

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

#### [4 PA. CODE CH. 120b]

#### Public Safety Emergency Telephone Program

##### A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) amends Chapter 120b (relating to public safety emergency telephone program) to read as set forth in Annex A. These amendments were previously published as proposed rule-making at 29 Pa.B. 1719 (April 3, 1999).

##### B. Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

##### C. Background and Purpose

The amendments are needed to make the regulations consistent with several statutory changes that the act of February 12, 1998 (P. L. 64, No. 17) (Act 17) made to the Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021). In particular, Act 17 expanded the types of expenditures that counties can incur for the operation of their 911 emergency communications systems to include training for their 911 personnel, the purchase of mobile communications equipment, the development and maintenance of a master street address guide, the erection of street signs on State and local highways and the conduct of public education activities. Act 17 also increased from 60 days to 90 days as the time period that PEMA, the Pennsylvania Emergency Management Council and the Pennsylvania Public Utility Commission have to review and approve county 911 emergency communications plans and their contribution rates. All of these statutory changes have been incorporated into these amendments.

##### D. Comments

Written comments, suggestions and objections were solicited within a 30-day period after the proposed amendments were published. No public comments were received.

Following the close of the public comment period, PEMA received comments from the Pennsylvania Telephone Association (PTA) and the Independent Regulatory Review Commission (IRRC). The amendments contained in Annex A are responsive to the comments and suggestions received from the PTA and IRRC.

For ease of reference, PEMA will address the comments in the order in which the amendments appear.

##### *§ 120b.104. Technical standards for plans*

The existing language of § 120b.104(v)(2)(xviii) requires that 911 operators, dispatch personnel and supervisors shall receive a minimum of 40 hours classroom and hands on instruction. IRRC observed that this training requirement was inconsistent with the training requirements in Chapter 120c (relating to training and certification standards for 911 emergency communications personnel) and recommended that this subsection be deleted and re-

placed with a reference to the training requirements in Chapter 120c. PEMA agreed with this suggestion and made the necessary deletion of the existing language and replaced it with the reference to the new training requirements.

##### *§ 120b.106. Eligible costs*

The existing language in § 120b.106(c)(5) identifies "recruitment and training" of dispatchers, call takers or telecommunications officers or operators as an ineligible cost for which county contribution rate funds can be used. With the passage of Act 17, which amended the Public Safety Emergency Telephone Act, the "training" of 911 communications personnel is now an eligible cost for the expenditure of county contribution rates. As a result, PEMA agreed with IRRC's comment that the words "and training" be deleted from § 120b.106(c)(5) and this change has been made.

##### *§ 120b.113. Accuracy standards for enhanced 911 database systems*

A number of comments were received from both the PTA and IRRC concerning this section. Both the PTA and IRRC recommended that the word "enhanced" be added to the section title to clarify the fact that these standards apply to enhanced 911 service and not to basic 911 service. PEMA agrees with this comment and made the necessary changes.

The PTA also suggested a number of editorial changes as follows: that the word "listed" be added to the fourth sentence to differentiate between the customer listed name and address and the customer's billing name and address; that the word "Once" should be changed to "After" in subsection (c) for clarity purposes; that the word "initial" be added to subsection (c) to clarify that it is a county's creation of an initial MSAG that will trigger the validation processes to make the MSAG as accurate as possible; that in subsection (c)(2), the words "the use of" should be deleted for clarity and to avoid repetition, and the phrase "where technically feasible" should be added because not all LECs can support a partial MSAG, and that the word "has" replace the word "represents" for increased clarity. PEMA has accepted the these suggestions and amended the section accordingly.

The PTA also suggested that the sixth sentence be amended by deleting the phrase "LEC customer database may be loaded into the county's MSAG database" and be replaced with the phrase "MSAG database may be loaded into the 911 Database Management System of the LEC or of a different host LEC if applicable." PEMA accepted this suggestion and amended the section accordingly because the change permits the MSAG database to be loaded into the 911 Database Management System of the LEC or of a different host LEC if applicable, as opposed to the reverse loading that was called for in the proposed regulation.

The PTA also suggested that the regulatory requirements of this section be made discretionary instead of mandatory as they apply to the updates of the MSAG by the counties and the LECs. PEMA disagreed with this suggestion. An accurate and up-to-date MSAG is vital to the daily operations of every county 911 communications center and ensures that emergency dispatchers have the proper data and information to dispatch fire, police and medical response resources to the proper addresses/locations of an emergency situation. Thus, it is critical that the counties and LECs perform a database validation

process every 6 months by comparing LEC customer data with the MSAG data. Therefore, it is essential that the regulation require that a mandatory validation process be implemented by the counties and LECs to eliminate, insofar as possible, any substantive mismatches between the county's MSAG and LEC's customer database.

IRRC also made several comments concerning § 120b.113. In particular, IRRC questioned the reasonableness of requiring the 6-month validation process for the MSAG data. As stated in response to the PTA's suggestion that the validation process be made discretionary instead of mandatory, PEMA reaffirms its position that the 6-month validation process is not only reasonable but it is absolutely critical to maintaining an accurate and up-to-date MSAG database that can be used to dispatch emergency fire, police and ambulance services to emergency situations.

IRRC also questioned the feasibility of having LECs reach a 95% accuracy rate on their database with that of the MSAG database before loading the database into the county's MSAG database. PEMA's response was that the 95% accuracy is not only reasonable and feasible but it is based upon a Nationwide accepted standard for the maintenance and update of MSAG databases.

IRRC also suggested that the word "Thereafter" and the phrase "additional validation processes" in subsection (c)(8) needed to be clarified. PEMA agreed and added the words "Every 6 months" before the word "thereafter" to clarify the time frame that counties and LECs need to meet to review their databases to update and eliminate any substantive mismatches between their databases. PEMA also removed the phrase "additional validation processes" because it was vague and unnecessary within the context of the sentence.

E. *Fiscal Impact/Affected Persons*

These amendments will have a positive fiscal impact upon county 911 operations because the counties will be permitted to expand their 911 contribution rate fees on training for their 911 personnel, the purchase of mobile communications equipment, the development and maintenance of a master street address guide, the erection of street signs on State and local highways and the conduct of public education activities. These cost categories were previously ineligible for funding under the old regulations. In turn, these amendments will benefit the general public by providing increased training resources at the county level and by improving accuracy of the master street address guide which is used to dispatch emergency fire, police and ambulance services to the scene of an emergency situation.

F. *Paperwork Requirements*

These amendments will not change the amount of paperwork that State agencies and the counties must prepare as part of the administration of their 911 emergency communications systems.

G. *Sunset Requirements*

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose improvements such as these amendments when required.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the notice of proposed rulemaking, published at 29 Pa.B. 1719, was

submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, PEMA also provided IRRC and the Committees with copies of the comments received from the public.

In preparing these final-form regulations, PEMA has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

I. *Contact Person*

Questions regarding these amendments may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

J. *Findings*

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code. §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These regulations are necessary and appropriate for the administration of the Public Safety Emergency Telephone Act.

J. *Order*

PEMA, acting under the authority of the Public Safety Emergency Telephone Act and the Emergency Management Services Code, orders that:

(a) The regulations of PEMA, 4 Pa. Code Chapter 120b, are amended by amending §§ 120b.102, 120b.103—120b.106, 120b.108 and by adding § 120b.113 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) PEMA shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) PEMA shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,  
*Director*

*(Editor's Note: The proposal at 29 Pa.B. 1719 did not include the amendment to § 120b.104 which is included in this final rulemaking. For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3534 (July 8, 2000).)*

**Fiscal Note:** Fiscal Note 30-51 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 4. ADMINISTRATION

PART V. EMERGENCY MANAGEMENT AGENCY

CHAPTER 120b. PUBLIC SAFETY EMERGENCY TELEPHONE PROGRAM

§ 120b.102. Definitions.

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

\* \* \* \* \*

County plan—An emergency communications plan developed by a county or two or more counties in concert and submitted to the Agency on a triennial basis outlining the county's 911 system, including the contribution rate. The plan shall be unique to the county to meet the individual needs of the county, the local governments and emergency service providers within the county.

\* \* \* \* \*

Directly related personnel salary and benefit costs—Wage, salary and benefit costs for personnel responsible for provision of 911 services. The term may include PSAP personnel at telephone answering or dispatch stations, or both, and 911 supervisory personnel. The amount of the contribution rate dedicated to salary, training and benefit costs may not exceed 70% of the total surcharge, subscriber fee, collected during each county's fiscal year.

\* \* \* \* \*

§ 120b.103. Development of county plan.

Upon the agreement of the governing authority of a county to establish a 911 system, a plan shall be drafted which meets, at least, the minimum technical standards promulgated by the Agency. The formation of multi-jurisdictional or regional 911 systems is authorized.

(1) In counties which currently have a 911 system in operation, if a contribution rate is to be established, a 911 coordinator shall be appointed and a plan shall be developed that meets the minimum technical standards promulgated by the Agency.

(2) In counties which currently do not have an operational system, if a system is to be developed and a contribution rate is to be established, a 911 coordinator shall be appointed and a county plan shall be developed that meets the minimum technical standards as promulgated by the Agency.

\* \* \* \* \*

(7) At a minimum, each county 911 plan shall contain the following information:

\* \* \* \* \*

(iii) A description of the operational plan for the system, including the technical components as required by the Agency and as outlined in § 120a.104 (relating to technical standards for plans) in sufficient detail to describe the operational aspects of the system, including staffing, supervision, training, interrelationship with public agencies, daily operations, emergency operations and equipment requirements.

\* \* \* \* \*

(8) Updating and expanding the present system shall require an amended plan to be filed with the Agency. A public meeting is not required for the amended plan unless the county proposes to change the contribution

rate established in the existing county plan. An amended plan shall contain the following information:

(i) Include specific information concerning the changes to the original plan made by the amended plan.

(ii) Specifically indicate the actions taken and modifications made to the original plan as a result of comments made by the Agency, the Commission and the Council as a part of the approval of the plan.

(iii) Provide a 911 fund balance summary statement indicating, by year, revenues accrued and expenditures totals for personnel, training, equipment and other eligible cost categories together with the current fund balance.

\* \* \* \* \*

(10) A request solely to change a contribution rate shall comply with:

(i) Paragraphs (5) and (6) with respect to holding of a public meeting and the actions to be taken as a result thereof.

(ii) Paragraph (7)(vii)—(xi).

(iii) Section 120b.105 (relating to contribution rate).

(11) A county plan shall be considered a public record under the act of June 21, 1957 (P. L. 390, No. 212), known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4).

§ 120b.104. Technical standards for plans.

\* \* \* \* \*

(b) Minimum standards for PSAPs.

\* \* \* \* \*

(2) At a minimum, a 911 PSAP established within this Commonwealth shall possess the following capabilities:

\* \* \* \* \*

(xviii) All PSAP call takers, emergency dispatchers and supervisors shall comply with the training and certification standards contained in Chapter 120c (relating to training and certification standards for 911 emergency communications personnel).

\* \* \* \* \*

§ 120b.105. Contribution rate.

Counties that presently have 911 systems may establish a contribution rate to cover nonrecurring and operating costs of an existing system by using the same contribution rate approval mechanisms as a new 911 system. A county which did not have a 911 system in operation on September 9, 1990, but which awarded a contract for a 911 system prior to September 9, 1990, shall be considered to have a present system. For the Commission to review the contribution rate requested by the county, the data called for in this chapter, as appropriate, shall be included in the county plan. The plan shall include:

\* \* \* \* \*

(3) The estimated nonrecurring and recurring costs, if applicable, for each component of the 911 system for which the county is eligible for reimbursement, the costs may include the following:

\* \* \* \* \*

(xii) Personnel salary, training and benefits.

\* \* \* \* \*

§ 120b.106. Eligible costs.

(a) The contribution rate may be used for recurring and nonrecurring costs associated with implementing, expanding, upgrading and operating a 911 emergency communications system.

(b) The costs may include the following items:

(1) *Nonrecurring costs.*

\* \* \* \* \*

(xiii) Mobile communications equipment.

(xiv) Development and maintenance of a master street address guide.

(xv) Erection of street signs on State and local highways.

(xvi) Other nonrecurring costs as deemed eligible by the Agency:

(2) *Recurring costs.*

\* \* \* \* \*

(vii) Personnel salary, training and benefit costs directly related to the provision of 911 services subject to a maximum of 70% of the contribution rate revenue.

(viii) Audit costs.

(ix) Carryover costs.

(x) Public education costs.

(c) The following costs are deemed to be ineligible costs:

(1) Costs necessary to house a 911 system.

(2) Purchase of real estate.

(3) Cosmetic remodeling.

(4) Central office upgrading.

(5) Recruitment of dispatchers, call takers or telecommunications officers or operators.

(6) Ambulances, fire engines, emergency equipment or vehicles of any kind.

(7) Utilities including electric, gas, oil, water, sewer and solid waste.

(8) Telephone costs not directly associated with the provision of 911 services.

(9) Taxes or other expenses deemed ineligible by the Agency.

\* \* \* \* \*

§ 120b.108. Review and approval of plans.

\* \* \* \* \*

(e) The Council shall have 90 days to review the plan and make suggested revisions to the plan. The Council may contact the county for clarification or further information during the review of the plan.

(f) The 90-day review period shall consist of 90-calendar days, beginning with the day the council receives the plan from the Agency.

(g) The Council shall submit its review findings along with a recommendation for approval or denial to the Agency. If the Council recommends denial, the reasons for the denial shall be provided along with recommendations for changes to the plan.

(h) The Commission will have 90 days to review the plan. The Commission's review applies only to the proposed contribution rate.

(i) The Commission may modify only rates which it finds excessive to meet the costs stated in the plan.

(j) The 90-day review period shall consist of 90-calendar days, beginning the day the Commission receives the plan from the Agency.

§ 120b.113. Accuracy standards for enhanced 911 database systems.

