

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: **Municipal Police Officers' Education and Training Commission**

(2) Agency Number: **17**

Identification Number: **17-90**

INDEPENDENT REGULATORY REVIEW COMMISSION

RECEIVED

Independent Regulatory
Review Commission

August 20, 2026

IRRC Number: 3495

(3) PA Code Cite: **37 Pa. Code Chapters 261 and 261a**

(4) Short Title: Law Enforcement Mental Health Evaluations

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Major Leslie E. Barr, Director, Policy and Legislative Affairs Office,
717-705-7501, ra-spregulations@pa.gov

Secondary Contact: Andrew J. Lovette, Assistant Counsel, Governor's Office of General Counsel, 717-
783-5568, ra-spregulations@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☒ Proposed Regulation
☐ Final Regulation
☐ Final Omitted Regulation

- ☐ Emergency Certification Regulation;
☐ Certification by the Governor
☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Law Enforcement Mental Health Evaluations (Chapter 261a) rulemaking provides a process for addressing post-traumatic stress disorder (PTSD) occurring in law enforcement officers related to incidents involving the use of lethal force. The regulation provides requirements for law enforcement agencies and law enforcement officers related to the evaluation of a law enforcement officer for PTSD and administrative duty requirements. This regulation is in accordance with Act 59 of 2020 (act), codified at 44 Pa.C.S. §§ 7201-7204 and replaces the expired temporary regulations, 37 Pa. Code Chapter 261.

(8) State the statutory authority for the regulation. Include specific statutory citation.

44 Pa.C.S. § 7204(c) provides the Commission with the authority to promulgate regulations necessary to implement the requirements of the act.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by federal law but is required under state law. Specifically, this regulation is proposed in accordance with the act.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This regulation is needed to create a uniform process to maintain confidentiality of records and ensure law enforcement officers have access to mental health treatment for PTSD, particularly those who have used lethal force in the course of their employment. PTSD is a mental health disorder which affects people who have experienced or witnessed a traumatic event, or multiple traumatic events over time. Law enforcement, by its nature, subjects law enforcement officers to traumatic events at a higher rate than members of the public. Because PTSD can have physical, behavioral, and cognitive symptoms, which include diminished problem-solving abilities, a law enforcement officer actively affected by PTSD symptoms who is responding to the needs of the public may be less effective at providing the service and safety which are necessary and expected.

The act provides an opportunity for a law enforcement officer to obtain a mental health evaluation for PTSD in a timely manner, with confidentiality, and at no cost to the law enforcement officer. The combination of confidentiality and mandated evaluation and treatment is beneficial not only to law enforcement community, but of immense value to individual law enforcement officers. It ensures a law enforcement officer can seek evaluation and treatment of symptoms of PTSD while maintaining their employment.

The process provided by this regulation will also bolster public confidence in law enforcement by providing safeguards to ensure a law enforcement officer who is providing services to the community is free from physical, behavioral, and cognitive symptoms of PTSD.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. There are no federal statutes or regulations which cover the areas addressed by the proposed regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Pre-employment and pre-certification psychological evaluations are common practice in the certification of law enforcement officers throughout the country. It does not appear that it is currently as common for states to have programs like the act's requirement for PTSD screening, treatment and administrative duty status after an officer is involved in a lethal use of force incident. However, a more detailed review indicates that several surrounding jurisdictions have implemented programs that broadly address PTSD in law enforcement, but not to the extent done in Pennsylvania.

Delaware: Currently, Delaware does not have a law comparable to the act which mandates PTSD evaluations and treatment.

Maryland: In 2021, Maryland enacted MD PUBLIC SAFETY § 3-523, which provides for both voluntary and involuntary mental health evaluations for officers, as well as voluntary treatment,

following specific circumstances. Like the act, Maryland's law requires that these services be provided to an officer at no charge.

New York: Currently, New York does not have a law comparable to the act which mandates PTSD evaluations and treatment.

New Jersey: Currently, New Jersey does not have a law comparable to the act which mandates PTSD evaluations and treatment.

Ohio: In 2021, Ohio enacted R.C. § 126.65, which provides for payment of lost wages and treatment costs for public safety officers diagnosed with PTSD received during, or arising from, their employment. However, currently Ohio does not have a law comparable to the act which mandates PTSD evaluations and treatment.

West Virginia: In 2021, West Virginia enacted WV ST § 23-4-1f, which provide that PTSD for first responders may be compensable under West Virginia's worker's compensation statute. However, currently West Virginia does not have a law comparable to the act which mandates PTSD evaluations and treatment.

It is anticipated this regulation will have a minimal, though potentially positive, impact on Pennsylvania's ability to compete with other jurisdictions. Pennsylvania law enforcement officers will have access to timely mental health evaluations as well as protection of their employment by placing those in need of treatment on administrative duty.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. It is possible the regulation may collaterally impact 37 Pa. Code Chapter 203 (relating to administration of the program) as under certain circumstances mental health diagnoses, combined with a finding of permanent psychological impairment and inability to perform the functions of a police officer, could trigger revocation or suspension of the (Act 120) certification of a police officer, as defined in 53 Pa. C.S. § 2162 (relating to definitions).

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The regulation is being promulgated in a similar form as the temporary regulation published in the *Pennsylvania Bulletin* in March 2021. Since promulgation of the temporary regulation, the Commission has not received significant comment or feedback from the regulated community or members of the public. Additionally, the proposed regulation has been authorized by a unanimous vote of the Commission, the membership of which includes (among others) representatives from the public at large, the General Assembly, the regulated community (*i.e.*, municipal police departments, as well as municipalities having police departments), and the Pennsylvania Fraternal Order of Police.

During the drafting of the proposed rulemaking, Commission staff solicited feedback from Louis Laguna, PhD, ABPP and Andrew Wolanin, Psy.D, licensed psychologists with specific experience in law enforcement mental health evaluations.

A webinar training for the law enforcement community was conducted by Lexipol in conjunction with the Commission on March 23, 2021. The training covered a basic description of PTSD, events which result in stress and trauma for law enforcement officers, requirements of the act, who is subject to the act and a review of the temporary regulation.

Several representatives of smaller police departments (and municipalities) expressed concerns to Commission staff regarding certain requirements of the act disproportionately affecting smaller law enforcement agencies. Specifically, a law enforcement officer who is placed on administrative duty may drastically impact the staffing levels and operational function of a small law enforcement agency. While the Commission considered these concerns, the provisions of the act control when an officer must be placed on administrative duty.

