

Regulatory Analysis Form		This space for use by IRRC RECEIVED
(1) Agency State Police - Municipal Police Officers' Education & Training Commission		2007 AUG 31 AM 11:43 INDEPENDENT REGULATORY REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) 17-73		IRRC Number: 2555
(3) Short Title Municipal Police Officers' Education & Training Program - Administration of the Program		
(4) PA Code Cite Title 37. Law Part IV. Municipal Police Officers' Education and Training Commission Subpart A. Municipal Police Officers' Training Program Chapter 203. Administration of the Program Subchapter B. Police Certification Requirements	(5) Agency Contacts & Telephone Numbers Primary Contact: Syndi L. Guido (717) 772-0905 Secondary Contact: Major John M. Gallaher (717) 533-5987	
(6) Type of Rulemaking (Check One) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. The regulation amends 37 Pa. Code §§ 203.11(a)(6) to allow physician's assistants and certified nurse practitioners to perform the required physicals.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Act of December 19, 1996, P.L. 1158, No. 177, as amended, 53 Pa.C.S. § 2161-2171, (the attached regulations are derived from 53 Pa.C.S. §2164(1), (8) and (14) (relating to the General Local Government Code)). There are no relevant court decisions.		

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(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.

Yes; the Act of December 19, 1996, P.L. 1158, No. 177, as amended, 53 Pa.C.S. § 2161-2171, (the attached regulations are derived from 53 Pa.C.S. §2164 (1), (8) and (14) (relating to the General Local Government Code)). There are no deadlines for action.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Current regulations require physical examinations to be personally conducted by a licensed physician. The amendment would also allow licensed physician's assistants and certified nurse practitioners to conduct physical examinations, which is consistent with current medical practice.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

N/A

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Applicants who will be able to receive physicals from physician's assistants and certified nurse practitioners.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

(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.)

Municipal police officers, certain campus police officers, certain deputy sheriffs, trainees, municipalities and certified police training schools will all need to comply with the regulation.

(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.

This change to the existing regulations has been discussed and voted upon at a public meeting of the Commission.

(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.

None.

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(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.

N/A

(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.

None known.

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(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
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.

N/A

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY
General Fund – Municipal Police Training	4,243,000	3,474,000	3,846,000	3,846,000
Motor License Fund – Municipal Police Training	4,243,000	3,509,000	3,846,000	3,846,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

N/A

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

None. The action proposed cannot be accomplished through any alternative method.

(23) Describe alternative regulatory schemes considered and/the costs associated with those schemes. Provide the reasons for their dismissal.

N/A

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(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.

N/A

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation will not put the Commonwealth at any competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These proposed changes will affect the existing regulations of the Municipal Police Officers' Education and Training Commission, specifically, 37 Pa. Code Chapter 203, by amending §203.11.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(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.

N/A

(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 changes will become effective upon final publication of the proposed regulation in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The regulation will be continuously reviewed, and updated if necessary, for its overall effectiveness and whether it is serving the greater interests of the citizens of the Commonwealth.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality:
Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct copy of
a document issued, prescribed or promulgated by:

MUNICIPAL POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 17-73

DATE OF ADOPTION _____

By: Col. Jeffrey B. Miller
Colonel Jeffrey B. Miller

TITLE Commissioner

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and
Legality Executive of Independent Agencies

BY Andrew C. Clark
JAN 12 2007

DATE OF APPROVAL

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

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

Title 37. Law

Part IV. Municipal Police Officers' Education and Training Commission

Subpart A. Municipal Police Officers' Training Program

Chapter 203. Administration of the Program

Subchapter B. Police Certification Requirements

FINAL RULEMAKING

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Administration of the Training Program

Description and Purpose

The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission (Commission) amends 37 Pa. Code §203.11(a)(6) (relating to qualifications) allow licensed physician's assistants and certified nurse practitioners to conduct physical examinations, which is consistent with current medical practice.

