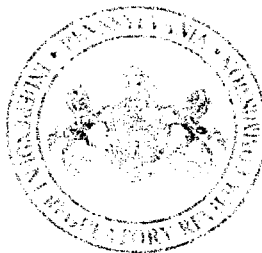


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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

January 12, 2005

Gregory Sirb, Executive Director  
State Athletic Commission  
2601 North 3rd Street  
Harrisburg, PA 17110

Re: Regulation #16-34 (IRRC #2445)  
State Athletic Commission  
Communicable Disease Testing

Dear Mr. Sirb: *Grog*

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). We will send a copy to the standing committees when they are designated.

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

Sincerely,

Mary S. Wyatt, Esq.  
Acting Executive Director  
wbg  
Enclosure

*Happy New Year, Grog.*

**Comments of the Independent Regulatory Review Commission**

**on**

**State Athletic Commission Regulation # 16-34 (IRRC #2445)**

**Communicable Disease Testing**

**January 12, 2005**

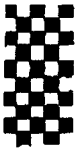
We submit for your consideration the following comment that includes references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Athletic Commission (SAC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on December 13, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 1.1. Definitions. – Consistency with existing regulations.**

The definition of “communicable disease” includes the phrase “such as Hepatitis.” To be consistent with the Department of Health definition of “communicable disease” located at 28 Pa. Code Section 27.1, this phrase should be deleted.

**2. Section 21.8. Boxers. – Clarity.**

Subsection (a) contains new language that states, “and any other communicable disease as defined in Section 1.1 (relating to definitions).” However, the definition of “Communicable disease” in Section 1.1 does not list specific communicable diseases. The SAC has indicated that it would currently require testing only for Human Immunodeficiency Virus (HIV) and Hepatitis C. The HIV requirements are set forth in existing language in this section. For consistency, the requirements for the Hepatitis testing should be included in this section and deleted from the definition, as recommended above.



## Facsimile Cover Sheet

**Kristine M. Shomper**  
Administrative Officer



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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** Elsa Manguel  
**Agency:** Department of State  
**Phone:** 7-6458  
**Fax:** 7-1734  
**Date:** January 12, 2005  
**Pages:** 3

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Athletic Commission's regulation #16-34 (IRRC #2445). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Elsa M. Manguel Date: 1-12-05

Fax5

RECEIVED TIME JAN. 12. 9:19AM