In 2021, Commission staff attended a regional meeting of police chiefs and representatives from police agencies in South Central Pennsylvania where a topic of discussion was the act and its impacts. Additionally, Commission staff were contacted by the Pennsylvania Lodge of the Fraternal Order of Police and a law firm (Campbell Durant, P.C.) on behalf of several municipal police departments in Western Pennsylvania to request modifications to the Commission form used in reporting required by the act. As a result of the feedback, the form was updated in July 2021 to address the issues raised. This included limiting the authorization to release information to only the information contained in the form rather than other health information. These changes protect the privacy of law enforcement officers and respect the confidential nature of the evaluation. The duty status section was also clarified to reflect the information the law enforcement agency needs to comply with the act.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Law Enforcement Agencies: As of June 2026, there are approximately 1,040 law enforcement agencies, as defined in the act, within the Commonwealth. A law enforcement agency is required to provide a law enforcement officer with a mental health evaluation for PTSD following the use of lethal force in the line of duty. A law enforcement agency will also need to make provisions for a law enforcement officer to perform administrative duty if they are determined to be experiencing symptoms of PTSD until the law enforcement officer is determined by a licensed physician to be able to return to full duty. A law enforcement agency will also need to correspond with a licensed mental health professional and incur the costs of an officer's evaluation and ongoing treatment (if any).

Law Enforcement Officers: As of June 2026, there are approximately 21,152 law enforcement officers, as defined in the act, within the Commonwealth. A law enforcement officer may request a mental health evaluation if they feel they are experiencing symptoms of PTSD and is required to undergo a mental health evaluation following an incident involving the use of lethal force or when recommended by a police chief or other supervising law enforcement officer. If a law enforcement officer is determined to be experiencing symptoms of PTSD and is unable to perform the essential job functions of a police officer which results in administrative duty, the affected law enforcement officer must also notify any other employing law enforcement agency of the required administrative duty.

Licensed Mental Health Professionals: A licensed mental health professional may receive a request for a mental health evaluation of a law enforcement officer from a law enforcement agency.

Licensed Physicians: Licensed physicians will treat law enforcement officers who are diagnosed with PTSD as a result of a mental health evaluation required by the act.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The act and the proposed rulemaking apply to a law enforcement officer employed by a law enforcement agency as those terms are defined in 44 Pa.C.S. § 7202 (relating to definitions). Specifically, the definition of “law enforcement officer” within the act is limited to a law enforcement officer who is required to be trained pursuant to 53 Pa.C.S., Chapter 21, Subchapter D (relating to municipal police education and training) and not under additional statutory provisions (*e.g.*, the Pennsylvania State Police).

Commission staff estimates there were approximately 21,152 affected law enforcement officers employed by approximately 1,040 law enforcement agencies as of June 2026.

(17) Identify the financial, economic, and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed regulation will impact law enforcement agencies (*e.g.*, municipal police departments) which will incur the costs of mental health evaluations and treatment. It is also possible that scheduling changes attributable to the act (*i.e.*, the time a law enforcement officer is on administrative duty) may be attributable to the act, though more likely that will already be required under the Pennsylvania Heart and Lung Act.

The proposed regulation will also impact and benefit individual law enforcement officers. The act provides for not only a mandatory mental health evaluation after a single traumatic incident (*i.e.*, use of lethal force) but also a mechanism for evaluation and treatment of PTSD symptoms that come to the attention of a law enforcement officer themselves or their police chief or other supervising law enforcement officer. The proposed regulation details a simple and specific process for a law enforcement officer to access a mental health evaluation and treatment for symptoms of PTSD at no cost to the law enforcement officer while guaranteeing confidentiality. Additionally, a law enforcement officer who is determined to have symptoms of PTSD which prohibit the performance of essential job functions will benefit from mental health treatment while on administrative duty instead of experiencing the stressors of full duty while in recovery. This will benefit not only the individual law enforcement officer, but also society in general as it will assist in preventing law enforcement officer suicide and assist in officer retention.

Licensed mental health professionals and licensed physicians will be compensated for their services in evaluating and treating law enforcement officers.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The act adds support for law enforcement officers in seeking treatment for PTSD in the law enforcement profession. It further removes stigma from a law enforcement officer seeking mental health treatment because any intra- and inter-departmental correspondence is confidential.

Law enforcement agencies will benefit by the increased mental health of their law enforcement officers and in a likely reduction in sick leave usage, drug and alcohol issues, public complaints, and discipline problems, and increased law enforcement officer retention.

Additionally, the public-at-large will benefit by ensuring a law enforcement officer responsible for the safety of the community is not suffering from symptoms of PTSD because of a lethal force incident.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Savings:

The commission anticipates that the portion of the regulated community comprised of law enforcement officers will save money under the act and this rulemaking, because these officers will no longer need to incur costs for their initial mental health evaluation or subsequent treatment, or use paid or unpaid leave for qualifying mental health treatment. At this time, the commission is unable to estimate actual monetary savings, because it has no information on the costs law enforcement officers incurred prior to the effective date of the act for mental health evaluations and treatment of PTSD, or the number of officers that annually were evaluated or treated. There will be no savings to the part of the regulated community that are local governments.

Costs:

There will be no costs for law enforcement officers that are attributable to the act and this rulemaking.

The commission estimates that the portion of the regulated community consisting of local governments having qualifying law enforcement agencies, will incur costs of at least approximately \$81,200 per year based on the following.

Because it is not required to be reported to the commission, it cannot quantify how many law enforcement officers may request a mental health evaluation on their own initiative or at the direction of their police chief or supervisor. However, as a general matter research indicates between 12-35% of all American police officers suffer from PTSD. Ogińska-Bulik N, Juczyński Z. Burnout and posttraumatic stress symptoms in police officers exposed to traumatic events: the mediating role of ruminations. *Int Arch Occup Environ Health*. 2021 Aug;94(6):1201-1209. doi: 10.1007/s00420-021-01689-9. Epub 2021 Apr 27. PMID: 33904972; PMCID: PMC8292295. This can occur from a variety of sources.

However, in terms of law enforcement officers who will be *required* to undergo an evaluation for PTSD due to a lethal force incident, the commission estimates this to be approximately at least 28 per year. The commission bases this on the fact that the total number of fatal officer-involved shooting incidents in Pennsylvania over the past 3 years for law enforcement officers, as defined by the act, is 84 incidents, for an average of 28 lethal force incidents per year.

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited August 6, 2025)

While it is not possible to determine the exact total number of law enforcement officers involved in each incident, it is presumed *at least* one law enforcement officer per incident (*i.e.*, 28) will require an evaluation. Since there were 21,152 law enforcement officers, as defined by the act, in the Commonwealth, as of June 2026, this constitutes .01% of law enforcement officers that would be required to attend an evaluation and possible treatment as a result of a lethal force incident annually.

