



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

March 28, 2001

MIKE FISHER  
ATTORNEY GENERAL

**- M E M O R A N D U M -**

**RE: FINAL RULEMAKING  
CORONERS' EDUCATION BOARD**

**TO:** The Honorable Thomas P. Gannon, Majority Chairman  
The Honorable Kevin Blaum, Minority Chairman  
House Judiciary Committee

The Honorable James W. Gerlach, Majority Chairman  
The Honorable Michael L. Waugh, Vice Chairman  
Senate Local Government Committee

Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission

**FROM:** Andrea F. McKenna *AFM*  
Senior Deputy Attorney General

The attached documents were inadvertently omitted in the packet delivered to you earlier today, March 28, 2001, for the Coroners' Education Board, housed in the Office of Attorney General. Any questions may be directed to me at 787-6348.

attachment  
AFMcK:gcc

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 59-07  
SUBJECT: Coroners' Education Board  
AGENCY: Office of Attorney General

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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

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FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
3/28/01	<u>J. Lodiase</u>	<u>HOUSE COMMITTEE</u>
3/28/01	<u>J. Mindlow</u>	
3/28/01	<u>Stella Vallau-Korovs</u>	<u>SENATE COMMITTEE</u>
3/28/01	<u>Cecilia Boyer</u>	
3/28/01	<u>Steph. J. Hoff</u>	<u>INDEPENDENT REGULATORY REVIEW COMMISSION</u>
_____	_____	<u>ATTORNEY GENERAL</u>
_____	_____	<u>LEGISLATIVE REFERENCE BUREAU</u>

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
ALVIN C. BUSH, VICE CHAIRMAN  
ARTHUR COCCODRILLI  
ROBERT J. HARBISON, III  
JOHN F. MIZNER, ESQ.  
ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

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

April 16, 2001

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

Re: Regulation #59-07 (IRRC #2105)  
Coroners' Education Board  
Education Requirements

Dear Mr. Norris:

We received your letter informing us of your intent to toll the subject regulation and your revisions to the regulation on April 11, 2001. The Commission does not object to tolling the review of the regulation and acknowledges receipt of the revisions.

Pursuant to Section 5.1(g)(3) of the Act (71 P.S. § 745.5a(g)(3)), the Committees will now have until April 23, 2001, to complete their review. The Commission will act on this regulation at its public meeting on May 3, 2001.

If you have any questions, please contact me at 783-5506 or [bobn@irrc.state.pa.us](mailto:bobn@irrc.state.pa.us).

Sincerely,

Robert E. Nyce  
Executive Director

wbg

cc: Honorable Thomas P. Gannon, Majority Chairman, House Judiciary Committee  
Honorable Kevin Blaum, Democratic Chairman, House Judiciary Committee  
Honorable James W. Gerlach, Chairman, Senate Local Government Committee  
Honorable Sean Logan, Minority Chairman, Senate Local Government Committee  
Andrea F. McKenna, Esq.

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
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ROBERT E. NYCE, EXECUTIVE DIRECTOR  
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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 9, 2001

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

Re: Regulation #59-07 (IRRC #2105)  
Coroners' Education Board  
Education Requirements

Dear Mr. Norris:

On April 6, 2001, we discussed with your staff an issue concerning the just cause exemption from continuing education requirements. This exemption appears in three provisions of the final-form regulation. However, the Coroners' Education Board Law (16 P.S. § 9525.5) does not authorize the Board to postpone compliance with continuing education requirements for just cause. Although the Board amended the definition of "Just-Cause" to delete the reference to continuing education, it did not remove the just cause exemption from the regulation.

Additionally, the term "Just-Cause" in Section 199.1 contains a hyphen. However, the term is not hyphenated throughout the remainder of the regulation. Furthermore, *Black's Law Dictionary* does not hyphenate the term.

These issues could be resolved through the tolling procedure. Therefore, we recommend that you toll the review period to consider revising Sections 199.1, 199.49, 199.50 and 199.52 as discussed below:

1. Section 199.1 defines the term "Just-Cause." The hyphen should be deleted.
2. Section 199.49 lists the notification procedures followed by the Board if a coroner fails to meet the continuing education requirements, "unless the Board has postponed compliance for Just Cause." This provision should be amended to delete the reference to postponing compliance with the continuing education requirements for just cause.

Mr. Michael L. Norris  
April 9, 2001  
Page 2 of 2

3. Section 199.50 lists the notification procedures followed by the Board if a chief deputy or full-time deputy coroner fails to meet the continuing education requirements, "unless the Board has postponed compliance for Just Cause." This provision should also be amended to delete the reference to postponing compliance with the continuing education requirements for just cause.
4. Section 199.52 addresses just cause extensions of time for completing continuing education requirements. This provision should be deleted.

If the Department chooses to toll the review period, it must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered prior to any Standing Committee action on the regulation, or before the end of the Standing Committee's review period on April 17, 2001, whichever occurs first.

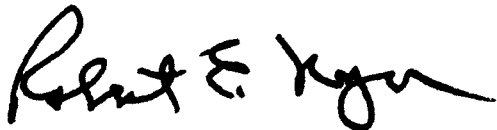
As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions being contemplated, and
3. An explanation of how the revisions will satisfy our concerns.