(a) The Master Street Address Guide (MSAG) is an information file prepared by a county that contains a list of all street names and address ranges within a county's enhanced 911 service area.

(1) Associated with each street are:

(i) The low/high address ranges as well as a designation for odd, even or all numbers as appropriate.

(ii) Street directionals, such as N, S, E, W.

(iii) Street types such as ST (Street), RD (Road), LN (Lane).

(2) The MSAG may also contain a Public Safety Answering Point (PSAP) designation and the appropriate emergency service providers (police, fire and medical) assigned to each address range.

(b) A Local Exchange Carrier (LEC) customer database contains the billed customer's telephone number, listed name and service address.

(c) After a county creates an initial MSAG, the county and the LEC shall perform a database validation process every 6 months by comparing LEC customer data with the MSAG data.

(1) When substantive database mismatches are detected during the validation process and are subsequently corrected to the extent that at least 95% of the LEC's customer database matches the MSAG database, the MSAG database may be loaded into the 911 database management system of the LEC or of a different host LEC if applicable.

(2) When 100% street addressing has not taken place within a certain geographical area of a county, a partial county MSAG may be used where technically feasible as long as the data load has an accuracy rate of at least 95%.

(3) Every 6 months thereafter, a county and the LECs shall meet to review their databases to update and eliminate, insofar as possible, any substantive mismatches between the county's MSAG and LEC's customer database.

[Pa.B. Doc. No. 00-1380. Filed for public inspection August 11, 2000, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 120c]

Training and Certification Standards for 911 Emergency Communications Personnel

A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) adopts Chapter 120c (relating to training and certification standards for 911 emergency communications personnel), to

read as set forth in Annex A. These final-form regulations were previously published as proposed rulemaking at 29 Pa.B. 1721 (April 3, 1999).

#### B. *Effective Date*

The final-form regulations will be effective upon publication in the *Pennsylvania Bulletin*.

#### C. *Background and Purpose*

These final-form regulations are needed to promote the public's health, safety and welfare by establishing training and certification standards for 911 emergency communications personnel (for example, call takers, emergency dispatchers and supervisors) who work in the county 911 emergency communications centers and municipal remote dispatch points throughout this Commonwealth.

These 911 center personnel are responsible for taking all calls made by the general public to a 911 center, for gathering all essential information from the caller about a possible emergency situation, and for dispatching all necessary emergency assistance (for example, fire, police medical, rescue) to the scene of an actual or potential emergency. These final-form regulations are designed to establish uniform training standards that can be applied to all 911 center and remote dispatch point personnel throughout this Commonwealth so that the general public can be assured that all 911 emergency phone calls will be answered promptly and efficiently and that, when needed, emergency response assistance will be provided as quickly and effectively as possible.

These final-form regulations are needed to implement section 3(a)(6) of the act of February 12, 1998 (P. L. 64, No. 17) (Act 17) which made several statutory changes to the Public Safety Emergency Telephone Act (act) (35 P. S. §§ 7011—7021). In particular, section 3(a)(6) of Act 17 required PEMA to establish minimum training and certification standards for all emergency dispatchers, call takers and supervisors who work in the county 911 emergency communications centers located throughout this Commonwealth. The purpose for establishing these training standards is to ensure that all 911 center and remote dispatch point personnel possess certain standard levels of training and competency which will enable the general public to receive more effective and timely emergency response services when they are needed.

#### D. *Comments*

Written comments, suggestions and changes were solicited within a 30-day period after the proposed regulations were published. Comments were received from the emergency management agencies or 911 communications centers of Berks, Chester, Dauphin, Erie, Fayette, Lancaster, Northampton and Westmoreland Counties, the City of Philadelphia Fire Department and L. Robert Kimball and Associates on behalf of the City of Philadelphia.

Following the close of the public comment period, PEMA received comments from the Independent Regulatory Review Commission (IRRC). The regulations contained in Annex A are responsive to the comments and suggestions received from the counties and IRRC. For ease of reference, PEMA will address the comments in the order in which the regulatory sections appear.

#### § 120c.101. *Purpose*

The proposed regulation stated that the purpose of this chapter was "to implement section 3(a)(6)" of the act which "was added by section 3(a)(6) of the act of February 12, 1998 (P. L. 64, No. 17) to provide for the training and certification of call takers, emergency dispatchers and

supervisors who work for 911 emergency communications centers in this Commonwealth." IRRC observed that this reference was lengthy and that a detailed reference to Act 17 was not necessary. As a result, IRRC recommended that the date of the act and pamphlet citation should be deleted from this section. PEMA agrees with this suggestion and made the necessary deletion from this section.

IRRC also observed that section 3(a)(6) of Act 17 gave PEMA the power and duty "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors." As a result, IRRC recommended that this purpose be stated in the regulation. PEMA agrees with this suggestion and the stated purpose of section 3(a)(6) of Act 17 has been set forth in this section.

#### § 120c.103. *Certification of county or municipal training programs*

This is a new regulatory section that did not appear in the proposed regulations. This section was added to declare that each county, city, borough or township that operates a 911 communications center or remote dispatch point included in a 911 county plan shall be responsible for implementing the training provisions of this chapter as they apply to their employees.

Section 120c.103(a) states that each county shall develop a training program section as part of the county's 911 plan. Each city, borough or township that operates a remote dispatch point that is included in a 911 county plan shall develop a training program that is described in a municipal training manual. As an alternative to individual training programs, this subsection also permits a county and its municipalities to conduct a joint or integrated training program for both county and municipal employees.

Section 120c.103(b) states that PEMA shall annually review and approve the training section of a county's 911 plan or a municipality's training manual before the county or municipality is certified by PEMA to conduct its annual training program. The process for PEMA's review is further described in this subsection.

Section 120c.103(c) states that each county or municipal training program shall include the minimum hours of classroom, hands on instruction, and training course content as set forth in this chapter. In addition, each county or municipal training program shall include the various practical skills tests required by PEMA for 911 communications center or remote dispatch point personnel.

Section 120c.103(d) states that each county or municipality shall provide PEMA with an annual instructor information report that describes the educational background and experience of the lead or master instructors who will conduct the county and municipal training programs. This subsection also describes the approval process that PEMA will use to certify those lead or master instructors to the counties and municipalities.

These subsections were added to the regulations to address comments made by IRRC and some counties concerning the scope and applicability of the training requirements set forth in the regulations. In particular, IRRC questioned whether this regulation would apply to the staffs of remote dispatch points (RDPs) and, if so, what statutory authority did PEMA reply upon for requiring the certification and training of RDP dispatchers and other personnel.

The proposed regulations did not mention RDP training programs. However, new § 120c.103 makes it clear that

any county, city, borough or township that operates an RDP included in a 911 county plan shall be responsible for implementing the training provisions of this chapter.

By way of background, RDPs dispatch local police units, private ambulance services and local fire companies within the jurisdictional boundaries of a municipality. Because RDPs play a vital role in the dispatch of emergency services, RDPs and 911 communications centers are joined together in an interdependent and mutually supportable relationship. The important communications and public safety linkage between RDPs and 911 communications centers is why most RDPs are clearly identified in a county's 911 plan as being a vital part of the county's overall 911 emergency communications and dispatch program. Under the provisions of a county 911 plan, calls to a 911 communications center for emergency response assistance can be transferred to an RDP where a dispatcher determines the appropriate emergency response and dispatches the necessary equipment and personnel. For this reason, both RDP personnel and county 911 communications center personnel must meet the same minimum training and certification standards in this chapter to ensure that those personnel will provide the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

PEMA's statutory authorities for this regulation are the act and 35 Pa.C.S. §§ 7101—7707 (relating to the Emergency Management Service Code) (code). Section 3(a)(6) of the act (35 P. S. § 7013(a)(6)) requires PEMA "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors" while section 5(c) of the act (35 P. S. § 7015(c)) requires that PEMA review all county plans for completeness. In turn, the act defines a county plan as "A document submitted by the county on a triennial basis to the Pennsylvania Emergency Management Agency, outlining its proposed or existing 911 system, including a contribution rate, for the forthcoming 3 years." Thus, if any county 911 plan describes or includes an RDP in its emergency communications and dispatch protocols and procedures, PEMA considers that RDP to be a vital component of the county's 911 emergency communications system and those RDP personnel are subject to the training requirements of this chapter. Conversely, any RDPs not mentioned in a county's 911 plan are not considered by PEMA to be a vital or integral part of a county's 911 emergency communications system. For this reason, those RDP personnel are not required to participate in this chapter's training and certification program.

The second authority that PEMA used for the development of this training and certification program is found in section 7313(3) and (5) of the code (relating to powers and duties).

Section 7313(3) of the code permits PEMA to develop regulations for a wide range of emergency management services and activities. Because 911 activities involve emergency communications and the emergency dispatch of medical and health services, firefighting services, police services, and rescue services, all 911 services clearly come within the definition of "emergency services" as defined in section 7102 of the code (relating to definitions). Thus, PEMA's authority to develop and promulgate regulations under section 7313(d) of the code provides additional statutory authority for the promulgation of these final-form regulations.

More specifically, section 7313(5) of the code allows PEMA to establish and operate training programs at the county and municipal levels of government. That section reads as follows:

"The agency shall have the following powers and duties:

(5) To establish and operate or assist political subdivisions in establishing and operating training programs and programs of public information."

Therefore, PEMA used the authority of both the act and the code to not only develop the 911 certification standards for call takers, dispatchers and supervisors but also to establish and operate the Statewide training and certification program. This program is needed to ensure that all 911 center personnel and RDP personnel in the 67 counties possess the mandated standard levels of training and competency which will enable the general public to receive the most effective and timely emergency response services available to them.

One public comment remains concerning § 120c.103. Two counties suggested that the annual certification process applies only to those lead or master instructors who will be responsible for conducting a county's or municipality's training program. PEMA agrees with this suggestion and has stated in § 120c.103(d) that only lead or master instructors will be subject to the annual certification process.

*§ 120c.104. Certification requirements for current and newly hired emergency communications personnel*

This is a new regulatory section that did not appear in the proposed regulations. This section was added to address several public comments and to clarify the certification requirements that apply to current and newly hired emergency communications personnel who work for a county or municipality. Section 120c.104(a) states that a county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is hired on or after the effective date of this regulation, whether the individual is a full-time or part-time employee, shall comply with all of the training, certification and recertification requirements of this chapter.

Section 120c.104(b) describes the process that a county or municipality must follow to obtain PEMA certification for their employees.

Section 120c.104(c) states that a county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is working either full-time or part-time before the effective date of this regulations shall only have to comply with the written examination requirements of this chapter. Those written examinations are further described in § 120c.109.

These subsections thus address the concerns of IRRC and several counties that their current 911 emergency communications personnel, many of whom have already received extensive training under existing county training requirements, not be required to take duplicate training programs under the PEMA certification program. PEMA agrees with this suggestion and has rewritten the regulation accordingly. As a result, only newly hired 911 emergency communications personnel will be required to comply with both the training and written examination requirements of this chapter. Employees hired before the effective date of these regulations will only have to pass the required written examination to receive PEMA certification.

*§ 120c.105. Call taker certification**§ 120c.106. Emergency dispatcher certification**§ 120c.107. 911 center supervisor certification*

A number of comments were received from IRRC and the counties concerning the certification requirements set forth in §§ 120c.105–120c.107. Because the subsections of §§ 120c.105, 120c.106 and 120c.107 are comparable in content, the following paragraphs will respond to those public comments as they relate to the specific subsections and provisions in all three sections.

*Subsection (b)(1)(i) Certification—application forms*

Subsection (b)(1)(i) of §§ 120c.105, 120c.106 and 120c.107 require that an individual complete an application form for certification. The proposed regulation on this matter (previously numbered as subsections (b)(1)(i) of §§ 120c.102, 120c.103 and 120c.104) required an applicant to complete “an application form prescribed by the Agency.” IRRC commented that this language did not inform potential applicants how to obtain the necessary forms. PEMA agrees with this comment and changed this subsection to state that PEMA will supply all of the necessary forms to the applicants. This will be done between PEMA and their employers.

*Subsection (b)(1)(ii) Certification—minimum age requirements*

In §§ 120c.105, 120c.106 and 120c.107, subsection (b)(1)(ii) contains a minimum age requirement for each of the three emergency communications positions (call taker, emergency dispatcher and 911 center supervisor). IRRC and some counties questioned why a minimum age requirement is necessary. PEMA’s response is that all three positions involve duties and responsibilities that directly impact upon the health, safety and welfare of the general public. Those individuals need to be adults who have the necessary life experiences and background to understand the importance and gravity of their assigned duties and the impact that their decisions can have on actual life and death emergency decisions. Wrong or inappropriate decisions can lead to serious liability consequences for their employers. Thus, in an attempt to reduce the potential exposure of counties and municipalities to those liability consequences, these subsections require that call takers and emergency dispatchers be at least 18 years of age. The 911 center supervisor must be at least 21 years of age or older. In addition, recent United States Supreme Court and other decisions have declared that age limitations are legitimate qualifications for several job positions that directly affect the health, safety and welfare of the general public (for example, police and airline pilots).

*§§ 120c.105(c), 120c.106(c) and 120c.107(c). Certification—training course content and length*

IRRC and some counties commented that the training requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(iii), 120c.103(b)(1)(iv) and 120c.104(b)(1)(v)) did not contain any information concerning the content or length of the training courses that call takers, emergency dispatchers, and 911 center supervisors would be required to take. In particular, IRRC recommended that the details of the minimum training standards should be set forth in these regulations. PEMA agrees with these comments and has added the new §§ 120c.105(c), 120c.106(c) and 120c.107(c) to describe in detail the content and length of the call taker, emergency dispatcher and 911 center supervisor training courses. Those details set forth the minimum training standards for those three positions.