Statutory Authority

The amendments are authorized by 53 Pa.C.S. § 2164 (1), (8), & (14) (relating to Part III, Subpart C, of the Local Government Code).

Effect

This final-form rulemaking will affect recruits, out-of-state police officers seeking training waivers, and certified schools.

Effective Date/Sunset Date

The amendments will be effective immediately upon final adoption. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

Regulatory Review

On July 10, 2006, copies of the proposed rulemaking were delivered to the Independent Regulatory Review Commission and the Majority and Minority Chairs of the House Judiciary Committee and the Senate Committee on Law and Justice. Notice of the proposed rulemaking was published at 36 Pa. B. 3828 (July 22, 2006) and provided for a 30-day comment period. The Commission received no comments from the public, the Independent Regulatory Review Commission, the House Judiciary Committee, or the Senate Committee on Law and Justice.

Under section 5.1(j.2) of the Regulatory Review Act, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(g) of the

Regulatory Review Act, the final-form rulemaking was deemed approved by the Independent Regulatory Review Commission on _____.

Contact Person/Public Comment

The contact person is Syndi L. Guido, Policy Director, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, (717)772-0905. If you are a person with a disability and require an alternative format of this document (i.e. large print, audio tape, Braille) please contact Ms. Guido so that she may make the necessary arrangements.

Findings

The Commission finds that:

(1) Public notice of intention to adopt these amendments has been given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.2003.

(2) A public comment period was provided and no comments were received.

(3) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Municipal Police Officers' Education and Training Commission, 37 Pa. Code, Chapter 203, §203.11(a)(6) (relating to qualifications) are amended as set forth in Annex A.

(b) The Commission will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law for approval as to form and legality.

(c) The Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

COL. JEFFREY B. MILLER,
Commissioner

Annex A

Title 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

CHAPTER 203. ADMINISTRATION OF THE TRAINING PROGRAM

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

§ 203.11. Qualifications

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

* * * * *

(6) Be personally examined by a [Pennsylvania licensed] physician, physician's assistant, or certified nurse practitioner who is licensed in Pennsylvania. The examination shall include the following:

* * * * *



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Syndi L. Guido
Director
Policy Office

E-Mail: sguido@state.pa.us
Telephone: (717) 772-0905
FAX: (717) 705-1750

August 31, 2007

The Honorable Kim Kaufman, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101:

Re: Proposed Rulemaking, Identification Number 17-73
Title 37. Law, Part IV. Municipal Police Officers'
Education and Training Commission
Subpart A. Municipal Police Officers' Training Program
Chapter 203. Administration of Program
Subchapter B. Police Certification Requirements

Dear Mr. Kaufman:

The Municipal Police Officers' Education and Training Commission is planning to amend its regulations to allow licensed physicians' assistants and certified nurse practitioners to conduct physical examinations, which is consistent with current medical practice. Pursuant to the Regulatory Review Act, I am providing you with the enclosed copy of the final rulemaking. Should the Commission require any assistance with its review of the proposed regulations, please let me know.

Sincerely,

Syndi L. Guido
Policy Director

Enclosure

cc: Colonel Jeffrey B. Miller
Major John Gallaher
Barbara Christie, Chief Counsel
Donna Cooper, Secretary of Planning and Policy
Lois M. Hein, Director of Legislative & Budget Analysis

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 17-73
SUBJECT: MUNICIPAL POLICE OFFICERS' EDUCATION & TRAINING PROGRAM
AGENCY: PA STATE POLICE

TYPE OF REGULATION

- Proposed Regulation
- X 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
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/31/07	<i>[Signature]</i>	HOUSE COMMITTEE ON JUDICIARY
8/31/07	<i>Michelle Mon</i>	
8/31/07	<i>Sean G Mall</i>	SENATE COMMITTEE ON LAW AND JUSTICE
8/31/07	<i>Paul Apt</i>	
8/31/07	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)