

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

RECEIVED

JUL - 7 2010

2:43 pm

INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency: Transportation

(2) Agency Number:

18-410

IRRC Number: 2705

(3) Short Title:

Physical and mental criteria, including vision standards relating to the licensing of drivers

(4) PA Code Cite:

67 Pa. Code, Chapter 83

(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 purpose of these amendments is to update the medical requirements and standards for license holders that are being treated for diabetes mellitus. Diabetes management and testing continues to evolve. We are updating our minimum standards to ensure that only drivers who are not at risk of suffering from severe hypoglycemic reaction, hypoglycemia unawareness or symptomatic hyperglycemia are licensed to operate a motor vehicle. The regulation is also being updated to allow chiropractors to administer the physical examination required to obtain a learner's permit.

(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 83 periodically to ensure that the minimum standards are consistent with current with 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 § 1519 of the Vehicle Code and § 1508.1 of the Vehicle Code, Act of July 15, 2004, P.L. 698, No. 76 as amended.

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.

Act 76 of 2004 amended 75 Pa.C.S. § 1508.1 required the Department to promulgate regulations to include additional specific classes of licensed practitioners of the healing arts among those authorized to conduct examinations required for the issuance of a driver's license and a school bus driver endorsement.

(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.

Pennsylvania law requires every learner's permit applicant to have a physical examination. The current regulations do not allow for chiropractors to conduct these exams; however, they are permitted to do so under the law. Chiropractors are also allowed, by federal regulation, to conduct the medical examinations for commercial drivers required every two years by the Federal Highway Administration under Motor Carrier Safety regulations.

In addition, amendments need to be made to diabetic regulations outlined in Chapter 83. These proposed regulations reflect consultation with the Department's Medical Advisory Board and are consistent with existing medical practice and improved technology relative to the care and treatment of individuals diagnosed with diabetes mellitus.

(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.

(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.

It is not known precisely how many individuals will be required to comply.

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 costs and/or savings to the regulated community resulting from these amendments are marginal and cannot be calculated with any precision.

(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
REVENUE LOSSES:						

Regulatory Analysis Form

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
Medical standards for Driver Competency	\$770,000.00	\$810,000.00	\$850,000.00	\$890,000.00

(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.

In addition, part of these proposed amendments are the result of in-depth discussions with the Pennsylvania Chiropractic Association and the American Diabetes Association.

(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.

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.

There are no applicable federal standards governing the state's licensing of drivers.

(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)

RECEIVED
JUL - 7 2010
2:43pm
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 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. 18-410

DATE OF ADOPTION _____

BY Allen D. Biehler
Secretary of Transportation

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

BY Andrew C. 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 83. Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing of Drivers**

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

**CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING
VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS**

NOTICE OF FINAL RULEMAKING

Preamble

The Department of Transportation, pursuant to the authority contained in Sections 1517, 1518, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 1517, 1518, and 6103), hereby adopts amendments to Title 67, Chapter 83 of the Department of Transportation Regulations (relating to physical and mental criteria, including vision standards relating to the licensing of drivers), to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board pursuant to Sections 1517 and 1518 of the Vehicle Code (75 Pa.C.S. §§ 1517 and 1518). In addition to their use by the Department in connection with its responsibilities under the Vehicle Code, these physical and mental criteria are to be used by medical providers in

conducting physical examinations of applicants for learner permits and driver licenses, and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

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 in § 83.2, we missed a cross-reference to § 1518 of the vehicle code. In response to the comment, the definition in the rulemaking has been clarified to state that a chiropractor is “a practitioner of chiropractic as defined in 75 Pa.C.S. § 1508.1(b) (relating to physical examinations) and 75 Pa.C.S. § 1518.(g) (relating to reports on mental or physical disabilities or disorders).”

IRRC also recommended that the definition include a definition of “provider” as the term is used in several places throughout the Chapter. The Pennsylvania Society of Physicians Assistants also submitted comments seeking clarification in the regulation as to which health care provider professionals were authorized to perform examinations and issue related reports. The Department has included a definition of *health care provider*

consistent with the provisions of section 1519 of the Vehicle Code, 75 Pa. C.S. § 1519, which includes, *inter alia* licensed physicians, physician's assistants, registered nurse practitioners. The Final Rulemaking also uses the newly defined term throughout § 83.5.

With respect to subsection 83.5(a)(1), IRRC noted that the subsection required the submission of the results of a HbA1C test and vision screening, but that the subsection did not indicate to what end the submission was required or what standards for the test results would be applicable. With respect to subsection (a)(1)(i), IRRC commented that the table in (a)(1)(i) which set forth the ongoing examination requirements for drivers who experience a disqualifying diabetic episode was confusing. The Department agrees that the table was confusing and difficult to interpret as was the placement of the requirement for the submission of HbA1C and vision screening results. The table has been deleted in the Final Rulemaking and the entire subsection has been rewritten. The American Diabetes Association also commented that results of an HbA1C test should not be established as a standard for disqualification of a driver. The ongoing examination requirements for drivers who have experienced a disqualifying diabetic episode are set forth in narrative form in the Final Rulemaking and the submission of the HbA1C and vision screening results are more clearly identified as components of the examination. The significance of those results is determined by the treating health care provider who is charged with the certification that the individual has been episode free for the requisite period of time.

