



2010 ANNUAL REPORT



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Mission & Vision Statement

MISSION:

To assist the Governor and General Assembly in creating a beneficial regulatory balance.

VISION:

The Commission will increase communication with and availability to agencies, the General Assembly and the regulatory public to achieve a streamlined and effective review process. We will achieve this in a spirit of cooperation through review of proposed and existing regulations, assistance to agencies with document drafting and availability to our clients through meetings, seminars and workshops intended to resolve particular issues encountered by specific audiences.

History

The Commission serves two primary functions. First it acts as an independent and critical eye to review regulations and offer constructive input and alternatives to promulgating agencies. This is accomplished through the review of the regulation and the consideration of input by the regulated public, the legislature, and other interested parties who often bear distinctive perspectives on the appropriateness and effectiveness of the proposed regulation. In doing so, we provide a forum where agencies, legislators and the regulated public can forge a consensus. This helps facilitate approval by the Office of the Attorney General, as well as compliance by the regulated entities. Second, The Commission serves as a clearinghouse for regulatory information. All relevant public information from the promulgating agency, the legislature, public commentators as well as the Commissions comments are provided online to any interested party. Through both our website and our interactions with all affected parties, we help ensure that the regulatory process in Pennsylvania is both accessible and transparent to all parties.

In pursuit of these goals, the General Assembly passed the Regulatory Review Act (Act) in 1982. The Act called for a two-tiered review of proposed regulations by the newly-created Commission and the legislative standing committees. To guide the Commission in its determination of whether new regulations serve the public interest, the Act set forth thirteen criteria, including statutory authority, legislative intent, fiscal impact, protection of small businesses, clarity and necessity of the regulation.

Since the original Act included a sunset date of January 1989, legislative action was necessary to sustain the Commission. On June 30, 1989, Governor Robert P. Casey signed a new bill amending the Act and extending the life of the Commission indefinitely. The new Act included several changes. Significantly, it consolidated the original 13 criteria into six and added two new criteria: the protection of the public health, safety and welfare, and the effect on natural resources.

The General Assembly has continued to refine the Act to better serve the citizens of the Commonwealth. In 1997, an amendment allowed an agency to toll the review of a final regulation so it could make modifications recommended by a standing committee or the Commission. In 2002, amendments provided greater flexibility to the agencies and standing committees in their review of regulations and added the new criterion of promulgating regulations in compliance with the Act and Commission regulations.

As the Commission continues to pursue its mission to assist with the development and maintenance of a beneficial regulatory balance, it remains poised to adapt to meet the changing needs of the state and the regulated public.

Chairman's Message

On behalf of my fellow Commissioners and the staff at the Independent Regulatory Review Commission (IRRC) I am pleased to present our annual report for 2010.

This report details all the proposed and final regulations that were reviewed and voted on by the Commission during the past year. As you read through the following pages, I encourage you to note the wide variety of topics and issues considered during the last year.

While most states have some type of mechanism for the review of regulations, Pennsylvania is unique in its decision to create a regulatory review process that is independent of both the Executive and Legislative branches. This structure helps ensure that the resulting actions of the Commission are not driven by any particular agenda.

IRRC staff review and consider each comment received on a regulation. We routinely reach out to interested parties and we consult with both the legislature and the agency proposing the regulation. Our own website, where we post all regulatory comments, is an illustration of the variety of opinions we receive from affected parties.

Since each regulation bears the full force and effect of law once enacted, part of our responsibility is to ensure that each proposal is afforded the opportunity for full and open debate and to provide access and transparency to the process. Final Form regulations are considered at our public meetings where we provide a forum for the proposing agency to explain the regulation and its intent. This is also where the public has the opportunity to express its support for, or opposition to, each regulation.

As a businessman, I am particularly concerned about the unintended effects that regulations may have on the business community. Since the majority of regulations have financial implications we, as Commissioners, determine if the impact of the regulation justifies the costs.

By itself, IRRC does not have the authority to stop the implementation of a regulation, that authority rests within the legislature. We do however shine light on deficiencies that we see within regulations and encourage the agency to fully consider changes or alternate approaches. This cooperative process, more often than not, helps to resolve problems and create a regulatory balance where all parties' interests are served.

And finally, to my colleagues, thank you for your support and confidence in electing me as Chairman. I promise that I will do my best to carry on the fine work of my predecessors. And to all those who participate in the regulatory process, thank you for your time, talent and efforts in making the Commonwealth a safe and prosperous place to live and work.



Chairman



COMMISSIONERS, EXECUTIVE DIRECTOR & CHIEF COUNSEL

The Independent Regulatory Review Commission consists of five commissioners - one appointed by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the Senate and one by the Minority Leader of the House of Representatives. The commissioners appointed by the four caucuses serve a three year term while the commissioner appointed by the Governor serves at the Governor's pleasure. A commissioner may not be a commonwealth employee or hold an elected or appointed position in Pennsylvania Government.

Chairman

Silvan B. Lutkewitte, III was appointed to the Commission in August of 2009 by the Honorable Samuel H. Smith, House Republican Floor Leader. He was elected Chairman in November 2010.

He is President and Chief Executive Officer of Targepeutics, Inc. and resides in Hershey, PA. He earned his BS from Villanova University.

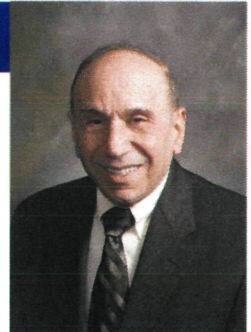


SILVAN B. LUTKEWITTE, III
CHAIRMAN

Commissioners

George Bedwick was appointed to the Commission in January of 2009 by the Honorable Keith R. McCall, Speaker of the House, and elected Vice-Chair of the Commission in April 2009.

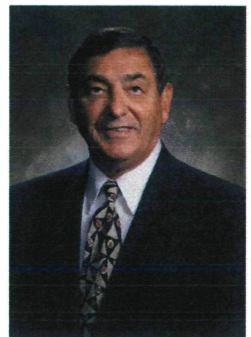
He is retired from the Pennsylvania House of Representatives where he served in positions that included Legislative Director for the Majority Leader and Legislative Counsel to the Minority and Majority Whip. He is also a former board member of the Pennsylvania Industrial Development Authority. He earned his BA from Kings College and his JD from Dickinson School of Law and he resides in Harrisburg, PA.



GEORGE BEDWICK
VICE CHAIRMAN

Arthur Coccodrilli was appointed to the Commission in 1996 by The Honorable Robert J. Mellow, Senate Democratic Floor Leader, and reappointed in February 2000, February 2003, February 2006 and March 2009.

He is a partner in the Snyder Granite Company and resides in Peckville, PA. He earned his BA in Political Science from Widener University.



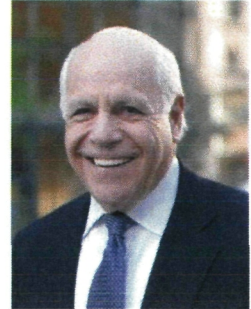
ARTHUR COCCODRILLI
COMMISSIONER

COMMISSIONERS, EXECUTIVE DIRECTOR & CHIEF COUNSEL

Commissioners

S. David Fineman was appointed to the Commission in May of 2009 by The Honorable Edward G. Rendell, Governor. He is a senior partner in the firm of Fineman, Krekstein & Harris. Former public service includes appointment as one of nine Governors of the U.S. Postal Service and Chairman of the Board of Governors, membership on the Industry Policy Committee advising the U.S. Secretary of Commerce, and service as a member of the Philadelphia Planning Commission.

He earned his BA from American University and his JD from George Washington University with honors. He resides in Philadelphia, PA.



S. DAVID FINEMAN, ESQ.
COMMISSIONER

John F. Mizner was appointed to the Commission in 1995 by The Honorable Thomas J. Ridge, Governor, and appointed in June 2005 by The Honorable John M. Perzel, Speaker of the House, and appointed in February 2009 by the Honorable Joseph B. Scarnati, III, President Pro Tempore of the Senate.

He practices law in Erie, PA and resides in Erie, PA. He earned his BA from St. Vincent College and his JD from the University of Pittsburgh School of Law.



JOHN F. MIZNER, ESQ.
COMMISSIONER

COMMISSIONERS, EXECUTIVE DIRECTOR & CHIEF COUNSEL

Executive Director

Kim Kaufman was appointed as the Executive Director in May of 2005. Prior to his appointment, he held a variety of positions both inside and outside of state government. He has extensive experience in economic development, including the creation or operation of government-based lending programs, micro-lending, loan guarantee and industrial revenue bond financing programs. He also has several years of experience in job retraining and the placement of displaced workers.

He has a Bachelor's Degree in Government and a Master's Degree in Public Administration from Shippensburg State College.



