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April 17, 2006

Kim Kaufman, Executive Director
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Kaufman:

I am writing this letter to make you and the Independent Regulatory Review Commission aware of several concerns myself and others have with Regulation #12-68 (IRRC #2485), Qualifications for Vocational Experts, before it is considered at your public meeting on April 19.

In regards to section 123.202, requiring a person to be certified by the state under the Professional Counselors Act is unnecessary because it is not relevant to the performance of earning power assessment interviews and should not be a requirement. In regards to section 123.204, requiring the vocational expert to submit a copy of his report within 30 days of the interview is impractical and in some cases even impossible. In most cases reports are not even filed within 30 days of an interview, mostly because the interview is just one step of the process. It is my belief that a more sensible approach would be to require the vocational expert to submit a report within 30 days of the report being filed, not within 30 days of the interview being conducted.

It is my hope that the Independent Regulatory Review Commission would make some common sense changes to address these concerns before final approval of the regulation. Thank you for your consideration in this matter.

Sincerely,

Senator Joe Scarnati
Chairman, Senate Labor and Industry Committee

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