

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency: Transportation

(2) Agency Number:

18 - 411

IRRC Number: 2704.

(3) Short Title:

School Bus Drivers

(4) PA Code Cite:

67 Pa. Code, Chapter 71

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Janet Dolan -- (717) 787-4701

Secondary Contact: Scott Shenk -- (717) 783-5958

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) - Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The proposed change in the current regulation is to bring the requirements for school bus drivers diagnosed with diabetes mellitus in line with current treatments, and update terms to bring them in line with American Diabetic Association definitions.

(9) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: July 28, 2008
- B. The date or dates on which public meetings or hearings will be held: N/A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: February 15, 2010
- D. The expected effective date of the final-form regulation: February 15, 2010
- E. The date by which compliance with the final-form regulation will be required: February 15, 2010
- F. The date by which required permits, licenses or other approvals must be obtained: N/A

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

PennDOT's Medical Advisory Board meets semiannually and will review and discuss the medical regulations contained in Chapter 71 periodically to ensure that the minimum standards are consistent with current treatment and testing requirements.

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is contained in § 1509 of the Vehicle Code, Act of June 17, 1976, P.L. 162, as amended (75 Pa.C.S. § 1509).

Regulatory Analysis Form

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Department is required by the Pennsylvania Vehicle Code to maintain regulations that set the minimum medical qualifications to obtain and maintain a school bus endorsement to a driver's license. These changes are being made at the recommendation of PennDOT's Medical Advisory Board, to better reflect current diabetes mellitus treatment and terminology.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

American Diabetes Association: <http://www.diabetes.org>

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

There should be no adverse impact to any individuals from this amendment to the regulation. The medical testing required by this regulation is not more than would normally be undertaken for the proper management of diabetes.

(16) 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.

School bus drivers and healthcare providers will be required to comply with these regulations; however, they are already required to comply with the current standards. These proposed changes are minimal and do not require additional testing above the normal standard of care.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(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. Explain how the dollar estimates were derived.

The proposed change should have no additional costs and/or savings to school bus drivers. These proposed changes are minimal and do not require additional testing above the normal standard of care.

(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. Explain how the dollar estimates were derived.

The proposed change should have no additional costs and/or savings to local governments.

(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. Explain how the dollar estimates were derived.

The proposed change should have no additional costs and/or savings to state government.

(20) In the table below, provide an estimate of the fiscal savings and costs 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	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A

Regulatory Analysis Form

REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3	FY -2	FY -1	Current FY
School Bus	\$325,550	\$314,400	\$377,200	\$393,700
Medical and Training Program				

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

N/A

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

PennDOT reviewed the proposed changes with the Medical Advisory and particularly worked with Dr. Daniel Kambic, the General Practitioner serving on the Medical Advisory Board, to review and formulate diabetic regulations for school bus drivers.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There were no alternative regulatory provisions considered. These proposed changes merely update existing requirements for school bus drivers being treated for diabetes mellitus.

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 regulations.

School bus drivers that are employed by a school district are exempt from the Federal regulations for commercial drivers.

School bus drivers that are employed by a school bus contractor are exempt from the Federal regulations for commercial drivers when transporting students from home to school and school to home. If they are transporting students for other reasons they may be required to meet the Federal regulations. The Federal regulations for commercial drivers do not allow a driver using insulin to manage their diabetes to qualify for the U.S. DOT Physical.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation will not put Pennsylvania at a competitive disadvantage vis a vis other states.

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

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

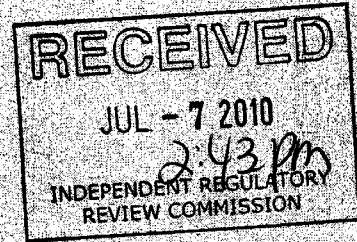
N/A

(28) 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

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)



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

Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-411

DATE OF ADOPTION _____

BY Allen D. Beckler
Secretary of Transportation

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY Andrew Clark

JUL 06 2010

(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.