IRRC, the Pennsylvania Chapter of the American College of Emergency Physicians, and an individual physician all recommended that 911 center staffs receive training in emergency medical dispatch (EMD) standards. Training in EMD standards includes medical call-taking, triage and dispatch of emergency medical resources, and pre-arrival patient care instruction. PEMA agrees with these comments and has added a new § 120c.106(c)(3) that details the training requirements for dispatchers of ambulance or emergency medical service (EMS). That subsection states that the dispatchers’ training shall consist of 16 hours of EMS safety issues, EMS terminology, EMS dispatching protocols, emergency medical dispatch and EMS dispatching incident specifics.

The Pennsylvania Chapter of the American College of Emergency Physicians and the individual physician also recommended that all 911 centers that receive calls for emergency medical problems should have a quality assurance program that includes a medical director who is a qualified Medical Command Physician per the Department of Health regulations. PEMA cannot agree with this suggestion. While the commentators have the best interests of the general public at heart, a State mandate to hire a Medical Command Physician for every 911 center’s quality assurance program would be extremely cost prohibitive for all but the largest counties of this Commonwealth. Rather than making this a mandatory requirement, PEMA plans to monitor the medical dispatch records of 911 centers through the quality assurance provisions of Chapter 120d (relating to 911 performance review and quality assurance standards) to identify possible medical dispatch shortfalls and to establish corrective measures when required.

*§§ 120c.105(d), 120c.106(d) and 120c.107(d). Recertification of call takers, emergency dispatchers and 911 center supervisors*

IRRC and some counties commented on the recertification requirements contained in the proposed regulations (previously numbered as §§ 120c.102(c), 120c.103(c) and 120c.104(c)) for call takers, emergency dispatchers and 911 center supervisors. In particular, the commentators questioned the need for both recertification examinations and continuing education through various refresher training courses. PEMA agrees with those comments and has eliminated the need for refresher training courses. Instead, §§ 120c.105(d), 120c.106(d) and 120c.107(d) now state that all call takers, emergency dispatchers and 911 center supervisors will be recertified to their positions upon successfully passing a written examination given by PEMA.

IRRC also recommended that information concerning the recertification examination’s contents, administration and availability be included in the regulation. PEMA agrees with this comment and added § 120c.107 (relating to certification curriculum and instructors) to clarify the content and administration of the recertification examinations.

*§ 120c.108. Certification curriculum and instructors*

IRRC commented that the proposed regulations did not set forth PEMA’s requirements for the certification of instructors so that the counties were uncertain whether their current training programs would meet PEMA’s standards. PEMA has resolved this concern by setting forth in this section the minimum training standards that a county’s lead or master instructor must complete in order to receive PEMA approval as an instructor.

Two counties commented that PEMA should not be setting a county’s training schedule or establishing fees

for the conduct of those courses. PEMA agrees and any reference to schedules and fees has been removed from this section.

*§ 120c.109. Written examinations*

IRRC commented on the written examination requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(v), 120c.103(b)(1)(v), and 120c.104(b)(1)(v)). Those same requirements are now found in §§ 120c.105(b)(1)(iv), 120c.106(b)(1)(v), 120c.107(b)(1)(v). IRRC recommended that the regulations describe content or length, administration and availability of the written examinations that will be given to call takers, emergency dispatchers, and 911 center supervisors for their certification and recertification. PEMA agrees with this comment and has added a new § 120c.109 to this chapter, which describes the content, length, and administrative process for the written certification and recertification examinations.

*§ 120c.110. Practical skills tests*

IRRC commented on the practical skills test requirements contained in the proposed regulations (previously numbered as §§ 120c.102(b)(1)(v), 120c.103(b)(1)(vi) and 120c.104(b)(1)(vi)). Those same requirements are now found in §§ 120c.105(b)(1)(v), 120c.106(b)(1)(vi) and 120c.107(b)(1)(vi). IRRC recommended that the regulations set forth the minimum standards and requirements outlining the content, length and administration of the practical skills tests. PEMA agrees with this comment and has added a new § 120c.110 to this chapter, which describes the administration, content, and types of equipment that will compose the call taker, emergency dispatcher and 911 center supervisor practical skills tests.

*§ 120c.112. Right to enter and inspect*

IRRC and some counties questioned the reasonableness of this section which authorizes PEMA to enter an 911 center during regular and usual business hours to inspect employment records, county plans, 911 protocols and equipment. PEMA's response is that this section is not only reasonable and necessary for its administration of a state-wide training and certification program for 911 center personnel but it is also absolutely critical to ensuring that all of the various 911 standards and requirements of this chapter and Chapters 120b and 120d, which are designed to protect the general public's health, safety, and welfare, are being maintained and implemented by all 911 center personnel. Should PEMA not insist upon its right to conduct regular or periodic inspections of employe training records, county 911 plans, and the operability of 911 emergency communications equipment, any inaction on its part would constitute an abrogation of PEMA's duties and responsibilities under the provision of the act, to facilitate a Statewide 911 emergency communications system that provides the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

One commentator agreed with PEMA's position and recommended that the inspection provisions of this section be extended to remote dispatch points. PEMA agrees with this suggestion and rewrote this section to include remote dispatch points in these inspection requirements.

*Miscellaneous*

*Costs*—IRRC commented that the actual costs of implementing these regulations were uncertain because the proposed regulation did not set forth PEMA's minimum

standards for the implementation of this chapter's training and certification program. Hence, IRRC reasoned that the fiscal impact of this regulation was unclear. PEMA believes that this concern has been rectified by adding new sections to these final-form regulations that detail the content, length, and process for the administration of all call taker, emergency dispatch and 911 center supervisor training, certification and recertification programs; that specify the length and content of all written examinations; that detail the content of all practical skills tests taken by call takers, emergency dispatchers, and supervisors; and that specify the types of courses and their content that PEMA will use to certify curriculum and instructors. With these detailed training standards set forth in the regulations, every county will be able to ascertain the fiscal impact that these final-form regulations will have on their 911 operating budgets. PEMA further believes that the counties will only incur minimal costs because most counties have existing training programs in place that either parallel or exceed the training standards contained in these final-form regulations. In addition, Act 17 made training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, the counties are able to budget for these training costs through an existing fee collection program.

*Training content*—A county commentator suggested that while a certain amount of standardized curriculum is necessary, the curriculum should be adjusted to permit an individual county to tailor its training and testing content to meet the needs and resources of its individual community and organization. PEMA agrees with their comment and stated in §§ 120c.105(c), 120c.106(c)(1), (2), (3) and (4) and 120c.107(c) that the instructors in each county can teach "other material considered necessary by the instructor" provided the material has been approved by PEMA. The material will certainly include county specific information that is needed to properly train call takers, emergency dispatchers, and supervisors within their individual counties.

*Different job titles*—One county commented that it could not meet the training and certification standards of this chapter because its 911 communication center personnel were unionized and held job titles such as "police communications dispatcher" instead of the regulatory job titles of "call taker" or "emergency dispatcher." PEMA recognizes that the job titles in certain counties will differ from the regulatory titles set forth in this chapter. As a result, § 120c.104(d) was added to the regulations to state that PEMA and the applicable county would jointly compare the functions, duties and responsibilities of the county position to the functions, duties and responsibilities of the regulatory position (call taker, emergency dispatcher, 911 center supervisor) to determine which training and certification requirements applied to the county position. This approach will provide enough flexibility to the regulation so that all 911 communications personnel, no matter what their job titles, will be subject to the training and certification standards of this section.

*E. Fiscal Impact/Affected Persons*

These final-form regulations will require the counties to incur costs in the implementation and administration of these new training standards. However, the costs should be minimal because most counties already have existing training programs in place. In addition, Act 17 makes training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, the counties will be able to budget for these costs through an already existing fee collection program.



Citizens of this Commonwealth will benefit from the improved training standards established for all 911 emergency communications center personnel which will result in those personnel providing more effective, timely, and professional emergency communications and dispatch services to the general public during emergency medical, fire, police and other possible life/threatening or safety situations.

#### F. Paperwork Requirements

These final-form regulations will require a modest increase in the amount of paperwork that State agencies and counties must prepare as part of the administration of their 911 emergency communications systems.

#### G. Sunset Requirements

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose amendments to these final-form regulations when required.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the proposed rulemaking, published at 29 Pa.B. 1721 was submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the agency also provided IRRC and the Committees with copies of all comments received from the public. In preparing these final-form regulations, PEMA has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000 and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

#### I. Contact Person

Questions regarding these final-form regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

#### J. Findings

PEMA finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These regulations are necessary and appropriate for the administration of the act.

#### K. Order

PEMA, acting under the authority of the act and the code, orders that:

(a) The regulations of PEMA, 4 Pa. Code, are amended by adding §§ 120c.101—120c.112 to read as set forth in Annex A.

(b) PEMA shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) PEMA shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,  
*Director*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 3534 (July 8, 2000).)

**Fiscal Note:** Fiscal Note 30-52 remains valid for the final adoption of the subject regulations.

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART V. EMERGENCY MANAGEMENT AGENCY

#### CHAPTER 120c. TRAINING AND CERTIFICATION STANDARDS FOR 911 EMERGENCY COMMUNICATIONS PERSONNEL

##### Sec.

- 120c.101. Purpose.
- 120c.102. Definitions.
- 120c.103. Certification of county or municipal training programs.
- 120c.104. Certification requirements for current and newly hired emergency communications personnel.
- 120c.105. Call taker certification.
- 120c.106. Emergency dispatcher certification.
- 120c.107. 911 center supervisor certification.
- 120c.108. Certification curriculum and instructors.
- 120c.109. Written examinations.
- 120c.110. Practical skills tests.
- 120c.111. Retention of records for audit.
- 120c.112. Right to enter and inspect.

#### § 120c.101. Purpose.

The purpose of this chapter is to implement section 3(a)(6) of the act (35 P. S. § 7013(a)(6)) to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors who work for 911 emergency communications centers or remote dispatch points in this Commonwealth.

#### § 120c.102. Definitions.

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

*Act*—The Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021).

*Agency*—The Pennsylvania Emergency Management Agency.

*Lead or master instructor*—The primary individual employed or selected by a county or municipality to conduct the training and certification courses described in this chapter for all call takers, emergency dispatchers, or 911 center supervisors employed at either a 911 communications center or remote dispatch point.

*RDP—Remote dispatch point*—A communications facility identified in a county 911 plan which is operated by either a county, city, borough or township. An RDP electrically receives emergency caller information from a 911 communications center or public safety answering point (PSAP) to dispatch emergency fire, medical or police services, as requested, to the scene of an emergency. A RDP is not a facility that houses either the fire, medical

or police units that respond to an emergency unless the facility is specifically identified as an RDP in the county 911 plan.

**§ 120c.103. Certification of county or municipal training programs.**

(a) Each county, city, borough or township that operates a 911 communications center or RDP included in a 911 county plan is responsible for implementing the training provisions of this chapter as they apply to their employees. Each county shall set forth the methods or procedures for administering its training program in a municipal training plan. A county and its municipalities may agree to conduct a joint or integrated training program for both county and municipal employees.

(b) The Agency shall annually review and approve the training section of a county's 911 plan or a municipality's training plan before the county or municipality is certified by the Agency to conduct its annual training program. The annual review shall coincide with the submission date of the county 911 plan's training section or municipal training plan to the Agency. Counties shall submit their 911 plan training sections to the Agency. Municipalities shall submit their training plans to the Agency by October 11, 2000.

(c) To obtain Agency certification, each county and municipal training program shall include the minimum hours of classroom and hands-on instruction and training course content set forth in this chapter for the certification of call takers, emergency dispatchers and 911 center supervisors. In addition, each county or municipal training program shall include the call taker, emergency dispatcher and 911 center supervisor practical skills tests prescribed by the Agency.

(d) As part of the annual certification process, each county or municipality shall provide the Agency with an accurate and up-to-date instructor information report. The report shall describe the educational background, experience, training skills, academic credentials and any other pertinent information of the lead or master instructors who will conduct the county's or municipality's training courses during the certification year. The Agency will annually review each lead or master instructor's information report. The Agency will annually certify those lead or master instructors who have met the training requirements of § 120c.108(c) (relating to certification curriculum and instructors) and who continue to show competency in their training area as determined by the Agency and the county municipality that employs them as instructors.

**§ 120c.104. Certification requirements for current and newly hired emergency communications personnel**

(a) A county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is hired on or after August 12, 2000, whether the individual is working full-time or part-time as a permanent or temporary employe, shall comply with all of the training, certification and recertification requirements in this chapter that apply to the individuals's job position, job description or job functions as a call taker, emergency dispatcher or 911 center supervisor.

(b) A county or municipality shall notify the Agency when a newly hired 911 call taker, emergency dispatcher or 911 center supervisor has completed his training program, has successfully passed the practical skills test and is available to take the appropriate written certification examination as described in § 120c.109 (relating to

written examinations). The notification shall be provided on a form that is supplied by the Agency. The Agency will then schedule the individual's written examination within 30 days of receipt of the county or municipal notification form.

(c) A county or municipal 911 call taker, emergency dispatcher or 911 center supervisor who is working either full-time or part-time as a permanent or temporary employe before August 12, 2000, shall comply with only the application, age and written examination requirements of this chapter that apply to the individual's certification or recertification as a call taker, emergency dispatcher or 911 center supervisor. Each individual shall take the appropriate written certification examination by May 9, 2001.

(d) This subsection applies whenever a labor union agreement or some other reason requires a county or municipality to use job titles other than call taker, emergency dispatcher or 911 center supervisor to describe its 911 communication center or RDP personnel. Under these circumstances, the county or municipality and the Agency shall jointly compare the functions, duties and responsibilities of each county or municipal job position with the functions, duties and responsibilities of a call taker, emergency dispatcher or 911 center supervisor to determine which regulatory position (call taker, emergency dispatcher or 911 center supervisor) most closely relates to the county or municipal job position. After the joint determination has been made, either the call taker, emergency dispatcher or 911 center supervisor training and certification requirements of this chapter shall be applied to those individual county or municipal job positions. If a county or municipality and the Agency fail to agree on the appropriate training and certification requirements for a county or municipal job position, the Agency will, at its own discretion, decide the matter.

