

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, May 18, 2017
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The May 18, 2017 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:06 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 W. Russell Faber
 Dennis A. Watson, Esq.

Telephone: John F. Mizner, Esq., Vice Chairman
 Murray Ufberg, Esq.

II. APPROVAL OF THE APRIL 20, 2017 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the April 20, 2017 public meeting minutes, as submitted. Commissioner Faber made the motion and Commissioner Watson seconded, and the motion passed 5-0.

III. NEW BUSINESS

A. DEEMED APPROVED

1. No. 3106 State Board of Chiropractic #16A-4324: Radiological Procedures Examination

B. ACTION ITEMS

1. No. 3168 Department of Education #6-337: Postsecondary Distance Education Reciprocity

Corinne Brandt, Regulatory Analyst, explained the regulation implements Act 35 of 2016 which authorizes the state's involvement in a regional compact and an interstate reciprocity agreement for secondary distance education and permits the Department of Education (PDE) to charge an administrative fee to institutions of higher education that choose to participate in the agreement. Specifically, the rulemaking provides for membership in the State Authorization Reciprocity Agreement (SARA), designates PDE as the portal agency for membership in that

agreement, affiliates Pennsylvania with the Southern Regional Education Board, and establishes a fee schedule to cover the administrative costs of that membership.

Patricia Landis, Division Chief, Division of Higher and Career Education, PDE, and Ernest Helling, Assistant Chief Counsel, Governor's Office of General Counsel, were present to answer any questions.

Ms. Landis said the regulation establishes fees to support the administration of the Commonwealth membership in SARA. This membership will enable Pennsylvania institutions of higher education to obtain reciprocity to provide postsecondary distance education to students in other states without having to register with and pay fees to each state.

Commissioner Faber requested an explanation of the application review process. Ms. Landis noted there is no due date with applications submitted at will. She provided an outline of the process, including that applications are valid for one year after receipt and acceptance with renewal on a rolling basis each year after. Applications are received in paper format but there is hope to switch to electronic down the road. When applications are received PDE ensures proper completion then enters the institution into the nationwide database and sends an email with instructions on going forward. The entry into the national database triggers an invoice from SARA, and when the fee is paid electronically, full participation is complete.

Commissioner Faber asked how much in-house time it takes to review the application. Ms. Landis said she hopes to bring on an additional staff member dedicated to the review process which could cut back time, but estimated current time is five hours per institution if everything is good. If an incomplete application is received, Ms. Landis noted time is added. "The real complication factor is if an institution applies to participate in SARA but does not participate in federal financial aid," she added. "The absence of a federal composite score would call for additional financial documentation to prove financial solvency. That would increase the time required to review the application exponentially," Ms. Landis concluded. She clarified only a handful of such institutions exist in Pennsylvania, but it still results in a significant workload.

Commissioner Faber received confirmation on the basis of the fee structure as one staff person for reviewing, one for clerical, part time for supervisory, central service charges, and cost of affiliation with the regional compact at \$50,000. He noted if one person is working an average 1,950 hours per year with 35 different universities and institutions that is 52 hours per university and calls for a full time person. Ms. Landis mentioned there are additional responsibilities such as handling complaints, serving as a primary contact to stay current on rule changes and represent Pennsylvania, attend meetings and conferences, and maintain emails between other states. "I do think and dream that it might be possible that this might not consume an entire full time position," Ms. Landis stated. "My biggest concern was that Pennsylvania would enter this agreement and not make enough of a commitment to ensure that we could be successful with it," Ms. Landis said. "Now that we know there are 70 institutions interested, there's no doubt we are going to be successful with it."

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

IV. OTHER BUSINESS

1. Approval of Purchase Order 1700031

Commissioner Faber made a motion to approve Purchase Order 1700031. Commissioner Watson seconded, and the motions passed 5-0.

2. Approval of Vouchers

Commissioner Ufberg made motions to approve vouchers and expenses for the period December 16, 2016 through April 20, 2017. Commissioner Watson 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, June 15, 2017, 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 10:20 a.m.