KIM KAUFMAN
EXECUTIVE DIRECTOR

Chief Counsel

Leslie A. Lewis Johnson was appointed as the Commission's Chief Counsel in July 2007; she was previously hired as Deputy Chief Counsel in 2006. Prior to 2006, Leslie had 14 years of experience with the Pennsylvania State System of Higher Education, where she served as legal counsel to Cheyney, East Stroudsburg, Kutztown and West Chester Universities. She was also an associate with the law firm of McNees Wallace & Nurick, LLC.

She earned her BA in Economics from Spelman College and her JD from the University of Pennsylvania Law School.



LESLIE A. LEWIS JOHNSON
CHIEF COUNSEL

PERSONNEL



Left to Right, First Row: Michaele A. Totino, Regulatory Analyst; Kathy Cooper, Administrative Assistant; Leslie A. Lewis Johnson, Chief Counsel; Fiona E. Wilmarth, Director of Regulatory; **Second Row:** James M. Smith, Regulatory Analyst; Kim Kaufman, Executive Director; Kristine M. Shomper, Director for Administration/Comptroller; Stephen F. Hoffman, Research Technician; Sarah E. Miller, Communications Manager; Wanda B. Gelnett, Administrative Assistant; Scott R. Schalles, Regulatory Analyst; Cheryl A. Yohn, Administrative Associate.

BUDGET

To carry out our activities our fiscal year appropriation in 09-10 was \$1,697,000 and \$1,680,000 for 10-11.



Vice Chairman Bedwick speaks at IRRC's legislative seminar



IRRC Public Meeting

FREQUENTLY ASKED QUESTIONS

What is the function of the Independent Regulatory Review Commission?

IRRC reviews proposed and final-form regulations from Pennsylvania state agencies for consistency with the criteria contained in the Regulatory Review Act. The criteria include the statutory authority for the agency to promulgate the regulation, consistency with the statute which the regulation implements, the economic and fiscal impact of the regulation and the reasonableness of the regulation.

How are Commissioners chosen for service?

There are five members of the Commission, each of whom is appointed by a different appointing authority. The appointing authorities are the Governor, the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. A commissioner may not be a Commonwealth employee or hold an elected or appointed position in state government. To see a current list of Commissioners, visit our commissioners' page on our website.

What are the standing committees of the General Assembly?

Both the House of Representatives and the Senate form standing committees of their members to oversee specific subjects, policy matters and agencies. One of the functions of a standing committee includes the review of regulations. (For example, the House and Senate Transportation committees review Penn DOT regulations.) The standing committee assignments and schedules can be found on the General Assembly's website www.legis.state.pa.us.

What regulations do IRRC review?

IRRC reviews regulations from all Pennsylvania state agencies, except regulations from the Senate, the House of Representatives, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, or any court, political subdivision, municipal or local authority.

What is the difference between the proposed rulemaking stage and the final-form rulemaking stage?

During the proposed rulemaking stage the public, the standing committees, and IRRC may submit comments on an agency's proposal. The proposed rulemaking stage allows individuals to provide the agency with suggestions on how the regulation may be improved. During the final-form stage, the standing committees and IRRC may vote to approve or disapprove the final-form regulation in its entirety. Members of the public are also provided the opportunity to comment on the final-form regulation at IRRC's public meeting.

Where can I find proposed regulations?

Proposed regulations are available on our website. They are also available from the agency proposing the regulation, or by visiting the *Pennsylvania Bulletin* website www.pabulletin.com. The Legislative Reference Bureau publishes all proposed regulations in the *Pennsylvania Bulletin*. The publication of the proposed regulation contains a preamble which explains the proposal, as well as the address where public comments may be sent. Generally, the public comment period lasts for 30 days.

What is a Regulatory Analysis Form and where can I find it?

The Regulatory Analysis Form, or RAF, is an informational form that accompanies all regulations submitted to IRRC and standing committees. The RAF identifies the pertinent background information the agency is required to provide under Section 5(a) of the Regulatory Review Act, including statutory authority, estimates of costs or savings, recordkeeping requirements and affected groups. The agency must also acknowledge whether the requirements imposed by the regulation are more stringent than those established under federal standards. Although the RAF is not published in the *Pennsylvania Bulletin* with the proposed or final-form regulation, the document is available from the agency and is included on our website with each submitted regulation. An example of the RAF can be downloaded on our website.

FREQUENTLY ASKED QUESTIONS

How do I submit comments on a proposed regulation?

You should comment to the agency during the public comment period specified in the proposed regulation's Preamble. This accomplishes several things. First, your comment will be part of the public record and must be forwarded by the agency to the standing committees and IRRC. Second, the agency must provide a written response to your comment in its submittal of the final-form regulation. Third, the agency will ask you if you want notice of the final-form regulation submittal. Finally, it gives IRRC the opportunity to review your comment in relation to our statutory criteria.

What is the best manner to provide written comments to IRRC?

IRRC accepts written comments on regulations by first-class mail, fax or email. Emailed comments should be addressed to irrc@irrc.state.pa.us.

The Commission's mailing address is:
333 Market Street,
14th Floor,
Harrisburg, PA 17101;

Fax number: (717) 783-2664.

Comments on final-form regulations should be received at least 48 hours prior to IRRC's public meeting. Be aware that comments are posted on our website.

What happens to my comment after IRRC receives it?

The Regulatory Review Act requires IRRC to maintain in our regulation files every comment received during the public comment period. Anyone may review our regulation files by accessing our website, coming to our office during normal business hours, or requesting a hard copy of a particular document or file via e-mail, fax or first-class mail. Our regulation files are publicly accessible for at least four years from the date the regulation is promulgated.

Please be aware that the Act does not allow IRRC to alter your comment in any way, even by redacting any personal information that might appear in your letter.

How does IRRC determine whether a regulation is in the public interest?

The criteria specified in the Regulatory Review Act (71 P.S. § 745.5b) are the foundation of IRRC's review of regulations. These criteria are included in IRRC's comments on a proposed regulation and must be considered by IRRC's Commissioners in determining whether a final-form regulation is in the public interest. The criteria include:

- Whether the agency has statutory authority to implement the regulation
- Whether the regulation is consistent with the legislative intent
- Economic and fiscal impact on the public and private sector
- Protection of the public health, safety and welfare
- Clarity, feasibility and reasonableness of the regulation
- Whether the regulation represents a policy decision requiring legislative review
- Comments, objections or recommendations of a standing committee
- Compliance with the Regulatory Review Act and IRRC regulations

Is there a time period for an agency to return a proposed regulation as a final-form regulation?

Yes. The agency has two years from the close of the public comment period to submit a final-form regulation. If the agency fails to meet this deadline, the regulation is considered withdrawn and the review process is concluded.

FREQUENTLY ASKED QUESTIONS

Is IRRC required to include all public comments in its comments on a regulation?

No. IRRC comments when it finds a proposed regulation is inconsistent with the criteria in the Regulatory Review Act based on legislative comment, public comment or its own review and research of the regulation. IRRC is not required to comment if a commentator does not clearly demonstrate a conflict with the criteria, or if IRRC disagrees with the commentator's issue. It should be noted that the agency must respond to all comments in the final-form submittal as required by the Regulatory Review Act.

How will I know if an agency submitted a final-form regulation to IRRC and the standing committees?

All individuals who submit comments on a proposed regulation will receive notice from the agency on how they can obtain information on the final-form regulation. When the agency submits the final-form regulation to IRRC and the standing committees, it must also send a copy of the final-form regulation or a summary of changes to the regulation to those who requested information. Additionally, you can subscribe to IRRC's website and automatically receive notice of documents received or submitted by IRRC.

Can IRRC amend a final-form regulation?

No. IRRC may only vote to either approve or disapprove a final-form regulation as submitted by the agency.

Is it possible to provide comments on a final-form regulation?

Yes. IRRC will review comments on a final-form regulation up to 48 hours prior to the beginning of IRRC's public meeting. Comments received after this time will be embargoed until the public meeting, unless those comments were submitted at the request of IRRC. If you wish to provide comments on a final-form regulation at the public meeting, you should contact the Commission office or visit our [meeting page](#) on our website to learn the date of the public meeting when the regulation will be considered.

What is the 48-hour blackout period?

The Regulatory Review Act provides for a blackout period before IRRC's public meeting. Unsolicited comments relating to the substance of a regulation on IRRC's current public meeting agenda will be embargoed during the 48 hours before the start of the meeting. The blackout does not apply to communication between IRRC and agency staff or Members of the General Assembly and legislative staff. IRRC may also request information from outside sources.

Can the Commission disapprove parts of a final-form regulation?

No. IRRC must either approve or disapprove a regulation in its entirety.

Do I need to register to speak at an IRRC public meeting?

It is not required that members of the public register to speak at an IRRC public meeting. However, it is recommended that you contact the office to indicate your intent to speak.

What happens after IRRC approves a final-form regulation?

IRRC will issue an order notifying the promulgating agency, the standing committees and the Legislative Reference Bureau of its approval. In most circumstances, the promulgating agency will then submit the approved regulation to the Office of the Attorney General for legal review. After the Attorney General approves the regulation, the agency will submit it to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The regulation becomes effective on the date it is published.

