

PROPOSED RULEMAKING

CORONERS' EDUCATION BOARD

[37 PA. CODE CH. 199]
Education Requirements

The Coroners' Education Board (Board), housed in the Office of Attorney General, under section 6 of the act of March 2, 1988 (P. L. 108, No. 22), known as the Coroners' Education Board Law (16 P. S. § 9525.6) (act) proposes to add Chapter 199 (relating to Coroners' Education Board) to read as set forth in Annex A. This proposed rulemaking regulates the duties of the Board, as set forth in the act (16 P. S. §§ 9525.1—9525.6), to establish a course of instruction to be given to coroners upon first election to office as well as to chief deputy and full-time deputy coroners; to prepare a written examination to be given at the conclusion of each course of instruction; to set tuition for the courses of instruction; to determine what offerings qualify for continuing education requirements; and to notify the Governor or the appropriate county coroner when persons bound by the act fail to comply with its requirements. The Board is publishing these proposed regulations under the authority of the act and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

A. Effective Date

The proposed regulations will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on proposed regulations, contact Andrea F. McKenna, Senior Deputy Attorney General, Office of the Attorney General, 16th Fl. Strawberry Square, Harrisburg, PA 17120, (717) 787-6348, amckenna@attorneygeneral.gov.

C. Statutory Authority

These proposed regulations are promulgated under the statutory authority of the act and section 506 of The Administrative Code of 1929.

D. Purpose and Background

The Board is statutorily charged with these duties: (1) establishing a course of instruction for elected coroners, chief deputy and full-time deputy coroners; (2) establishing tuition for the course of instruction; (3) preparing an examination to be given at the end of the course of instruction; (4) approving courses of instruction for continuing education credit; and (5) determining whether a coroner or deputy has fulfilled the continuing education requirements. The proposed regulations are intended to codify existing practices of the Board in carrying out its statutory duties and to provide guidance to coroners and their deputies who shall meet statutory requirements pertaining to basic and continuing education.

E. Summary of Proposal

The proposed regulations establish procedures for carrying out the statutorily mandated duties of the Board.

F. Paperwork

The proposed regulations will not increase paperwork.

G. Fiscal Impact

The proposed regulations will have no adverse impact on the Commonwealth or its political subdivision. The proposed regulations will impose no new costs on the private sector or on the general public.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 23, 2000, the Office of Attorney General submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. In addition to submitting the proposed regulations, the Office of Attorney General has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Office of Attorney General in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Office of Attorney General within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Office of Attorney General, the General Assembly and the Governor of objections raised.

I. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed regulations to Michael L. Norris, Chairperson, Coroners' Education Board, c/o Gwendolyn Casey, Executive Secretary to the Board, Office of the Attorney General, 16th Fl. Strawberry Square, Harrisburg, PA 17120, within 60 days after publication of this notice in the *Pennsylvania Bulletin*.

Comments may also be submitted electronically to gcasey@attorneygeneral.gov. A subject heading of the proposed regulations and a return name and address must be included in each transmission. If an acknowledgment of electronically-submitted comments is not received by the sender within 2 business days, the comments should be retransmitted to ensure receipt.

MICHAEL L. NORRIS,
Chairperson

Fiscal Note: 59-07. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart M. CORONERS

CHAPTER 199. CORONERS' EDUCATION BOARD

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GENERAL**§ 199.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

Act—The act of March 2, 1988 (P. L. 108, No. 22) (16 P. S. §§ 9525.1—9525.6).

Basic Education Course—The course of instruction required by the act to be given to coroners upon first election to office and to chief deputy and full-time deputy coroners upon first being appointed to either position.

Board—The Coroners' Education Board.

Certification—Documentation issued by the Board indicating that education requirements have been met.

Continuing education—Yearly educational requirement mandated by the act for every coroner, chief deputy coroner and full-time deputy coroner.

Examination—The examination given at the conclusion of the Basic Education Course.

Full-time deputy coroner—An individual employed by a county and deemed by the county to be "full-time."

Just-cause—Instances such as job-related emergencies, or illness or accident suffered either by a person required to meet basic education or continuing education requirements or by the person's immediate family or death of the person's immediate family member.

§ 199.2. Application of act.

Coroners, whether elected or appointed, and their deputies, are subject to the act and of this chapter.

ORGANIZATION OF THE BOARD**§ 199.11. Board chairperson.**

The Board members will elect a chairperson from the Board membership at the first regularly scheduled meeting of each calendar year.

§ 199.12. Temporary chairperson.

In the absence of the elected chairperson, a Board member may serve as temporary chairperson with the approval of the Board.

§ 199.13. Meeting schedule.

The Board will schedule six regular meetings per calendar year, with the meeting dates to be set at or before the first meeting of the calendar year.