The American Diabetes Association also commented 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.

An additional letter of comment was received from the Pennsylvania Chiropractic Association lauding the inclusion of chiropractors in section 83.1 and offering no objection to the proposed rulemaking.

Persons and Entities Affected

These regulations affect all persons qualified or desiring to be qualified to drive, health care providers, and the Pennsylvania State Police.

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 to drivers because these examinations are part of 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. 3501, 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

ANNEX A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

**Chapter 83. Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing of Drivers**

Final Rulemaking

§ 83.1. Purpose.

Section 1517(b) of the act (relating to medical advisory board) authorizes the Department to adopt physical and mental criteria, including vision standards, for licensing of drivers under Chapter 15 of the act (relating to licensing of drivers). These physical and mental criteria have been formulated by the Medical Advisory Board under the authority of sections 1517 and 1518 of the act (relating to medical advisory board and reports on mental or physical disabilities or disorders). In addition to their use by the Department in connection with its responsibilities under Chapter 15 of the act, these physical and mental criteria shall be used by physicians, chiropractors, CRNPs and physician assistants in conducting physical examinations of applicants for learner's permits and driver's licenses and by physicians and other persons authorized to diagnose and treat disorders and disabilities covered in this chapter in determining whether a person examined by the provider should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

§ 83.2. 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.

Chiropractor—A practitioner of chiropractic as defined in 75 Pa.C.S. § 1508.1(b) (relating to physical examinations) . AND 75 PA.C.S. § 1518.(G) (RELATING TO REPORTS ON MENTAL OR PHYSICAL DISABILITIES OR DISORDERS).

* * * * *

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.

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

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

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

(ii) 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, and 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.

* * * * *

§ 83.5. Other physical and medical standards.

(a) *General disqualifications.* A person who has any of the following conditions will not be qualified to drive:

(1) Unstable [or brittle] diabetes [or hypoglycemia,] mellitus leading to severe hypoglycemic reactions, hypoglycemic unawareness or symptomatic hyperglycemia unless there has been a continuous period of at least 6 months [freedom] free from a [related syncopal attack.] disqualification in this paragraph. Individuals shall submit results of a HbA1C and vision screening as outlined in the table in subparagraph (i). ONCE THE DIABETIC CONDITION HAS STABILIZED, AND AS LONG AS THE INDIVIDUAL HAS NOT HAD ANOTHER DISQUALIFYING EPISODE WITHIN THE LAST SIX (6) MONTHS, THE DRIVING PRIVILEGE MAY BE RESTORED. THE INDIVIDUAL MUST SUBMIT TO A DIABETIC EXAMINATION, WHICH INCLUDES AN HbA1C TEST AS WELL AS A VISION SCREENING, AND THE TREATING HEALTH CARE PROVIDER SHALL CERTIFY ON A

COMPLETED FORM PROVIDED BY THE DEPARTMENT THAT THE INDIVIDUAL HAS BEEN FREE. FROM A DISQUALIFYING EPISODE THEREAFTER, THE INDIVIDUAL MUST SUBMIT TO A DIABETIC EXAMINATION, WHICH INCLUDES AN HbA1C TEST AS WELL AS A VISION SCREENING, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(i) Eligibility Requirements

<u>Profile Level</u>	<u>Diabetes Mellitus</u>	<u>Medical Report Required</u>	<u>Interval for Review</u>
<u>1</u>	<u>Stabilized diabetes mellitus with no incident of severe hypoglycemic episodes, hypoglycemic unawareness or symptomatic hyperglycemia within the last 6 months.</u>	<u>Yes</u>	<u>6 months</u>
<u>2</u>	<u>Stabilized diabetes mellitus with no incident of severe hypoglycemic episodes, hypoglycemic unawareness or symptomatic hyperglycemia within the last 12 months.</u>	<u>Yes</u>	<u>12 months</u> <u>(*)</u>
<u>3</u>	<u>Stabilized diabetes mellitus with no incident of severe hypoglycemic episodes, hypoglycemic unawareness or symptomatic hyperglycemia within the last 24 months.</u>	<u>Yes</u>	<u>24 months</u> <u>(*)</u>
<u>4</u>	<u>Stabilized diabetes mellitus with no incident of severe hypoglycemic episodes, hypoglycemic unawareness or symptomatic hyperglycemia within the last 48 months or more.</u>	<u>Yes</u>	<u>48 months</u> <u>(*)</u>

~~(*)Eligibility determinations may be reviewed earlier if recommended by the treating physician.~~

(I) SIX (6) MONTHS AFTER THE DIABETIC EXAMINATION REQUIRED IN SUBSECTION (1) ABOVE, THE INDIVIDUAL MUST SUBMIT TO A FOLLOW-UP DIABETIC EXAMINATION AND THE TREATING HEALTH CARE PROVIDER SHALL CERTIFY, ON A COMPLETED FORM PROVIDED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS BEEN FREE FROM A DISQUALIFYING EPISODE.