FREQUENTLY ASKED QUESTIONS

What happens when IRRC disapproves a final-form regulation?

IRRC will issue a disapproval order to the agency indicating the reasons for disapproval. The agency has three options after an initial disapproval. The agency may:

- 1) withdraw the regulation;
- 2) resubmit the regulation with revisions within 40 days of receipt of IRRC's disapproval order;
or,
- 3) submit the regulation without revisions to IRRC and the standing committees.

What is tolling?

Tolling allows an agency to request a 30-day "hold" in the process to make changes to a final-form regulation after it has been submitted to IRRC and standing committees. The agency may make only those changes recommended by the Commission and/or standing committees. Tolling may only occur prior to the expiration of the standing committees' 20-day review period. Review of the regulation will resume when the agency delivers to the Commission and the standing committees, within the 30-day tolling period, either the revised regulation or written notification that the regulation will not be revised. If the agency does not meet this 30-day deadline, the regulation is deemed withdrawn.

What is *sine die*?

"*Sine die*" is a Latin phrase meaning "without day." In Pennsylvania, it signifies final-form adjournment of a two-year legislative session.

How does *sine die* affect proposed regulations?

Sine die has no effect on the viability of proposed regulations. They expire only if the promulgating agency does not submit the final-form regulation within two years of the close of the public comment period.

Sine die does affect delivery rules for proposed regulations. Agencies may deliver proposed regulations to IRRC and the Legislative Reference Bureau in the period between *sine die* and the opening of the next legislative session; however, the Regulatory Review Act requires them to wait until a specified time period in the new legislative session to deliver proposed regulations to the standing committees.

How does *sine die* affect final-form regulations?

Sine die has no effect on the viability of pending final-form regulations. However, it does affect delivery rules for final-form regulations. Agencies may not deliver final-form regulations to IRRC and the standing committees in the period between *sine die* and the opening of the next legislative session. Instead, the Regulatory Review Act requires them to wait until a specified time period in the new legislative session to deliver final-form regulations to the reviewing entities.

What happens if *sine die* interrupts the standing committees' review of a final-form or final-omitted regulation?

The Regulatory Review Act provides that the standing committees shall have at least 20 days to consider final-form and final-omitted regulations. If *sine die* occurs before the 20 day period has lapsed, the promulgating agency must redeliver the regulation to the standing committees at a specified time in the new legislative session. The standing committees will then have no fewer than ten days to complete their review of the final-form or final-omitted regulation.

Proposed Regulations

The following chart lists the proposed regulations that the Commission received during 2010 along with regulations that were received in 2009, but acted on in 2010.

Of the 62 proposed regulations received in 2010, the 12 regulations that were received in 2009 with action in 2010, and the one regulation from 2008 that had its comment period reopened in 2010, 36 have already been delivered as final-form regulations as of December 31, 2010. They are noted with an asterisk and are listed in the Final Regulations section, beginning on page 27.

There are two ways that proposed regulations may be withdrawn from the review process. The first is by operation of law. Pursuant to Section 5.1(a) of the Regulatory Review Act, an agency has two years from the date of the close of the public comment period to submit the regulation in final-form. If the agency does not submit the final-form regulation within the two-year window, it is deemed withdrawn. The second is by agency action. At anytime during the two-year window, the promulgating agency may withdraw a proposed regulation. In 2010, six regulations were deemed withdrawn (W2Y) and one was withdrawn by the agency (WPA).

The Commission submitted comments on 53 of the 74 proposed regulations listed on the chart (excluding the seven regulations that were withdrawn). For the remaining 21 regulations, 16 did not conflict with the criteria for review contained in the Regulatory Review Act and comments were not submitted, and comments are due in 2011 for five of these regulations.

The chart is organized by agency and includes the department code and regulation number, the title of the regulation, the Commission's internal regulation number, a brief description of the regulation, and the date the Commission filed comments with the agency.

Footnotes for the following chart:

NONE Commission did not submit comments.

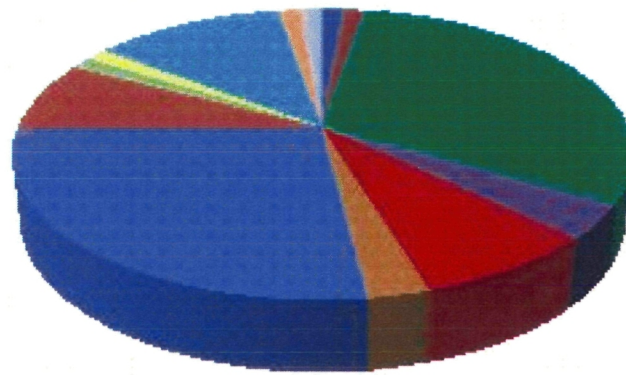
* Final-form regulation delivered in 2010.

OPEN Regulation received in 2010 with action due in 2011.

WPA **Withdrawn Prior to Action** – A regulation submitted as a proposed, final-form or final-omitted, but withdrawn prior to Commission action. A withdrawn proposed regulation may be submitted as a new proposed or final-omitted at any time. A withdrawn final-form may be submitted as a new final-form within two years after the close of the public comment period on the proposed form. A withdrawn final-omitted may be resubmitted as a new final-omitted at any time.

W2Y **Withdrawn Under Section 5.1(a)** – A regulation submitted as proposed, but not delivered in final-form within two years of the close of the public comment period.

2010 Proposed Regulations



■ Community and Economic Development - 1

■ Environmental Quality Board - 23

■ Public Welfare - 6

■ State (see chart below for breakout) - 20

■ Joint Committee on Documents - 1

■ Gaming Control Board - 9

■ State Employees' Retirement Board - 1

■ Board of Coal Mine Safety - 1

■ Labor and Industry - 3

■ Revenue - 2

■ Insurance - 6

■ Milk Marketing Board - 1

■ Philadelphia Parking Authority - 1

■ Bureau of Professional and Occupational Affairs - 3

■ State Board of Chiropractic - 2

■ State Board of Crane Operators - 1

■ State Board of Landscape Architects - 1

■ State Board of Massage Therapy - 1

■ State Board of Medicine - 2

■ State Board of Nursing - 2

■ State Board of Osteopathic Medicine - 1

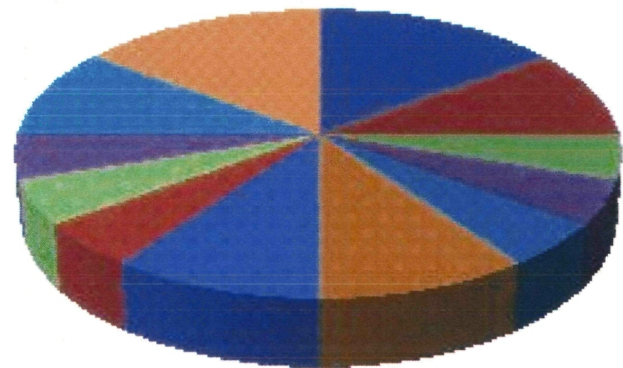
■ State Board of Podiatry - 1

■ State Board of Social Workers, Marriage and Family Therapists and Professional Counselors - 1

■ State Board of Veterinary Medicine - 2

■ State Real Estate Commission - 3

Department of State



PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

09/23/10	#4-92	Film Tax Credit	#2876	12/08/10
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Delineates actions necessary to comply with the Film Production Tax Credit requirements and the use and transfer of tax credits.

DEPARTMENT OF EDUCATION

04/24/08	#6-305	Auditing of Approved Private Schools and Chartered Schools for the Education of Deaf and Blind Children	#2693	06/02/10 W2Y
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Codifies interim audit standards and requires account records to be maintained in accordance with generally accepted accounting principles.

State Board of Education

04/10/08	#6-311	Program Approval	#2684	05/27/10 W2Y
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Establishes program approval requirements for certain educational programs offered by post-secondary degree-granting institutions in Pennsylvania.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Board of Coal Mine Safety

06/25/10	#7-455	Underground Coal Mine Safety	#2856	NONE
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Adds a new chapter to establish safety standards relating to coal mine operations.

Environmental Quality Board

10/06/09	#7-441	Air Quality Fee Schedules	#2800	01/20/10*
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Amends existing fee schedules and adds a new chapter relating to testing, auditing and monitoring fees.

10/06/09	#7-447	Flat Wood Paneling Surface Coating Processes	#2801	01/20/10*
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Limits emission of volatile organic compounds from the use and application of inks, coatings and adhesives, and the use of cleaning materials in flat wood paneling surface coating processes.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

10/06/09	#7-444	Outdoor Wood-Fired Boilers	#2802	03/15/10*
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Adds requirements for outdoor wood-fired boilers.

10/28/09	#7-445	Hazardous Waste Management System; Proposed Exclusion for Identification and Listing of Hazardous Waste	#2805	NONE*
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Amends an existing hazardous waste delisting.