**§ 120c.105. Call taker certification.**

(a) *Roles and responsibilities.* A call taker is responsible for taking all calls made by the general public to a 911 emergency communications center and for gathering all essential information from the caller to determine whether or not emergency response services need to be provided to the location or incident described by the caller.

(b) *Certification.*

(1) The Agency will certify as a call taker an individual who meets the following qualifications:

(i) Completes an application form supplied by the Agency.

(ii) Is 18 years of age or older.

(iii) Has successfully completed a call taker training course approved by the Agency.

(iv) Has passed a written examination prescribed by the Agency.

(v) Has passed a practical test of call taker skills prescribed by the Agency.

(2) A call taker's certification is valid for 3 years from the date the certification was issued by the Agency. To maintain certification as a call taker, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.* Each call taker shall receive a minimum of 104 hours of classroom and hands on instruction. Training courses shall consist of the following items:

- (1) Telephone techniques.
- (2) Crisis call taking.
- (3) Incident specific information.
- (4) Interrogation skills.
- (5) Prioritization of calls.
- (6) Non-English speaking calls.
- (7) Text telephone for the deaf.
- (8) Hearing and speech impaired (TTY).
- (9) Abandoned 911 calls.
- (10) Silent 911 calls.
- (11) Roles and responsibilities of the call taker.
- (12) Interpersonal skills and stress management.
- (13) 911 center terminology.
- (14) Verification skills.
- (15) Use of 911 center equipment.
- (16) 911 center documentation skills.
- (17) Geography of 911 center service area.
- (18) Other material considered necessary by the instructor which has been approved by the Agency.

(d) *Recertification.* A call taker shall apply for recertification between 6 months and 60 days prior to expiration of the call taker's certification from the Agency. A call taker's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as a call taker an individual who meets the following qualifications:

- (1) Completes an application form supplied by the Agency.
- (2) Is or was previously certified as a call taker by the Agency.
- (3) Successfully passes a call taker written examination prescribed by the Agency.

**§ 120c.106. Emergency dispatcher certification.**

(a) *Roles and responsibilities.* An emergency dispatcher is responsible for taking the information gathered by a call taker, determining the appropriate response to the situation and dispatching the available emergency fire, police, ambulance, emergency management or other resources needed to deal with the emergency situation.

(b) *Certification.*

(1) The Agency will certify as an emergency dispatcher, either for fire, police, ambulance or emergency management services, an individual who meets the following qualifications:

- (i) Completes an application form supplied by the Agency.
- (ii) Is 18 years of age or older.
- (iii) Has successfully completed the requirements prescribed by the Agency to be a call taker.
- (iv) Has successfully completed an emergency dispatcher fire, police, ambulance or emergency management training course prescribed by the Agency.

(v) Has passed a written examination prescribed by the Agency for either emergency dispatcher fire, police, ambulance or emergency management.

(vi) Has passed a practical test of emergency dispatcher skills for fire, police, ambulance or emergency management prescribed by the Agency.

(2) An emergency dispatcher's certification is valid for 3 years from the date the certification was issued by the Agency. To maintain certification as an emergency dispatcher, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.*

(1) A dispatcher fire shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 16 hours of fire safety issues, fire terminology, fire dispatching protocols, 911 center record requirements, fire dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(2) A dispatcher police shall receive a minimum of 136 hours of classroom and hands-on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 32 hours of police safety issues, policy terminology, police dispatching protocols, 911 center requirements, NCIC/clean orientation, police dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(3) A dispatcher ambulance or emergency medical service (EMS) shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: Completion of all call taker training requirements (104 hours) plus 16 hours of EMS safety issues, EMS terminology, EMS dispatching protocols, emergency medical dispatch, 911 center record requirements, EMS dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(4) A dispatcher emergency management (EMA) shall receive a minimum of 120 hours of classroom and hands on instruction. Training courses shall consist of the following items: completion of all call taker training requirements (104 hours) plus 16 hours of EMA safety issues, EMA terminology, EMA dispatching protocols, 911 center record requirements, EMA dispatching incident specifics and other material considered necessary by the instructor and which has been approved by the Agency.

(d) *Recertification.* An emergency dispatcher shall apply for recertification between 6 months and 60 days prior to expiration of the emergency dispatcher's certification from the Agency. An emergency dispatcher's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as an emergency dispatcher an individual who meets the following qualifications:

- (1) Completes an application on a form supplied by the Agency.
- (2) Is or was previously certified as an emergency dispatcher by the Agency.
- (3) Successfully passes an emergency dispatcher written examination prescribed by the Agency.

**§ 120c.107. 911 center supervisor certification.**

(a) *Roles and responsibilities.* A 911 center supervisor is responsible for managing the overall operation of a 911 emergency communications center. A supervisor's duties include:

(1) Supervising the activities of all call takers and emergency dispatchers present in the 911 center.

(2) Providing decision making, direction and control, and other authority for the operation of the 911 center.

(3) Handling other duties and responsibilities as assigned by proper authority.

(b) *Certification.*

(1) To be certified as a 911 center supervisor, an individual shall:

(i) Complete an application form supplied by the Agency.

(ii) Be 20 years of age or older.

(iii) Have successfully completed the requirements prescribed and supplied by the Agency to be a call taker.

(iv) Have successfully completed all requirements prescribed by the Agency to be an emergency dispatcher fire, police, ambulance and emergency management.

(v) Have successfully completed a front line supervisor course prescribed by the Agency and passed a written examination given for that course.

(vi) Have passed a practical test of 911 center supervisor skills prescribed by the Agency.

(2) A 911 center supervisor's certification is valid for 4 years from the date the certification was issued by the Agency. To maintain certification as a 911 center supervisor, an individual shall comply with the recertification requirements in subsection (d).

(c) *Training course content and length.*

(1) Each 911 center supervisor shall receive a minimum of 224 hours of classroom and hands on instruction.

(2) Each 911 center supervisor shall complete the following courses:

(i) Call taker (104 hours).

(ii) Dispatcher fire (16 hours).

(iii) Dispatcher police (32 hours).

(iv) Dispatcher ambulance (EMS) (16 hours).

(v) Dispatcher emergency management (EMA) (16 hours).

(vi) Front line supervisor (40 hours).

(3) The front line supervisor course shall consist of the following items: lower level management skills/principal technical support numbers—resource locations, technical troubleshooting for equipment, public/media relations, departmental chain of command, policy and preplanning, operational flow, and other material considered necessary by the instructor and which has been approved by the Agency.

(d) *Recertification.* A 911 center supervisor shall apply for recertification between 9 months and 90 days prior to expiration of the 911 center supervisor's certification from the Agency. A 911 center supervisor's failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Agency will recertify as a 911 center supervisor, an individual who meets the following qualifications:

(1) Is or was previously certified as a 911 center supervisor by the Agency.

(2) Completes an application form supplied by the Agency.

(3) Successfully passes a 911 center supervisor written examination prescribed by the Agency.

**§ 120c.108. Certification curriculum and instructors.**

(a) The Agency will review and approve all certification curricula, materials, examinations, training records and other related matters that are necessary to implement the certification and recertification standards established by this chapter.

(b) The Agency will approve all lead or master instructors used by a county or municipality to conduct any of the certification courses reviewed and approved by the Agency. As part of the approval process, each county or municipality shall submit an annual lead or master instructor information report as required by § 120c.103(d) (relating to certification of county or municipality training programs).

(c) All lead or master instructors shall complete an 8-hour train-the-trainer instructor course conducted by the agency. The course is designed to provide and reinforce basic training skills to 911 center training instructors. The course shall include instruction in the areas of instructor methodology, the roles and responsibilities of the trainer, the use of instructional aids, classroom safety and recordkeeping. A training schedule of course availability will be provided by the Agency on a quarterly basis.

(d) Police dispatchers shall be trained by the Pennsylvania State Police (PSP). The PSP is the control terminal Agency and shall provide instruction and certification to terminal Agency coordinators (TAC) and terminal Agency personnel on the Commonwealth Law Enforcement Assistance Network (CLEAN). The 24-hour training program provides the knowledge necessary to operate the CLEAN system in accordance with PSP policies and regulations.

(e) Ambulance or emergency medical service dispatchers shall be trained by Department of Health approved contractors who provide instructors to conduct the emergency medical dispatch training of 911 communications center or remote dispatch point personnel. The Department of Health shall also approve course materials used by the contracted instructors.

**§ 120c.109. Written examinations.**

(a) The Agency will administer all written examinations for the certification and recertification of call takers, emergency dispatchers and 911 center supervisors. The examinations will be conducted at each county's 911 center or each municipality's RDP during normal shift periods, as agreed upon by the Agency and the county or the municipality.

(b) Written certification and recertification examinations shall consist of 100 questions that include 50 questions from a Nationally recognized 911 organization such as the National Emergency Number Association (NENA) or the Association of Public Safety Communication Officials (APCO) and 50 questions that are specific to each county's or municipality's 911 communications system, operational procedures and other related matters.

**§ 120c.110. Practical skills tests.**

(a) *Conduct.* A practical skills test shall be conducted by the lead or master instructor used by the county, city, borough or township. The call taker, emergency dispatcher or 911 center supervisor shall demonstrate proper usage of the equipment applicable to his area of assign-

ment. Call-taking and dispatch audit reviews may be used to review proper techniques.

(b) *Call taker practical skills tests.*

(1) The call taker shall demonstrate skill knowledge in the following areas: telephone operations, complaint card system, TDD/TTY operations, local forms and computer aided dispatch (CAD) system (if available).

(2) A call taker practical skills test shall evaluate the call taker's knowledge in the use of emergency and nonemergency lines, hotlines, call transferring, line tracing, conference and call holding. The call taker shall demonstrate use of the complaint card system to include location and types of incidents, caller information and supplemental information. TDD/TTY operations will evaluate knowledge of TDD/TTY call recognition, the use of preprogrammed messages and communication. If available, the call taker shall demonstrate CAD operations to involve showing use of local CAD functions related to calltaking.

(c) *Emergency dispatcher practical skills tests.*

(1) The emergency dispatcher shall demonstrate knowledge in the following areas: radio dispatch operations, complaint card system and standard operating procedures (SOPS) relating to the area of dispatch.

(2) Emergency dispatcher medical tests shall evaluate knowledge of the EMS complaint cards to include location and types of incidents, response information and supplemental information. Radio dispatch operations shall evaluate knowledge of types of EMS class responses, medical patches, response unit prioritization and unit tone and paging systems. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing use of local CAD functions related to medical dispatching.

(3) Emergency dispatcher fire tests shall evaluate knowledge of the fire complaint cards to include dispatch and response times, unit status, location and types of incidents, and supplemental information. Radio dispatch operations shall evaluate knowledge of fire response levels, alarm determination, response unit prioritization and unit tone and paging systems. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing use of local CAD functions related to fire dispatching.

(4) Emergency dispatcher police tests shall evaluate knowledge of the police complaint cards to include dispatch and response times, unit status, location and types of incidents and supplemental information. Radio dispatch operations shall evaluate knowledge of police response areas, status checks, local police codes and phraseology. If available, the emergency dispatcher shall demonstrate CAD operations to involve showing the use of local CAD functions related to police dispatching.

(d) *911 Center supervisor practical skills tests.* The 911 center supervisor shall be evaluated in the areas relating to call-taking, emergency fire, police and medical dispatching as described in subsections (a)—(c).

**§ 120c.111. Retention of records for audit.**

(a) A county, city, borough or any other public or private operator of a 911 emergency communications system or RDP in this Commonwealth shall maintain a record of the certification document and related supporting documents for each employe, agent or representative who is certified by the Agency as a call taker, emergency dispatcher (for example, fire, police, ambulance, emer-

gency management) or 911 center supervisor. The records shall be retained for 4 years starting at the time the certification document or its supporting documents were signed and dated by the proper signatory to the document.

(b) A county, city, borough, or any other public or private operator of a 911 emergency communications center or RDP shall make the records described in subsection (a) available for audit by Commonwealth and Agency officials within 10 days after receiving a written request that those records be made available for audit. The audit request may be made at any time during the 4-year record retention period.

**§ 120c.112. Right to enter and inspect.**

(a) The Agency has the right to enter any 911 emergency communications center or RDP in this Commonwealth during regular and usual business hours, or at other times when the Agency deems necessary, to conduct the following activities:

(1) Inspect the employment records that pertain to the certification of all 911 emergency communications center or RDP personnel and the staffing of those personnel.

(2) Inspect the county plans, emergency dispatch protocols and other documents related to the operation of the 911 emergency communications center or RDP and the dispatch of emergency services by that center.

(3) Inspect the equipment and other items required to be maintained at the 911 emergency communication center or RDP under § 120b.104.(b) (relating to minimum standards for PSAP's).

(b) The Agency reserves the right to enter any 911 emergency communications center or RDP and make inspections at least semiannually, and at other times upon complaint or a reasonable belief that violations of this chapter or Chapter 120b (relating to public safety emergency telephone program) may exist.

[Pa.B. Doc. No. 00-1381. Filed for public inspection August 11, 2000, 9:00 a.m.]

**PENNSYLVANIA EMERGENCY  
MANAGEMENT AGENCY  
[4 PA. CODE CH. 120d]**

**911 Performance Review and Quality Assurance Standards**

*A. Statutory Authority*

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa.C.S. § 7313 (relating to power to adopt regulations) (act) adopts Chapter 120d (relating to performance review and quality assurance standards) to read as set forth in Annex A. These final-form regulations were previously published as proposed rulemaking at 29 Pa.B. 1717 (April 3, 1999).

*B. Effective Date*

These final-form regulations will become effective upon publication in the *Pennsylvania Bulletin*.

