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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

July 1, 2009

Honorable Pedro A. Cortes, Secretary
Department of State
302 North Office Building
Harrisburg, PA 17120

Re: Regulation #16-47 (IRRC #2761)
Department of State
Schedule of Civil Penalties - Funeral Directors and Funeral Establishments

Dear Secretary Cortes:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Chair, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Chair, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Chair, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Chair, House Professional Licensure Committee
Basil L. Merenda, Commissioner, BPOA

Comments of the Independent Regulatory Review Commission



Department of State Regulation #16-47 (IRRC #2761)

Schedule of Civil Penalties - Funeral Directors and Funeral Establishments

July 1, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the May 2, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of State (Department) to respond to all comments received from us or any other source.

1. Section 43b.6. Schedule of civil penalties - funeral directors and funeral establishments. - Reasonableness.

This regulation establishes civil penalties for funeral directors' failure to attain the requisite continuing education credits.

The regulation states that the penalty for the first offense will be: "\$175 per hour of deficiency...." The House Professional Licensure Committee asked the Department for an explanation for the amount of the first offense fine. How did the Department determine that \$175 was a reasonable amount?



Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Elsa Mangual
Agency: Department of State
Phone: 7-6458
Fax: 7-1734
Date: July 1, 2009
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Department of State's regulation #16-47 (IRRC #2761). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Karen Holler **Date:** 7/1/09

Fax5

RECEIVED TIME JUL. 1. 8:01AM