BASIC EDUCATION COURSE**§ 199.21. General requirement.**

Newly elected coroners and newly appointed chief deputy and full-time deputy coroners shall attend the Basic Education Course and pass the examination. The Basic Education Course is a minimum 32 hours of instruction given between the date of each municipal election and December 31 of that year. The course of instruction includes subjects such as crime-scene investigation, toxicology and the legal duties of a coroner. A written examination is given at the conclusion of the course.

§ 199.22. Postponement for just cause.

The determination of the existence of just cause to postpone attendance at the Basic Education Course, completion of the examination or compliance with another provision of the act, will be at the discretion of the Board. The person seeking exemption bears the responsibility of initiating contact with the Board within 30 days of the event asserted as just cause.

§ 199.23. Exemption for qualified forensic pathologists.

A licensed forensic pathologist may be exempt from the requirement of attendance at the Basic Education Course and completion of the examination. The Board will determine eligibility for exemption based upon the applicant's ability to demonstrate active, current involvement in the practice of forensic pathology.

§ 199.24. Exemptions for licensed professionals.

With the exception of § 199.23 (relating to exemption for qualified forensic pathologists), no exemptions from § 199.21 (relating to general requirement) will be permitted based on other types of education or experience.

§ 199.25. Eligibility for certification.

(a) Persons statutorily required to complete the Basic Education Course and pass the examination will receive certification from the Board.

(b) Persons who are under no statutory obligation to do so, but who register for the Basic Education Course through the Board, attend the course and pass the examination, will receive certification. The certification will expire in 1 year, unless the Board receives evidence of yearly compliance with the continuing education requirement.

§ 199.26. Failure of coroner to attend Basic Education Course or to pass examination.

When a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the Governor,

following the last Board meeting of the year, unless the Board has postponed compliance for just cause.

§ 199.27. Failure of chief deputy coroner or full-time deputy coroner to attend Basic Education Course or pass examination.

When a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the coroner of the appropriate county and the county commissioners or county executive, as appropriate, unless the Board has postponed compliance for just cause. The notification will be made in writing within 30 days of the examination.

§ 199.28. Appointees' basic education requirement.

A person appointed to fill a vacancy in the office of coroner who has never taken the Basic Education Course and passed the examination shall attend the next scheduled course and pass the examination given at its conclusion. The failure to meet the basic education requirement will result in a vacancy in the office.

§ 199.29. Appointments made more than 6 months prior to course.

When a chief deputy coroner or full-time deputy is appointed more than 6 months before the next scheduled Basic Education Course, the coroner making the appointment shall apply to the Board for an extension of time in which the deputy may take the required course.

CONTINUING EDUCATION

§ 199.41. Continuing education.

Coroners and deputy coroners are required to obtain a minimum of 8 hours of continuing education credits in each calendar year.

§ 199.42. Approval of course for continuing education credit.

Persons seeking to have a course approved for continuing education credit shall submit a course approval application form to the chairperson of the Board at least 3 months prior to the date of instruction. Approval will not be given retroactively.

§ 199.43. Standards for course approval.

In evaluating the suitability of a proposed continuing education course, the Chairperson and the Board will consider factors such as the relevancy of the course content to the duties of the coroner and the qualifications of the course instructors.

§ 199.44. Approval by chairperson.

The Board chairperson has the right to approve courses for continuing education credits subject to ratification by the Board.

§ 199.45. Board ratification.

Continuing education courses approved by the Board chairperson will be proposed for Board ratification at the next regularly scheduled Board meeting.

§ 199.46. Approval by simple majority.

Concurrence by a simple majority of the Board is needed to ratify the chairperson's approval of a course for continuing education.

§ 199.47. Unit of credit.

(a) Attendees at approved continuing education courses will be granted 1 hour of continuing education credit for 1 hour of instruction. Credit in excess of 8 hours will not be given.

(b) Teachers at an approved continuing education course will be granted 1 hour of continuing education credit for each hour of instruction. Credit in excess of 8 hours will not be given.

§ 199.48. Continuing education for persons required to attend Basic Education Course.

Within the first year of election or appointment, persons required to complete the Basic Education Course shall also obtain 8 hours of continuing education.

§ 199.49. Failure of coroner to meet continuing education requirements.

When a person holding the office of coroner fails to meet yearly continuing education requirements, the Board will notify the Governor, in writing, following the last Board meeting of the calendar year, unless the Board has postponed compliance for just cause.

§ 199.50. Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.

When a chief deputy coroner or full-time deputy coroner fails to meet yearly continuing education requirements, the Board will notify the coroner of the proper county and the county commissioners or county executive, as appropriate. The notification will be made in writing following the last Board meeting of the year, unless the Board has postponed compliance for just cause.

§ 199.51. Requirements for reappointees to vacancies.

