

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

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

(1) Agency: Transportation

(2) Agency Number:

18-464

IRRC Number:

3108

(3) PA Code Cite: 67 Pa. Code, Chapter 71

(4) Short Title: School Bus Drivers

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

Primary Contact:

Kara N. Templeton, Director

Bureau of Driver Licensing

P.O. Box 68676

Harrisburg, Pennsylvania 17106-8676

(717) 787-4701

ktempleton@pa.gov

Secondary Contact:

Laura Krol, Acting Manager

Driver Safety Division, Bureau of Driver Licensing

P.O. Box 68676

Harrisburg, Pennsylvania 17106-8676

(717) 787-2977

lkrol@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 proposed change in the current regulation is to update the minimum standards for school bus drivers diagnosed with a brain disease, cognitive impairment or a mental or emotional disorder.

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

Authority for this regulation is contained in Sections 1504, 1508, 1508.1, 1509, 1517, 1518, and 6103 of

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the Vehicle Code, Act of June 17, 1976, P.L. 162, as amended (75 Pa. C.S. §§ 1504, 1508, 1508.1, 1509, 1517, 1518, and 6103).

(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.

While the Department is authorized by various provisions of the Pennsylvania Vehicle Code to promulgate regulations that set the minimum medical qualifications to obtain and maintain a school bus endorsement, this particular regulatory package is not mandated by any federal or state law or court order or federal regulations.

(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.

These amendments will impact school bus drivers being treated for brain disease, cognitive impairment or a mental or emotional disorder. These proposed regulatory amendments reflect consultation with the Department's Medical Advisory Board and are consistent with existing medical practices and improved technology relative to the care and treatment of individuals diagnosed with brain disease, cognitive impairment or a mental/emotional disorder. The compelling public interest behind this regulatory package is the safety of all motorists and the children who use school buses, which is met through proactively defining and clarifying those medical conditions that significantly impair a school bus driver's ability to operate a motor vehicle.

(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. School Bus drivers who are employed by a school district are exempt from the federal regulations for commercial drivers. School bus drivers who are employed by a school bus contractor are exempt from the federal regulations when transporting students from home to school and school to home. If they are transporting students for other reasons, they may be required to meet the federal regulations. The federal regulations for commercial drivers do not allow a driver with a mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle to control a commercial motor vehicle.

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

These regulations are comparable to other states' and federal standards. These amendments to this regulation will not put Pennsylvania at a competitive disadvantage with reference to other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies?

If yes, explain and provide specific citations.

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(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 amendments to the regulations are as a result of consultation with the Department's Medical Advisory Board and are consistent with existing medical practice and improved technology relative to the care and treatment of individuals diagnosed with brain disease, cognitive impairment or a mental/emotional disorder. PennDOT worked with the psychiatrist serving on the Medical Advisory Board and a neuropsychologist who served on the board as an auxiliary member to review and formulate the regulations for license applicants and license holders. These regulations were approved by the full Medical Advisory Board.

(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?

School bus drivers and health care providers will be required to comply with these regulations; however, they are already required to comply with the current standards. No impact to small businesses is anticipated because of these regulations, with the exception of small business bus contractors.

(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.

School bus drivers and health care providers will be required to comply with these regulations; however, they are already required to comply with the current standards. There are approximately 46,000 licensed school bus operators in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being qualified to operate a school bus because of a condition covered by these regulatory amendments.

(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.

There should be no significant, additional financial, economic, and social impacts of these amendments to the regulation on school bus drivers or health care providers as they must comply with the current standards. The benefits consist principally of altering the brain disease, cognitive impairment and mental or emotional disorder standards, per the recommendation of the Department's Medical Advisory Board, to better reflect current medical standards and terminology. To the extent that an additional amount of school bus drivers are prohibited from operating a school bus, there may be additional financial, economic and social impacts to those individuals; however, any impact or inconvenience is outweighed by the stated goal and social impact of this regulatory package—the overall safety of the motoring public and children transported by school bus.

While additional, prospective or current licensees may not be able to meet the altered medical standards, the Department has provided waiver provisions under certain circumstances in these amended regulations to allow the affected potential or current licensees to demonstrate their ability to drive a school bus despite their failure to meet the brain disease, cognitive impairment and mental or emotional requirements. These waiver provisions thus strike a balance between the public need to assure that only drivers that meet these standards are licensed to drive a school bus in the Commonwealth against an individual licensee's or potential licensee's desire for a license.

