

Regulatory Analysis Form

(Completed by Promulgating Agency)



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INDEPENDENT REGULATORY

SECTION I: PROFILE

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

(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

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**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 Allo D. Beebe
Secretary of Transportation

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

BY Andrew C. Clark
DEC 21 2009

(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**

ORIGINAL

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% . John E. Anderson, MD, Chairman of the American Diabetes Association Advocacy Committee commented that A1C values are not a reliable indicator the ability of an individual to safely perform a job. He recommended that the proposed requirement to maintain an

A1C level under 8% be eliminated. Dr. Anderson advocated individual assessment of each individual driver's ability to safely operate a school bus.

The creation of an individual and ongoing assessment program would surely be a costly and time consuming burden on school bus drivers who can otherwise, through the normal course of medical monitoring and treatment of their condition can meet the albeit imperfect measures established in the regulation to determine that their diabetes is adequately controlled. A number of factors were used to determine what HbA1C level 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 by school bus in the Commonwealth.

IRRC also suggested that the regulation provide more detail regarding the forms to be used as referenced in subsections 71.3(b)(4)(i)(C) and (D), and to indicate whether the forms will be available at the Department website. The referenced forms will be updated versions of the Diabetic Waiver and Report of Eye Examination forms currently in use. The forms will only be available on the Department website to health care providers who have access. They will also be mailed to school bus drivers that have diabetes mellitus and require the waiver.

IRRC finally commented that, with respect to the requirement for self-monitoring in subsection 71.3(b)(4)(i)(D), the regulation should explain what happens if a driver determines that his or her levels are too high. The regulation as proposed could not be clearer than: “If blood glucose is below 80 mg/dL or above 350 mg/dL the individual **may not drive** until appropriate measures are taken and the individual retests within this acceptable range.” (Emphasis added.)

Additional comment was received from Gerard E. Grega, P.A.-C regarding the amendment in subsection 71.3(b)(4)(ii)(D)(II) eliminating the laundry list of health care providers to whom the results of a computerized glucometer must be submitted. Grega argues that this will result in a burden upon busy medical practices where such results might ordinarily be reviewed by a licensed mid-level health care practitioner. There is nothing in this amendment that would prohibit the treating physician in any practice from delegating the review of the results to a respected and qualified mid-level practitioner within his or her practice. The amendment simply makes clear that the glucometer results should be submitted to the treating physician.

An additional letter of comment was received from the Pennsylvania Chiropractic Association offering no objection to the proposed rulemaking.

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) 787-2977.

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 to 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.

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 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 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 HbA1C tests, on a form provided by the Department, showing an average HbA1C of 8% or lower indicating that the diabetes is under good control. The physician reviewing the diabetic examination shall be familiar with the individual's past diabetic history for 24 months or have access to that history.

(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 or a school transportation physician. The results shall also be submitted to the physician 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 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 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 finding that [a person] the individual previously qualified for a waiver is not complying with the requirements in subparagraph [(ii)(C)] (i) and (ii) 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
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Lynn Foltz
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**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

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FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
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<u>12/23/09</u>	<u>C. Boy</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION The Honorable John C. Rafferty, Jr. Majority Chairman
<u>12/23/09</u>	<u>[Signature]</u> for Minority Chair	
<u>12/23/09</u>	<u>Tammy</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION The Honorable Joseph F. Markosek Majority Chairman
<u>12/23/09</u>	<u>[Signature]</u> for Minority Chair	
<u>12/23/09</u>	<u>[Signature]</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		LEGISLATIVE REFERENCE BUREAU

Date: December 23, 2009