10/28/09	#7-446	Wastewater Treatment Requirements	#2806	03/15/10*
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Establishes effluent limits for sources of wastewaters containing high concentrations of total dissolved solids.

10/28/09	#7-448	Paper, Film and Foil Surface Coating Processes	#2807	02/12/10*
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Amends existing regulations to limit volatile organic compound emissions from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes.

10/28/09	#7-442	Beneficial Use of Coal Ash	#2808	01/21/10*
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Establishes the standards, procedures and requirements that apply to the beneficial use of coal ash.

01/05/10	#7-449	Large Appliance and Metal Furniture Surface Coating Processes	#2813	04/21/10*
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Limits emissions of volatile organic compounds from the use and application of coatings and cleaning materials in large appliance and metal furniture coating processes.

01/27/10	#7-450	New Source Review	#2818	05/12/10
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Amends existing regulations to incorporate federal requirements pertaining to certain air contamination sources.

01/27/10	#7-443	National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance	#2819	04/14/10*
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Adds a new chapter to recognize and align the Commonwealth's regulations relating to discharges or treated sewage and industrial wastewater with the companion federal regulations.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

02/03/10	#7-451	Water Quality Standards Implementation	#2821	04/14/10*
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Codifies existing policy and guidance documents for nutrient credit trading related to nutrient and sedimentation pollution in the Chesapeake Bay.

02/24/10	#7-453	Administration of the Land Recycling Program	#2823	05/05/10*
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Updates numeric Statewide health-based standards relating to the cleanup of contaminated sites under the Land Recycling and Environmental Remediation Standard Act.

02/24/10	#7-454	Administration of the Uniform Environmental Covenants Act	#2824	05/05/10*
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Establishes requirements for the submission of an environmental covenant to the Department of Environmental Protection as demonstration of attainment or maintenance of an environmental remediation standard.

04/14/10	#7-438	Clarks Creek, et al; Stream Redesignations	#2834	NONE
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Updates the water quality designations of six streams or stream segments and makes a correction to the stream designation.

04/14/10	#7-452	Dam Safety and Waterway Management	#2835	06/23/10*
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Amends existing regulations to address dam safety concerns by clarifying provisions and amending outdated provisions.

04/21/10	#7-457	Ambient Water Quality Criterion; Chloride (Ch)	#2841	07/15/10
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Adopts the current national chloride criterion for the protection of aquatic life into Pennsylvania's water quality standards on a statewide basis.

04/21/10	#7-458	Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remining Financial Guarantees	#2842	07/01/10*
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Amends existing regulations to be consistent with federal mining regulations and amends regulations related to the Remining Financial Guarantee Program.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

04/27/10	#7-456	Unsuitable for Surface Mining; (Muddy Run)	#2845	NONE
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Designates an area within the headwaters of the Muddy Run watershed in Reade Township, Cambria County as unsuitable for surface mining operations.

06/25/10	#7-459	Oil and Gas Wells	#2857	09/08/10*
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Updates existing requirements regarding drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells.

08/18/10	#7-460	Noncoal Mining Fees	#2864	10/27/10
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Establishes permit application fees and administrative fees for the noncoal mining program.

08/31/10	#7-461	Stream Redesignations (Fishing Creek et al.)	#2872	NONE
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Amends the water quality designations of eight streams or stream segments.

09/13/10	#7-462	Commercial Fuel Oil Sulfur Limits for Combustion Units	#2874	12/29/10
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Lowers the allowable sulfur content of commercial fuel oil for use in combustion units and replaces the area specific sulfur content limits for commercial fuel oils with a statewide sulfur limit.

12/14/10	#7-467	Coal Mining Permit Fees	#2883	OPEN
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Provides a schedule of permit application fees for coal mining activities.

DEPARTMENT OF HEALTH

11/29/07	#10-186	Confidentiality of Patient Records and Information	#2654	01/14/10 W2Y
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Expands the amount of information treatment providers may release to other entities and clarifies the rules relating to confidentiality and disclosure of patient-identifying information.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF LABOR AND INDUSTRY

05/10/10	#12-78	Unemployment Compensation; Administration	#2847	07/21/10*
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Updates existing regulations to conform to current law and practice.

05/10/10	#12-74	Unemployment Compensation; Employee Provisions	#2846	07/21/10*
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Updates existing regulations to conform to current law and practice.

08/26/10	#12-93	Responsibilities of Employers	#2869	11/12/10
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Updates existing regulations to conform to current law and practice.

DEPARTMENT OF PUBLIC WELFARE

04/12/10	#14-518	Revisions to the Special Allowance for Supportive Services Requirements; Road to Economic Self-sufficiency Through Employment and Training (RESET) Program	#2833	06/23/10*
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Amends existing regulations pertaining to special allowance for supportive services for certain cash assistance or food stamp benefit recipients.

06/16/10	#14-519	Child Care Facilities	#2854	08/12/10 WPA
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Amends existing regulations relating to professional development for facility staff.

10/07/10	#14-522	Residential Treatment Facilities	#2878	12/22/10
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Codifies minimum licensing standards, medical assistance participation requirements, and payment conditions for residential treatment facilities into one chapter.

10/07/10	#14-521	Psychiatric Rehabilitation Services	#2879	12/22/10
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Codifies minimum standards for the issuance of licenses for psychiatric rehabilitation services in facilities operated in the Commonwealth.

10/22/10	#14-524	Participation Review Process for Medical Assistance Nursing Facilities	#2880	OPEN
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Establishes the process for nursing facilities to submit requests to enroll in the Medical Assistance (MA) Program, add MA beds or transfer MA beds to an affiliated facility.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF PUBLIC WELFARE *continued*

10/28/10	#14-520	Transition to RUG-III Version 5.12 and Latest Assessment	#2881	OPEN
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Changes the source of the data and the classification system that is used in determining nursing facility residents' case-mix indices.

DEPARTMENT OF REVENUE

03/29/10	#15-448	Personal Income Tax – Innocent Spouse Relief	#2829	06/09/10*
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Establishes a new regulation to clarify the Department's policy, provide uniformity and guidance on innocent spouse relief for personal income tax.

05/26/10	#15-449	Return and Payment of Tax	#2852	08/11/10
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Clarifies the Department's policy on the form of return taxpayers are required to submit for Pennsylvania Personal Income Tax and clarifies instructions for taxpayers regarding reporting requirements.

08/13/08	#15-444	Malt Beverage Tax	#2715	09/22/10 W2Y
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Codifies legislative changes relating to the malt beverage tax that were set forth in Act 46 of 2003.

DEPARTMENT OF STATE

Bureau of Professional and Occupational Affairs

04/21/10	#16A-6804	Schedule of Civil Penalties - Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired	#2839	NONE*
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Codifies the schedule of civil penalties pertaining to practicing on a lapsed license and adds a schedule of civil penalties for failing to complete continuing education.

04/27/10	#16A-51	Schedule of Civil Penalties - Veterinarians and Veterinary Technicians	#2844	07/07/10*
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Codifies civil penalties for violations of the Veterinary Medicine Practice Act.

08/27/10	#16A-46	Schedule of Civil Penalties for Violations of the Clean Indoor Air Act	#2870	NONE
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Establishes civil penalties for violations of the Clean Indoor Air Act.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF STATE *continued*

State Board of Chiropractic

03/11/10	#16A-4315	Review of Chiropractic Treatment	#2826	05/26/10
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Sets forth standards for a licensed chiropractor to follow in conducting independent chiropractic examinations or chiropractic peer reviews.

04/08/10	#16A-4316	Assistance of Unlicensed Supportive Personnel	#2832	06/23/10
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Identifies activities and duties that unlicensed supportive personnel may perform under the supervision of a licensed chiropractor.

State Board of Crane Operators

05/25/10	#16A-7101	Crane Operators; Initial Rulemaking	#2850	08/05/10*
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Implements the Crane Operators Licensure Act.

State Board of Landscape Architects

01/14/10	#16A-619	Fees – Landscape Architect	#2815	NONE*
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Increases biennial renewal fees for landscape architects.

State Board of Massage Therapy

04/27/10	#16A-721	Massage Therapy	#2843	07/07/10*
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Addresses education and qualifications for licensure, licensure renewal, continuing education, and scope and standards of practice for massage therapists.

State Board of Medicine

02/02/10	#16A-4929	Behavior Specialist	#2820	04/14/10
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Establishes certification requirements for behavior specialists.

05/11/10	#16A-4931	Perfusionist	#2848	07/21/10
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Implements the licensure of perfusionists.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF STATE *continued*

State Board of Nursing

12/07/09	#16A-5136	Biennial Renewal Fees	#2809	02/18/10*
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Increases biennial renewal fees for licensed practical nurses, professional nurses, certified registered nurse practitioners and licensed dietitian nutritionists.

04/21/10	#16A-5122	IV Therapy Functions for Licensed Practical Nurses	#2840	07/01/10
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Establishes the requirements for licensed practical nurses to perform nursing functions involving intravenous access devices.