Costs for mental health assessments and treatment for PTSD vary widely. Not only will an assessment for PTSD vary by provider in length and cost but treatment which may include various medications and therapeutic methods (*e.g.*, cognitive behavior therapy, eye movement desensitization and reprocessing) will be different for each law enforcement officer. Consequently, the commission can only estimate the number of law enforcement officers who may be required to have a mental health assessment because of a lethal force incident. However, if a minimum of 28 officers (out of a total of 21,152) are involved in an incident in a year and require an evaluation, then *at least* 28 mental health assessments would be required per year. Based on contact with consulting psychologists, the commission calculates that one estimate for mental health assessments and basic treatment may cost approximately \$2,900 (the psychologists indicated that they bill \$500 for an initial evaluation, with 12 follow-up sessions costing \$200 each) per occurrence, for a total of \$2,900 per officer and a total of \$81,200 for all 28 officers. Alternatively, using costs obtained from the Centers for Medicare and Medicaid Services, which indicates the physician fee schedule for 60 minutes of psychotherapy ranges from \$134.55 to \$163.68 per hour in Pennsylvania, with the metropolitan Philadelphia area prices ranging from \$138.02 to \$171.05 per hour. [https://www.cms.gov/medicare/physician-fee-schedule/search?Y=1&T=0&HT=0&CT=2&H1=90837&C=95&M=5](https://www.cms.gov/medicare/physician-fee-schedule/search?Y=1&T=0&HT=0&CT=2&H1=90837&C=95&M=5;); <https://www.cms.gov/medicare/physician-fee-schedule/search?Y=1&T=0&HT=0&CT=2&H1=90837&C=94&M=5> (June 2, 2026). Using these lesser numbers, the commission estimates that it is possible that these costs would range from \$52,920 to \$67,032 on an annual basis (assuming 28 officers per year).

The lethal force incidents referenced above, occurred at 47 different Pennsylvania law enforcement agencies, as defined by the act, out of the estimated 1,040 law enforcement agencies in the Commonwealth. Some law enforcement agencies had multiple lethal force incidents. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited August 6, 2025) On average, 2% of law enforcement agencies would be responsible for the costs of the requirements of the act because of a shooting incident annually.

To the extent that covering positions because of a law enforcement officer being placed on administrative duty is attributable to these regulations, at this time the commission cannot calculate a number due to a lack of data on how many officers may be placed on administrative duty because of mental health assessments, the variance between law enforcement agencies in salary costs, and an unknown average amount of time administrative duty may last.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Savings:

There will be no savings to local governments.

Costs:

The commission estimates that local governments having qualifying law enforcement agencies, will incur costs of at least approximately \$81,200 per year based on the following.

Because it is not required to be reported to the commission, it cannot quantify how many law enforcement officers may request a mental health evaluation on their own initiative or at the direction of their police chief or supervisor. However, as a general matter research indicates between 12-35% of all American police officers suffer from PTSD. Ogińska-Bulik N, Juczyński Z. Burnout and posttraumatic stress symptoms in police officers exposed to traumatic events: the mediating role of ruminations. *Int Arch Occup Environ Health*. 2021 Aug;94(6):1201-1209. doi: 10.1007/s00420-021-01689-9. Epub 2021 Apr 27. PMID: 33904972; PMCID: PMC8292295.

However, in terms of law enforcement officers who will be *required* to undergo an evaluation for PTSD due to a lethal force incident, the commission estimates this to be approximately 28 per year. The commission bases this on the fact that the total number of fatal officer-involved shooting incidents in Pennsylvania over the past 3 years for law enforcement officers, as defined by the act, is 84 incidents, for an average of 28 lethal force incidents per year. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited August 6, 2025)

While it is not possible to determine the exact total number of law enforcement officers involved in each incident, it is presumed *at least* one law enforcement officer per incident (*i.e.*, 28) will require an evaluation. Since there were 21,152 law enforcement officers, as defined by the act, in the Commonwealth, as of June 2026, this constitutes .01% of law enforcement officers would be required to attend an evaluation and possible treatment as a result of a lethal force incident annually.

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numbers, the commission estimates that it is possible that these costs would range from \$52,920 to \$67,032 on an annual basis (assuming 28 officers per year).

The lethal force incidents referenced above, occurred at 47 different Pennsylvania law enforcement agencies, as defined by the act, out of the estimated 1,040 law enforcement agencies in the Commonwealth. Some law enforcement agencies had multiple lethal force incidents. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited August 6, 2025) On average, 2% of law enforcement agencies would be responsible for the costs of the requirements of the act because of a shooting incident annually.

To the extent that covering positions because of a law enforcement officer being placed on administrative duty is attributable to these regulations, at this time the commission cannot calculate a number due to a lack of data on how many officers may be placed on administrative duty because of mental health assessments, the variance between law enforcement agencies in salary costs, and an unknown average amount of time administrative duty may last.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no anticipated savings or costs to state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping, or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Law enforcement agencies will be required to use a form promulgated by the Commission and available on the Commission's publicly accessible website and make entries in the Training and Certification System (TACS) commonly used by all law enforcement agencies under certain circumstances. Neither the form nor the use of TACS is excessively burdensome or time consuming.

A law enforcement agency, licensed mental health professional and licensed physician will need to maintain forms or communications sent or received because of the requirements of the act confidentially and separate from other employment records.

(22a) Are forms required for implementation of the regulation?

Yes. The Commission has created the following form for purposes of implementing the act:

MPO-214 Post Traumatic Stress Evaluation Form

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

The form is attached as required, and a link to the online posting of the form is here:
https://www.pa.gov/search.html?q=MPO-214_Post%20Traumatic%20Stress%20Evaluation%20Form.pdf&f-copapwagency=Municipal%20Police%20Officers'%20Education%20and%20Training%20Commission

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Regulated Community	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Savings	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COSTS:						
Regulated Community						
Local Government	\$81,200	\$81,200	\$81,200	\$81,200	\$81,200	\$81,200
State Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Costs	\$81,200	\$81,200	\$81,200	\$81,200	\$81,200	\$81,200
REVENUE LOSSES:						
Regulated Community	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Government	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Revenue Losses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Municipal Police Training	<i>\$2,506,887</i>	<i>\$2,11,286</i>	<i>\$3,207,043</i>	<i>\$2,181,861</i>

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Not applicable. This regulation does not adversely impact small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

Not applicable. This is a facially neutral regulation related to mental health evaluations for PTSD for law enforcement officers.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered. The least burdensome means were adopted, and the proposed regulation was drafted to be flexible and have minimal impact on the regulated community, while still seeking uniformity in the process to ensure the requirements of the act were met.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The proposed regulation does not adversely impact small businesses and these considerations do not apply.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If

other data was considered but not used, please explain why that data was determined not to be acceptable.

