

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, July 10, 2014
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The July 10, 2014 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Mizner at 10:03 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: John F. Mizner, Esq., Chairman
 George D. Bedwick, Vice Chairman
 W. Russell Faber
 Dennis A. Watson, Esq.
 Lawrence J. Tabas, Esq.

II. APPROVAL OF THE JUNE 19, 2014 PUBLIC MEETING MINUTES

Chairman Mizner asked for a motion for approval of the June 19, 2014 public meeting minutes, as submitted. Commissioner Faber made the motion and Vice Chairman Bedwick seconded, and the motion passed 4-0, with Commissioner Tabas abstaining.

III. NEW BUSINESS

A. ACTION ITEMS

1. No. 3005 Pennsylvania Gaming Control Board #125-169: Electronic Gaming Tables and Table Games Rules of Play

Scott Schalles, Regulatory Analyst, explained the regulation amends eight chapters of the Pennsylvania Gaming Control Board's regulations. The purpose of the regulation is to amend the Board's rules for progressive table game systems and to amend rules for side wagers at table games.

Susan Yocum, Assistant Counsel, Pennsylvania Gaming Control Board, was present to answer any questions.

Vice-Chairman Bedwick made a motion for approval. Commissioner Faber seconded, and the motion passed 4-0, with Commissioner Tabas abstaining.

2. No. 3002 State Board of Crane Operators #16A-7102: Fees

Michelle Elliott, Regulatory Analyst, said the regulation increases the biennial renewal fee for licensed crane operators from \$100 to \$130. She explained the increased fee will result in sufficient revenue to "place the Board back on firm financial ground."

Christopher McNally, Regulatory Counsel, and Cynthia Montgomery, Board Counsel, State Board of Crane Operators, were present to answer any questions. Mr. McNally said he met with the general manager of a crane rental company and enjoyed reaching out to people the regulation can affect. He noted there can be serious crane accidents, and when those accidents occur the State Board of Crane Operators must have enough funds to pay for expert witnesses and attorneys to protect their members.

Commissioner Faber asked if a reserve is set up for litigation costs. Mr. McNally said no, the State Board of Crane Operators will simply accumulate a balance so there will be funds available in the future.

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

3. No. 3034 State Board of Medicine #16A-4937: Genetic Counselors

James Smith, Regulatory Analyst, explained the regulation implements Act 125 of 2011, which establishes licensure and regulation of genetic counselors. He said the regulation provides for fees, registration, continuing education, and insurance.

Teresa Lazo, Board Counsel, State Board of Medicine, was present to answer any questions. She said she met three times with members of the genetic counselor community in developing the rulemaking. Those stakeholders helped to craft this regulation and support the rulemaking.

Vice Chairman Bedwick said he has concerns with clarity in the proposal. He said he is worried counselors reading the regulation will not understand how to jump between the original statute and the regulation to determine what is expected of them. Vice Chairman Bedwick said he is also worried the general public will not understand a graduate genetic counselor is a person who is not yet licensed by the State Board of Medicine. Ms. Lazo answered that the term was picked because it is used in the medical community for individuals who have graduated but are not yet licensed.

Commissioner Watson asked if the term "graduate genetic counselor" is already used in the profession. Ms. Lazo said genetic counselors only recently created a Board for licensing so they had to create a term. She reiterated the stakeholders agreed upon that term.

Chairman Mizner said he does not believe the average person would understand what graduate genetic counselors do and if they are licensed. Ms. Lazo said she does not disagree with that statement, but the term is used by the Department of Health.

Commissioner Tabas recommended calling counselors who passed the test "licensed genetic counselors." Ms. Lazo explained the stakeholders do not want to change their title.

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

4. No. 3036 Philadelphia Parking Authority #126-5: Wheelchair Accessible Vehicle Taxicabs

Corinne Brandt, Regulatory Analyst, and Mr. Schalles, said the regulation implements Act 119 of 2012, creating requirements for taxicab services who provide wheelchair accessible service. The regulation provides for services, standards, specifications, and dispatcher and driver requirements.

Dennis G. Weldon, Jr., General Counsel, Jim Ney, Director, Taxicab and Limousine Division, Bill Schmid, Director of Enforcement, Philadelphia Parking Authority, were present to answer any questions.

Mr. Weldon said the regulation provides guidance and defines what wheelchair accessible taxicabs really are. "It provides information on selling new medallions restricted to be used by wheelchair taxis only," he said. Mr. Weldon said the intention of the regulation is to get wheelchair accessible vehicles on the street as soon as possible.

Vice Chairman Bedwick said he thought the regulation was a positive one. He asked if there is an incentive for licensees to buy a new medallion for use by wheelchair accessible taxicabs. Mr. Weldon said the accessible vehicles in service currently will be exempt from the regulation but converted taxicabs will have to follow the regulatory guidelines.

Commissioner Faber asked Mr. Weldon to explain the argument for a centralized dispatch. Mr. Weldon said the centralized dispatch will ensure handicapped people do not have to call 15 different cab companies to get a ride. He said dispatchers will have to pass the call on to other wheelchair accessible cabs if they do not have a vehicle in the vicinity.

Dynah Haubert, Disability Rights Network of Pennsylvania, said it is critically important to have an increase in wheelchair accessible taxicabs in Philadelphia. She explained there are only seven wheelchair accessible cabs in the entire city and most require a 24-hour advanced notice to receive a ride. Ms. Haubert said that is not appropriate for visitors of the city or the disabled community that lives in the city.

A representative of Disabled in Action, spoke in favor of the regulation.

Matthew Clark, Disabled in Action, spoke in favor of the regulation.

Dave Alperstein, Executive Director, the Greater Philadelphia Taxi Association, said his organization is in favor of the regulation because they have been lobbying for wheelchair accessible taxicabs for years. He said the centralized dispatch is a necessity. Mr. Alperstein did note he believes there should be some kind of incentive for taxi companies because a wheelchair accessible vehicle costs up to eight times the cost of a regular taxicab.

Karen Burrison, Disabled in Action, spoke in favor of the regulation.

Commissioner Watson made a motion for approval. Commissioner Faber seconded, and the motion passed 4-0, with Commissioner Tabas abstaining.

IV. OTHER BUSINESS

Approval of Vouchers

Commissioner Faber made a motion to approve vouchers and expenses for the period June 19, 2014 through July 9, 2014. Vice Chairman Bedwick seconded, and the motion passed 5-0.

V. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Mizner announced the next public meeting is scheduled for Thursday, July 24, 2014, at 10:30 a.m. in the Liberty View Ballroom, Independence Visitors Center, 6th and Market Streets, Philadelphia.

VI. EXECUTIVE SESSION ANNOUNCEMENTS

Chairman Mizner announced that an executive session would be held immediately prior to the start of the July 24, 2014 public meeting to discuss the Commission's budget.

VII. ADJOURNMENT

Chairman Mizner announced the meeting adjourned at 11:50 a.m.