*C. Background and Purpose*

These final-form regulations are needed to promote the general public's health, safety and welfare by establishing standards for performance review and quality assurance

programs for the operation of county or municipal 911 emergency communications centers and remote dispatch points located throughout this Commonwealth. The standards contained in these regulations are designed to promote Statewide adherence to established 911 center goals and procedures, to facilitate the learning process for 911 center personnel and to provide a framework for the continuous improvement of the overall operation of 911 emergency communications centers in this Commonwealth.

*D. Comments*

Written comments, suggestions and possible changes were solicited within a 30-day period after the proposed amendments were published. Comments were received from the emergency communications offices of Berks and Northampton Counties, the City of Philadelphia Fire Department and the Pennsylvania State Association of Township Supervisors.

Following the close of the public comment period, PEMA received comments from the Independent Regulatory Review Commission (IRRC). The final-form regulations contained in Annex A are responsive to the comments and suggestions received from the commentators.

For ease of reference, PEMA will address the comments in the order in which the regulatory sections appear.

*§ 120d.102. Definitions*

IRRC commented that the term “quality assurance review” was defined in this section but that PEMA then used the term “audit” to refer to quality assurance reviews in other sections of the regulations. For consistency and clarity reasons, IRRC recommended that “quality assurance review” should be used in place of the word “audit.” PEMA agreed with this comment and has replaced the word “audit” with the term “quality assurance review” throughout these final-form regulations.

IRRC also recommended that a new definition for “quality assurance action” be added to the regulations to identify who is responsible for initiating the actions and when the actions will be imposed. PEMA agreed with this comment and added the new definition of “quality assurance action” to clarify when this process will be performed by the quality assurance reviewer.

For clarification purposes, PEMA rewrote the definition of “catastrophic loss” to state that a loss means the loss of three or more human lives or property damage or loss exceeding \$75,000.

PEMA also rewrote the definition of “communications center” to state that the definition includes “remote dispatch points” and to state that a communications center may be operated by a county, city, borough or township.

*§ 120d.103. Scope*

IRRC and a commentator questioned whether this section will apply to the staffs of “remote dispatch points” (RDPs). New subsection (b) makes it clear that any county, city, borough or township that operates an RDP included in a 911 county plan shall be responsible for implementing the performance review and quality assurance standards of this chapter.

By way of background, RDPs dispatch local police units, private ambulance services and local fire companies within the jurisdictional boundaries of a municipality. Because RDPs play a vital role in the dispatch of emergency services, RDPs and 911 communications centers are joined together in an interdependent and mutu-

ally supporting relationship. The important communications and public safety linkage between RDPs and 911 communications centers is why most RDPs are clearly identified in a county’s 911 plan as being a vital part of the county’s overall 911 emergency communications and dispatch program. Under the provisions of a county 911 plan, calls to a 911 communications center for emergency response assistance can be transferred to an RDP when a dispatcher determines the appropriate emergency response and dispatches the necessary equipment and personnel. For this reason, both RDP personnel and county 911 communications center personnel shall meet the same performance review and quality assurance standards in this chapter to ensure that those personnel will provide the most effective, timely and professional emergency communications and dispatch services to the general public during life threatening, public safety and other types of emergency situations.

PEMA’s statutory authorities for these final-form regulations are the Public Safety Emergency Telephone Act (act) (35 P. S. §§ 7011—7021) and 35 Pa.C.S. §§ 7101—7707 (relating to Emergency Management Service Code) (code). Section 3(a)(8) of the act (35 P. S. § 7013(a)(8)) requires PEMA “to establish standards for performance review and quality assurance programs for 911 systems to ensure public safety and improve the performance of 911 systems.” Section 5(c) of the act (35 P. S. § 7015(c)) requires that PEMA review all county plans for completeness. The act defines a county plan as “A document submitted by the county on a triennial basis to the Pennsylvania Emergency Management Agency, outlining its proposed or existing 911 system, including a contribution rate, for the forthcoming three years.” Thus, if any county 911 plan describes or includes an RDP in it emergency communications and dispatch protocols and procedures, PEMA considers that RDP to be a vital component of the county’s 911 emergency communications system and those RDP personnel are subject to the quality assurance requirements of this chapter. Conversely, any RDPs not mentioned in a county’s 911 plan are not considered by PEMA to be a vital or integral part of a county’s 911 emergency communications system. For this reason, those RDP personnel are not required to participate in this chapter’s performance review and quality assurance program.

The second authority that PEMA used for the development of this quality assurance program is found in section 7313(3) and (9) of the code (relating to powers and duties).

Section 7313(3) of the code permits PEMA to develop regulations for a wide range of emergency management services and activities. Because 911 activities involve emergency communications and the emergency dispatch of medical and health services, firefighting services, police services and rescue services, all 911 services clearly come within the definition of “emergency services” as defined in section 7102 of the code (relating to definitions). Thus, PEMA’s authority to develop and promulgate regulations under section 7313(3) of the code provides additional statutory authority for the promulgation of these final-form regulations.

More specifically, section 7313(9) of the code allows PEMA to “make or request of Commonwealth or local agencies and officials, studies, surveys and reports as are necessary to carry out the purposes of this part.”

Therefore, PEMA used the authority of both the act and the code to not only develop the 911 performance review and quality assurance standards for call takers, dispatch-

ers and supervisors but also to establish a quality assurance review process by which counties and municipalities must periodically review the performance of their 911 communication center or RDP personnel and maintain reports and records on their performance. The maintenance of the quality assurance review forms and reports will ensure all 911 center personnel and RDP personnel in the 67 counties possess the mandated standard levels of training and competency which will enable the general public to receive the most effective and timely emergency response services available.

One other comment remains concerning § 120d.103. IRRC and one county questioned whether or not counties would be responsible for performing quality assurance reviews of RDP employees. PEMA believes that each city, borough or township that operates an RDP needs to be responsible for conducting the quality assurance reviews because the RDP personnel are their employees, not the employees of a county. As a result, § 120d.103(b) clearly states that each city, borough or township that operates an RDP shall be responsible for implementing the quality assurance provisions of this chapter as they apply to their employees.

*§ 120d.104. Timeframes and procedures for quality assurance reviews*

IRRC commented that this section should include specific performance criteria that the quality assurance reviewer would use when examining a telecommunicator's work. IRRC suggested that if the reviewer is to use the criteria or standards in § 120d.105 (relating to quality assurance review standards), § 120d.104 should reference § 120d.105. PEMA agrees with this comment and has included the necessary reference to § 120d.105 in this section.

IRRC recommended that the words "It is also recommended" be removed from the last sentence of § 120d.104(a) because it is inappropriate regulatory language. PEMA agreed and the phrase has been removed from the subsection.

IRRC commented that § 120d.104(b) also contained the words "Although it is recommended" which is inappropriate regulatory language. PEMA agreed and has removed that phrase from this subsection. IRRC further commented that if PEMA intended to establish an exception to the weekly call taking quality assurance review, it should expressly state when the exception is applicable. PEMA agreed with this comment and has rewritten the subsection to state that while an exception will be allowed from the weekly call taking quality assurance review, the monthly review process may not last longer than 90 days without the written permission of PEMA.

IRRC commented that § 120d.104(d) contained the words "It is recommended" which is inappropriate regulatory language. PEMA agreed and has removed the phrase from this subsection.

IRRC and two commentators expressed concern that recorded 911 calls will be included as part of the quality assurance review and thus be subject to Pennsylvania's act of June 21, 1957 (P. L. 390, No. 212) (66 P. S. §§ 66.1—66.4), known as the Right-To-Know Law. PEMA does not share this concern because this regulation does not require any quality assurance reviews, individual 911 calls or any 911 performance review reports to be included in a county 911 plan. As a result, any 911 calls will not become part of a public record that would be subject to the Right-To-Know Law. Nevertheless, to remove any further concern about this matter,

§ 120d.104(e) has been rewritten to state that "Actual transcripts or recordings of phone calls made to or from a 911 communication center or remote dispatch point are not public records under the Right-To-Know Law and may not be included in the text of any quality assurance review."

IRRC also questioned the need to retain quality assurance reviews for 3 years as mentioned in § 120d.104(e). PEMA reexamined this need and has reduced the retention period to 1-year.

*§ 120d.105. Quality assurance review standards*

IRRC and one commentator questioned the requirement in § 120d.105(b) that a telecommunicator must dispatch police, fire or emergency medical services units within 90 seconds of obtaining pertinent information, 90% of the time. The county commentator stated that in large counties with a high volume of 911 calls, the county is required to dispatch personnel on a priority basis. PEMA recognizes that the volume of 911 calls vary greatly from one county's 911 communications center to another. As a result, this subsection has been rewritten to state that a telecommunicator will dispatch emergency response units within the prescribed time frame established by the 911 center's or RDP's standard operating procedures. The 90-second requirement has been eliminated. This change will provide all of the counties with the flexibility that they need to determine the time frame that a telecommunicator shall follow in the dispatch of emergency response units.

IRRC commented that § 120d.105(b)(8) contained a general reference to Federal Communications Commission rules and regulations that needs to be more specific. PEMA has reexamined this requirement and removed the reference in its entirety because it was not needed.

IRRC and one commentator observed that the Department of Health is not required to review and approve the emergency medical dispatch program as a requisite to its use by the 911 communications center as so stated in § 120d.105(c). Based upon this observation, PEMA deleted the reference to the Department of Health's approval of the emergency medical dispatch program. Instead, each 911 communications center or remote dispatch point shall use the emergency medical dispatch protocols that it is licensed to use.

Lastly, IRRC and one commentator stated that some of the quality assurance review standards in § 120d.105(a) and (b) were too subjective and provided the quality assurance reviewer with too much discretion in evaluating performance. PEMA disagreed. The quality assurance standards contained in this subsection require each telecommunicator to be evaluated by a set of clear and specific performance criteria. These standards are currently being used by numerous counties throughout this Commonwealth in existing quality assurance programs. Therefore, because these standards were developed in close consultation with those counties, PEMA believes that the quality assurance standards as contained in this subsection are not only reasonable and adequately descriptive in nature but also widely acceptable to the 911 communications community that must implement these standards.

*E. Fiscal Impact/Affected Persons*

These final-form regulations will require the counties to incur costs in the implementation and administration of these performance review and quality assurance standards. However, the costs should be minimal because most counties already have existing quality assurance

programs in place. In addition, the act of February 12, 1998 (P. L. 1998, No. 17) (Act 17) makes training costs an eligible expenditure from county 911 fees that are collected under the authority of the act. As a result, because the performance review and quality assurance program is interrelated and dependent upon the effectiveness of an overall training program, the counties will be able to budget for these costs through an already existing fee collection program.

The citizens of this Commonwealth will benefit from the improved quality assurance standards established for 911 emergency communications center personnel which will result in those personnel providing more effective, timely and professional emergency communications and dispatch services to the general public during emergency medical, fire, police and other possible lifethreatening or safety situations.

**F. Paperwork Requirements**

These final-form regulations will require a modest increase in the amount of paperwork that State agencies and counties must prepare as part of the administration of their 911 emergency communications systems.

**G. Sunset Requirements**

PEMA has not set a sunset date for these regulations because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose amendments to these final-form regulations when required.

**H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 18, 1999, a copy of the proposed rulemaking, published at 29 Pa.B. 1717, was submitted to IRRC and the Chairpersons of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, PEMA also provided IRRC and the Committees with copies of all comments received from the public. In preparing these final-form regulations, PEMA has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were deemed approved by the House and Senate Committees on June 12, 2000. IRRC met on June 22, 2000, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

**I. Contact Person**

Questions regarding these final-form regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364.

**J. Findings**

PEMA finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These regulations are necessary and appropriate for the administration of the act.

**K. Order**

PEMA, acting under the authority of the act and the code, orders that:

(a) The regulations of PEMA, 4 Pa. Code, are amended by adding §§ 120d.101—120d.105 to read as set forth in Annex A.

(b) PEMA shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) PEMA shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID L. SMITH,  
*Director*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3534 (July 8, 2000).)*

**Fiscal Note:** Fiscal Note 30-53 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART V. EMERGENCY MANAGEMENT AGENCY**

**CHAPTER 120d. 911 PERFORMANCE REVIEW AND QUALITY ASSURANCE STANDARDS**

- Sec.
- 120d.101. Purpose.
- 120d.102. Definitions.
- 120d.103. Scope.
- 120d.104. Time frames and procedures for quality assurance reviews.
- 120d.105. Quality assurance review standards.

**§ 120d.101. Purpose.**

(a) This chapter implements section 3(a)(8) of the act (35 P. S. § 7013(a)(8)) which was added by section 3(a)(8) of the act of February 12, 1998 (P. L. 64, No. 17) to establish standards for performance review and quality assurance programs for 911 emergency communications systems operating in this Commonwealth. The quality assurance standards in this chapter are designed to:

- (1) Promote Statewide adherence to established 911 communications center goals and procedures.
- (2) Facilitate the learning process for 911 communications center personnel.
- (3) Provide a framework for the continuous improvement of the overall operation of 911 communications centers in this Commonwealth.

(b) These procedures will also provide the operational standards that are needed to ensure that 911 communications centers consistently provide the best possible emergency communications service to the citizens of this Commonwealth.

**§ 120d.102. Definitions.**

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

*Act*—The Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021).



*Agency*—The Pennsylvania Emergency Management Agency.

*Call-taking*—The act of answering 911 calls from the public and obtaining the information necessary to dispatch a public safety unit, such as fire, police, medical and rescue, to the reported location of the emergency.

*Catastrophic loss*—The loss of three or more human lives or property damage or loss exceeding \$75,000.

*Day*—Refers to an actual 24-hour day, not a “working day.”

*Dispatching*—The act of alerting and directing the response of public safety units to the desired location.

*Emergency dispatched calls*—Emergency incidents to which a 911 communications center dispatches public safety units.

