

Regulatory Analysis Form

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REGULATORY
REVIEW COMMISSION

Bush

IRRC Number: 2105

(1) Agency

Office of Attorney General

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

59-07

(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.

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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:	S	S	S	S	S	S
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.

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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 or 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.

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LEGISLATIVE REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

#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 [Signature] MAR 09 2000

By: [Signature] (DEPUTY ATTORNEY GENERAL)

DOCUMENT/FISCAL NOTE NO. 59-07

DATE OF ADOPTION January 18, 2000

DATE OF APPROVAL

MAR 09 2000

DATE OF APPROVAL

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

Check if applicable Copy not approved. Objections attached.

BY [Signature] TITLE Chairman, Coroners' Education Board

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

Notice of Proposed Rulemaking OFFICE OF ATTORNEY GENERAL Coroners' Education Board 37 Pa. Code Chap. 199 Education Requirements

Notice of Proposed Rule-Making

Office of Attorney General/ Coroners' Education Board
[37 Pa. Code Ch. 199]

Regulations for Coroners' Education Board

The Coroners' Education Board, housed in the Office of Attorney General, under section one 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," proposes to amend 37 Pa. Code by adding Chapter 199 as set forth in Annex A. These amendments regulate the duties of the Coroners' Education Board, as set forth at 16 P.S. §§9525.1--9525.6, to establish a course of instruction to be given to all coroners upon their first election to office as well as to all 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 Coroners' Education Board is publishing these proposed regulations under the authority of the Act and 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 16 P.S.

§§9525.1-9525.6 and 71 P.S. §186.

D. Purpose and Background

The Coroners' 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 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 must 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 Coroners' Education 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, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§745.1--745.15), as amended by Act 24 of 1997 (P.L. 252, No. 24), the Office of Attorney

General submitted a copy of these regulations on _____, 2000 to the Independent Regulatory Review Commission and to the Chairpersons of the House Judiciary Committee and the Senate Judiciary Committee. In addition to submitting the proposed regulations, the Office of Attorney General has provided the Commission 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 the Commission has an objection 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. Such 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, Chairman, 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 regulation 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 two business days, the comments should be retransmitted to ensure receipt.

Fiscal Note: A fiscal note is attached.

By the Coroners' Education Board

MICHAEL L. NORRIS, Chairman

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 or Continuing education requirements or by such person's immediate family or death of such person's immediate family member.

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.

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 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

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, 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 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 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, no exemptions from §199.21, General Requirement, will be permitted based on other types of education or experience.

§199.25 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 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 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.

§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[s] 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 shall 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 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

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 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 of their 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 Chairman, Coroners' Education Board, c/o Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, Pa. 17120.

MEMORANDUM

Commonwealth of Pennsylvania Office of Attorney General

SUBJECT: OAG Regulation #59-07

TO: Mary S. Wyatt, Chief Counsel
Independent Regulatory Review Commission
333 Market Street, 14th Floor

FROM: Andrea F. McKenna ^{AFM}
Senior Deputy Attorney General
Appeals and Legal Services Section

Attached hereto is the OAG Proposed Regulation package pertaining to the Coroners' Education Board which, by statute, is housed in the Office of Attorney General. I sit as the Attorney General's designee on the Board. Cumberland County Coroner Michael L. Norris is Board chairman.

Copies of the proposed regulations are being delivered today to all relevant agencies. I am available at 787-6348 should you have any questions.

AFM/mrw
Attachment

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TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

INDEPENDENT REGULATORY REVIEW COMMISSION

I.D. NUMBER: OAG Reg. #59-07

SUBJECT: Coroners' Education Board/ Proposed Regulations

AGENCY: Office of Attorney General

#2105

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
3/23/00	Judy Sedesse	HOUSE COMMITTEE
3/23	Angela Shelburne	SENATE COMMITTEE
3/23/00	Kristina Hillman	INDEPENDENT REGULATORY REVIEW COMMISSION
3/9	Curtis J. Papp	ATTORNEY GENERAL
3/23	James D. Horn	LEGISLATIVE REFERENCE BUREAU
3/23	Sindal W. Smith	Budget Office