Data does not specifically form the basis for this regulation. The regulation is based on policy and law to address a need identified by the General Assembly to protect law enforcement officers experiencing PTSD.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--------------------------------------|
| A. The length of the public comment period: | 30 days |
| B. The date or dates on which any public meetings or hearings will be held: | None |
| C. The expected date of delivery of the final-form regulation: | Fall 2026 |
| D. The expected effective date of the final-form regulation: | Upon publication as final rulemaking |
| E. The expected date by which compliance with the final-form regulation will be required: | Upon publication as final rulemaking |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | Not Applicable |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Commission, through Commission staff, as well as the Pennsylvania State Police Policy and Legislative Affairs Office are continually assessing the regulations for evolving impacts and will continue to do so moving forward. (The Pennsylvania State Police (PSP) administers the Municipal Police Officers' Education and Training Program. *See 53 Pa.C.S. §2161* (relating to establishment of program and scope of subchapter.)



MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
<http://www.psp.pa.gov/MPOETC>

POST TRAUMATIC STRESS EVALUATION FORM

This form is to be used by PA Licensed Mental Health Professionals to document required Post Traumatic Stress Evaluations.

NOTICE AND INSTRUCTIONS TO EXAMINING MENTAL HEALTH PROFESSIONAL

THIS EXAMINATION SHALL BE ADMINISTERED BY A LICENSED MENTAL HEALTH PROFESSIONAL AS PROVIDED FOR IN THE GOVERNING REGULATIONS, AND SHALL DETERMINE IF THE OFFICER IS EXPERIENCING SYMPTOMS OF PTSD AND IF THE OFFICER IS CLEARED TO RETURN TO FULL DUTY AS A POLICE OFFICER IN PENNSYLVANIA.

LAST NAME		FIRST NAME		MIDDLE INITIAL
STREET ADDRESS		CITY/BORO	STATE	ZIP CODE
SOCIAL SECURITY NUMBER	DATE OF BIRTH	GENDER	DATE OF EXAM	

DUTY STATUS

It is my professional opinion that this individual **IS** experiencing symptoms of Post-Traumatic Stress Disorder but is **CLEARED** to perform the full duties of a police officer in Pennsylvania at this time.

It is my professional opinion that this individual **IS NOT** experiencing symptoms of Post-Traumatic Stress Disorder and is **CLEARED** to perform the full duties of a police officer in Pennsylvania at this time.

It is my professional opinion that this individual **IS** experiencing symptoms of Post-Traumatic Stress Disorder and is **NOT CLEARED** to perform the full duties of a police officer in Pennsylvania at this time.

It is my professional opinion that this individual **IS NOT** experiencing symptoms of Post-Traumatic Stress Disorder but is **NOT CLEARED** to perform the full duties of a police officer in Pennsylvania at this time.

CERTIFICATION STATEMENT BY LICENSED MENTAL HEALTH PROFESSIONAL

I hereby certify that the information and statements contained on this form and in any attached documents are true and correct, and that I am signing this document with the full understanding that any false information or statement will subject me to criminal penalties of Title 18, Crimes code, Section 4904, relating to unsworn falsification to authorities.

SIGNATURE – PENNSYLVANIA LICENSED EXAMINING MENTAL HEALTH PROFESSIONAL		DATE	
MENTAL HEALTH PROFESSIONAL PRINTED NAME	LICENSE NO.	TELEPHONE NO.	
STREET ADDRESS	CITY/BORO	STATE	ZIP CODE

RELEASE OF PSYCHOLOGICAL INFORMATION

I hereby authorize the mental health professional named above to release this form to my employing police department listed below. No other release of this information, explicit or implied, is granted at this time.

NAME OF MUNICIPAL POLICE DEPARTMENT (Print)

ADDRESS

CITY

STATE

ZIP CODE

FAX

EMAIL

SIGNATURE OF OFFICER

DATE

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

August 20, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL) <u>6/18/2026</u> DATE OF APPROVAL ☐ Check if applicable Copy not approved. Objections attached	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by: Municipal Police Officer's Education and Training Commission (AGENCY) DOCUMENT/FISCAL NOTE NO. <u>17-90</u> DATE OF ADOPTION: <u>June 11, 2025</u> BY: <u>Col. Christopher L. Paris</u> Colonel Christopher L. Paris TITLE <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	Copy below is hereby approved as to form and legality. Executive or Independent Agencies. Digitally signed by Cynthia K. Montgomery DN: cn=Cynthia K. Montgomery, o., ou, email=cymontgome@pa.gov, c=US Date: 2025.10.09 10:43:05 -04'00' BY: <u>Cynthia K. Montgomery</u> Deputy General Counsel <u>October 9, 2025</u> DATE OF APPROVAL (Chief Counsel, Independent Agency) (Strike inapplicable title) ☐ Check if applicable No Attorney General approval or objection within 30 days after submission.
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NOTICE OF PROPOSED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION**

TITLE 37 PA CODE CHAPTERS 261 (Reserved) and 261a

§§ 261a.1—261a.6

LAW ENFORCEMENT MENTAL HEALTH EVALUATIONS

PREAMBLE

The Municipal Police Officers' Education and Training Commission (commission) proposes to promulgate permanent regulations in 37 Pa. Code Chapter 261a (relating to law enforcement mental health evaluations) by replacing the expired temporary regulations in 37 Pa. Code Chapter 261. The proposed permanent regulations are set forth in Annex A.

Effective Date

The proposed rulemaking will be effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

Statutory Authority

This proposed rulemaking is authorized under 44 Pa.C.S. § 7204 (relating to regulations) which sets forth the commission's general rulemaking authority concerning the act of July 14, 2020 (P. L. 624, No. 59) (act). Specifically, the provisions of 44 Pa.C.S. § 7204(c) require the commission to promulgate regulations regarding the following topics:

1. Confidentiality of requests or recommendations for mental health evaluations.
2. Confidentiality of mental health records produced by operation 44 Pa.C.S. Chapter 72 (relating to mental health evaluations).
3. Any other procedures deemed necessary by the commission for implementation of 44 Pa.C.S. Chapter 72.

Purpose and Background

The purpose of this proposed rulemaking is to implement the provisions of 44 Pa.C.S. Chapter 72 as enacted by the act. Under the authority under 44 Pa.C.S. § 7204(a), the commission promulgated temporary regulations at 51 Pa.B. 1512 (March 6, 2021), effective July 14, 2021, to facilitate prompt implementation of the act. Under the authority in 44 Pa.C.S. §

7204(a), the temporary regulations expired 2 years after their effective date and will be reserved as part of this proposed rulemaking.

Description of Proposed Amendments

Section 261a.1. Authority.

