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# PENNSYLVANIA BULLETIN

Volume 26

Number 10

Saturday, March 9, 1996 • Harrisburg, Pa.

Pages 975—1120

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**PRINTED ON 100% RECYCLED PAPER**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 256, March 1996**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
**GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

#### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

#### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1996.

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# THE GENERAL ASSEMBLY

## Recent Actions During the 1996 Regular and Special Sessions of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1995 Regular and Special Sessions.

### 1996 ACTS—Acts 7 through 10 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1996-7	Feb. 23	HB569	PN3097	60 days	Crimes Code (18 Pa.C.S.)—aggravated assault and prohibition of certain entertainment on bottle club premises
1996-8	Feb. 23	HB2079	PN3076	60 days	Vehicle Code (75 Pa.C.S.)—omnibus amendments
1996-9	Feb. 23	SB238	PN244	60 days	Sunshine Act—executive sessions
1996-10	Feb. 23	HB272	PN2726	Jan. 1, 1996*	Administrative Code of 1929—omnibus amendments

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

### Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, telephone (717) 787-5320.

CARL MEASE,  
*Acting Director*

[Pa.B. Doc. No. 96-333. Filed for public inspection March 8, 1996, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 82]

### Continuing Legal Education Board

The regulations concerning Continuing Legal Education codified at 204 Pa. Code Chapter 82, Subchapter B pages 82-9 to 82-23, serial pages (196787) to (196789) and (177387) to (177399) are being replaced in their entirety as set forth in Annex A.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL AND VOCATIONAL STANDARDS

#### CHAPTER 82. CONTINUING LEGAL EDUCATION

#### Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

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1.	Definitions.
2.	Scope.
3.	Minimum Education Requirement.
4.	Reporting Periods of Active Lawyers.
5.	Credit for CLE Activities.
6.	Waivers, Extensions and Deferral.
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18.	Board Fee Schedule.

#### Preamble. Statement of Purpose

The public property expects that lawyers, in the practice of the law, will maintain throughout their careers certain standards of professional competence and ethical behavior. These regulations prescribe the standards for the implementation of the Orders of the Supreme Court of Pennsylvania of January 7, 1992, July 1, 1992 and November 29, 1993, promulgating the Pennsylvania Rules for Continuing Legal Education and mandating continuing legal education requirements for Pennsylvania lawyers. These regulations have been amended several times. As of here and now, the following regulations are in effect.

#### Section 1. Definitions.

*Accredited Continuing Legal Education Provider*—A not-for-profit company or association accredited by the Board in accordance with the rules and these regulations.

*Active Lawyer*—A member in good standing of the bar of the Supreme Court of Pennsylvania, who is not an active or senior member of the judiciary. A lawyer who is active for any part of a year must comply with these regulations.

*Approved Instructor*—A faculty member in a CLE activity sponsored by an Accredited Continuing Legal Education Provider who possesses the necessary practical or academic skills to conduct the course effectively. An approved instructor will normally be a lawyer or judge.

*Attendance Restriction*—Attendance restriction exists where any one or more of the following occur: the CLE activity is not open to all lawyers thought to be interested in the subject matter; it is not held in a place open to the legal community at large; it is not held in a place large enough to accommodate all such lawyers thought to be interested; the charge is not reasonable; or the activity is not advertised as required by the Board.

*Board*—The Pennsylvania Continuing Legal Education Board.

*CLE*—Continuing legal education to be provided under the rules of these regulations.

*Inactive Lawyer*—Any lawyer placed on inactive status by the Supreme Court of Pennsylvania.

*In-house Activity*—In-house activity is any educational activity offered by lawyer's law firm or group of two (2) or more lawyers or law firms or a corporation or group of corporations or any combination thereof with whom a lawyer is affiliated and which has an attendance restriction on lawyers who are not affiliated with the law firm or corporation.