NOTICE OF FINAL RULEMAKING

DEPARTMENT OF TRANSPORTATION

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

NOTICE OF FINAL RULEMAKING

Preamble

The Department of Transportation, pursuant to the authority contained in Section 1509 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 1509), hereby adopts amendments to Title 67, Chapter 71 of the Department of Transportation Regulations (relating to school bus drivers), to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 71 is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers, formulated by the Medical Advisory Board. In addition to their use by the Department in connection with its responsibilities under the Vehicle Code, these licensing standards for school bus drivers are to be used by medical providers when conducting physical examinations of applicants for a school bus learner's permit, as well as annual school bus driver physical examinations.

Summary of Comments and Changes in Final Adopted Regulation

The amendments to the regulation were published as a proposed rulemaking in the June 28, 2008 issue of the *Pennsylvania Bulletin*. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees of the Pennsylvania General Assembly.

IRRC submitted several comments on the proposed regulation relating to clarity and consistency of the language in the regulation. The first comment noted that the Regulatory Analysis Form indicated that the proposed changes should have no additional costs to school bus drivers or the healthcare providers. However, IRRC noted that Lynn Foltz, a commentator, had commented that the amendments would lead to additional costs, including a fee for an appointment with physician to review the results of the required tests, as well as for the HbA1C test itself. The Department notes that these amendments do not require any tests that are over and above what is required for normal diabetic care. The Medical Advisory Board members have confirmed that insurance companies encourage physicians to do quarterly checks of an individual's HbA1C. In fact, physicians are audited by insurance companies to ensure compliance.

IRRC also sought clarity in § 71.3(b)(4)(i) relating to the removal of the term "oral hypoglycemic medication" and its replacement with the term "diabetic medications. IRRC recommended that a listing of specific types of examples of diabetic medications be included in the regulation. Diabetic medications can either be in the form of an insulin injection or an oral medication. The Department believes that a listing of specific medications could lead to confusion and misinterpretation of the regulation to only allow

those medications listed and leaving no room for other medications developed for the treatment of diabetes in the future.

IRRC also questioned whether drivers must meet the requirements of Subsections (b)(4)(i)(A), (B), (C) and (D) before being granted a waiver to drive a school bus. If so, IRRC recommended that clarifying language be added. The clarifying language has been added.

Relating to § 71.3(b)(4)(i)(A), IRRC asked how the Department determined that the 12 months required for being free from various types of hypoglycemia or hypoglycemic reactions to grant an individual a waiver to drive is an appropriate amount of time, and if this time frame protects the health, safety and welfare of children being driven in school buses by drivers with these types of conditions. The Department consulted closely with the physicians on the Medical Advisory Board who advised that an individual can readily demonstrate his or her ability to manage diabetes within a twelve month period. Requiring an individual to demonstrate control for two years rather than one doesn't provide any additional degree of safety.

Peter S. Lund, MD, FACS, President of the Pennsylvania Medical Society commented that requiring school bus drivers in Subsection (b)(4)(i)(B) to have an average HbA1C of 8% is too restrictive. Doctor Lund relayed the opinion of Dr. Robert Gabbay, MD, PhD, Executive Director of the Penn State Institute for Diabetes and Obesity no impairment of cognitive ability is demonstrated until HbA1C of 9% . A number of factors were used to determine what HbA1C demonstrates the individual is managing their diabetes. Physicians typically use 6.5% as a target; however, the

Department also considered that both health insurance companies, as well as the American Diabetes Association give a target HbA1C of 7%. Research shows that keeping blood sugar close to the target range lowers the risk for complications. An HbA1C of 8% translates to an average blood sugar reading of 205 mg/dl and demonstrates reasonable control. The Department has concluded that a cut off at a point below, rather than at, the 9% level where cognitive impairment has been demonstrated, is appropriate to safeguard the well being of students being transported in by school bus in the Commonwealth.

Also with regard to the use of the HbA1C test, however, the American Diabetes Association (ADA) objected to the use of the test result number as a standard to measure an individual's ability to operate a vehicle safely. After consultation with the ADA the Final Rulemaking provides that the HbA1C test will not be used as a measurement to determine a driver's level of safety for driving a school bus. Rather, the HbA1C results will instead be used as a tool to identify school bus drivers that require more frequent monitoring by their health care provider to ensure that their blood glucose levels are not suggestive of hypoglycemic or hyperglycemic driving impairment.