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

Adjusting the brain disease, cognitive impairment, and mental or emotional standards, in accord with the Department's Medical Advisory Board recommendations and most current medical standards, will better ensure that only medically qualified individuals are licensed to drive school buses by the Department. The benefit to all motorists and children transported by school bus, which is achieved through proactively defining and clarifying those medical conditions that significantly impair an individual's ability to operate a school bus, outweighs any potential costs that arise out of a potential increase in the number of prospective or current school bus drivers that may not be able to meet the altered medical standards. While the Department is sensitive to potentially impacted licensees, it has developed a waiver procedure and taken other measures to ensure that this regulation reflects the most up-to-date medical information that is applied in furtherance of ensuring the overall safety of the motoring public and children transported by school bus.

(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.

The costs and/or savings to the regulated community cannot be calculated because the exact number of drivers who will be impacted by the regulatory changes is unknown at this time. Likewise, it is difficult, if not impossible, to quantify the cost impact to licensees that may be impacted. The amendments may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

(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.

No costs and/or savings to the local governments are anticipated.

(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.

No costs and/or savings to the state government are anticipated.

(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.

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 is untenable given the unquantifiable nature of the groups and entities involved.

(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:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						

State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3	FY -2	FY -1	Current FY
School Bus	\$363,324.12	\$418,306.38	\$341,771.69	\$301,408.38
Medical and Training Program				(As of 5/14/14)

(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.

These amendments set or further refine physical and mental standards relative to brain disease, cognitive impairment or mental/emotional disorder for individuals licensed to operate a school bus. There are approximately 46,000 licensed school bus operators in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being qualified to operate a school bus because of a condition covered by these regulatory amendments.

(a) The regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted are small business bus companies of unknown quantity with drivers subject to these amendments and health care entities qualifying as small businesses, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The number of such businesses is unknown. However, the health care personnel noted in § 1518(b) already have reporting

requirements pursuant to § 1518(b).

(b) The amendments do not impose any additional reporting, recordkeeping or other administrative costs or requirements on businesses large or small as they relate to individuals; they do not have any adverse impact on small businesses. Health care personnel as noted above may be required to report an increased number of individuals under this standard, but they currently already have reporting requirements.

(c) There are approximately 31,000 school buses operating in Pennsylvania. Roughly 75% of these are operated by school bus companies; 25% by school districts. To the extent that drivers in these fleets are subject to these amendments, there could be a secondary impact on those businesses and school districts if a current driver becomes disqualified under these amendments to the regulation.

(d) There is no less intrusive or less costly way to achieve the purpose of these proposed amendments, which is to keep school children safe by providing rigorous health qualifications for school bus drivers.

(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.

No special provisions were developed to meet the particular needs of affected groups or persons, although restoration provisions are in place for certain individuals who can demonstrate a renewed ability to meet the medical standards.

(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.

There were no alternative regulatory provisions considered. These proposed changes merely update existing requirements for school bus drivers being treated for brain disease, cognitive impairment or mental/emotional disorders based on recommendations from the Department's Medical Advisory Board in light of current medical practices and standards.

(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 performing 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.

a) As noted above, the regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted are small business bus companies of unknown quantity with drivers subject to these amendments and health care entities qualifying as small businesses, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The establishment of less stringent compliance or reporting requirements for small businesses would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business. In the case of health care professionals, such an accommodation would likely require a statutory change, as 75 Pa.C.S. § 1518 mandates health care personnel reporting.

b) The proposed amendments to the regulations do not impose additional schedules or deadlines. To the extent there are schedules or deadlines imposed for health care personnel to report medical conditions, they are statutorily-based (75 Pa.C.S. § 1518 requires reporting under certain circumstances within 10 days).

c) See the response to subsection (a) above. The consolidation or simplification of compliance or reporting requirements for small businesses is not possible.

d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation is not a practical possibility in view of the need to have a uniform regulatory scheme based on the most up-to-date medical practices.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business.

(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 was not the basis for this regulation.

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

A. The date by which the agency must receive public comments: 08/11/15

- | | |
|---|----------------|
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>1/15/16</u> |
| D. The expected effective date of the final-form regulation: | <u>1/15/16</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>1/15/16</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

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

PennDOT's Medical Advisory Board meets semiannually and will review and discuss the medical regulations contained in Chapter 71 periodically to ensure that the minimum standards are consistent with current treatment and testing requirements and continually monitor their effectiveness.