*Emergency medical dispatch protocols*—A system or program that enables patients to be assessed and treated via telephone by utilizing current accepted emergency medical dispatch standards.

*911 communications center*—A 911 Public Safety Answering Point or PSAP; also referred to as a remote dispatch point in this chapter. A communications center may be operated by a county, city, borough or township.

*Performance appraisal*—A yearly written evaluation of a telecommunicator’s job performance measured against established 911 communications center expectations and standards.

*Quality assurance action*—An action taken by a quality assurance reviewer or 911 center supervisor after the occurrence of a quality assurance review of a telecommunicator to correct or improve job performance deficiencies identified by the quality assurance review. The quality assurance action may require the telecommunicator to take additional training courses or instruction, be subject to a second quality assurance review process outside of the normal time frames identified in this section, or be subject to disciplinary or other personnel actions deemed appropriate by the 911 communications center supervisor or reviewer.

*Quality assurance review*—A quality assurance process that is used to assess the job performance of a telecommunicator.

*Radio activity*—The act of dispatching and communicating on a public safety radio frequency.

*Standard operating procedures*—A set of policies and procedures developed and adopted by a 911 communications center to aid in directing the daily operations of the telecommunications staff.

*Telecommunicator*—A full-time or part-time 911 communications center call-taker or emergency dispatcher.

#### **§ 120d.103. Scope.**

(a) The quality assurance reviews in this chapter will be employed in accordance with the time frames in § 120d.104 (relating to time frames and procedures for quality assurance reviews). These reviews will be used to evaluate the performance of various aspects of a telecommunicator’s duties. In addition to measuring individual performance, these reviews will aid in determining whether the processes used by the telecommunicators are functionally efficient on a regular basis.

(b) The quality assurance provisions in this chapter apply to all 911 communications centers operating in this Commonwealth and to all remote dispatch points oper-

ated by a city, borough or township of this Commonwealth which are included within the 911 communications system identified in a county 911 plan. Each county, city, borough or township that operates a 911 communications center or remote dispatch point included in a 911 county plan is responsible for implementing the quality assurance provisions of this chapter as they apply to their employees.

#### **§ 120d.104. Time frames and procedures for quality assurance reviews.**

(a) A random sampling of 911 communications center calls will be reviewed on a recurring basis by the quality assurance reviewer to ensure compliance with the quality assurance review standards in § 120d.105 (relating to quality assurance review standards), as well as those outlined in the standard operating procedures of each 911 communications center or remote dispatch point. If needed, additional quality assurance reviews will be performed to ensure that each telecommunicator receives a minimum of one call-taking quality assurance review per month. All calls, whether voice or TDD/TTY, will be reviewed in the same manner. The quality assurance reviewer shall complete a review form for each quality assurance review. All incidents involving catastrophic loss shall be included in the quality assurance review process.

(b) A minimum of ten call-taking quality assurance reviews shall be performed each week in 911 communications centers and remote dispatch points that dispatch, on average, 72 or less emergency dispatch calls per day. Those 911 communications centers and remote dispatch points that average more than 72 emergency dispatch calls per day shall perform a weekly quality assurance review of 2% of the total 911 calls that they process per week. The weekly quality assurance review process may assume a monthly review process to accommodate those 911 centers that may have personnel or scheduling constraints. A monthly quality assurance review may not last for more than 90 days without the written permission of the Agency. In addition, the minimum number of quality assurance reviews required by this subsection shall remain unchanged during the monthly review process.

(c) Twice each year, the quality assurance reviewer will review a segment of each telecommunicator’s radio activity to determine adherence to the 911 communications center’s or remote dispatch point’s dispatch standards. At a minimum, each segment of the telecommunicator’s radio activity that is monitored shall contain three emergency dispatched calls. The quality assurance reviewer will complete a quality assurance review form for each segment reviewed. The review form will be supplied by the Agency.

(d) The quality assurance reviewer will be designated by the director of each 911 communications center or remote dispatch point. The reviewer shall be at a supervisory level with a minimum of 3 years experience in the field of emergency telecommunications. Internal standards shall be established to ensure that the quality assurance review process is executed with consistency and objectivity.

(e) To provide optimum feedback, the date selected for a quality assurance review will not exceed 5 days prior to the review. Telecommunicators shall receive the results of their quality assurance review within 5 days of the review. Copies of each quality assurance review will be retained on file at the 911 communications center for 1 year. Actual transcripts or recordings of phone calls made

to and from a 911 communications center or remote dispatch point are not public records under the act of June 21, 1957 (P. L. 390, No. 212) (66 P. S. §§ 66.1—66.4), known as the Right-to-Know Law, and may not be included in the text of any quality assurance review.

(f) The quality assurance reviews will be used to support the development and assessment of goals and expectations on the telecommunicator's yearly performance appraisal. The quality assurance reviews will also be used to identify areas of the telecommunicator's job performance which may require additional or supplemental training, and aid in determining whether any processes of the 911 communications center or remote dispatch point require modification or change.

(g) All telecommunicators, whether they are part-time or full-time employees of the 911 communications center or remote dispatch point, shall be subject to this quality assurance review process.

(h) Quality assurance actions that are initiated in response to the results of a quality assurance review will be documented and placed in the 911 communications center's or remote dispatch point's records.

**§ 120d.105. Quality assurance review standards.**

(a) *Call-taking (telephone performance).* The following telecommunicator performance standards will be checked by the quality assurance reviewer during each quality assurance review:

- (1) Answers the telephone quickly and correctly (within 10 seconds of the call, 90% of the time).
- (2) Asks and verifies the location of the incident or emergency.
- (3) Obtains the callback phone number from the person making the call.
- (4) Determines the nature of the incident or emergency and selects and assigns the appropriate response to the incident.
- (5) Accomplishes the tasks listed in paragraphs (1)—(4) quickly and effectively (within 60 seconds of the receipt of the phone call, 90% of the time).
- (6) Obtains all pertinent information and makes updates accordingly and keeps the caller on the line until all required information is obtained.
- (7) Controls the conversation with the caller, explains all possible emergency actions and employs calming techniques when required.
- (8) Exhibits a calm and professional demeanor at all times and acts in a courteous and tactful manner.
- (9) Demonstrates proper documentation of the information received on call-taker screens or cards.

(b) *Dispatching (radio performance).* The following telecommunicator radio performance standards will be checked by the quality assurance reviewer during each quality assurance review:

- (1) Dispatches the appropriate police, fire or EMS units within the prescribed time frame established by the 911 emergency communication center's or remote dispatch point's standard operating procedures.
- (2) Provides all pertinent information to the responding police, fire or EMS units and relays updated information about the incident or emergency to the responding units.
- (3) Answers all radio transmissions promptly.

(4) Speaks clearly and concisely to the responding units.

(5) Listens attentively and understands each message that is received from the responding units.

(6) Exhibits a timely response to requests from field units.

(7) Maintains a calm and professional demeanor at all times.

(c) *Emergency medical dispatch.* Emergency medical dispatch protocols will be utilized by all 911 emergency communications centers and remote dispatch points. Due to the existence of various emergency medical dispatch programs, each 911 emergency communications center and remote dispatch point shall use the quality assurance process associated with the program that it is licensed to use.

[Pa.B. Doc. No. 00-1382. Filed for public inspection August 11, 2000, 9:00 a.m.]

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CH. 44]

#### Program Standards and Eligibility Criteria for the Higher Education Equal Opportunity Act

The State Board of Education (Board) amends Chapter 44 (relating to program standards and eligibility criteria for the Higher Education Equal Opportunity Act) to read as set forth in Annex A, under authority of sections 3 and 4 of the Higher Education Equal Opportunity Act (act) (24 P. S. §§ 2510-303 and 2510-304).

Notice of proposed rulemaking was published at 28 Pa.B. 2148 (May 9, 1998) with an invitation to submit written comments within 30 days.

Chapter 44 governs the responsibility of institutions of higher education to administer counseling and tutorial programs (commonly referred to as Act 101 programs) for educationally- and economically-disadvantaged students provided for in the act and the eligibility of students for participation in those programs. The final-form of § 44.4(a)(1) amends the income eligibility criteria from one based on a Pennsylvania Higher Education Assistance Agency (PHEAA) determined adjusted gross income adjusted annually by a percentage of growth in the Consumer Price Index (CPI) to one based on a percentage of the poverty guidelines as determined annually by the United States Department of Health and Human Services.

*Purpose*

The purpose of amended § 44.4(a)(1) (relating to eligible students) is to employ a measure of income eligibility designed to reflect growth (or decline) in income for students and families for whom the act was designed to serve. Former measures of income eligibility did not as accurately reflect the economics of poverty-level and low income families. A multiple of Federally-determined poverty guideline is employed in a number of State-administered programs designed to serve a similar clientele. Two hundred percent of poverty is established in these final-form regulations because it most accurately reflects the maximum income level for participation in Act 101 programs at the time Chapter 44 was originally

promulgated. The definition of "CPI" is deleted because the Consumer Price Index will no longer be applicable to the regulations.

#### *Public Comments*

All public comments received favored the proposed amendments. No comment was received from the House or Senate Education Committees. The Independent Regulatory Review Commission (IRRC) in their comments suggested that the date in § 44.4(a)(1) should be changed to reflect the probable date of final-form regulations. The date was changed in these final-form regulations.

#### *Affected Parties*

These final-form regulations will benefit current and potential college and university students participating in institutional Act 101 programs.

#### *Cost and Paperwork Estimates*

Amended § 44.4(a)(1) will not substantially alter paperwork, accounting or reporting requirements already in place.

#### *Effective Date*

These final-form regulations will become effective upon final publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The effectiveness of Chapter 44 (including § 44.4(a)(1)) will be reviewed by the Board every 4 years, in accordance with the Board's policy and practice respecting all regulations of the Board. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking published at 28 Pa.B. 2148 to IRRC and to the Chairpersons of the House and Senate Committees on Education.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation. In addition to submitting the final-form regulations, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

In preparing these final-form regulations, the Board has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House Education Committee, and approved by the Senate Education Committee on June 13, 2000, and were approved by IRRC on July 13, 2000, in accordance with section 5(c) of the Regulatory Review Act.

#### *Contact Person*

The official responsible for information on these final-form regulations is Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 772-2864.

#### *Findings*

The Board finds that:

(1) Public notice of the intention to adopt these final-form regulations was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S.

§§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The regulations are necessary and appropriate for the administration of the act.

#### *Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 44, are amended by amending §§ 44.2 and 44.4 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The order is effective upon final publication in the *Pennsylvania Bulletin*.

PETER H. GARLAND,  
*Executive Director*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3873 (July 29, 2000).)

**Fiscal Note:** Fiscal Note 6-263 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 22. EDUCATION**

#### **PART I. BOARD OF EDUCATION**

#### **Subpart C. HIGHER EDUCATION**

#### **CHAPTER 44. PROGRAM STANDARDS AND ELIGIBILITY CRITERIA FOR THE HIGHER EDUCATION EQUAL OPPORTUNITY ACT**

#### **§ 44.2. Definitions.**

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

*Act 101*—The Higher Education Equal Opportunity Act (24 P. S. §§ 2510-301—2510-305).

*Act 101 student*—A student who meets the eligibility criteria of this chapter and who is enrolled in a program.

*Program*—A program operated under Act 101 and this chapter.

#### **§ 44.4. Eligible students.**

(a) A bona fide domiciliary of this Commonwealth who is attending an institution which is an eligible grant applicant under § 44.3 (relating to eligible grant applicants) and who is determined to be economically and educationally disadvantaged under this section is eligible for participation in the program. To be eligible for participation, a student shall meet the following criteria. The student shall be:

(1) Economically disadvantaged by having an annual family income equal to or less than 200% of the family income level established by the United States Bureau of the Census for determining poverty status and published by the United States Department of Health and Human Services in the *Federal Register*. The annual family

income to be used to recruit students who will enter the program on or after July 1 of every year beginning in 2001 will be provided to institutions by the Secretary by March 31 of the same year and will be published in the *Pennsylvania Bulletin* by April 15 of the same year. The Secretary's notification under this section will comply with this chapter and will not be subject to the regulatory review procedures under section 5 of the Regulatory Review Act (71 P. S. § 745.5).

(2) Educationally disadvantaged by having a grade point average (GPA) predicted to be 2.0 or less (scale: A = 4.0). The prediction shall be based upon the criteria and formula regularly used by the institution to select students for admission. If an institution has not developed a formula for predicting a student's GPA, the term means a student who is judged unlikely to succeed academically at the institution.

(b) Act 101 programs serve both full-time and part-time students. Full-time means that the student is carrying at least 12 credits in a semester. Part-time means that the student is carrying at least 6 credits but less than 12 credits in a semester. A participating Act 101 institution shall serve full-time students and may serve part-time students.

[Pa.B. Doc. No. 00-1383. Filed for public inspection August 11, 2000, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF DENTISTRY

#### [49 PA. CODE CH. 33]

#### Continuing Dental Education and Biennial Renewals

The State Board of Dentistry (Board) amends §§ 33.1, 33.105 and 33.106 and adds §§ 33.401—33.404 to read as set forth in Annex A pertaining to biennial renewals and continuing education requirements.

Section 3(j.1) and (j.2) of the Dental Law (act) (63 P. S. § 122(j.1) and (j.2)) as amended in 1996, requires two conditions of biennial license or certification renewal for dentists, dental hygienists and expanded function dental assistants:

1. Licensees and certificateholders must obtain current certification to administer cardiopulmonary resuscitation (CPR).
2. Dentists shall complete 30 hours of continuing education credit, dental hygienists shall complete 20 hours of continuing education credit and expanded function dental assistants shall complete 10 hours of continuing education credit.

