

ARTHUR COCCODRILLI, CHAIRMAN
GEORGE D. BEDWICK, VICE CHAIRMAN
S. DAVID FINEMAN, ESQ.
SILVAN B. LUTKEWITTE III
JOHN F. MIZNER, ESQ.
KIM KAUFMAN, EXECUTIVE DIRECTOR
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION

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

August 13, 2010

Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
2601 North Third Street
Harrisburg, PA 17110

Re: Regulation #16A-47 (IRRC #2761)
Bureau of Professional and Occupational Affairs
Schedule of Civil Penalties - Funeral Directors and Funeral Establishments

Dear Commissioner Merenda:

The Independent Regulatory Review Commission disapproved your regulation on August 5, 2010. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Within 40 days of receipt of our order, Section 7(a) of the Regulatory Review Act requires you to select one of the following options: (1) proceed with promulgation under Section 7(b); (2) proceed with promulgation under Section 7(c); or (3) withdraw the regulation. If you do not take any action within this period, the regulation is deemed withdrawn.

If you or your staff have any questions, please contact Kim Kaufman, our Executive Director, at 783-5506.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable Julie Harhart, Minority Chairman, House Professional Licensure Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
DISAPPROVAL ORDER**

Commissioners Voting:

Public Meeting Held August 5, 2010

Arthur Coccodrilli, Chairman
George D. Bedwick, Vice Chairman
S. David Fineman, Esq.
Silvan B. Lutkewitte, III
John F. Mizner, Esq., by Phone

Regulation No. 16A-47 (#2761)
Bureau of Professional and Occupational
Affairs
Schedule of Civil Penalties - Funeral Directors
and Funeral Establishments

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code § 43b.6. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 25, 2010.

This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Board of Funeral Directors (Board). This regulation is the companion piece to Regulation # 16A-4818 (IRRC # 2760) from the Board entitled: "Continuing Education Enforcement."

Thomas A. Blackburn, Regulatory Unit Counsel for the Department of State, appeared at the public meeting on August 5, 2010. Attorney Blackburn represented that he was authorized to request, on behalf of the Bureau, that the Commission disapprove this final-form regulation, given that the companion Regulation #16A-4818 (IRRC #2760) had been disapproved at the same public meeting. Without support from the promulgating Bureau, this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest. 71 P.S. § 745.5b(b)(3). Therefore, in response to the Bureau's request, we disapprove this regulation.

BY ORDER OF THE COMMISSION:

The regulation # 16A-47 (IRRC # 2761) from the Bureau of Professional
Occupational Affairs: Schedule of Civil Penalties - Funeral Directors & Funeral
Establishments
was disapproved on August 5, 2010 .


Arthur Coccodrilli, Chairman