This proposed section clarifies the purpose of the act. This proposed section explains how the chapter applies to law enforcement agencies and officers within this Commonwealth to provide law enforcement officers with a mental health evaluation for post-traumatic stress disorder under the circumstances enumerated in the act.

Section 261a.2. Definitions.

This proposed section applies the definitions contained in 44 Pa.C.S. § 7202 (relating to definitions) to this chapter as well as provides definitions for the following terms: “act,” “commission,” “essential job functions of a police officer,” “fitness for duty evaluation,” “lethal force,” “licensed mental health professional,” “licensed physician,” “mental health evaluation,” “police chief or supervising law enforcement officer,” and “TACS—Training and Certification System.” The commission believes that these defined terms will assist the regulated community in complying with the law, as well as ensuring administrative consistency between commission staff and the regulated community.

The definition of “act” merely refers to 44 Pa.C.S. § Chapter 72 (relating to mental health evaluations).

The definition of “commission” clarifies that for purposes of the act and these regulations that this term means the Municipal Police Officers’ Education and Training Commission.

The definition of “essential job functions of a police officer” was developed to assist law enforcement agencies, licensed mental health professionals and physicians when performing their designated duties under the act. The commission intends the term to mean the tasks and duties of a police officer inherent in performing the duties of a police officer in modern society. These functions are based on a 2012 job task analysis conducted by Systems Design Group, LLC on behalf of the commission for use in administering the Municipal Police Officers Education and Training Act (53 Pa.C.S. §§ 2161-2172), including the development of the commission’s basic police training course that forms the basis for municipal police training in this Commonwealth. Because § 7203(b) of act requires a licensed physician to determine that an officer diagnosed as suffering PTSD is “able to resume full duties”, the commission feels that utilizing the essential job functions for officers is appropriate since it is an objective set of criteria relevant to those duties. To assist the regulated community, as well as licensed mental health professionals and licensed physicians, the commission will post a copy of the essential job functions of a police officer, as identified by the 2012 job task analysis, on its publicly available website.

The definition of “fitness for duty evaluation” is drafted to assist in the evaluation process required under the act, by establishing whether an officer is or is not able to safely and effectively perform the essential job functions of a police officer in a safe manner. The Commission feels that having this definition present assists in establishing the framework for evaluations required by the act.

The proposed definition of “lethal force” incorporates by reference the definition of “deadly force” in 18 Pa.C.S. § 501 (relating to definitions). The commission feels this is appropriate, given that this incorporated definition sets forth a standard that is consistent with the standard understanding of “lethal force” in law enforcement.

The definition of “licensed mental health professional” is drafted to ensure that the evaluation of law enforcement officer under the act is accomplished in the most efficient and cost-effective manner available. It does this by permitting both psychological and medical experts (and appropriately trained and licensed personnel) to perform evaluations for purposes of § 7203 of the act. The commission feels that this relatively broad definition will assist the regulated community by providing access to a wider population of service providers for purposes of obtaining a mental health evaluation. As defined, the term includes a licensed psychologist, licensed clinical social worker, licensed professional counselor or individual meeting the definition of licensed physician.

The definition of “licensed physician” is drafted to ensure that treatment is provided by a physician licensed by the State Board of Medicine or the State Board of Osteopathic Medicine and board certified in psychiatry. The definition is also written to include appropriately trained and licensed personnel operating under a physician’s supervision or collaboration, such as psychiatric certified registered nurse practitioners and physician assistants, who can assist the physician with their treatment of officers diagnosed with PTSD.

The definition of “mental health evaluation” describes the process by which a licensed mental health professional meets with and evaluates an officer who has been afforded an evaluation, with the goal of determining whether the officer has symptoms of PTSD. It also includes what the commission considers to be the minimal criteria regarding what constitutes an evaluation, including a clinical interview, fitness for duty evaluation and diagnostic testing if the evaluator feels such is appropriate.

The definition of “TACS—Training and Certification System” describes the secure web-based electronic database the commission uses to collect and retain information. The commission uses TACS to capture information related to law enforcement officers as required by the act, such

as notifications from law enforcement agencies concerning officers' potential administrative duty status.

Section 261a.3. Duties of a law enforcement agency.

This proposed section sets forth required procedures for a law enforcement agency when a law enforcement officer requests a mental health evaluation, when a police chief or other supervising law enforcement officer recommends a law enforcement officer have a mental health evaluation, or the law enforcement officer is involved in a lethal force incident as required by 44 Pa.C.S. § 7203 (relating to mental health evaluations for law enforcement officers). This section requires that a law enforcement agency provide a mental health evaluation to a law enforcement officer consistent with the act, and the appropriate evaluation form to be used. This section also addresses when an officer shall be placed on administrative duty, how an agency notifies the commission of an officer's administrative duty status, and how notification is made to the commission if an officer fails to comply with the evaluation or treatment requirements of the act.

Section 261a.4. Duties of a law enforcement officer.

This proposed regulation addresses a law enforcement officer's obligation to attend and participate in the mental health evaluation as required as a condition of employment by 44 Pa.C.S. § 7203(a). It also requires the law enforcement officer to notify any other employing law enforcement agencies if the law enforcement officer has been placed on administrative duty under the act so that those law enforcement agencies can comply with the administrative duty requirements of 44 Pa.C.S. § 7203(c). The commission feels both requirements are important, as they facilitate the act's objectives. First, it reiterates the requirement that an officer participate in the evaluation and treatment program envisioned by the General Assembly. Second, it ensures an officer informs other employing agencies of their administrative status so that those agencies

also will comply with the act's administrative duty requirement. This ensures the officer's recovery is not hindered by having to perform their full duties at all employing agencies, since they will be limited in their day-to-day interactions with the public until such time as they can resume their full duties.

Section 261a.5. Duties of Commission.

This proposed section requires the commission to ensure the officer's new duty status is updated in TACS.

Section 261a.6. Confidentiality.

This proposed section sets forth requirements for the confidentiality of records created in compliance with this chapter as required by 44 Pa.C.S. § 7204(c).

Fiscal Impact

Commission Impact

The proposed regulation will have minimal fiscal impact on the commission. Changes to commission computer systems needed to implement the act were covered under pre-existing vendor contracts. Commission staff indicates that administrative impact on the commission is minimal, and there is no charge to law enforcement agencies to access TACS for purposes of the act.

Regulated Community

The proposed regulation will not have any costs to that part of the regulated community consisting of law enforcement officers, because the act explicitly prohibits any costs accruing to them for either an evaluation or treatment related to PTSD. The act requires that any evaluation and treatment be conducted at no charge to officer. Instead, the act directs the costs related to required mental health evaluation(s) and related treatment be borne by an officer's

employing law enforcement agency. These costs can be broken down into two broad categories: (1) Mental Health Evaluations and Treatment, and (2) Administrative Duty.