(II) TWELVE (12) MONTHS AFTER THE PREVIOUS DIABETIC EXAMINATION, THE INDIVIDUAL MUST SUBMIT TO A FOLLOW-UP DIABETIC EXAMINATION AND THE TREATING HEALTH CARE PROVIDER SHALL CERTIFY, ON A COMPLETED FORM PROVIDED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS BEEN FREE FROM A DISQUALIFYING EPISODE.

(III) TWENTY-FOUR (24) MONTHS AFTER THE PREVIOUS DIABETIC EXAMINATION, THE INDIVIDUAL MUST SUBMIT TO A FOLLOW-UP DIABETIC EXAMINATION AND THE TREATING HEALTH CARE PROVIDER SHALL CERTIFY, ON A COMPLETED FORM PROVIDED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS BEEN FREE FROM A DISQUALIFYING EPISODE.

(IV) FORTY-EIGHT (48) MONTHS AFTER THE PREVIOUS DIABETIC EXAMINATION, THE INDIVIDUAL MUST SUBMIT TO A FOLLOW-UP DIABETIC EXAMINATION AND THE TREATING HEALTH CARE PROVIDER SHALL CERTIFY, ON A COMPLETED FORM PROVIDED BY THE DEPARTMENT, THAT THE INDIVIDUAL HAS BEEN FREE FROM A DISQUALIFYING EPISODE.

(V) DIABETIC EXAMINATION MAY BE REQUIRED MORE FREQUENTLY IF RECOMMENDED BY THE TREATING HEALTH CARE PROVIDER.

(VI) PROVIDING THE CONDITION OF THE INDIVIDUAL REMAINS UNDER GOOD CONTROL, HE OR SHE WILL NOT BE REQUIRED TO SUBMIT TO ANY ADDITIONAL DIABETIC EXAMINATIONS.

(ii) (2) A waiver may be granted if an individual has been previously free from severe hypoglycemic reactions, hypoglycemia unawareness or symptomatic hyperglycemia for the preceding 6 months and the subsequent severe hypoglycemic reaction, hypoglycemia unawareness or symptomatic hyperglycemia occurred while the individual was under the treating physician's HEALTH CARE PROVIDER'S care, during or concurrent with a nonrecurring transient illness, toxic ingestion or metabolic imbalance. The above waiver will only be granted if the treating physician HEALTH CARE PROVIDER submits

written certification indicating it is a temporary condition or isolated incident not likely to recur.

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

**CHAPTER 83. PHYSICAL AND MENTAL CRITERIA, INCLUDING
VISION STANDARDS RELATING TO THE LICENSING OF DRIVERS**

NOTICE OF FINAL RULEMAKING

List of Commenters

Pennsylvania Chiropractic Association
James J. Kutz
Post & Schell
17 North Second Street
12th Floor
Harrisburg, PA 17101-1801

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

Marc S. DeSantis, PA-C
Chairman, Governmental Affairs Division
Pennsylvania Society of Physician Assistants
P.O. Box 128
Greensburg, PA 15601



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 7, 2010

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

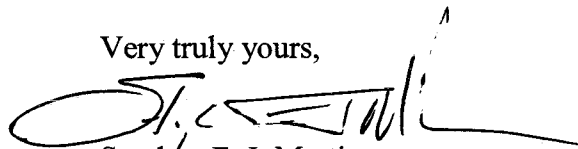
**Re: Final Rulemaking, Regulation # 18-410, 67 Pa. Code, Chapter 83
Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing of Drivers**

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 83, Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of 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**

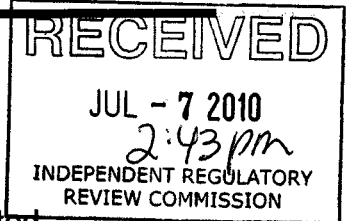
I.D. NUMBER: #18-410

SUBJECT: Physical and Mental Criteria, Including Vision Standards Relating to
the licensing of Drivers, 67 Pa. Code, Chapter 83

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 Boyz</u> for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION The Honorable John C. Rafferty, Jr. Majority Chairman
<u>7-7-10</u>	<u>Mary Fleherly</u> for Minority Chair	
<u>7-7-10</u>	<u>Tom Sivil</u> for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION The Honorable Joseph F. Markosek Majority Chairman
<u>7-7-10</u>	<u>Cherie 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