The ADA also commented that that the inclusion of a standard of *hyperglycemic unawareness* was inappropriate. It was pointed out that a driver who tends not to be sensitive to the triggers of onset of a hyperglycemic episode can nevertheless drive safely with more frequent testing before driving or at regular interval during long trips. The term has been deleted in the Final Rulemaking.

IRRC also asked for information relating to what the new forms will look like. Unfortunately, we do not have draft copies of the forms available. Once these regulations have been vetted and are close to their final form, the Diabetic Waiver and Report of Eye Examination forms will be updated with the applicable questions. The forms will not be available on our website. They will only be mailed to school bus drivers that have diabetes mellitus and require the waiver.

Finally, IRRC asked for clarification in Subsection (b)(4)(v) relating to submissions to the Department and what professions are included under the term “other health care providers”. The Department has included a definition of *health care provider* in the Final Rulemaking. Further clarification has also been provided by use of the term *school transportation medical practitioner* instead of *school transportation physician*. The former, *school transportation medical practitioner*, is defined in the existing regulation to include the same array of medical professionals as has been included in the definition of *health care provider*.

Persons and Entities Affected

These regulations affect all persons qualified or desiring to be qualified to drive a school bus, employers of school bus drivers and health care providers.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will

not impose any additional costs on the medical community. It should not impose additional costs on school bus drivers because these regulations do not require any tests that are over and above what is required for normal diabetic care.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. 745.5(a), on June 28, 2008, the Department submitted a copy of the notice of proposed rulemaking, published at 38 Pa. B 3503, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees for review and comment.

In preparing this final-form rulemaking, the Department has considered all comments received from the public, IRRC and the Committees.

Under section 5.1(j.2) of the Regulatory Review Act, on _____, this final-form regulation was deemed approved by the House and Senate Transportation Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____ and approved the final-form regulations.

Effective Date

This rulemaking will be effective on the date of publication in the *Pennsylvania Bulletin*.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required pursuant to the Vehicle Code (75

Pa. C.S. § 101, et seq.). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about this regulation is R. Scott Shenk, Manager, Driver Safety Division, Bureau of Driver Licensing, 1101 S. Front Street, 4th floor, Harrisburg, Pennsylvania 17104, telephone number: (717) 772-2119.

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation 67 Pa. Code, Chapter 71 are amended as set forth in Annex A.
- (B) The Secretary of the Department of Transportation shall submit this Order and Annex A hereto the office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.
- (C) The Secretary shall certify this Order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.
- (D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

Allen D. Biehler, P.E.
Secretary of Transportation

Final Rulemaking

ANNEX A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

§ 71.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

CRNP—Certified registered nurse practitioner—A registered nurse licensed in this Commonwealth who is certified[,] by [both] the State Board of Nursing [and the State Board of Medicine,] in a particular clinical specialty area and who, while functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

* * * * *

HbA1C test – A Hemoglobin A1C test monitors the long-term control of diabetes mellitus.

HEALTH CARE PROVIDER – A LICENSED PHYSICIAN, A CERTIFIED REGISTERED NURSE PRACTITIONER, A PHYSICIAN ASSISTANT OR A LICENSED PSYCHOLOGIST, AS DESCRIBED IN 75 PA. C.S. § 1519 (RELATING TO DETERMINATION OF INCOMPETENCY).

Hyperglycemia – When the level of glucose (sugar) in the blood is too high based on current guidelines established by the American Diabetes Association.

Hypoglycemic Reactions – Different degrees of hypoglycemia which are classified as follows:

Mild – Hypoglycemia that signals a blood glucose drop, which the individual can self-correct with oral carbohydrates.

Severe – Hypoglycemia that requires outside intervention and/or assistance of others or that produces confusion, loss of attention or a loss of consciousness.

Hypoglycemia Unawareness – A condition when the individual no longer recognizes the body's usual signals of low blood glucose so the first sign of hypoglycemia will often be confusion or loss of consciousness.

* * * * *

Symptomatic Hyperglycemia – High glucose levels in the blood that may cause
HAVE CAUSED a loss of consciousness or an altered state of perception, including but
not limited to decreased reaction time, impaired vision and/or hearing, or confusion.

