

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 71]

### School Bus Drivers

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement), proposes to amend §§ 71.2 and 71.3 (relating to definitions; and physical examination) to read as set forth in Annex A.

#### *Purpose of Chapter*

The purpose of Chapter 71 (relating to school bus drivers) is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers.

#### *Purpose of the Proposed Rulemaking*

The purpose of this proposed rulemaking to Chapter 71 is to allow chiropractors to administer the physical examination required for school bus drivers. Pennsylvania law requires a school bus driver to have a physical examination every year. According to Department regulations, the only health care providers who can perform that physical are licensed physicians, certified registered nurse practitioners or physician's assistants. The Pennsylvania Chiropractic Association has requested chiropractors also be allowed to conduct physicals as part of the process of obtaining a driver's license.

Chiropractors are currently considered by health insurance companies to be portal of care practitioners. This means they are regarded as primary care physicians, permitted to furnish necessary patient care for health maintenance. They are also allowed, by Federal regulation, to conduct the medical examinations for commercial drivers required every 2 years by the Federal Highway Administration under Motor Carrier Safety regulations. Since the exclusion of chiropractors from the Department's list of health care providers is inconsistent with current health care practices and Federal regulations, chiropractors should be added to Chapter 71 as one of the providers who can give the school bus driver's physical examination.

#### *Summary of Significant Amendments*

Section 71.2 has been amended to add the term "Doctor of Chiropractic Medicine." This definition reflects the definition of "chiropractic specialty" used by the State Board of Chiropractic.

Section 71.3 has been amended to add the term "Doctor of Chiropractic Medicine" to the list of providers authorized to perform the school bus driver's physical examination.

#### *Persons and Entities Affected*

The regulation affects all licensed school bus drivers or persons interested in becoming a school bus driver and chiropractors.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of any additional funds by the Commonwealth or local municipalities. This proposed rulemaking will not impose any additional costs on the

medical community and may reduce costs by allowing applicants for a learner's permit to get their physical examination from their primary care physician.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 13, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Sunset Provisions*

The Department will make this proposed rulemaking effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for this regulation, since the regulation is needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor the regulation for its effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 1101 South Front Street, Harrisburg, PA 17104 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for technical questions about the proposed rulemaking is Chris A. Miller, Manager, Special Driver Programs, Department of Transportation, Bureau of Driver Licensing, 1101 S. Front Street, 3rd Floor, Harrisburg, PA 17106, (717) 787-6453.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

**Fiscal Note:** 18-402. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE IV. LICENSING

#### CHAPTER 71. SCHOOL BUS DRIVERS

#### § 71.2. Definitions.

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

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*Doctor of Chiropractic Medicine*—A person licensed in this Commonwealth who has achieved certification or diplomate status through a program by an approved chiropractic college that has established valid standards acceptable to the State Board of Chiropractic for the achievement of certification or diplomate status and is able to diagnose and treat patients whose health problems are associated with the body's muscular, nervous and skeletal systems, especially the spine.

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**§ 71.3. Physical examination.**

(a) *General rule.* A physical examination shall be given by a school transportation physician, a **Doctor of Chiropractic Medicine**, a CRNP or a physician assistant:

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[Pa.B. Doc. No. 05-1046. Filed for public inspection May 27, 2005, 9:00 a.m.]

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# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 54 AND 57]

[L-00040169]

## Provisions of Default Service; Extension of Public Comment Period

*Rulemaking Regarding Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Under 66 Pa.C.S. § 2807(e)(2); Doc. No. L-00040169*

A proposed rulemaking was published at 35 Pa.B. 1421 (February 26, 2005). Comments to this rulemaking were due by April 27, 2005. Reply comments were accordingly due within another 30 days, or May 27, 2005. Given the large volume of public comments received, the Pennsylvania Public Utility Commission finds that the public interest is served by extending the reply comment deadline to June 27, 2005. In addition to serving copies on the Secretary's Bureau, interested parties should also forward copies of their reply comments by e-mail to Shane Rooney and Cyndi Page at [srooney@state.pa.us](mailto:srooney@state.pa.us) and [cypage@state.pa.us](mailto:cypage@state.pa.us).

[Pa.B. Doc. No. 05-1047. Filed for public inspection May 27, 2005, 9:00 a.m.]

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