State Board of Osteopathic Medicine

05/11/10	#16A-5320	Perfusionist	#2849	07/21/10
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Implements the licensure of perfusionists.

State Board of Podiatry

12/09/09	#16A-4410	Continuing Education	#2811	02/18/10*
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Increases the biennial continuing education requirements for podiatrists.

State Board of Social Workers, Marriage and Family Therapists and Professional Counsellors

04/08/10	#16A-6916	Licensed by Endorsement; Hours of Supervised Clinical Experience	#2831	06/23/10
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Amends existing regulations to reflect statutory amendments relating to licensure by endorsement and hours of supervised clinical experience required for licensure.

State Board of Veterinary Medicine

07/14/10	#16A-5724	License Renewal; Continuing Education	#2858	09/22/10
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Addresses licensure for individuals who graduated from a school of veterinary medicine not accredited by the American Veterinary Medicine Association; clarifies license renewal procedures and penalties; and updates continuing education requirements.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF STATE *continued*

State Board of Veterinary Medicine *continued*

08/17/10	#16A-5718	Dental Procedures	#2863	10/27/10
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Clarifies the dental procedures that may be performed by unlicensed veterinary assistants, certified veterinary technicians and veterinary technician specialists.

State Real Estate Commission

12/07/09	#16A-5615	Initial Licensure Fees	#2810	02/18/10*
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Amends the fee structure for initial licensure.

04/21/10	#16A-5618	Seller Property Disclosure Statement	#2838	07/01/10*
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Adds a seller property disclosure statement to the Commission's regulations and adds the duties of licenses under the Real Estate Seller Disclosure Law.

08/27/10	#16A-5613	Education	#2871	11/12/10
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Updates education requirements for licenses and providers of real estate education.

INSURANCE DEPARTMENT

12/14/09	#11-240	Education and Training for Applicants and Insurance Producers	#2812	02/24/10*
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Clarifies existing training and education requirements for insurance producers and adds new requirements for insurers and producers writing long term care insurance and producers selling flood insurance.

05/25/10	#11-243	Standards to Define Insurers Deemed to be in Hazardous Financial Condition	#2851	NONE*
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Updates and clarifies standards used to identify insurers in hazardous financial condition and specify corrective actions to be taken to minimize the number and impact of insurance insolvencies.

08/16/10	#11-245	Property and Casualty Actuarial Opinion	#2862	NONE*
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Establishes requirements for statements of actuarial opinion and related documents filed by property and casualty insurers with the Department.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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INSURANCE DEPARTMENT *continued*

08/24/10	#11-244	Actuarial Opinion and Memorandum	#2866	NONE*
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Updates existing regulations pertaining to actuarial opinions to include amendments made by the National Association of Insurance Commissioners to its model rule.

08/24/10	#11-246	Recognition of the 2001 CSO Mortality Table and the 2001 CSO Preferred Class Structure Mortality Table For Use in Determining Minimum Reserve Liabilities	#2867	NONE*
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Updates existing regulations to reflect amendments to the National Association of Insurance Commissioners model rule relating to mortality tables used to determine minimum reserve liabilities.

08/24/10	#11-247	Valuation of Life Insurance Policies	#2868	NONE*
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Updates existing regulations to reflect amendments made to a National Association of Insurance Commissioners model rule which remove restrictions on mortality adjustment factors.

JOINT COMMITTEE ON DOCUMENTS

07/27/10	#53-9	Preliminary Provisions; Definitions	#2861	10/07/10
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Adds a definition of the term "copy."

MILK MARKETING BOARD

05/27/10	#47-14	Transactions Between Dealers and Producers	#2853	NONE*
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Establishes regulations to govern the weighing and sampling of milk when it is loaded directly from the milking parlor or milkhouse on a dairy farm into a movable bulk milk tanker for transportation.

PENNSYLVANIA GAMING CONTROL BOARD

01/06/10	#125-108	Principal Licensing Amendments	#2814	03/18/10*
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Amends existing regulations to improve clarity and eliminate or reduce certain requirements related to obtaining a principal license.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA GAMING CONTROL BOARD *continued*

02/20/08	#125-82	Independent Audit Committee	#2676	03/31/10 W2Y
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Adds provisions requiring non-publicly traded corporations to establish an independent audit committee.

09/13/10	#125-129	Gaming Junket Amendments	#2873	NONE
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Amends several chapters to comply with statutory revisions, improve clarity, and eliminate or reduce registration or application requirements for certain entities and individuals.

12/21/10	#125-137	Table Game Equipment	#2884	OPEN
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Sets forth minimum design standards for all gaming chips, plaques, dice, cards, shufflers, Pai Gow tiles and Sic Bo shakers, and establishes requirements for the receipt, storage, distribution, inventory and destruction of the equipment.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

10/06/09	#57-268	Natural Gas Distribution Company; Business Practices	#2798	01/15/10
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Establishes common business practices for the statewide retail natural gas markets.

02/18/10	#57-271	Utilities; Service Outage Response and Restoration Practices	#2822	05/05/10
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Amends existing regulations pertaining to service outage and restoration in the electric, gas and water industries.

03/04/10	#57-267	Streamlining the Rate Increase Procedures for Small Motor Carriers	#2825	05/19/10
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Streamlines the current procedures for rate increase requests submitted by motor passenger carriers with gross operating revenues less than \$500,000.

04/15/10	#57-273	Default Service Regulations	#2837	07/15/10
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Updates existing regulations to be consistent with amendments to authorizing statute.

01/30/08	#57-257	Universal Services and Energy Conservation Reporting Requirements and Customer Assistance Programs	#2674	05/19/08 07/02/10
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Establishes a unified process for universal service funding for natural gas distribution & electric distribution companies.

PROPOSED REGULATIONS

DATE RECEIVED	AGENCY & REGULATION #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA PUBLIC UTILITY COMMISSION *continued*

09/28/10	#57-278	Call Recording for Telephone Companies	#2877	12/23/10
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Establishes conditions under which jurisdictional telephone utilities could record customer communications for training and quality of service purposes.

PHILADELPHIA PARKING AUTHORITY

12/28/10	#126-1	Philadelphia Taxicab and Limousine Regulations	#2885	OPEN
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Establishes regulations applicable to Philadelphia taxicab and limousine service providers relating to practice and procedure, driver training, vehicle condition and inspection, sale of rights and minimum insurance requirements.

STATE EMPLOYEES' RETIREMENT BOARD

01/18/08	#31-9	Electronic Submission of Documents and Electronic Transactions	#2670	03/03/10 W2Y
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Permits members to submit documents electronically if the Board chooses to adopt a policy to authorize it.

04/14/10	#31-13	Exemption from Execution; Assignment of Rights	#2836	NONE
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Removes obsolete language.

Final Regulations

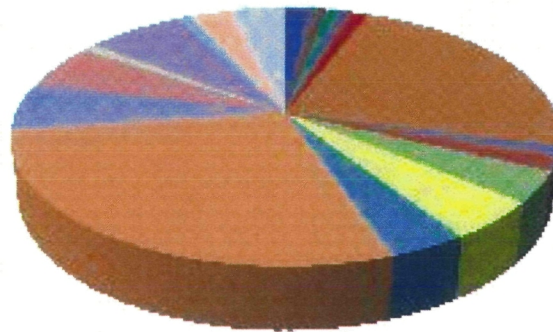
The following chart lists the 95 final-form and 11 final-omitted regulations submitted to the Commission in 2010 along with regulations that were received in 2009 but acted on in 2010.

The regulations are listed by agency and include the department code and regulation number, the title of the regulation, the Commission's internal regulation number, a brief description of the regulation, the date received and/or resubmitted, the date the Commission filed comments with the agency, and the Commission's final action code and date. We have marked "N/A" in the Comments Filed column for final-omitted regulations and "None" for final-form regulations on which we did not comment during the proposed stage.

The following is an explanation of the action codes in this section:

- APP** **Approved** – The final regulation was approved upon initial consideration.
- ABL** **Approved by Law** – The final regulation was deemed approved because the Commission did not submit any comments on the proposed regulation, the regulation was not modified from its proposed form and the designated standing committees did not disapprove the final regulation.
- DIS** **Disapproved** – IRRC disapproves final regulation at first meeting.
- OPEN** Regulation received in 2010 with action due in 2011.
- TOL** **Tolled** – A temporary timeout to stop the running of time lines.
- WPA** **Withdrawn Prior to Action** – A regulation submitted as a proposed, final-form or final-omitted, but withdrawn prior to Commission action. A withdrawn proposed regulation may be submitted as a new proposed or final-omitted at any time. A withdrawn final-form may be submitted as a new final-form within two years after the close of the public comment period on the proposed form. A withdrawn final-omitted may be resubmitted as a new final-omitted at any time.