Mental Health Evaluations and Treatment

An employing agency meeting the definition of “law enforcement agency” shall provide a PTSD-related mental health evaluation to a law enforcement officer upon request of the law enforcement officer, upon recommendation of a police chief or other supervising law enforcement officer or within 30 days of an on-duty incident involving the use of lethal force. 44 Pa.C.S. § 7203(a). If during a required mental health evaluation, a licensed mental health professional determines a law enforcement officer has symptoms of PTSD and is not fit to perform the essential job functions of a police officer, the law enforcement officer shall be provided treatment by a licensed physician until the licensed physician determines, in writing, that the law enforcement officer is able to resume full duties. 44 Pa.C.S. § 7203(c).

The required mental health evaluation will necessarily impose costs on law enforcement agencies, however it is difficult for the commission to precisely estimate these costs for a variety of reasons. Initially, where an officer is determined to be suffering from PTSD after an incident involving the use of on-duty lethal force which occurred in performance of their duties as a police officer, no costs of an officer’s mental health treatment or evaluation should be attributable to the act or these regulations because of intervening legal requirement of Pennsylvania’s Heart and Lung Act (53 P.S. § 637-638) (H&L Act). Section 637 of the H&L Act requires that, when an “in the performance of duties” injury occurs, an officer’s costs (payment of all medical and hospital bills, and payment of full rate of salary) are required to be paid by the employing agency until the officer is no longer “disabled” as that term is used in the H&L Act. 53 P.S. § 637(a). This scenario will cover mental health evaluations and treatment set

in motion under 44 Pa.C.S. § 7203(a)(3) and is a preexisting statutory requirement of the H&L Act that is not attributable to the act or these regulations. Likewise, for officers who suffer a “post-traumatic stress injury” (PSTI) as diagnosed by a psychologist or psychiatrist because they underwent a “qualifying traumatic event” in the course and scope of the officer’s employment as a police officer, this is now compensable under Pennsylvania’s Workers’ Compensation Act (77 P.S. §§ 1–1041.4, 2501–2626). 77 P.S. §§ 29, 415. A PSTI is defined in 35 Pa.C.S. § 75A01 as “a post-traumatic stress disorder as defined by the American Psychiatric Association and documented in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.”, and depending on the circumstances, that diagnosis will provide for compensated time off at a reduced rate of pay for the officer.

However, in case of mental health evaluation and treatment initiated under 44 Pa.C.S. § 7203(a)(1) and (2), it is possible that the H&L Act is not implicated (though, in some circumstances it may be, for example, a PTSD diagnosis resulting from a use of lethal force incident that occurred more than 30 days prior to the officer’s or supervisor’s request for an evaluation, or evaluation requested due to non-lethal force incident such as a crash or other violent interaction). These costs most likely are directly required by the act and these regulations, though again the commission notes that the Workers’ Compensation Act is still implicated if the qualifying traumatic event occurred in the course and scope of the officer’s employment.

To the extent that these costs *do* stem from the act and these regulations, the commission believes that any costs will primarily be associated with the officer’s initial mental health evaluation and subsequent ongoing treatment. In terms of specific costs, commission estimates that the costs could be approximately \$67,032 to \$81,200, based on the following analysis.

Initially, in terms of law enforcement officers who will be *required* to undergo an evaluation for PTSD due to a lethal force incident, the commission estimates this to be approximately at least 28 per year. The commission bases this on the fact that the total number of fatal officer-involved shooting incidents in Pennsylvania over the past 3 years for law enforcement officers, as defined by the act, is 84 incidents, for an average of 28 lethal force incidents per year. <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (last visited August 6, 2025). While it is not possible to determine the exact total number of law enforcement officers involved in each incident, it is presumed *at least* one law enforcement officer per incident (that is, 28) will require an evaluation. Since there were 21,106 law enforcement officers, as defined by the act, in the Commonwealth, as of July 2025, this constitutes .01% of law enforcement officers that would be required to attend an evaluation and possible treatment because of a lethal force incident annually.

Based on consultations with psychologists specializing in treatment of police officers, the commission calculates that one estimate for a single officer's mental health assessment and basic treatment may cost approximately \$2,900 (the psychologists indicated that they bill \$500 for an initial evaluation, with 12 follow-up sessions costing \$200 each) per occurrence, for a total of \$2,900 per officer and a total of \$81,200 for all 28 officers.

Alternatively, using costs obtained from the Centers for Medicare and Medicaid Services, the physician fee schedule for 60 minutes of psychotherapy ranges from \$134.55 to \$163.68 per hour in Pennsylvania, with the metropolitan Philadelphia area prices ranging from \$138.02 to \$171.05 per hour. <https://www.cms.gov/medicare/physician-fee-schedule/search?Y=1&T=0&HT=0&CT=2&H1=90837&C=95&M=5;>
<https://www.cms.gov/medicare/physician-fee->

[schedule/search?Y=1&T=0&HT=0&CT=2&H1=90837&C=94&M=5](https://www.ptsd.va.gov/understand/isitptsd/measured_how.asp) (6/2/2026) According to the U.S. Department of Veterans Affairs, a thorough PTSD assessment may take between 1 to 2 hours. https://www.ptsd.va.gov/understand/isitptsd/measured_how.asp (6/2/2026) A PTSD assessment in Pennsylvania lasting 2 hours therefore may cost anywhere from \$270 to \$342. Using these numbers, and assuming 12 subsequent 1 hour treatment sessions, the commission estimates that it is possible that these costs would range from \$52,920 to \$67,032 on an annual basis (assuming 28 officers per year). However, this does not include non-firearm incidents of lethal force use or requests and supervisory referrals for a PTSD assessment, examples of which the commission is not able to currently track or estimate. This is one example of how many variables factor into a determination of the costs that may be incurred by a law enforcement agency.

Additionally, while the prevalence of full PTSD among law enforcement officers is estimated to be 5.8 percent in men and 7.1 percent in women with partial PTSD being 10 percent in men and 9.1 percent in women when the clinical diagnostic model is applied, it is not known how many law enforcement officers may request or be required to submit to a PTSD assessment in accordance with the Act. Hartley, T.A., Violanti, J.M., Sarkisian, K., Andrew, M.E., & Burchfiel, C.M. (2013). "PTSD symptoms among police officers: Associations with frequency, recency, and types of traumatic events." *International Journal of Emergency Mental Health*, 15(4), 241–253.