The amendments also added section 3.1 to the act (63 P. S. § 122.1) setting forth additional requirements for restoration of licenses and certificates. The CPR and continuing education requirements for the lapsed period shall be satisfied before a license or certificate may be restored. Also, licensees and certificateholders who fail to renew their licenses/certificates for more than 5 years may be required to take the licensure examination.

The regulatory amendments implement these provisions.

Notice of proposed rulemaking was published at 28 Pa.B. 3293 (July 11, 1998). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Dental Hygienists' Association, Inc. (PDHA), the Pennsylvania Dental Association (PDA) and a dentist, a dental hygienist and an expanded function dental assistant. Following the close of the public comment period, the Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee offered no comments, suggestions or objections to the amendments.

In final rulemaking, the Board considered the comments and suggestions of the commentators. In addition, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, Regulatory Review and Promulgation.

For ease of reference, the Board will address the comments and the Board's responses, in the order in which the amendments appear.

#### *§ 33.1. Definitions.*

IRRC commented that because the definition of "credit hour" contains a substantive provision in the second sentence, the definition should be moved to § 33.401 upon review of both sections, the Board is of the view that the definition will get lost in § 33.401. Therefore, the definition of "credit hour" is retained in § 33.1.

IRRC suggested that the definition of "individual study" be amended to specify that the individual study course shall be administered by an approved program sponsor. The Board has followed this suggestion and amended the definition accordingly.

IRRC commented that the definition of "program sponsor" lacks clarity and is not consistent with section 3(j.2)(1) of the act. IRRC further suggested that the proposed definition could be interpreted to mean that individual programs, rather than the program sponsors, are approved by the Board, and suggested the definition be amended to state that the program sponsor is approved by the Board. The Board has implemented IRRC's suggestion as it clarifies the Board's intent. The PDHA suggested that the current definition of a program sponsor be labeled a "program provider" and a new definition for "program sponsor" be established. The Board has not adopted this suggestion as the intent is to have the program sponsors oversee the individual program provider, thus freeing the Board from oversight responsibilities for numerous program providers.

#### *Subchapter B. Licensure of Dentists and Dental Hygienists*

IRRC pointed out that Subchapter B had "hygienists" misspelled. This has been corrected.

#### *§ 33.105. Biennial renewal of licenses and certificates.*

The HPLC requested that the Board clarify that the continuing education credits are to be earned during the 2 years preceding the 2001-2003 biennial and that both certification and CPR in continuing education credits be completed to renew a license effective for the 2001-2003 biennial period. Section 33.105(b) is amended accordingly. IRRC suggested that this section does not adequately explain how the Board intends to notify licensees and certificateholders of the new requirements for continuing

education. The regulation specifies that during the 1999-2001 renewal period, the continuing education requirements in §§ 33.401—33.404 shall be satisfied. The Board has revised and added clarifying language. As written, the section tracks the amendment to the act and provides for an enforcement mechanism beginning with the 2001-2003 renewal period.

As proposed, the CPR requirement would be met by current certification from the American Heart Association or the American Red Cross. The HPLC suggested that the language of section 3(j.1) of the act should be broadly, rather than narrowly, construed. Accordingly, the Board has revised the requirement, so that any organization, charitable or for-profit, may provide qualifying courses. The Board has added a new sentence which provides that the content of certification courses be substantially similar to those offered by the American Heart Association and the American Red Cross, which the Board believes furthers the statutory intent in referencing certification by a bona fide charitable organization in section 3(j.1) of the act.

The Board also believes that this language will assure minimum standards and consistency among organizations which provide CPR certification courses.

IRRC suggested that the Board add the National Safety Council as an approved entity. Because the Board adopted the HPLC statutory interpretation, this change has not been adopted. IRRC also suggested that the Board should specify the minimum level of CPR certification acceptable. The Board has amended the proposal to provide that the certification shall include infant, child and adult CPR. The Board believes that this requirement furthers the legislative intent of the language "CPR or basic life support."

The PDHA recommended that basic cardiac life support for the health care provider be the required form of CPR certification, as it is more extensive and covers infant, child and adult CPR, as opposed to basic CPR, which includes only resuscitation on adults. The Board concurred and amended § 33.105.

The PDHA objected to subsection (b), providing that applicants for reactivation who have failed to renew for more than 5 years may be subject to reexamination. The objection was based upon allowing the Board the authority to determine who is subject to reexamination. The Board notes that the General Assembly has provided the Board with this discretion in section 3.1(b) of the act wherein these persons "may be required to submit to a reexamination in accordance with Section 3."

*§ 33.401. Credit-hour requirements.*

A commentator and the PDHA suggested that the Board allow credit hours to be carried over from a previous biennial period. Because of the minimal number of credit hours required and the administrative cost of tracking carryover hours, the Board has determined not to allow carryover.

The PDHA recommended that subsection (b) be amended to read "the required hours shall be taken from a program approved by a program sponsor." The Board believes that this change is not warranted in a section outlining subject areas.

IRRC and the PDHA questioned the need for the requirement in subsection (c) that at least 50% of the required credit hours be taken in lecture or clinical presentation. The Board believes that this requirement is necessary and that the opportunity to interact with the

instructor and other participants is crucial to learning clinical subject matter whether in didactic or "hands-on" learning experiences.

IRRC suggested that subsection (d)(1) be amended to require that additional credit hours for instructors are subject to the limitations of subsection (e). Subsection (d)(1) has been amended accordingly.

The PDHA suggested that the term "instructor" be defined. The Board prefers not to limit the definition of "instructor," to include instructors at educational institutions and allow them to receive credit for teaching.

The PDHA recommended that subsection (d)(1) be amended to "instructors will be awarded two hours of preparation time plus one hour of instruction time for each hour spent instructing." Subsection (d)(1) has been amended to clarify that actual instruction would be covered.

IRRC commented that subsection (d)(2) is vague regarding what standard authors' work would have to meet to qualify for additional credit up to 50%. In response, the Board has amended this subsection.

A commentator suggested that "instructors" in subsection (d) should have the same license or certificate as those they teach. The Board believes that such a requirement is unnecessarily restrictive and would prohibit physicians, dentists and others from providing qualified instructors.

A commentator suggested that subsection (d) be amended to reference § 33.402. The Board does not believe a cross-reference in this case is necessary.

*§ 33.402. Continuing education subject hours.*

IRRC suggested that subsection (a)(3) be amended to clarify that CPR certification training hours would not be included as continuing education credit hours. This section has been revised accordingly.

IRRC, the PDHA and a commentator suggested that subsection (b)(5), wherein credit hours would not be awarded for communication skills, should not be excluded since dental hygienists need the ability to communicate with patients to promote changes in the patients' daily hygiene. The Board concurs with the assessment that all practitioners should work to improve their ability to communicate with patients. However, the Board believes that the continuing education requirement should be limited to substantive areas of clinical practice. By so doing, the Board believes that the regulation will more nearly track the legislative intent to ensure that practitioners keep abreast of technological and scientific developments.

*§ 33.403. Program sponsors.*

IRRC and the PDHA suggested that subsection (b)(1) should specify how far in advance the program sponsor is required to disclose the information. The Board believes that requiring advance notification and more specificity is not needed with this requirement.

IRRC suggested that the last sentence in subsection (b)(3) be amended to focus on requiring the instructor to provide accurate materials rather than when errata sheets are developed. This subsection has been revised by omitting the last sentence which requires instructors, prior to developing errata sheets, to be responsible for informing participants of changes.

IRRC requested an explanation as to why subsection (b)(6) requires attendance records and outlines to be kept for a 5-year period, when the most recent preceding

biennial period should suffice to allow the Board to audit complaints. The 5-year period was selected for clarity. Program sponsors may not necessarily know exactly when a biennial period runs. In accordance with the recommendation of the House Professional Licensure Committee, the Board has changed the requirement to 4 years, which would cover the same amount of time as that suggested by IRRC, that is, the current and most recent renewal period.

IRRC suggested that the Board should provide that if the approval of a program sponsor identified in § 33.403(a) is withdrawn, the section will be amended accordingly. The Board concurs with the suggestion and has changed this subsection to reflect the comment.

IRRC suggested that § 33.403 should provide guidance on obtaining approval as a program sponsor and adding sponsors in rulemaking. The Board has added a subsection (d) implementing this suggestion.

The PDHA recommended that the responsibilities of program sponsors be amended to be the responsibilities of program providers. The Board believes that these responsibilities should be those of program sponsors, as provided in the proposed regulations.

The House Professional Licensure Committee suggested that subsection (b)(4) be amended to reference another regulation concerning the provision of adequate facilities that provide physical access to licensees in the conformance with applicable law. The subsection has been amended to clarify that physical facilities must be adequate to both the type as well as the number of participants. The Board believes that other laws and regulations adequately cover handicapped accessibility.

The PDHA recommended that subsection (a)(2) and (5) include the equivalent nursing associations. These sections have been amended accordingly.

The PDHA suggested that a provision be added for special, temporary or one-time program sponsors and for adding new sponsors. As previously discussed, a new subsection (d) has been added for new sponsors.

#### *§ 33.404. Reporting continuing education credit hours.*

IRRC suggested amending subsection (b) to use the phrase "required credit hours" instead of "required hours." The Board has amended this section accordingly.

IRRC suggested amending subsection (d) to require maintenance and documentation for the current and most recent preceding biennial period, which would be a maximum of 4 years. As discussed in reference to § 33.403(b)(6), the Board believes that a specific period of years is clearer and that a 4-year period is needed to cover documentation for any discrepancies or legal concerns that may later arise.

IRRC suggested referencing the statute in subsection (e) to cover falsification by expanded function dental assistants, in case the regulations governing expanded function dental assistants are not completed prior to completion of these regulations. The Board agreed and inserted a reference to the statute.

IRRC suggested combining subsection (a) with (e) and subsection (b) with (f) because they concern the same subject matter. The Board had structured the subsections to combine affirmative requirements and sanctions and prefers to retain the structure of the subsections as proposed to enable the requirements of subsections (e) and (f) to stand alone.

#### *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

#### *Fiscal Impact and Paperwork Requirements*

1. *Commonwealth*—The amendments will require the Board to assure compliance with the continuing education requirement before renewing a license or certificate. The costs associated with implementing these amendments, including an audit, will be borne by the general licensee/certificateholder population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—There will be no adverse fiscal impact or paperwork requirements imposed.

#### *Statutory Authority*

The amendments for continuing education, certification in CPR and restoration are governed by sections 3(j.1) and (j.2) and 3.1 of the act.

#### *Sunset Date*

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 22, 2000, the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 3293 to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing these final-form regulations, the Board has considered the comments received from IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were approved by the House Committee on June 6, 2000, and approved by the Senate Committee on June 12, 2000. IRRC met on June 22, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### *Contact Person*

Further information may be obtained by contacting Lisa Burns, Administrative Assistant, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7162.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 3293.

(4) These amendments are necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.1, 33.105 and 33.106 and by adding §§ 33.401—33.404 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

NORBERT O. GANNON, D.D.S.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3534 (July 8, 2000).)*

**Fiscal Note:** Fiscal Note 16A-464 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

\* \* \* \* \*

*Continuing education certificate*—A document prepared by the program sponsor which contains the title of the course, the dates attended or completed and the hours of education completed.

*Credit hour*—A minimum unit of continuing education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

\* \* \* \* \*

*Individual study*—A course of continuing education offered by an approved program sponsor, which permits the participant to learn without interacting with an instructor or interactive learning methodologies and which requires a passing grade on a written examination or workbook.

\* \* \* \* \*

*Program sponsor*—The party approved by the Board who is responsible for the development and presentation of the continuing dental education program.

\* \* \* \* \*

Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS

§ 33.105. Biennial renewal of licenses and certificates.

(a) Licenses and certificates are renewable for a 2-year period beginning April 1 of each odd-numbered year. The fee for the biennial renewal is set by the Board. See § 33.3 (relating to fees). Upon renewal, licensees and certificate holders receive new biennial renewal licenses or certificates, as appropriate, and wallet-size cards which include the expiration date.

(b) As a condition of biennial renewal, commencing with the 2001-2003 renewal period, licensees and certificate holders shall maintain current certification in infant, child and adult cardiopulmonary resuscitation and continuing education requirements specified in §§ 33.401—33.404 (relating to continuing dental education). Licensees and certificate holders shall certify their compliance with this subsection when renewing their licenses on and after April 1, 2001. Courses for certification in cardiopulmonary resuscitation (CPR) shall be substantially similar in content to the CPR courses offered by the American Heart Association and the American Red Cross and have a similar renewal period.

(c) Dentists and dental hygienists who fail to renew their licenses and expanded function dental assistants who fail to renew their certificates are prohibited from practicing their profession in this Commonwealth.

§ 33.106. Reactivation of licenses and certificates.

(a) Dentists and dental hygienists who have failed to renew their licenses and expanded function dental assistants who have failed to renew their certificates may apply for reactivation on forms prescribed by the Board. The applicant for reactivation shall pay the current biennial renewal fee, provide evidence of current certification in cardiopulmonary resuscitation, and shall submit a notarized affidavit identifying the period of time in which the applicant did not practice in this Commonwealth. Effective with the 1999-2001 renewal period, licensees and certificate holders shall also complete the continuing education requirements for the renewal periods during which the license or certificate was not renewed.

(b) In addition to the requirements in subsection (a), an applicant for reactivation who has failed to renew for more than 5 years may be subject to reexamination under section 3.1(b) of the act (63 P. S. § 122.1.(b)).

(c) An applicant for reactivation who practiced in this Commonwealth without a current license or certificate shall pay a later renewal fee of \$5 for each month or part of a month during which the unauthorized practice occurred, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). In addition, the applicant shall pay the biennial renewal fee for each biennium during which unauthorized practice occurred. The payment of late fees and biennial renewal fees does not preclude the Board from taking disciplinary action against a dentist or dental hygienist who practice without a current license or an expanded function dental assistant who practice without a current certificate.

**Subchapter F. CONTINUING DENTAL EDUCATION**

Sec.