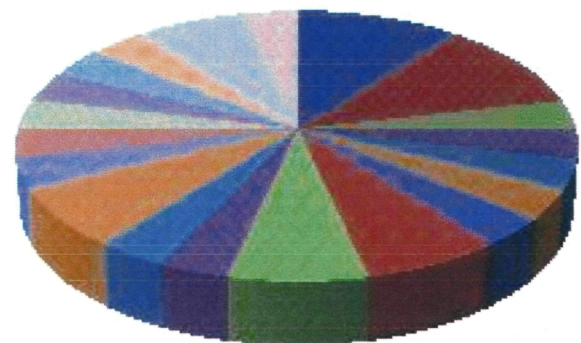
2010 Final-Form and Final-Omitted Regulations



- Banking - 2
- Corrections - 1
- State Board of Education - 1
- General Services - 1
- Labor and Industry - 4
- Revenue - 4
- Transportation - 6
- Milk Marketing Board - 1
- Liquor Control Board - 1
- State Employees' Retirement Board - 4
- Community and Economic Development - 1
- Education - 1
- Environmental Quality Board - 24
- Health - 2
- Public Welfare - 5
- State (see chart below for breakout) - 29
- Insurance - 6
- Gaming Control Board - 7
- Public Utility Commission - 3

- State - 3
- Bureau of Professional and Occupational Affairs - 3
- State Board of Barber Examiners - 1
- State Board of Certified Real Estate Appraisers - 1
- State Board of Chiropractic - 1
- State Board of Crane Operators - 1
- State Board of Dentistry - 1
- State Board of Examiners of Nursing Home Admin - 2
- State Board of Funeral Directors - 2
- State Board of Landscape Architects - 1
- State Board of Massage Therapy - 1
- State Board of Nursing - 2
- State Board of Osteopathic Medicine - 1
- State Board of Physical Therapy - 1
- State Board of Podiatry - 1
- State Board of Psychology - 1
- St. Bd. of Social Workers, Marriage & Family Therapists & Professional Counselors - 1
- State Board of Veterinary Medicine - 1
- State Real Estate Commission - 2
- St. Registration Bd. for Professional Engineers, Land Therapists & Professional Counselors - 1

Department of State



FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF AGRICULTURE

06/30/10 07/14/10	#2-170	Canine Health Board Standards for Commercial Kennels	#2785	11/30/09	07/14/10 WPA 08/19/10 APP
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Establishes standards for commercial kennel operations.

08/31/10	#2-149	Pesticides	#2793	11/25/09	10/07/10 APP
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Clarifies and updates existing regulations.

09/03/10 11/22/10	#2-160	Milk Sanitation	#2777	10/30/09	10/07/10 DIS 12/16/10 APP
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Updates milk sanitation regulations to reflect developments in food science and technology and align the regulations with federal regulatory standards.

DEPARTMENT OF BANKING

03/25/10	#3-46	General Provisions Hearings and Conferences	#2827	N/A	05/13/10 APP
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Deletes obsolete regulations.

03/25/10	#3-47	Mortgage Licensee Continuing Education	#2828	N/A	05/13/10 APP
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Deletes obsolete regulations.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

01/14/10	#4-91	Industrialized Housing	#2776	09/30/09	02/25/10 APP
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Clarifies the Department's and third parties' roles in monitoring the production of industrialized housing, eliminates redundant requirements, updates definitions and addresses documentation to identify approved manufacturers.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF CORRECTIONS

04/07/10	#19-12	Inmate Correspondence	#2830	N/A	05/13/10 APP
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Amends existing regulations relating to inmate correspondence.

DEPARTMENT OF EDUCATION

01/27/10 04/07/10	#6-319	Pennsylvania Pre-K Counts Requirements, Standards and Procedures	#2817	N/A	03/08/10 TOL 05/13/10 APP
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Establishes standards and procedures for the Pennsylvania Pre-K Counts grant program.

State Board of Education

07/16/10	#6-322	Academic Standards and Assessment	#2859	N/A	08/19/10 APP
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Revises the Commonwealth's academic standards in Reading, Writing, Speaking and Listening and Mathematics.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Quality Board

01/25/10	#7-434	Environmental Laboratory Accreditation	#2770	08/19/09	02/25/10 APP
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Amends existing regulations governing environmental laboratory accreditation to improve clarity and update fees.

01/25/10	#7-436	Blue Eye Run, et al. (Water Quality Network (WQN) Package); Stream Redesignations	#2771	NONE	02/24/10 ABL
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Updates water quality designations for seven streams or stream segments.

04/12/10	#7-419	Control of NOx Emissions from Cement Kilns	#2682	07/23/08	05/13/10 APP
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Revises existing nitrogen oxides emission limits for cement kilns.

04/12/10	#7-420	Control of NOx Emissions from Glass Melting Furnaces	#2683	07/23/08	05/13/10 APP
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Establishes nitrogen oxides emission control requirements, standards and limitations for glass melting furnaces during the ozone season.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

05/17/10	#7-440	Erosion and Sediment Control and Stormwater Management	#2783	12/30/09	06/17/10 APP
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Updates existing erosion and sediment control regulations relating to agricultural planning, stormwater management, buffer provisions and a permit-by-rule option.

05/17/10	#7-446	Wastewater Treatment Requirements	#2806	03/15/10	06/17/10 APP
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Establishes effluent limits for sources of wastewaters containing high concentrations of total dissolved solids.

06/30/10	#7-433	Administration of the Water and Wastewater Systems Operators' Certification Program	#2774	10/09/09	08/05/10 APP
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Establishes a new chapter to implement provisions of the Water and Wastewater Systems Operators' Certification Act.

06/30/10	#7-445	Hazardous Waste Management System; Proposed Exclusion for Identification and Listing of Hazardous Waste	#2805	NONE	08/05/10 APP
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Amends an existing hazardous waste delisting.

06/30/10	#7-449	Large Appliance and Metal Furniture Surface Coating Processes	#2813	04/21/10	08/05/10 APP
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Limits emissions of volatile organic compounds from the use and application of coatings and cleaning materials in large appliance and metal furniture coating processes.

07/16/10	#7-444	Outdoor Wood-Fired Boilers	#2802	03/15/10	08/19/10 APP
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Adds requirements for outdoor wood-fired boilers.

07/16/10	#7-443	National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance	#2819	04/14/10	08/19/10 APP
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Adds a new chapter to recognize and align the Commonwealth's regulations relating to discharges or treated

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

07/16/10	#7-451	Water Quality Standards Implementation	#2821	04/14/10	08/19/10 APP
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Codifies existing policy and guidance documents for nutrient credit trading related to nutrient and sedimentation pollution in the Chesapeake Bay.

09/17/10	#7-465	Mercury Emissions: Repeal	#2875	N/A	10/21/10 APP
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Repeals existing regulations on mercury emissions.

09/20/10	#7-448	Paper, Film and Foil Surface Coating Processes	#2807	02/12/10	10/21/10 APP
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Amends existing regulations to limit volatile organic compound emissions from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes.

09/20/10	#7-442	Beneficial Use of Coal Ash	#2808	01/21/10	10/21/10 APP
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Establishes the standards, procedures and requirements that apply to the beneficial use of coal ash.

09/20/10	#7-453	Administration of the Land Recycling Program	#2823	05/05/10	10/21/10 APP
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Updates numeric Statewide health-based standards relating to the cleanup of contaminated sites under the Land Recycling and Environmental Remediation Standard Act.

09/20/10	#7-454	Administration of the Uniform Environmental Covenants Act	#2824	05/05/10	10/21/10 APP
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Establishes requirements for the submission of an environmental covenant to the Department of Environmental Protection as demonstration of attainment or maintenance of an environmental remediation standard.

10/01/10	#7-447	Flat Wood Paneling Surface Coating Processes	#2801	01/20/10	11/04/10 APP
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Limits emission of volatile organic compounds from the use and application of inks, coatings and adhesives, and the use of cleaning materials in flat wood paneling surface coating processes.

10/01/10	#7-437	Lead and Copper Rule Short Term Revisions	#2790	11/25/09	11/04/10 APP
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Amends the lead and copper provisions of the existing Safe Drinking Water regulations to incorporate federal requirements.

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Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

10/01/10	#7-428	Adhesives, Sealants, Primers and Solvents	#2755	07/08/09	11/04/10 APP
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Adds volatile organic compound emission limits for 37 categories of products that are currently unregulated in Pennsylvania and adds requirements for preparation and clean up solvents.

10/12/10	#7-459	Oil and Gas Wells	#2857	09/08/10	11/18/10 APP
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Updates existing requirements regarding drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells.

10/12/10	#7-452	Dam Safety and Waterway Management	#2835	06/23/10	11/18/10 APP
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Amends existing regulations to address dam safety concerns by clarifying provisions and amending outdated provisions.

11/23/10	#7-458	Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remining Financial Guarantees	#2842	07/01/10	OPEN
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Amends existing regulations to be consistent with federal mining regulations and amends regulations related to the Remining Financial Guarantee Program.

11/23/10	#7-441	Air Quality Fee Schedules	#2800	01/20/10	OPEN
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Amends existing fee schedules and adds a new chapter relating to testing, auditing and monitoring fees.