Act 59 Administrative Duty

Likewise, a law enforcement agency may incur costs associated with placing a law enforcement officer on administrative duty if the law enforcement officer either (1) fails to undergo a required mental health evaluation, or (2) if a licensed mental health professional

determines a law enforcement officer is not fit to perform the essential job functions of a police officer. Personnel costs associated with these requirements will vary by law enforcement agency depending on the size and geographic location of the law enforcement agency, the length of time a law enforcement officer is required to be on administrative duty, and a law enforcement agency's pre-existing staffing levels. Consequently, it is not possible for commission staff to estimate costs associated with administrative duty.

There will be no fees associated with the use of the commission's system for the regulated community. Additionally, the proposed regulation is not anticipated to have fiscal impact on the private sector or the public.

Paperwork Requirements

The proposed regulation requires a law enforcement agency to use a form created by the commission for purposes of fulfilling requirements of the act. Specifically, a law enforcement agency shall use a commission form (currently MPO-214 Post Traumatic Stress Evaluation Form) to request a mental health evaluation for PTSD from a licensed mental health professional.

Sunset Date

No sunset date will be established. The commission will continually review and monitor the effectiveness of these regulations after they are published as final.

Regulatory Review Information

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 20, 2026, the Pennsylvania State Police on behalf of the commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review

Commission (IRRC) and to the Chairpersons of the Senate Law and Justice Committee and the House Judiciary Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey comments, recommendations, or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations, or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the commission, the General Assembly, and the Governor of any comments, recommendations, and objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to:

Pennsylvania State Police
Policy and Legislative Affairs Office
Attn: Regulatory Coordinator
1800 Elmerton Avenue
Harrisburg, PA 17110

Email: ra-spregulations@pa.gov

Comments must be received by the Pennsylvania State Police within 30 days following publication of this rulemaking in the *Pennsylvania Bulletin*. Comments, suggestions, or objections should reference Regulation 17-90.

Lt. Colonel George L. Bivens

Chairman

Annex A

TITLE 37. LAW

**PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING
COMMISSION**

Subpart D. LAW ENFORCEMENT MENTAL HEALTH

CHAPTER 261 {Reserved}

§§ 261.1 – 261.7 {Reserved}

**CHAPTER 261a. LAW ENFORCEMENT MENTAL HEALTH
EVALUATIONS**

SUBCHAPTER A. GENERAL PROVISIONS

Sec.

261a.1. Scope.

261a.2. Definitions.

261a.3. Duties of law enforcement agency.

261a.4. Duties of law enforcement officer.

261a.5. Duties of Commission.

261a.6. Confidentiality.

SUBCHAPTER B. GENERAL PROVISIONS

§ 261a.1. Authority.

This chapter sets forth regulations for a law enforcement agency to provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder. This chapter is

applicable to law enforcement agencies and law enforcement officers within the Commonwealth as identified in the act.

§ 261a.2. Definitions.

The definitions in 44 Pa.C.S. § 7202 (relating to definitions) apply to this chapter. In addition, the following words and terms, when used in this chapter, have the following meanings:

Act—44 Pa.C.S. Chapter 72 (relating to mental health evaluations).

Commission—The Municipal Police Officers' Education and Training Commission.

Essential job functions of a police officer—The job functions and tasks essential to performing the full duties of a municipal police officer, including the ability to effectuate arrests, proficiently handle firearms, operate a police vehicle and perform a variety of physical and mental tasks as described in the essential job functions of a police officer posted on the commission's website, as identified by the commission's 2012 job task analysis.

Fitness for duty evaluation—A formal, specialized psychological examination to determine whether a law enforcement officer is able to safely and effectively perform essential job functions of a police officer.

Lethal force—Deadly force as defined in 18 Pa.C.S. § 501 (relating to definitions).

Licensed mental health professional—

- (i) A psychologist licensed in this Commonwealth.
- (ii) A licensed clinical social worker licensed in this Commonwealth.
- (iii) A licensed professional counselor licensed in this Commonwealth.

(iv) A licensed physician.

Licensed Physician—A physician licensed in this Commonwealth and board certified in psychiatry by a certification board generally recognized in Pennsylvania in the field of psychiatry. This includes a certified registered nurse practitioner or physician assistant who is practicing within the scope of their licensure and working under appropriate collaboration or supervision with the physician.

Mental health evaluation—An evaluation conducted by a licensed mental health professional to provide the licensed mental health professional with an impression of the way a person feels, reasons, thinks and remembers in order to diagnose whether an officer is suffering from post-traumatic stress disorder. An evaluation includes, but is not limited to, a fitness for duty evaluation and clinical interview to determine if the officer is fit to perform the essential job functions of a police officer, as well as objective psychological testing if deemed necessary by the licensed mental health professional.

TACS—Training and Certification System—The web-based electronic database used to collect and retain information for programs managed by the commission.

§ 261a.3. Duties of law enforcement agency.

(a) A law enforcement agency shall provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder in accordance with 44 Pa.C.S. § 7203(a) (relating to mental health evaluations for law enforcement officers).

(b) The following apply:

(1) The law enforcement agency shall make a request to a licensed mental health professional on a form provided by the commission, for a mental health evaluation for post-traumatic stress.

(2) The law enforcement agency shall notify the commission within 5 calendar days, whenever the evaluation results in the officer being diagnosed with post-traumatic stress disorder. This notification:

(i) Shall be accomplished through TACS.

(ii) Shall indicate only the officer's new duty status.

(iii) May not include any information concerning the evaluation, diagnosis or treatment of the law enforcement officer, unless necessary to comply with the act and this chapter.

(c) *Administrative duty.* A law enforcement officer shall be assigned to administrative duty in accordance with 44 Pa.C.S. § 7203(c).

(d) *Notification.* The law enforcement agency shall provide written notification to the commission in the manner prescribed by the commission as posted on its public website when a law enforcement officer, who is required to participate in a mental health evaluation under this section, fails to comply with the requirements of § 261a.4 (relating to duties of law enforcement officer).

§ 261.4a. Duties of law enforcement officer.

Whenever a law enforcement officer is subject to a mental health evaluation under § 261a.3 (relating to duties of law enforcement agency), the law enforcement officer shall:

(1) Attend and participate in the scheduled mental health evaluation for post-traumatic stress disorder.

(2) Attend and participate in any follow-up evaluations and treatment.

(3) Notify law enforcement agencies that employ the law enforcement officer, when the law enforcement officer is employed by multiple law enforcement agencies and is placed on administrative duty under the act by any of the employing law enforcement agencies.

(4) Notify an agency for which the law enforcement officer is employed as a peace officer, as defined in 18 Pa.C.S. § 501 (relating to definitions), when the law enforcement officer is employed by multiple agencies and is placed on administrative duty under the act by any of the employing law enforcement agencies.

§ 261a.5. Duties of Commission.

Upon notice by a law enforcement agency of a change of duty status for a law enforcement officer, the commission will ensure that the officer's new duty status is reflected in TACS.