- 33.401. Credit-hour requirements.
- 33.402. Continuing education subject areas.
- 33.403. Program sponsors.
- 33.404. Reporting continuing education credit hours.

**§ 33.401. Credit-hour requirements.**

(a) An applicant shall complete the following continuing education credit hours during the preceding biennial period:

- (1) Dentists—30 hours.
- (2) Dental hygienists—20 hours.
- (3) Expanded function dental assistants—10 hours.

(b) The required hours shall be taken in the subject areas listed in § 33.402 (relating to continuing education subject areas) from a program sponsor listed in § 33.403 (relating to program sponsors).

(c) At least 50% of the required credit hours shall be taken in lecture or clinical presentations.

(d) A maximum of 50% of the required credit hours, listed in § 33.402, may be taken through individual study, serving as an instructor or author of a book, article or continuing education program.

(1) Instructors will be awarded two additional credit hours as preparation time for each credit hour of instruction, and for actual instruction, up to 50% of the required hours. Additional credit hours for instructors are subject to the limitations of subsection (e).

(2) Authors will be awarded 50% of the required hours for articles published in a peer-reviewed professional journal.

(e) Credit will not be awarded for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

(f) A licensee or certificate holder suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(g) Exceptions are as follows:

(1) An applicant is exempt from the continuing education requirement in subsection (a) for only the biennial period during which the applicant passed the licensure or certification examination.

(2) An applicant who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing for a waiver. The request shall explain why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis.

**§ 33.402. Continuing education subject areas.**

(a) The required credit hours shall be completed in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant. Examples of acceptable subjects include:

- (1) Diagnosis and treatment of oral pathosis.
- (2) Clinical and technological subjects.
- (3) Emergency procedures excluding hours required for cardiopulmonary resuscitation (CPR) certification.
- (4) Infection control.
- (5) Abuse and neglect.
- (6) Medical and scientific subjects.

(7) Laws and regulations pertaining to dentists, dental hygienists and expanded function dental assistants.

(b) Credit hours will not be awarded in nonclinical subjects, including:

- (1) Billing.
- (2) Office management.
- (3) Practice building.
- (4) Insurance reimbursement.
- (5) Communication skills.

**§ 33.403. Program sponsors.**

(a) The Board has approved the following as program sponsors:

(1) An accredited dental, dental hygiene or expanded function dental assisting school or program.

(2) The medical or osteopathic medical school or college accredited by an accrediting body recognized by the State Board of Medicine, State Board of Osteopathic Medicine or State Board of Nursing.

(3) The American Dental Association Continuing Education Review Program, the American Dental Association's speciality associations, the American Dental Hygienists Association and the American Dental Assistants Association.

(4) The National Dental Association and its speciality societies and the National Dental Hygienists Association.

(5) The American Medical Association, American Osteopathic Medical Association and the American Nursing Association.

(6) The Pennsylvania Academy of Dental Hygiene Studies.

(7) The Academy of General Dentistry National Sponsor Approval Program.

- (8) The Veterans' Administration.
- (9) The United States military services.
- (10) The National Institutes of Health.
- (11) The United States Public Health Services.

(b) Program sponsors shall:

(1) Disclose in advance to prospective participants the objectives, prerequisites, experience level, content, required advanced preparation, teaching method and number of continuing education credits involved in the program.

(2) Conduct programs in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist or expanded function dental assistant.

(3) Provide program materials which are accurate and consistent with currently accepted standards relating to the program's subject matter.

(4) Provide sufficient and adequate physical facilities for the number and type of participants and the teaching methods to be utilized.

(5) Evaluate the program, through questionnaires of the participants and instructors, to determine its effectiveness.

(6) Retain accurate attendance records and written outlines for a 4-year period.



(7) Provide participants with a continuing education certificate after assuring satisfactory completion and attendance of the program.

(c) The Board may, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), withdraw the approval of a program sponsor for cause and amend subsection (a) accordingly.

(d) A party desiring to be an approved program sponsor shall file a written petition with the Board outlining the party's qualifications and experience. Upon Board approval, subsection (a) will be amended accordingly.

**§ 33.404. Reporting continuing education credit hours.**

(a) The applicant shall provide the requested information concerning the required hours on an application for biennial renewal.

(b) The applicant shall provide a copy of the documentation supporting the completion of the required credit hours when requested to do so by the Board.

(c) Acceptable documentation consists of any one of the following:

(1) A continuing education certificate or sponsor-generated printouts.

(2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(3) Evidence of publication for published articles, books or continuing education programs.

(4) Evidence obtained from the program sponsor of having been an instructor, including an agenda.

(d) The responsibility for documenting the continuing education requirements rests with the applicant. The documentation shall be maintained for 4 years after the completion of the program.

(e) Falsification of information required under subsection (a) constitutes a violation of § 33.212(1) (relating to misleading, deceptive, untrue or fraudulent representations) and section 4.1 of the act (63 P. S. § 123.1(a)(2)).

(f) Failure to comply with subsection (b) may result in disciplinary or corrective action.

[Pa.B. Doc. No. 00-1384. Filed for public inspection August 11, 2000, 9:00 a.m.]

§ 135.106 (relating to Pymatuning Wildlife Management Area) to address safety concerns by making some minor changes to the application process and scheduling the hunt outside of the late archery and muzzleloading seasons.

Amend § 141.4 (relating to hunting hours) to move the hunting hours of the first dove hunting season back to 12 noon to sunset. Amend § 141.25 (relating to early and late goose hunting seasons) to make the closed area during the early and late goose hunting seasons consistent. Amend § 141.25 and § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) to eliminate the area closed to goose hunting surrounding the MCWMA.

These amendments are adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

*Amendments to Chapter 135*

*1. Introduction*

To better administer the special wildlife management areas at Middle Creek and Pymatuning, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, making several changes to Chapter 135, Subchapter F (relating to Special Wildlife Management Areas). The amendments include a change to § 135.103, moving the deadline for submitting applications for blinds in the controlled goose hunting areas of MCWMA from the second Tuesday in August to the second Tuesday in September. The Commission amended § 135.106 to move the special deer hunt outside the late archery and muzzleloading seasons because of safety concerns. These changes are made under the authority contained in section 721(a) of the code (relating to control of property).

*2. Purpose and Authority*

The administration of the special wildlife management areas at Middle Creek and Pymatuning is a dynamic process which sometimes requires adjustments to procedures. In past years, the drawing for goose blind reservations at MCWMA has been held in August to accommodate opening the controlled area during the September Canada goose season. The controlled goose hunting area at MCWMA will not be open for the September 2000 Canada goose season. Moving the deadline back 1 month will give hunters more time to apply and will allow the Commission to advise successful applicants of the exact season, which is usually set by the United States Fish and Wildlife Service, in early September.

At the same time, the special deer hunt in Pymatuning Wildlife Management Area (PWMA) has become very popular. Because it is currently held during the muzzleloader and late archery seasons, deer hunters will station themselves just outside the boundary of PWMA, in hope of harvesting a fleeing deer. This has led to at least one incident of a hunter being struck by a stray bullet, giving rise to safety concerns. To deal with these concerns, the Commission will hold the special hunt outside of other deer seasons.

*3. Regulatory Requirements*

For the most part, the amendments involve changes to procedures with no additional requirements. The change in the goose blind application deadline is a relaxation of a requirement. The holding of the special deer hunt in PWMA is a mere change in timing.

## Title 58—RECREATION

### GAME COMMISSION

#### [58 PA. CODE CHS. 135 AND 141]

#### Lands and Buildings; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 21, 2000, meeting, adopted the following change:

Amend § 135.103 (relating to registration for controlled goose hunting areas) to move the drawing back to September to give hunters a longer opportunity to apply for a blind in the Middle Creek Wildlife Management Area (MCWMA) since goose hunting during the September 2000 Canada goose season will not be open. Amend

4. *Persons Affected*

Persons wishing to engage in the specified activities at PWMA and MCWMA may be affected by the changes.

*Amendment to § 141.4*

1. *Introduction*

At its June 8, 1999, meeting, the Commission finally adopted a change to § 141.4 to allow the hunting of mourning doves from 1/2 hour before sunrise rather than from noon. It has been determined that this has led to conflicts with Canada goose hunters hunting during the early season. As a result and to more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on April 4, 2000, proposed, and at its meeting held on June 21, 2000, finally adopted, changing § 141.4 to return the start of hunting hours for hunting mourning doves to noon. This change was adopted under sections 322(c)(1) and 2102(a) of the code (relating to powers and duties of the Commission; and regulations).

2. *Purpose and Authority*

The current provision of § 141.4 provides that mourning doves may be hunted all day. As was pointed out in the previous paragraph, the 1999 expansion of hunting hours has led to conflicts with Canada goose hunters hunting during the early season. To eliminate these conflicts, the Commission has acted to return the shooting hours for mourning doves to the noon start.

Section 322(c)(1) of the code empowers the Commission to fix daily shooting or taking hours. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The change was adopted under this authority.

3. *Regulatory Requirements*

The change will reduce the number of hours for hunting mourning doves.

4. *Persons Affected*

Individuals wishing to hunt mourning doves will be affected by the change.

*Amendments to §§ 141.25 and 141.26*

1. *Introduction*

The number of resident Canada geese in Southeastern Pennsylvania and number of accompanying nuisance complaints have increased dramatically in recent years. To deal with this situation, the Commission at its April 4, 2000, meeting proposed, and at its June 21, 2000, meeting finally adopted, changing §§ 141.25 and 141.26 to eliminate the area closed to goose hunting surrounding the MCWMA during the early Canada goose season.

In addition, the areas closed to Canada goose hunting in the area surrounding PWMA are different during the early and late seasons. The Commission has adopted changes to these sections to make the closed areas consistent in both seasons. These changes were adopted under sections 322(c)(1) and 2102(b)(1) of the code.

2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

As pointed out earlier, the population of resident Canada geese in Southeastern Pennsylvania has dramatically increased, resulting in numerous nuisance geese complaints. Given this situation, it makes little sense to restrict Canada goose hunting during the early Canada goose season, when resident populations are targeted. The Commission has therefore eliminated the closed area surrounding the MCWMA during that season, by amending §§ 141.25 and 141.26.

Also, the areas of Crawford County surrounding PWMA that are closed to Canada goose hunting during the early and late seasons are different. To avoid confusion, the Commission will close one area to goose hunting during both seasons. The changes will accomplish that purpose.

3. *Regulatory Requirements*

The changes will relax current regulatory requirements.

4. *Persons Affected*

Persons wishing to hunt geese at MCWMA and PWMA will be affected by the changes.

*Comment and Response Summary*

No written comments were received with regard to the adopted changes.

*Cost and Paperwork Requirements*

The changes will not result in any additional cost, either to the Commission or to hunters.

*Effective Date*

The changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Contact Person*

For further information on the adopted changes, the contact person is David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135 and 141, are amended by amending §§ 135.103, 141.4, 141.25 and 141.26, to read as set forth at 30 Pa.B. 2908 (June 10, 2000) and amending § 135.106 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, Annex A and 30 Pa.B. 2908 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-122 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS**

**§ 135.106. Pymatuning Wildlife Management Area.**

(a) In addition to §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) and this subchapter, the following pertain to the Pymatuning Wildlife Management Area:

(1) Entering, hunting or trapping on the controlled goose and duck areas is by permit only.

(2) Waterfowl hunting is permitted Monday, Wednesday, Friday and Saturday. Starting time shall conform with State and Federal regulations. Shooting ends at 12:30 p.m.

(b) The following apply to reservations for the controlled duck hunting area:

(1) Reservations will be made on each designated shooting day at the registration center. Hunting is limited to 85 hunters at one time on the two areas combined. Reservations will be issued on a first-come, first served basis if there are 85 hunters or less applying at the registration center and 1 1/2 hours prior to the opening hunting hour. If there are more than 85 applicants present, a drawing will be held to determine to whom the 85 permits are issued.

(2) Permits returned to the registration center prior to 10 a.m. may be released to another applicant.

(c) The following apply to the controlled duck hunting areas:

(1) Ducks are the only legal game; taking other wild birds or mammals is prohibited, except by permit issued by the Director or a designee.

(2) A hunter shall display the identification tag furnished by the Commission while on the areas. The identification tag is valid for entry upon the area indi-

cated on the tag. Entry upon another area is prohibited. Identification tags shall be returned to the registration center at check-out time.

(3) Boats without motors are permitted on controlled duck areas.

(d) The following apply to special hunts on the controlled area:

(1) Special deer hunts will be by permit only, limited to archery and muzzleloading firearms.

(2) Notwithstanding the provisions in § 135.161(2) (relating to Commission-owned or leased lands or waters), the Executive Director may designate dates for deer hunting outside of established seasons and bag limits.

(3) A drawing of applications to determine successful hunters will be held at the Pymatuning Wildlife Management Area headquarters on a date and time designated by the Executive Director or a designee.

(4) Applications will be received at the area headquarters no later than the close of business of the day prior to the date and time of the drawing.

(5) One official application per person to hunt deer on the controlled area may be submitted each license year. Anyone submitting more than one application for a permit will have all applications rejected. The application shall contain archery or muzzleloading license stamp numbers.

(6) The number of permits to be drawn shall be set by the Executive Director or a designee prior to the drawing.

(7) If a successful applicant does not appear to claim a reservation on the day assigned, prior to the opening hunting hour, the permit becomes invalid and is not transferable.

(8) A successful hunter shall submit a harvested deer for examination to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(9) Unsuccessful hunters shall return the permit to the management area headquarters on the date of the permit, no later than 1 hour after the daily closing of hunting hours.

(10) Hunters participating in the special archery and muzzleloading hunts inside the controlled area shall wear a minimum of 250 square inches of fluorescent orange-colored material on the head, back and chest combined.

[Pa.B. Doc. No. 00-1385. Filed for public inspection August 11, 2000, 9:00 a.m.]