

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

State Police - Municipal Police Officers' Education & Training 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)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 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.

Regulatory Analysis Form

(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.)

Regulatory Analysis Form

(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.

The proposed changes to the existing regulations have 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.

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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

Regulatory Analysis Form

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

Program	FY-3	FY-2	FY-1	Current FY
Program	FY-3	FY-2	FY-1	Current FY
General Fund – Municipal Police Training	4,866,000	4,243,000	3,474,000	3,846,000
Motor License Fund – Municipal Police Training	5,731,000	4,243,000	3,509,000	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

Regulatory Analysis Form

(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.

Regulatory Analysis Form

(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)

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><i>Angela Elliott</i> By: _____ (Deputy Attorney General)</p> <p align="center">MAY 16 2006</p> <p align="center">_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p align="center">MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION _____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>17-73</u></p> <p>DATE OF ADOPTION _____</p> <p><i>Col. Jeffrey B. Miller</i> By: _____ Colonel Jeffrey B. Miller</p> <p>TITLE <u>Commissioner</u></p> <p align="center">EXECUTIVE OFFICER CHAIRMAN OR SECRETARY</p>	<p>Copy below is hereby approved as to form and Legality Executive or Independent Agency</p> <p><i>Andrew C. Clark</i> BY _____ ANDREW C. CLARK</p> <p align="center">MAY 04 2006</p> <p align="center">_____ DATE OF APPROVAL</p> <p align="center">(Deputy General Counsel) (Chief Counsel - Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No attorney General Approval or objection within 30 days after submission.</p>
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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

PROPOSED 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), proposes amend 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 proposed pursuant to 53 Pa.C.S. § 2164 (1), (8), & (14) (relating to Part III, Subpart C, of the Local Government Code).

Effect

The proposed changes 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

Under section 5(a) of the Regulatory Review Act, 71 P.S. §745.1 et seq., the Commission submitted a copy of the proposed Annex and a copy of the Regulatory Analysis Form on July 10, 2006, to the Independent Regulatory Commission (IRRC) and to the Chairperson of the House Judiciary Committee and the Senate Law and Justice Committee. A copy of these materials are available to the public upon written request.

Under Section 5(g) of the Act, IRRC may convey any comments, recommendations or objections to the proposed Annex within 30 days after the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the State Police, the

General Assembly and the Governor of comments, recommendations or objections raised.

Contact Person/Public Comment

Interested persons wishing to comment are invited to submit all written comments within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written comment must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to 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.

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

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July 10, 2006

The Honorable Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 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 proposing several amendments to its training program. Pursuant to the Regulatory Review Act, I am providing you with the enclosed copy of the proposed 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 Commission: Police Certification Requirements

AGENCY: PA STATE POLICE

TYPE OF REGULATION

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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
7-10-06	<i>Maryanne Lellette</i>	HOUSE COMMITTEE ON JUDICIARY
7/10/06	<i>Patrick Casper</i>	
7/10/06	<i>Gregory Mitchell</i>	SENATE COMMITTEE ON LAW AND JUSTICE
7/10/06	<i>Cheryl Schiel</i>	
7/10/06	<i>Kathryn Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
7/10/06	<i>C. Lee Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)