

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, April 19, 2018
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The April 19, 2018 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:38 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 John F. Mizner, Esq., Vice Chairman
 W. Russell Faber

Telephone: Murray Ufberg, Esq.
 Dennis A. Watson, Esq.

II. APPROVAL OF THE MARCH 22, 2018 PUBLIC MEETING MINUTES

Commissioner Faber made a motion for approval of the March 22, 2018 public meeting minutes, as submitted. Vice Chairman Mizner seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. ACTION ITEMS

1. No. 3148 State Board of Physical Therapy #16A-6517; Post-Act 38 Revisions

Corinne Brandt, Regulatory Analyst, explained the regulation amends Title 49 Chapter 40, subchapters relating to physical therapists and relating to physical therapist assistants to make it consistent with Act 38 of 2008 (Act 38) and to address certain housekeeping matters. In addition, the proposal clarifies licensure requirements for foreign educated applicants. She stated there were no submitted public comments.

Thomas A. Blackburn, Senior Counsel in Charge, Department of State, was present to answer any questions.

Mr. Blackburn explained the rulemaking is a cleanup for the prior rulemaking of Act 38; they noticed a few things that could have been done better. He stated they were trying to address the status of the authority to practice in the home country of someone who was trained in a foreign country.

Vice Chairman Mizner commended the Board for taking the initiative to address the deficiencies. Chairman Bedwick agreed.

Chairman Bedwick made a motion for approval. Vice Chairman Mizner seconded, and the motion passed 5-0.

2. No. 3138 Environmental Quality Board #7-522: Handling and Use of Explosives

Michelle Elliott, Regulatory Analyst, explained the final regulation addresses the use of explosives for seismic exploration, updates explosives use requirements, and eliminates antiquated requirements. She said that the updated regulation will result in more consistency in requirements for construction blasting and blasting for mining operations. Ms. Elliot said the Commission received one comment from the Pennsylvania State Association of Township Supervisors in support of the final regulation.

John Stefanko, Deputy Secretary, Active and Abandoned Mine Operations, Bill Allen, Acting Director, Bureau of Mining Programs, and Joe Iole, Assistant Counsel, Bureau of Regulatory Counsel, Department of Environmental Protection, were present to answer any questions.

Commissioner Ufberg asked the reason for why it seems it has taken a long time to get to this. Mr. Stefanko replied there were a number of other things included in this regulation regarding fees as well as penalties and fines that they had to rely on counsel to ensure the proper place where they should be included. He explained the main reason was to make sure that what they were putting in the regulation was what they could do versus what would require a statute change.

Commissioner Ufberg made a motion for approval. Commissioner Faber seconded, and the motion passed 5-0.

IV. OTHER BUSINESS

Approval of Vouchers

Commissioner Faber made motions to approve vouchers and expenses for the period February 23, 2018 through March 22, 2018. Vice Chairman Mizner seconded, and the motions passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Thursday, May 3, 2018, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Bedwick announced that no executive session would be held.

VII. ADJOURNMENT

Chairman Bedwick announced the meeting adjourned at 10:48 a.m.