DEPARTMENT OF GENERAL SERVICES

09/27/10	#8-14	State Metrology Laboratory Fee Schedule	#2796	12/09/09	11/04/10 APP
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Amends the schedule of fees for metrology laboratory calibration, type evaluation and other services.

DEPARTMENT OF HEALTH

01/28/10 03/22/10	#10-181	School Immunizations; Communicable and Noncommunicable Diseases	#2672	04/23/08	03/03/10 WPA 04/22/10 APP
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Revises immunization requirements for children in child care group settings.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF HEALTH *continued*

07/27/10	#10-191	Physician Assistants and Certified Registered Nurse Practitioners	#2860	N/A	09/16/10 APP
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Removes the requirement that a certified registered nurse practitioner's documentation on a resident's record must be countersigned by the collaborating physician within seven days.

DEPARTMENT OF LABOR AND INDUSTRY

06/08/10	#12-76	Propane and Liquefied Petroleum Gas	#2775	09/23/09	07/15/10 APP
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Implements provisions of the Propane and Liquefied Petroleum Gas Act and regulates the storage, transfer, sale and use of liquefied petroleum gas.

06/23/10	#12-85	Workers' Compensation; Individual Self-Insurance	#2758	07/01/09	08/05/10 APP
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Updates and clarifies existing regulations governing the administration of self-insurance for individual employers under the Workers' Compensation Act.

11/09/10	#12-74	Unemployment Compensation; Employee Provisions	#2846	07/21/10	12/16/10 APP
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Updates existing regulations to conform to current law and practice.

11/09/10	#12-78	Unemployment Compensation; Administration	#2847	07/21/10	12/16/10 APP
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Updates existing regulations to conform to current law and practice.

DEPARTMENT OF PUBLIC WELFARE

03/11/10	#14-513	Family Violence and TANF and GA; and Support From Relatives Not Living With the Client	#2713	10/15/08	04/22/10 APP
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Adds a new chapter to codify requirements that support victims of domestic violence who apply for or receive Temporary Assistance for Needy Families or General Assistance cash assistance programs.

05/03/10	#14-514	Assisted Living Residences	#2712	10/15/08	06/03/10 APP
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Establishes minimum standards for building, equipment, operation, care, programs and services, training, staffing and for the issuance of licenses for assisted living residences.

FINAL REGULATIONS

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DEPARTMENT OF PUBLIC WELFARE *continued*

05/27/10	#14-512	Individual Support Plan for Individuals with Mental Retardation	#2687	06/26/08	07/15/10 APP
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Updates and clarifies existing regulations regarding the comprehensive plan to provide services for individuals with mental retardation.

08/25/10	#14-518	Revisions to the Special Allowance for Supportive Services Requirements; Road to Economic Self-sufficiency Through Employment and Training (RESET) Program	#2833	06/23/10	10/07/10 APP
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Amends existing regulations pertaining to special allowance for supportive services for certain cash assistance or food stamp benefit recipients.

09/13/10	#14-516	Nonpublic and County Nursing Facilities	#2778	NONE	10/21/10 APP
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Amends the payment methodology for Medical Assistance nursing facility services; streamlines and simplifies rate-setting for non-public facilities; and eliminates obsolete provisions.

DEPARTMENT OF REVENUE

01/25/10	#15-446	Clothing	#2751	NONE	02/24/10 ABL
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Amends rules pertaining to the taxability of clothing.

04/07/10	#15-445	Amended Report - Corporation Taxes	#2750	05/06/09	05/13/10 APP
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Establishes procedures for filing amended corporate tax reports.

09/10/10	#15-448	Personal Income Tax - Innocent Spouse Relief	#2829	06/09/10	10/21/10 APP
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Establishes a new regulation to clarify the Department's policy, provide uniformity and guidance on innocent spouse relief for personal income tax.

11/03/10	#15-450	Amendments to Pennsylvania Gaming Cash Flow Management	#2882	N/A	12/16/10 APP
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Provides for accurate accounting and collection of revenues due the Commonwealth from table gaming operations.

FINAL REGULATIONS

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DEPARTMENT OF STATE

04/13/10	#16-50	Biennial Filing Fee	#2799	12/16/09	06/03/10 APP
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Increases the biennial registration fee for individuals and entities required to be registered under the Lobbying Disclosure Act from \$100 to \$200.

09/03/10 11/24/10	#16-43	Schedule of Civil Penalties - Engineers, Land Surveyors and Geologists	#2764	07/01/09	10/07/10 DIS 12/16/10 APP
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Amends the schedule of civil penalties to include failure to complete the required amount of mandatory continuing education.

09/03/10 11/24/10	#16-44	Schedule of Civil Penalties - Chiropractors	#2791	11/25/09	10/07/10 DIS 12/16/10 APP
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Amends the schedule of civil penalties to include failure to complete the required amount of continuing education and practice on a lapsed license.

Bureau of Professional and Occupational Affairs

06/25/10 09/22/10	#16A-47	Schedule of Civil Penalties - Funeral Directors and Funeral Establishments	#2761	07/01/09	08/05/10 DIS 10/21/10 DIS
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Amends the schedule of civil penalties to include failure to complete the required amount of mandatory continuing education.

09/10/10	#16A-6804	Schedule of Civil Penalties - Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired	#2839	NONE	10/20/10 ABL
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Codifies the schedule of civil penalties pertaining to practicing on a lapsed license and adds a schedule of civil penalties for failing to complete continuing education.

09/10/10	#16A-51	Schedule of Civil Penalties - Veterinarians and Veterinary Technicians	#2844	07/07/10	10/21/10 APP
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Codifies civil penalties for violations of the Veterinary Medicine Practice Act.

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DEPARTMENT OF STATE *continued*

State Board of Barber Examiners

09/30/10	#16A-427	Student Records and Curriculum	#2726	NONE	11/03/10 ABL
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Amends recordkeeping and reporting requirements for barbershops and barber schools.

State Board of Certified Real Estate Appraisers

04/19/10	#16A-7015	Appraiser Trainees; Initial and Continuing Education; Supervised Experience; Practice Standards	#2789	11/18/09	06/03/10 APP
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Establishes requirements for licensure of appraiser trainees; revises initial and continuing education and supervised experience requirements for appraisers and evaluators; and revises appraiser practice standards.

State Board of Chiropractic

09/03/10 11/24/10	#16A-4318	Continuing Education Violations	#2792	11/25/09	10/07/10 DIS 12/16/10 APP
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Allows a licensee who has not completed the required amount of continuing education to renew subject to being issued a citation and making up the credits within six months.

State Board of Crane Operators

09/30/10	#16A-7101	Crane Operators; Initial Rulemaking	#2850	08/05/10	11/04/10 APP
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Implements the Crane Operators Licensure Act.

State Board of Dentistry

02/22/10	#16A-4620	Clinical Examinations	#2794	NONE	04/07/10 ABL
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Permits applicants to licensure by examination to pass any one of five clinical examinations administered by a regional testing agency.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF STATE *continued*

State Board of Examiners of Nursing Home Administrators

04/05/10	#16A-629	Temporary Permits	#2678	05/07/08	05/13/10 APP
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Clarifies and updates existing regulations relating to temporary permits to practice as a nursing home administrator.

04/05/10	#16A-6212	Continuing Education	#2747	04/22/09	05/13/10 APP
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Updates and clarifies existing continuing education requirements.

State Board of Funeral Directors

10/06/09 01/07/10	#16A-4816	Preneed Activities of Unlicensed Employee	#2639	11/28/07	11/19/09 DIS 02/25/10 DIS
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Establishes requirements, procedures and standards for the activities of unlicensed employees in assisting funeral directors with preneed business.

06/25/10 09/22/10	#16A-4818	Continuing Education Enforcement	#2760	07/01/09	08/05/10 DIS 10/21/10 DIS
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Updates and clarifies continuing education requirements.

State Board of Landscape Architects

07/29/10	#16A-619	Fees – Landscape Architect	#2815	NONE	09/15/10 ABL
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Increases biennial renewal fees for landscape architects.

State Board of Massage Therapy

09/15/10 10/18/10	#16A-721	Massage Therapy	#2843	07/07/10	10/06/10 WPA 11/18/10 APP
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Addresses education and qualifications for licensure, licensure renewal, continuing education, and scope and standards of practice for massage therapists.

FINAL REGULATIONS

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DEPARTMENT OF STATE *continued*

State Board of Nursing

04/19/10	#16A-5133	Clinical Nurse Specialists	#2700	08/13/08	06/03/10 APP
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Sets forth requirements for the certification and renewal of certification for clinical nurse specialists.

06/10/10	#16A-5136	Biennial Renewal Fees	#2809	02/18/10	07/15/10 APP
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Increases biennial renewal fees for licensed practical nurses, professional nurses, certified registered nurse practitioners and licensed dietitian nutritionists.