§ 261a.6. Confidentiality.

(a) Any request or recommendation for a mental health evaluation of a law enforcement officer, made under this chapter, whether verbal or written, is confidential. No person or State or local governmental agency or department may divulge or discuss a recommendation or request made under this chapter unless such communication is necessary to comply with this chapter.

(b) The results of any mental health evaluation of a law enforcement officer conducted under this chapter, whether verbal or written, are confidential. All records kept, stored, or otherwise retained by a law enforcement agency, the commission or by a licensed mental health

professional generated as a result of an action under this chapter shall be kept separate from other employment records. No person may divulge or discuss the results of any mental health evaluation of a law enforcement officer made under this chapter unless such communication is necessary to comply with this chapter.



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

August 20, 2026

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Proposed Rulemaking
Municipal Police Officers' Education and Training Commission
Regulation Number 17-90 – Law Enforcement Mental Health Evaluations

Dear Chairman Bedwick:

Enclosed is a copy of a Proposed regulation package of the Municipal Police Officers' Education and Training Commission pertaining to Law Enforcement Mental Health Evaluations.

The Municipal Police Officers' Education and Training Commission will be happy to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

/s/ Major Leslie E. Barr
Major Leslie E. Barr
Director, Policy & Legislative Affairs Office
Pennsylvania State Police

Enclosure

cc:

From: [Vitale, David](#)
To: [Albert, Justin R](#)
Cc: [Barr, Leslie E](#); [Boardman, John E](#); [Lovette, Andrew J](#)
Subject: RE: Proposed regulatory package
Date: Thursday, August 20, 2026 2:12:04 PM

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Independent Regulatory
Review Commission

Thank you for sharing.

August 20, 2026

From: Albert, Justin R <jualbert@pa.gov>
Sent: Thursday, August 20, 2026 10:25 AM
To: Vitale, David <DVitale@pahouse.net>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>; Lovette, Andrew J <alovette@pa.gov>
Subject: Proposed regulatory package
Importance: High

Good morning,

Attached is a proposed regulatory package from the Municipal Police Officers' Education and Training Commission pertaining to law enforcement mental health evaluations as required by Act 59 of 2020.

The Regulatory Review Act requires delivery of the proposed regulatory package to the Standing Committees of the General Assembly, the Legislative Reference Bureau (LRB), and the Independent Regulatory Review Commission (IRRC) on the same day, with IRRC receiving the package last. Confirmation of receipt by the Standing Committees and LRB is required for delivery to IRRC.

Please respond as soon as possible to this email indicating that you have received the attached proposed regulatory package so that I can deliver the package to IRRC today, August 20, 2026.

Thank you,
Justin

Lieutenant Justin R. Albert | Policy and Legislative Affairs Office
Pennsylvania State Police | Executive and Administrative Offices
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.7501

From: [Steven Smith](#)
To: [Albert, Justin R](#)
Subject: RE: [EXTERNAL]: Proposed regulatory package
Date: Thursday, August 20, 2026 10:30:57 AM

RECEIVED

Independent Regulatory
Review Commission

Received.

August 20, 2026

Thanks,

Steve

Steven T. Smith, Esq.
Judiciary Committee (R)
329 Ryan Office Building
717.260.6468
ssmith@pahousegop.com

From: Albert, Justin R <jualbert@pa.gov>
Sent: Thursday, August 20, 2026 10:24 AM
To: Steven Smith <ssmith@pahousegop.com>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>; Lovette, Andrew J <alovette@pa.gov>
Subject: [EXTERNAL]: Proposed regulatory package
Importance: High

Good morning,

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Thank you,
Justin

Lieutenant Justin R. Albert | Policy and Legislative Affairs Office
Pennsylvania State Police | Executive and Administrative Offices
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.7501

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August 20, 2026

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August 20, 2026

From: [Bulletin](#)
To: [Albert, Justin R](#)
Cc: [Barr, Leslie E](#); [Boardman, John E](#); [Lovette, Andrew J](#)
Subject: [External] Re: Proposed regulatory package
Date: Thursday, August 20, 2026 10:29:41 AM

ATTENTION: *This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the [Report Phish button](#) in Outlook.*

Hello Justin!

Thank you for sending this regulatory package to the Pa. Code and Bulletin Office. A member of our staff will be in touch regarding the publication date of this rulemaking.

Have a great day!

Leah

From: Albert, Justin R <jualbert@pa.gov>
Sent: Thursday, August 20, 2026 10:22 AM
To: Bulletin <bulletin@palrb.us>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>; Lovette, Andrew J <alovette@pa.gov>
Subject: Proposed regulatory package

Good morning,

Attached is a proposed regulatory package from the Municipal Police Officers' Education and Training Commission pertaining to law enforcement mental health evaluations as required by Act 59 of 2020.

The Regulatory Review Act requires delivery of the proposed regulatory package to the Standing Committees of the General Assembly, the Legislative Reference Bureau (LRB), and the Independent Regulatory Review Commission (IRRC) on the same day, with IRRC receiving the package last. Confirmation of receipt by the Standing Committees and LRB is required for delivery to IRRC.

Please respond as soon as possible to this email indicating that you have received the attached proposed regulatory package so that I can deliver the package to IRRC today, August 20, 2026.

Thank you,
Justin

Lieutenant Justin R. Albert | Policy and Legislative Affairs Office
Pennsylvania State Police | Executive and Administrative Offices
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.7501

RECEIVED

From: [Wamsher, Taylor](#)
To: [Albert, Justin R](#)
Cc: [Barr, Leslie E](#); [Boardman, John E](#); [Lovette, Andrew J](#)
Subject: Re: Proposed regulatory package
Date: Thursday, August 20, 2026 10:37:05 AM

Independent Regulatory
Review Commission

August 20, 2026

Good morning Justin,

I have received the proposed regulatory language.

Thanks!

Taylor

On Aug 20, 2026, at 10:27 AM, Albert, Justin R <jualbert@pa.gov> wrote:

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<!--[if !((ie)|(mso))]>

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<!--[endif]>

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Independent Regulatory
Review Commission

August 20, 2026

<17-90_proposed_LJMaj.pdf>

RECEIVED

From: [Bruder, Stephen](#)
To: [Albert, Justin R](#)
Subject: Re: Proposed regulatory package
Date: Thursday, August 20, 2026 1:23:44 PM

Independent Regulatory
Review Commission

August 20, 2026

Received. Thank you

From: Albert, Justin R <jualbert@pa.gov>
Sent: Thursday, 20 August 2026 10:24:08
To: Bruder, Stephen <stephen.bruder@pasenate.com>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>; Lovette, Andrew J <alovette@pa.gov>
Subject: Proposed regulatory package

■ EXTERNAL EMAIL ■

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