has postponed compliance for just cause. The notification will be made in writing within 30 days of the examination.

§ 199.28. Appointees' basic education requirement.

A person appointed to fill a vacancy in the office of coroner who has never taken the Basic Education Course and passed the examination shall attend the next scheduled course and pass the examination given at its conclusion. The failure to meet the basic education requirement will result in a vacancy in the office.

§ 199.29. Appointments made more than 6 months prior to course.

When a chief deputy coroner or full-time deputy is appointed more than 6 months before the next scheduled Basic Education Course, the coroner making the appointment shall apply to the Board for an extension of time in which the deputy may take the required course.

CONTINUING EDUCATION

§ 199.41. Continuing education.

Coroners and deputy coroners are required to obtain a minimum of 8 hours of continuing education credits in each calendar year.

§ 199.42. Approval of course for continuing education credit.

Persons seeking to have a course approved for continuing education credit shall submit a course approval application form to the chairperson of the Board at least 3 months prior to the date of instruction. Approval will not be given retroactively.

§ 199.43. Standards for course approval.

In evaluating the suitability of a proposed continuing education course, the Chairperson and the Board will consider factors such as the relevancy of the course content to the duties of the coroner and the qualifications of the course instructors.

§ 199.44. Approval by chairperson.

The Board chairperson has the right to approve courses for continuing education credits subject to ratification by the Board.

§ 199.45. Board ratification.

Continuing education courses approved by the Board chairperson will be proposed for Board ratification at the next regularly scheduled Board meeting.

§ 199.46. Approval by simple majority.

Concurrence by a simple majority of the Board is needed to ratify the chairperson's approval of a course for continuing education.

§ 199.47. Unit of credit.

(a) Attendees at approved continuing education courses will be granted 1 hour of continuing education credit for 1 hour of instruction. Credit in excess of 8 hours will not be given.

(b) Teachers at an approved continuing education course will be granted 1 hour of continuing education credit for each hour of instruction. Credit in excess of 8 hours will not be given.

§ 199.48. Continuing education for persons required to attend Basic Education Course.

Within the first year of election or appointment, persons required to complete the Basic Education Course shall also obtain 8 hours of continuing education.

§ 199.49. Failure of coroner to meet continuing education requirements.

When a person holding the office of coroner fails to meet yearly continuing education requirements, the Board will notify the Governor, in writing, following the last Board meeting of the calendar year, unless the Board has postponed compliance for just cause.

§ 199.50. Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.

When a chief deputy coroner or full-time deputy coroner fails to meet yearly continuing education requirements, the Board will notify the coroner of the proper county and the county commissioners or county executive, as appropriate. The notification will be made in writing following the last Board meeting of the year, unless the Board has postponed compliance for just cause.

§ 199.51. Requirements for reappointees to vacancies.

If a coroner re-appoints a chief deputy or full-time deputy to a vacancy created by that individual's failure to meet the yearly continuing education requirement, the Board will deem that individual to be newly appointed and subject to the requirement of § 199.21 (relating to general requirement).

§ 199.52. Extension of time to complete continuing education requirements.

Extension of the time to complete continuing education requirements will be at the discretion of the Board for just cause. The person seeking an extension bears the responsibility of initiating contact with the Board.

RESPONSIBILITY OF EDUCATION PROVIDERS

§ 199.61. Statement of Board approval.

Course providers may not represent that a course has been approved for continuing education requirements unless written authorization has been received from the Board.

§ 199.62. Verification of attendance.

Course providers shall be responsible for taking attendance, verifying attendance upon Board request, and notifying course attendees of approved hours of credit.

§ 199.63. Certificate of attendance.

Course providers shall be responsible for providing a written certificate of attendance to the attendee indicating course title and date, name of course provider, and number of hours of approved credit earned.

§ 199.64. Notification to Board.

Course providers shall submit to the Board a list of all course attendees with number of credit hours earned, within 60 days of completion of the course.

REGISTRATION OF CORONERS AND DEPUTIES**§ 199.71. Board to maintain current list.**

The Board will maintain a list of all currently elected coroners.

§ 199.72. Coroners' duty to notify Board.

Coroners shall provide the Board with the names of all chief deputy coroners and full-time deputy coroners within 1 month of appointment. Coroners shall notify the Board within 1 month of the departure of chief deputy and full-time deputy coroners. Notification shall be made in writing addressed to Chairperson, Coroners' Education Board, c/o Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, Pennsylvania 17120.

[Pa.B. Dec. No. 00-601. Filed for public inspection April 7, 2000, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 91]

Boating Safety Education Certificates

The Fish and Boat Commission (Commission) proposes to amend Chapter 91 (relating to general provisions). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This proposed amendment relates to Boating Safety Education Certificates.

A. Effective Date

This proposed amendment, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

This proposed amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

This proposed amendment is designed to update, modify and improve Commission regulations relating to boating. The specific purpose of this proposed amendment is described in more detail under the summary of proposal. The Commission's Boating Advisory Board will provide input to the Commission regarding the proposed change prior to the Commission's consideration of them on final rulemaking.

E. Summary of Proposal

Beginning January 1, 2000, all operators of personal watercraft (PWC) must have a Boating Safety Education Certificate in their possession while operating a PWC. In that regard, the Commission believes that there may be some confusion concerning the interpretation of the existing definition of a "Boating Safety Education Certificate"

in § 91.6 (relating to certificates). Specifically, there is concern that the current regulation does not clearly identify what is required of PWC operators depending on their state of residence. The Commission, therefore, proposes to amend the section to read as set forth in Annex A. This proposed amendment does not change the intent of the existing regulation. The new language merely clarifies that a resident of this Commonwealth, when required to carry a Boating Safety Education Certificate, shall have one issued by the Commission, another state or Canadian province. The language further clarifies that for nonresidents, the certificate may be issued by a governmental agency or any organization that has been designated by the Executive Director. These organizations shall have had prior approval of the National Association of State Boating Law Administrators.

F. Paperwork

This proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This proposed amendment will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposal in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-106. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart C. BOATING****CHAPTER 91. GENERAL PROVISIONS****§ 91.6. Boating Safety Education Certificates.**

(a) [A certificate, license or other document required under this subpart or the code shall be carried when the boat is in operation and shall be carried so that it can be handed to an officer authorized to enforce this subject.

(b) A Boating Safety Education Certificate is one issued to an individual by one of the following:

(1) The Commission or another state or province for successful completion of a boating safety educa-