If a coroner re-appoints a chief deputy or full-time deputy to a vacancy created by that individual's failure to meet the yearly continuing education requirement, the Board will deem that individual to be newly appointed and subject to the requirement of § 199.21 (relating to general requirement).

§ 199.52. Extension of time to complete continuing education requirements.

Extension of the time to complete continuing education requirements will be at the discretion of the Board for just cause. The person seeking an extension bears the responsibility of initiating contact with the Board.

RESPONSIBILITY OF EDUCATION PROVIDERS

§ 199.61. Statement of Board approval.

Course providers may not represent that a course has been approved for continuing education requirements unless written authorization has been received from the Board.

§ 199.62. Verification of attendance.

Course providers shall be responsible for taking attendance, verifying attendance upon Board request, and notifying course attendees of approved hours of credit.

§ 199.63. Certificate of attendance.

Course providers shall be responsible for providing a written certificate of attendance to the attendee indicating course title and date, name of course provider, and number of hours of approved credit earned.

§ 199.64. Notification to Board.

Course providers shall submit to the Board a list of all course attendees with number of credit hours earned, within 60 days of completion of the course.

REGISTRATION OF CORONERS AND DEPUTIES**§ 199.71. Board to maintain current list.**

The Board will maintain a list of all currently elected coroners.

§ 199.72. Coroners' duty to notify Board.

Coroners shall provide the Board with the names of all chief deputy coroners and full-time deputy coroners within 1 month of appointment. Coroners shall notify the Board within 1 month of the departure of chief deputy and full-time deputy coroners. Notification shall be made in writing addressed to Chairperson, Coroners' Education Board, c/o Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, Pennsylvania 17120.

[Pa.B. Doc. No. 00-601. Filed for public inspection April 7, 2000, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 91]

Boating Safety Education Certificates

The Fish and Boat Commission (Commission) proposes to amend Chapter 91 (relating to general provisions). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This proposed amendment relates to Boating Safety Education Certificates.

A. Effective Date

This proposed amendment, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

This proposed amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

This proposed amendment is designed to update, modify and improve Commission regulations relating to boating. The specific purpose of this proposed amendment is described in more detail under the summary of proposal. The Commission's Boating Advisory Board will provide input to the Commission regarding the proposed change prior to the Commission's consideration of them on final rulemaking.

E. Summary of Proposal

Beginning January 1, 2000, all operators of personal watercraft (PWC) must have a Boating Safety Education Certificate in their possession while operating a PWC. In that regard, the Commission believes that there may be some confusion concerning the interpretation of the existing definition of a "Boating Safety Education Certificate"

in § 91.6 (relating to certificates). Specifically, there is concern that the current regulation does not clearly identify what is required of PWC operators depending on their state of residence. The Commission, therefore, proposes to amend the section to read as set forth in Annex A. This proposed amendment does not change the intent of the existing regulation. The new language merely clarifies that a resident of this Commonwealth, when required to carry a Boating Safety Education Certificate, shall have one issued by the Commission, another state or Canadian province. The language further clarifies that for nonresidents, the certificate may be issued by a governmental agency or any organization that has been designated by the Executive Director. These organizations shall have had prior approval of the National Association of State Boating Law Administrators.

F. Paperwork

This proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This proposed amendment will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposal in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments shall be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-106. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart C. BOATING****CHAPTER 91. GENERAL PROVISIONS****§ 91.6. Boating Safety Education Certificates.**

(a) [A certificate, license or other document required under this subpart or the code shall be carried when the boat is in operation and shall be carried so that it can be handed to an officer authorized to enforce this subject.

(b) A Boating Safety Education Certificate is one issued to an individual by one of the following:

(1) The Commission or another state or province for successful completion of a boating safety educa-

tion program approved by the Commission and the National Association of State Boating Law Administrators.

(2) The United States Coast Guard Auxiliary or the United States Power Squadrons or other organizations approved by the Executive Director in another state or province for successful completion of a boating safety education program approved by the National Association of State Boating Law Administrators.]

Definition.

(1) For residents of this Commonwealth, a Boating Safety Education Certificate is one issued to an individual by the Commission, another state or Canadian province. Upon proper application, the Commission may issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes a course offered by an organization designated by the Executive Director.

(2) For nonresidents, a Boating Safety Education Certificate is one issued to an individual who successfully completes a course offered by the Commission, another state, a Canadian province or an organization designated by the Executive Director.

(b) ***Designation.*** The Executive Director may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents, or both.

(c) ***Certificate possession.*** It is unlawful to operate a personal watercraft on the waters of this Commonwealth without carrying onboard the Boating Safety Education Certificate issued to the operator of the personal watercraft. A Boating Safety Education Certificate shall be carried so that it can be handed to an officer authorized to enforce this subpart.

[Pa.B. Doc. No. 00-602. Filed for public inspection April 7, 2000, 9:00 a.m.]