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<p>FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU</p> <p>(Pursuant to Commonwealth Documents Law)</p>	<p>2015 JUN 29 AM 11:16</p> <p>DO NOT WRITE IN THIS SPACE</p>
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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p style="text-align: center;"><i>Amey M. Elliott</i></p> <p>By: _____ (Deputy Attorney General)</p> <p style="text-align: center;"><u>JUN 23 2015</u></p> <p style="text-align: center;">_____ Date of Approval</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:</p> <p style="text-align: center;"><u>Department of Transportation</u> (Agency)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>18-464</u></p> <p>DATE OF ADOPTION _____</p> <p>BY <u><i>Dee J. Murr</i></u> Secretary of Transportation</p>	<p>Copy below is hereby approved as to form and legality. Executive of Independent Agencies.</p> <p style="text-align: center;"><i>[Signature]</i></p> <p>BY _____</p> <p style="text-align: center;"><u>4/15/15</u></p> <p style="text-align: center;">_____ (Date of Approval)</p> <p style="text-align: center;">(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike Inapplicable Title)</p> <p><input type="checkbox"/> Check if applicable. No attorney General Approval or Objection within 30 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

Notice of Proposed Rulemaking

Preamble

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 1504, 1508, 1508.1, 1509, 1517, 1518 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 1504, 1508, 1508.1, 1509, 1517, 1518, and 6103), proposes to amend Chapter 71 of the Department of Transportation Regulations, Title 67, as set forth in Annex A to this Notice.

Purpose of Chapter

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

Purpose of the Proposed Amendments

The purpose of these amendments to Chapter 71 is to update the medical requirements and standards for school bus drivers who have brain disease, a cognitive impairment or a mental/emotional disorder. Since medical testing and treatment methods

continue to evolve, we are updating our minimum standards to ensure that only school bus drivers who are in stable condition are qualified to transport children.

Summary of Significant Amendments

Section 71.2 (Definitions) has been amended to add the following terms: brain disease, cognitive functions, dementia, mental or emotional disorder, neurologist, psychiatrist, and psychologist.

Section 71.3(b)(11) is being added to include minimum cognitive and mental/emotional requirements for school bus drivers.

Section 71.3(b)(11)(i) has been amended to include brain disease or deficits of cognitive function in the list of disqualifying conditions.

Section 71.3(b)(11)(ii) has been amended to outline the disqualifying symptoms for individuals who are not diagnosed with a mental/emotional disorder.

Section 71.3(b)(11)(ii)(A) is being added to outline the requirements for restoration of the school bus driving privilege.

Section 71.3(b)(11)(ii)(B) is being added to authorize the Department to require qualifying school bus drivers to pass a school bus knowledge and skills test.

Section 71.3(b)(11)(ii)(C) is being added to allow for a waiver to be granted provided the individual remains symptom free and in the treating health care provider's opinion, the individual has stabilized and no symptoms are likely to recur. The Department may require the individual to pass a school bus knowledge and skills test.

Section 71.3(b)(11)(iii) has been added to prohibit school bus drivers diagnosed with Alzheimer's disease or dementia in Stage 3 or greater from driving a school bus.

Persons and Entities Affected

These regulations affect all licensed school bus drivers or persons interested in becoming school bus drivers who have impairment from brain disease or deficits of cognitive function.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), the agency submitted a copy of this proposed regulation on June 29, 2015 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting the regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations 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 Act specifies detailed procedures for review, prior to final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. § 101, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness, in coordination with its Medical Advisory Board.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Kara N. Templeton Director, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania 17106-8676 or to ktempleton@pa.gov within thirty days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Laura Krol, Acting Manager, Driver Safety Division, Department of Transportation, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania 17106-8676, telephone number: (717) 787-2977, email: lkrol@pa.gov.

Barry J. Schoch, P.E.
Secretary of Transportation

ANNEX A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 71. School Bus Drivers

Notice of Proposed Rulemaking

§ 71.2. Definitions.

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

Brain Disease – A condition of the brain that may impair important functions such as memory, speech, vision, spatial perception, strength or coordination of movement, and cognitive functions.

* * * * *

Cognitive functions – Human abilities such as speech and language, complex levels of perception, attention, reasoning, judgment, reading and writing, and several types of memory.