Type I Diabetes mellitus– A chronic disease caused by the pancreas producing too
little insulin to regulate blood sugar levels.

Type II Diabetes mellitus– A chronic disease marked by high levels of sugar in
the blood caused by the body failing to respond correctly to natural insulin.

§ 71.3. Physical examination.

* * * * *

(b) *Requirements of physical examination.* A person is physically qualified to drive a school bus if the person:

* * * * *

(4) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring use of insulin or other hypoglycemic medication.

(i) A waiver may be granted to an individual requiring the use of [oral hypoglycemic medication] diabetic medications provided THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

(A) The individual's ~~physician~~ HEALTH CARE PROVIDER verifies in writing that there has been no incident of a severe

hypoglycemic reaction, hypoglycemia unawareness or symptomatic hyperglycemia and the individual has been free from insulin reaction resulting in loss of consciousness, attention or awareness or the requirement of assistance from another person, for the preceding [2 years]12 months.

(B) The driver submits to a HbA1C test every 3 months and submits to a diabetic examination every 6 months, and submits the results of the examination and the results of 2 consecutive A HbA1C tests TEST on a form provided by the Department, showing an average HbA1C of 8% or lower indicating that the diabetes is under good control. The HEALTHCARE PROVIDER physician reviewing the diabetic examination shall be familiar with the individual's past diabetic history for 24 months or have access to that history AND CERTIFY THAT THE INDIVIDUAL IS UNDER GOOD DIABETIC CONTROL.

(I) AN INDIVIDUAL WHO HAS HAD TWO CONSECUTIVE HbA1C TEST RESULTS OF GREATER THAN 8% AS REQUIRED IN (4)(i)(B) SHALL UNDERGO ADDITIONAL DIABETIC EXAMINATIONS EVERY 3 MONTHS. THE HEALTH CARE PROVIDER SHALL REVIEW THE SELF MONITORING BLOOD GLUCOSE LOGS AND REPORT THE HIGHEST AND LOWEST BLOOD GLUCOSE LEVELS FOR THAT 3 MONTH PERIOD AND CERTIFY THAT THE

OBSERVED BLOOD GLUCOSE LEVELS ARE NOT SUGGESTIVE OF HYPOGLYCEMIC OR HYPERGLYCEMIC DRIVING IMPAIRMENT ON A FORM PROVIDED BY THE DEPARTMENT.

(II) ONCE THE RESULTS OF TWO CONSECUTIVE HbA1C TESTS REQUIRED IN SECTION (4)(i)(B) ARE 8% or LESS, THE INDIVIDUAL MAY DISCONTINUE THE ADDITIONAL EXAMINATIONS AND REPORTING REQUIRED IN (4)(i)(B)(I).

(C) The driver submits to an annual dilated eye examination and submits the results of the examination on a form provided by the Department.

[(ii) A waiver may be granted to a person requiring the use of insulin provided:

(A) The person's physician verifies in writing to the Department that there has been no incident of hypoglycemic or hyperglycemic reaction and the person has been free from insulin reaction (including loss of consciousness, attention or awareness) or the requirement of assistance from another person, for the preceding 2 years.

(B) The person submits to a diabetic examination every 6 months, including a Hemoglobin A1C, and to a review of the prior 6-month history

of blood glucose monitoring. The physician conducting the diabetic examination shall be familiar with the person's past diabetic history for 24 months or have access to that history.]

[(C) The person] (D) Individuals, upon hire to drive a school bus, shall [demonstrate his willingness to] manage [his] their diabetes by complying with the following requirements:

(I) Self-monitoring blood glucose 1 hour before driving, and at least every 4 hours while driving or while otherwise on duty, by using a portable blood glucose monitoring device with a computerized memory. If blood glucose is below 80 mg/dL or above 350 mg/dL the [person] individual may not drive until [he takes] appropriate measures are taken and the individual retests within this acceptable range.

(II) [Submitting monthly] Submit the computerized glucometer results of blood glucose self-monitoring for review by [a physician, certified nurse practitioner, physician's assistant, registered nurse or other health care provider selected by the school district] the treating physician HEALTH CARE PROVIDER or a school transportation physician MEDICAL PRACTITIONER. The results shall also be submitted to the

~~physician~~ HEALTH CARE PROVIDER conducting the 6-month diabetic examination required by clause (B).