State Board of Osteopathic Medicine

01/14/10	#16A-5322	Reduction of Biennial Fee for Osteopathic Physicians	#2816	N/A	02/25/10 APP
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Decreases the biennial renewal fees from \$440 to \$220 for Osteopathic Medicine Physicians.

State Board of Physical Therapy

07/27/10	#16A-6513	Continuing Education Providers	#2786	11/18/09	09/16/10 APP
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Amends provisions relating to approval of continuing education courses and sponsors of continuing education.

State Board of Podiatry

08/13/10	#16A-4410	Continuing Education	#2811	02/18/10	09/16/10 APP
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Increases the biennial continuing education requirements for podiatrists.

State Board of Psychology

03/11/10	#16A-6315	Qualifications	#2763	07/01/09	04/22/10 APP
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Updates the examination, education and experience requirements for licensed psychologists.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF STATE *continued*

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

07/14/10	#16A-6911	Code of Ethical Practice and Standards of Professional Conduct	#2701	08/13/08	08/19/10 APP
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Sets forth professional practice and conduct standards relating to the responsibility of a licensee to clients and patients.

State Registration Board for Professional Engineers, Land Surveyors and Geologists

09/03/10 11/24/10	#16A-4710	Continuing Education	#2762	07/01/09	10/07/10 DIS 12/16/10 APP
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Establishes continuing education requirements for licensed engineers, land surveyors and geologists.

State Board of Veterinary Medicine

03/11/10 06/07/10	#16A-5723	Biennial Renewal Fees	#2788	11/18/09	04/22/10 DIS 07/15/10 APP
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Establishes an incremental biennial renewal fee increase for veterinarians and veterinary technicians over the next two biennial renewal periods.

04/19/10	#16A-5722	Responsibility to Clients and Patients	#2787	11/18/09	06/03/10 APP
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Updates the Rules of Professional Conduct for veterinarians.

State Real Estate Commission

05/25/10	#16A-5615	Initial Licensure Fees	#2810	02/18/10	07/15/10 APP
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Amends the fee structure for initial licensure.

09/10/10	#16A-5618	Seller Property Disclosure Statement	#2838	07/01/10	10/21/10 APP
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Adds a seller property disclosure statement to the Commission's regulations and adds the duties of licenses under the Real Estate Seller Disclosure Law.

FINAL REGULATIONS

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DEPARTMENT OF TRANSPORTATION

12/23/09 07/07/10	#18-411	School Bus Drivers	#2704	08/27/08	02/23/10 WPA 08/19/10 APP
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Updates the medical requirements and standards for school bus drivers diagnosed with diabetes mellitus.

12/23/09 07/07/10	#18-410	Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers	#2705	08/27/08	02/23/10 WPA 08/19/10 APP
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Updates the minimum medical requirements and standards for licensed drivers who are being treated for diabetes mellitus.

12/29/09 01/22/10	#18-413	Interstate Motor Carrier Safety Requirements	#2744	04/22/09	01/22/10 WPA 02/25/10 APP
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Amends existing regulations to ensure that Pennsylvania's regulations are consistent with the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations.

12/29/09 01/22/10	#18-414	Intrastate Motor Carrier Safety Requirements	#2745	04/22/09	01/22/10 WPA 02/25/10 APP
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Amends existing regulations to ensure that Pennsylvania's regulations are consistent with the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations.

07/21/10 08/20/10	#18-409	Air Transportation	#2710	10/08/08	08/20/10 TOL 09/16/10 APP
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Provides limitations and requirements for licensing landing facilities, participation in aviation development grants and local real estate tax reimbursement grants and the erection of obstructions to aircrafts.

08/03/10	#18-415	Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues	#2779	9/30/09	09/16/10 APP
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Establishes a Transportation Enhancement Grant Program for the use of revenue generated from automated red light enforcement systems.

FINAL REGULATIONS

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INSURANCE DEPARTMENT

09/13/10	#11-243	Standards to Define Insurers Deemed to be in Hazardous Financial Condition	#2851	NONE	10/20/10 ABL
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Updates and clarifies standards used to identify insurers in hazardous financial condition and specify corrective actions to be taken to minimize the number and impact of insurance insolvencies.

11/09/10	#11-240	Education and Training for Applicants and Insurance Producers	#2812	02/24/10	12/16/10 APP
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Clarifies existing training and education requirements for insurance producers and adds new requirements for insurers and producers writing long term care insurance and producers selling flood insurance.

11/09/10	#11-245	Property and Casualty Actuarial Opinion	#2862	NONE	11/30/10 ABL
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Establishes requirements for statements of actuarial opinion and related documents filed by property and casualty insurers with the Department.

11/09/10	#11-244	Actuarial Opinion and Memorandum	#2866	NONE	11/30/10 ABL
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Updates existing regulations pertaining to actuarial opinions to include amendments made by the National Association of Insurance Commissioners to its model rule.

11/09/10	#11-246	Recognition of the 2001 CSO Mortality Table and the 2001 CSO Preferred Class Structure Mortality Table For Use in Determining Minimum Reserve Liabilities	#2867	NONE	11/30/10 ABL
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Updates existing regulations to reflect amendments to the National Association of Insurance Commissioners model rule relating to mortality tables used to determine minimum reserve liabilities.

11/09/10	#11-247	Valuation of Life Insurance Policies	#2868	NONE	11/30/10 ABL
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Updates existing regulations to reflect amendments made to a National Association of Insurance Commissioners model rule which remove restrictions on mortality adjustment factors.

MILK MARKETING BOARD

08/13/10	#47-14	Transactions Between Dealers and Producers	#2853	NONE	09/15/10 ABL
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Establishes regulations to govern the weighing and sampling of milk when it is loaded directly from the milking parlor or milkhouse on a dairy farm into a movable bulk milk tanker for transportation.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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PENNSYLVANIA GAMING CONTROL BOARD

11/18/09	#125-100	Vendor Revisions	#2780	10/14/09	01/07/10 APP
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Amends existing regulations to improve clarity, reduce unnecessary filing requirements and improve Board's oversight of vendors.

12/10/09	#125-103	Employees; Slot Machines; Accounting & Internal Controls; & Compulsive & Problem Gambling	#2781	10/21/09	01/21/10 APP
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Updates existing regulations to clarify provisions and provide greater flexibility.

03/04/10	#125-91	Preliminary Provisions; Onsite Shopkeepers Certification, Labor Organizations; and Slot Machine Licenses	#2708	09/24/08	04/08/10 APP
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Amends the permitting requirements for individuals in labor organizations and adds a new chapter establishing requirements for certification of on-site shopkeepers and their regulatory responsibilities.

03/04/10	#125-106	Employee Credentials, Design Standards and Internal Controls	#2803	12/16/09	04/08/10 APP
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Amends existing regulations regarding display of board-issued credentials, use of non-fixed seating and internal controls.

06/22/10	#125-127	Definitions and Licensing Requirements	#2855	N/A	08/05/10 APP
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Revises existing regulations to bring them into conformity with Act 1 of 2010.

08/19/10	#125-108	Principal Licensing Amendments	#2814	03/18/10	10/07/10 APP
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Amends existing regulations to improve clarity and eliminate or reduce certain requirements related to obtaining a principal license.

08/19/10	#125-130	General Provisions	#2865	N/A	10/07/10 APP
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Revises the Board's regulations to bring them into conformity with Act 1 of 2010.

PENNSYLVANIA LIQUOR CONTROL BOARD

02/25/10 04/20/10	#54-60	Responsible Alcohol Management Program	#2660	03/26/08	03/31/10 TOL 05/13/10 APP
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Establishes the Responsible Alcohol Management Program (RAMP).

FINAL REGULATIONS

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

02/18/10 04/16/10	#57-251	Provisions of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers	#2591	09/02/08	03/19/10 TOL 05/13/10 APP
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Eliminates the need for administrative review and approval of a waiver from separate billing requirements.

05/06/10	#57-260	Abbreviated Procedure for Review of Transfer of Control and Affiliate Filings for Telecommunications Carriers	#2673	06/09/08	06/17/10 APP
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Establishes provisions for review and action on mergers and stock transactions in the telecommunications industry.

09/28/10	#57-266	Licensing Requirements for Natural Gas Suppliers	#2754	07/06/09	11/04/10 APP
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Implements the statutory requirement for licensing retail natural gas suppliers.

STATE EMPLOYEES' RETIREMENT BOARD

11/24/09	#31-10	Termination of Annuities	#2669	NONE	01/06/10 ABL
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Deletes obsolete and repetitive language.

11/24/09	#31-8	Definitions	#2671	NONE	01/06/10 ABL
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Clarifies the definition of "Beneficiary."

01/14/10	#31-11	Death Benefits	#2668	04/02/08	02/25/10 APP
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Adds information that must be contained on a SERS nomination of beneficiary form.

06/02/10	#31-7	Priority of Taxation, Attachment and Assignment of Funds	#2689	07/02/08	07/15/10 APP
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Sets priorities among conflicting demands of attachments and assignments on members' retirement benefits authorized by the State Employees' Retirement Code.