Dementia – Brain diseases, including but not limited to Alzheimer’s disease and vascular dementia, that are characterized by deficits in multiple cognitive functions. In the early stages, dementia can manifest as absentmindedness or forgetfulness; however, as the

condition progresses, symptoms become more numerous and more severe. The stages of dementia, as defined by the Alzheimer Association, are:

Stage 1 – No impairment

Stage 2 – Very mild cognitive decline

Stage 3 – Mild cognitive decline

Stage 4 – Moderate cognitive decline

Stage 5 – Moderately severe cognitive decline

Stage 6 – Severe cognitive decline

Stage 7 – Very severe cognitive decline

* * * * *

Mental or Emotional Disorder – A condition, whether organic or without known organic cause (as described and defined in the current Diagnostic and Statistical Manual of Mental Disorders (DSM), including its Introduction or International Classification of Diseases (ICD)) manifested by important symptoms and functional changes, such as psychosis (often with hallucinations or delusions), excessive anxiety, and severe mood swings (mania and severe depression). Some mental disorders cause poor judgment, excessive aggressiveness, suicidal thinking, or other behaviors that might affect driving performance.

Neurologist – A licensed physician who is Board eligible or Board certified in neurology.

* * * * *

Psychiatrist -- A licensed physician who is Board eligible or Board certified in psychiatry.

Psychologist – A person who is licensed as a psychologist.

* * * * *

§ 71.3. Physical examination.

(a) *General rule.* A physical examination shall be given by a school transportation medical practitioner, a physician, a chiropractor, a CRNP or a physician assistant:

* * * * *

(b) *Requirements of physical examination.* An [person] individual is physically qualified to drive a school bus if the person:

* * * * *

(11) Meets the following cognitive and mental or emotional requirements:

- (i) Has no impairment from brain disease or deficit of cognitive function, [mental, emotional or psychiatric disorder whether functional or organic] which [may be manifested in a condition] is likely to impair the ability to drive a school bus safely, such as inattentiveness, despondency, aggressiveness, impulsivity, or lack of concern for the safety of self or others.
- (ii) Has not been diagnosed with a Mental or Emotional Disorder and does not manifest one or more of the symptoms described above in 71.3(b)(11)(i). An individual diagnosed with a disorder or who manifests such symptoms will be disqualified to drive a school bus.

- (A) Restoration of the school bus driving privilege requires the individual to submit a satisfactory psychiatric and/or cognitive impairment form, which shall include an examination of the individual's cognitive and emotional functioning completed by a psychiatrist, neurologist, or a licensed psychologist.
- (B) If the psychiatric and/or cognitive impairment form(s) are satisfactory, the individual may be required to successfully pass a school bus specific knowledge and skills test.
- (C) A disqualified individual may be granted a waiver from disqualification provided that the individual remains symptom free and the individual's condition, in the treating health care provider's opinion, has stabilized and no symptoms are likely to recur. Additionally, the individual may be required to successfully pass a school bus specific knowledge and skills test.
- (D) Provided the condition of the individual remains under good control, additional examinations will not be required, unless recommended by the treating health care provider.

(iii) Has not been diagnosed with Alzheimer's disease or dementia in Stage 3 or greater.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 29, 2015

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
18-464 — 67 Pa. Code, Chapter 71
School Bus Drivers

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 71 of the Department of Transportation's (Department) regulations which the Department intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of these materials were also delivered today to the Legislative Reference Bureau and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Spotts".

Jeffrey M. Spotts,
Regulatory Counsel

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-464
 SUBJECT: School Bus Drivers
 67 Pa. Code, Chapter 71
 AGENCY: Department of Transportation

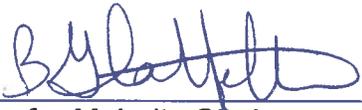
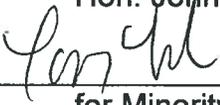
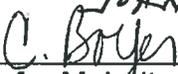
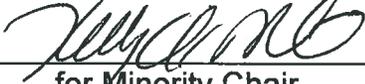
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TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
<u>6/29/15</u>	 for Majority Chair Hon. John Taylor	HOUSE COMMITTEE ON TRANSPORTATION
<u>6-29-15</u>	 for Minority Chair Hon. William F. Keller	
<u>6-29-15</u>	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
<u>6-29-15</u>	 for Minority Chair Hon. John N. Wozniak	
	N/A	OFFICE OF ATTORNEY GENERAL
<u>6/29/15</u>		INDEPENDENT REGULATORY REVIEW COMMISSION
<u>6/29/15</u>		LEGISLATIVE REFERENCE BUREAU
Date:	June 29, 2015	