(III) Maintaining a manual blood glucose monitoring log and submitting it, together with the glucose monitoring device's computerized log, every 6 months to the ~~physician~~ HEALTH CARE PROVIDER conducting the [person's] 6-month diabetic examination.

(IV) [Having in his possession] Carrying a source of rapidly absorbable glucose at all times while driving a school bus.

(ii) Notwithstanding the provisions in subparagraph (i), a waiver may be granted to an individual who has recently suffered from a severe hypoglycemic reaction, hypoglycemia-unawareness or symptomatic hyperglycemia as long as the individual has been free from severe hypoglycemic reactions, hypoglycemia-unawareness or symptomatic hyperglycemia for the preceding 12 months and the subsequent severe hypoglycemic reaction, hypoglycemia-unawareness or symptomatic hyperglycemia occurred while the individual was under the care of a treating HEALTH CARE PROVIDER ~~physician~~, during or concurrent with a nonrecurring transient illness, toxic ingestion or metabolic imbalance. The above waiver will only be granted if the treating physician submits written certification indicating it is a temporary condition or isolated incident not likely to recur.

(iii) A reviewing ~~physician~~ HEALTH CARE PROVIDER finding that [a person] the individual previously qualified for a waiver is not complying with the requirements in subparagraph [(ii)(C)] ~~(i) and (ii)~~ SUBSECTION (B)(4)(I), or is otherwise no longer qualified for the waiver shall promptly report these findings to the Department and the waiver [shall] will be rescinded.

(iv) If [a person] the individual requiring the use of oral hypoglycemic medication or [a person requiring the use of] insulin does not qualify for a waiver, that [person] individual may request an independent review of [his] the individual's medical records. The review will be conducted by a member of the Medical Advisory Board or by another physician designated by the Department.

* * * * *

TITLE 67. TRANSPORTATION
PART I. DEPARTMENT OF TRANSPORTATION
SUBPART A. VEHICLE CODE PROVISIONS
ARTICLE IV. LICENSING
CHAPTER 71. SCHOOL BUS DRIVERS
NOTICE OF FINAL RULEMAKING

List of Commenters

Peter S. Lund, MD, FACS, President of the Pennsylvania Medical Society
777 E. Park Drive
PO Box 8820
Harrisburg, PA 17105-8820

Stephen Habbe, Advocacy Director, American Diabetes Association
3544 N. Progress Avenue
Harrisburg, PA 17110

Gerard E. Grega, P.A.-C
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COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 7, 2010, 2009

Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor Harrisburg 2
333 Market Street
Harrisburg, PA 17101

**Re: Final Rulemaking, Regulation # 18-411, 67 Pa. Code, Chapter 71
School Bus Drivers**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 71, School Bus Drivers, which the Department of Transportation intends to adopt in accordance with the provisions of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1201 *et seq.*, and the Regulatory Review Act, 71 P.S § 745.1 *et seq.*

The Department of Transportation will provide the Commission with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

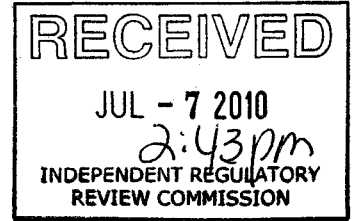
Stephen F. J. Martin
Regulatory Counsel

cc: Natasha S. Schock, Director, Department of Transportation Policy Office
Danielle K. Spila, Special Assistant to Deputy Secretary



**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-411
SUBJECT: School Bus Drivers, 67 Pa. Code, Chapter 71
AGENCY: Department of Transportation



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

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>7-7-10</u>	<u>Cecilia Boyer</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION The Honorable John C. Rafferty, Jr. Majority Chairman
<u>7-7-10</u>	<u>Mary A. Healy</u> for Minority Chair	
<u>7-7-10</u>	<u>Tam Linn</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION The Honorable Joseph F. Markosek Majority Chairman
<u>7-7-10</u>	<u>Walter L. Swartz</u> for Minority Chair	
<u>7/7/10</u>	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	LEGISLATIVE REFERENCE BUREAU

Date: July 7, 2010