If the Commission objects to tolling the review period, we will notify you and the Standing Committees within two business days after receipt of your tolling notice. In the event the Commission objects to your tolling notice, the review period will not be tolled, and the Commission will consider the regulation at our public meeting on April 19, 2001. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

If you have any questions, please call me at 783-5506.

Sincerely,



Robert E. Nyce  
Executive Director

cc: Honorable Thomas P. Gannon, Majority Chairman, House Judiciary Committee  
Honorable Kevin Blaum, Democratic Chairman, House Judiciary Committee  
Honorable James W. Gerlach, Chairman, Senate Local Government Committee  
Honorable Sean Logan, Minority Chairman, Senate Local Government Committee  
David J. DeVries, Esq.  
Andrea F. McKenna, Esq.



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

2001 APR 11 11:13:00

Rev. 10/11/00

April 11, 2001

MIKE FISHER  
ATTORNEY GENERAL

**MEMORANDUM**

RE: Tolled Regulation With Revisions  
Coroners' Education Board

TO: The Honorable Thomas P. Gannon, Majority Chairman  
The Honorable Kevin Blaum, Minority Chairman  
House Judiciary Committee

The Honorable James W. Gerlach, Majority Chairman  
The Honorable Michael L. Waugh, Vice Chairman  
Senate Local Government Committee

Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission

FROM: Andrea F. McKenna *AFM*  
Senior Deputy Attorney General

Various oversights in the preparation of final form regulation for the Coroners' Education Board, which were distributed to you on March 28, 2001, have necessitated that the Board request a tolling of the time period for final form regulations. This package contains a copy of that request, a revised Annex A and a revised preamble. Any questions may be directed to me at 787-6348.

AFM/mrw  
Attachment



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

RECEIVED  
2001 APR 11 11:03  
REVIEW COMMISSION

April 11, 2001

MIKE FISHER  
ATTORNEY GENERAL

16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 787-6348

Robert E. Nyce  
Executive Director  
Independent Regulatory Review Commission  
14th Floor, Harrisstown II  
333 Market Street  
Harrisburg, Pennsylvania 17101

Dear Mr. Nyce:

The Independent Regulatory Review Commission has questioned the statutory authority of various sections of the final form regulations # 59-07 (relating to the Coroners' Education Board) that were submitted for review to IRRC and the appropriate standing committees on March 28, 2001. These concerns first were expressed by IRRC in comments to the proposed regulations. The Board agreed that the regulations should be amended to address these concerns. The failure of the final form regulations to respond to IRRC's previously stated concerns was a clerical oversight.

On behalf of the Coroners' Education Board, I am requesting a tolling of the time period for final form regulations in accordance with section 5.1(g) of the Regulatory Review Act. Such tolling would permit revision of: section 199.23 (relating to postponement for just cause); section 199.49 (relating to failure of coroners to meet continuing education requirements); section 199.50 (relating to failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements); and deletion of section 199.52 (relating to extension of time to complete continuing education requirements).

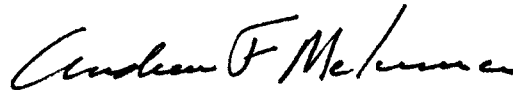
Section 199.23 is revised by deleting the language "or completion of any other provision of the act." This revision brings those areas in which the Board is able to exercise discretion to postpone compliance for just cause in line with its statutory authority. Sections 199.49 and 199.50 are revised by removing language referencing the Board's ability to exercise discretion to postpone continuing education requirements for coroners, chief deputy coroners and full-time deputy coroners. Section 199.52 (relating to extension of time to complete continuing education requirements) is

Robert E. Nyce  
April 11, 2001  
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entirely deleted. These revisions are necessitated by the absence of any provision in the Coroners' Education Board Law (16 P.S. § 9525.1--9525.6) which would permit the Board to exercise discretion to postpone compliance with continuing education requirements.

With this tolling request, the Board is simultaneously submitting a revised Annex and Preamble which reflect the above-described changes to the final form regulations.

Very truly yours,



Andrea F. McKenna  
Senior Deputy Attorney General  
Member, Coroners' Education Board

c: The Honorable Thomas P. Gannon, Majority Chairman  
The Honorable Kevin Blaum, Minority Chairman  
House Judiciary Committee

The Honorable James W. Gerlach, Majority Chairman  
The Honorable Michael L. Waugh, Vice Chairman  
Senate Local Government Committee



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 59-07
SUBJECT: Coroners' Education Board
AGENCY: Office of Attorney General

TYPE OF REGULATION

- Proposed Regulation
Final Regulation
Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
X Delivery of Tolled Regulation
a. X With Revisions
b. Without Revisions

201/FRI 11:41:00
RECEIVED

FILING OF REGULATION

Table with columns: DATE, SIGNATURE, DESIGNATION. Includes entries for HOUSE COMMITTEE ON Judiciary, SENATE COMMITTEE ON Local Government, INDEPENDENT REGULATORY REVIEW COMMISSION, ATTORNEY GENERAL, and LEGISLATIVE REFERENCE BUREAU.