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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

July 24, 2000

Michael L. Norris, Chairperson  
Coroners' Education Board  
16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Re: IRRC Regulation #59-7 (#2105)  
Coroners' Education Board  
Education Requirements

Dear Chairperson Norris:

Enclosed are our Comments. They are also available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

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Enclosure

cc: Honorable Thomas P. Gannon, Majority Chairman, House Judiciary Committee  
Honorable Kevin Blaum, Democratic Chairman, House Judiciary Committee  
Honorable Stewart J. Greenleaf, Chairman, Senate Judiciary Committee  
Honorable Michael A. O'Pake, Minority Chairman, Senate Judiciary Committee  
Andrea McKenna  
Gwendolyn Casey  
David J. DeVries, Esq.  
Jane M. Demko  
Lee Ann Labecki

# Comments of the Independent Regulatory Review Commission

on

## Coroners' Education Board Regulation No. 59-7

### Education Requirements

July 24, 2000

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Coroners' Education Board (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 7, 2002, the regulation will be deemed withdrawn.

#### 1. General. - Consistency with the statute. ✓

The proposed regulation does not contain provisions for a coroner or deputy coroner to appeal a decision of the Board. The Board should consider adding a section to the final-form regulation delineating or cross-referencing appeal procedures consistent with Section 5(c) of the Coroners' Education Board Law (Law) (16 P.S. § 9525.5(c)).

#### 2. Section 199.1. Definitions. - Consistency with the statute; Clarity.

##### *Definition of "Just-cause"*

"Just-cause" is defined as follows:

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.

We have two concerns with this definition. First, the Law (16 P.S. § 9525.5) does not allow just-cause exceptions to the continuing education requirements. Consequently, the reference to continuing education requirements should be deleted.

Second, based on information provided by the Board, there may be instances where the Basic Education Course is not offered prior to the time a coroner or deputy coroner takes office, such as when an individual is appointed to fill a vacancy. The Board should consider amending the definition of "just-cause" to address this situation.

**3. Section 199.12. Temporary chairperson. - Clarity.**

This section permits a Board member to serve as a temporary chairperson “with the approval of the Board.” To be clear, the section should state that a Board member may serve as a temporary chairperson “with the approval of the majority of the Board members present.”

**4. Section 199.21. General requirement. - Consistency with the statute; Reasonableness.**

*Subjects for the Basic Education Course*

This section lists subjects for the Basic Education Course, including crime scene investigation, toxicology and the legal duties of a coroner. This list is incomplete because it does not include “forensic autopsies” which is contained in Section 2(f) of the Law (16 P.S. § 9525.2(f)). In the final-form regulation, the Board should include “forensic autopsies” in the listing of required subjects.

*Tuition*

Section 2(g) of the Law (16 P.S. § 9525.2(g)) provides that the Board “shall establish the tuition to be charged for the courses of instruction . . . .” However, the proposed regulation does not establish tuition requirements. The Board maintains that tuition for the Basic Education Course is comprised of charges for instruction, books, room and board. An attendee may pay only for instruction and books, or for any combination of instruction, books, room and board. Additionally, there may be frequent, minor tuition adjustments resulting from changes in the cost of meals or lodging. According to the Board, these factors make it difficult to establish tuition within the regulation.

We recognize the difficulties of establishing these tuition requirements in regulation. However, the Board should consider adding a provision to the final-form regulation stating that a current listing of tuition options for the Basic Education Course is available from the Board’s office.

**5. Section 199.41. Continuing education. - Clarity.**

This section requires coroners and deputy coroners to complete eight hours of continuing education annually. The regulation does not list the subject areas to be covered by the continuing education courses. For improved clarity, the Board should consider listing general subject areas in the regulation. Alternatively, the regulation could state that a current list of subjects for continuing education is available from the Board’s office.

**6. Section 199.43. Standards for course approval. - Clarity.**

This section provides that the Board will consider the qualifications of course instructors when evaluating the suitability of a proposed continuing education course. For clarity, the Board should consider amending the regulation to list the minimum qualifications for instructors, or the criteria the Board will use to determine if a prospective instructor is qualified.

- 7. Section 199.49. Failure of coroner to meet continuing education requirements.  
Section 199.50. Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.  
Section 199.52. Extension of time to complete continuing education requirements. -  
Statutory Authority; Clarity.**

*Postponing compliance with continuing education requirements*

These three sections allow the Board to postpone a coroner or deputy coroner's compliance with the continuing education requirements for "just-cause." The Law (16 P.S. § 9525.3(a)) authorizes the Board to postpone compliance with the Basic Education Course for just-cause. However, there is no similar authorization in the Law (16 P.S. § 9525.5) for continuing education requirements. We request the Board explain its statutory authority to postpone compliance with the continuing education requirements.

*Notification of failure to meet continuing education requirements*

Sections 199.49 and 199.50 address the Board's notification procedures when a coroner or deputy coroner fails to meet the annual continuing education requirements. Specifically, these sections provide that the Board will notify the Governor, or the coroner and county commissioners in the case of deputy coroners, "in writing, following the last Board meeting of the year."

Since coroners and deputy coroners have until the end of the calendar year to meet the continuing education requirements, the Board cannot make compliance determinations until after the end of the calendar year. It is our understanding that the Board actually sends notification of failures to meet continuing education requirements after the first meeting of the year, following the year in which the failures occurred. Consequently, the language in the proposed regulation does not accurately reflect the Board's current procedures. Therefore, the regulation should be amended to correctly state when the failure notifications occur.

*Allowing less than eight hours of continuing education*

Also, in discussions with the Board, we understand it is the Board's policy to require only four hours of continuing education for coroners or deputy coroners who are appointed on or after August 1<sup>st</sup> in a given year. The Law (16 P.S. § 9525.5) does not provide for less than eight hours of continuing education. What is the Board's statutory authority for reducing the continuing education requirements for those appointed toward the end of the calendar year?

- 8. Section 199.72. Coroners' duty to notify Board. - Clarity.**

This section establishes that the elected coroner is to notify the Board "within one month" of the appointment or departure of the chief deputy coroner and any full-time deputy coroners. A 30-day period is clearer than "one month" and would leave no question as to when notification should occur. Therefore, the Board should use 30 days instead of "one month" as the notification period.