*Member of the Judiciary*—An individual who has been admitted to the Pennsylvania Bar and who has been appointed or elected and is serving as a judicial official of any state or of the United States of America and whose position prohibits the individual from the practice of law within the territorial jurisdiction where the individual serves as a judge. This term shall not include a lawyer who is permitted to and who voluntarily chooses to maintain active lawyer status in Pennsylvania so long as the judicial position does not prevent him or her from practicing law in Pennsylvania.

*Non-Resident Active Lawyer*—A member in good standing of the bar of the Supreme Court of Pennsylvania, who is not an active or senior member of the judiciary and who has requested non-resident active status in accordance with Section 6(e) of these regulations.

*Provider*—A not-for-profit corporation or association which has been accredited by the Board to provide continuing legal education under these regulations or a not-for-profit corporation or association which provides one (1) or more continuing legal education courses approved by the Board.

*Regulations*—These regulations adopted by the Board as they may be amended from time to time.

*Rules*—The Pennsylvania Rules for Continuing Legal Education as they may be amended from time to time.

*Undue Hardship*—Undue hardship consists of a severe medical condition which in the judgment of the Board renders a lawyer incapable of complying with these regulations.

*Verified Statement*—A document filed with the Board or the Supreme Court under these regulations containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities).

## Section 2. Scope.

Lawyers who are to become registered to practice law in Pennsylvania on or after July 1, 1992, must complete a program of continuing legal education as provided by the rules and these regulations. There shall be no exemptions from this requirement under any circumstance except in the limited instances described in these regulations.

## Section 3. Minimum Education Requirements.

Every active lawyer shall complete the following annual CLE minimum requirements:

(a) Commencing January 1, 1994, the CLE requirement for each compliance group shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of five (5) hours of substantive law, practice and procedure.

(b) Commencing September 1, 1994, the CLE requirement for each compliance group shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of eight (8) hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:

Compliance Group II	August 31, 1995
Compliance Group III	December 31, 1995
Compliance Group I	April 30, 1996

(c) Commencing September 1, 1995, the CLE requirement shall be a minimum of one (1) hour of ethics, professionalism, or substance abuse and a minimum of eleven (11) hours of substantive law, practice and procedure and shall be first applicable to the compliance groups as follows:

Group II	August 31, 1996
Group III	December 31, 1996
Group I	April 30, 1997

(d) CLE credits for ethics, professionalism, or substance abuse may be applied to any substantive law, practice and procedure requirement.

## Section 4. Reporting Periods of Active Lawyers.

All active lawyers shall have one (1) year compliance periods. To aid administration of the program, all active lawyers shall be divided into three (3) compliance groups ("Compliance Groups").

The Board will assign all active lawyers into one (1) of three (3) compliance groups by random selection utilizing the attorney identification number. Every lawyer will be notified by the Board following their assignment to a compliance group. The Board will assign newly registered lawyers to a compliance group on a random basis.

Compliance Group 1 must complete the annual CLE requirement by April 30 of each year.

Compliance Group 2 must complete the annual CLE requirement by August 31 of each year.

Compliance Group 3 must complete the annual CLE requirement by December 31 of each year.

Lawyers newly admitted to practice law in Pennsylvania, including lawyers admitted on motion from other states, shall be exempt from the requirements of these regulations for twelve (12) months but no more than twenty-four (24) months from the date of their Pennsylvania admission depending upon the compliance group to which the newly admitted lawyer is assigned and the compliance period for that group. Newly admitted lawyers

shall complete their CLE requirement by the end of their next succeeding compliance period.

## Section 5. Credit for CLE Activities.

### (a) General Standards.

1. Credit will be given only for completion of CLE activities which are accredited by the Board.

2. One (1) hour of credit will be awarded for each sixty (60) minutes of instruction, not including introductory remarks, keynote speeches, luncheon speeches or breaks, but including question-and-answer periods.

3. No provider shall schedule a class for less than sixty (60) minutes, but one-half hour credit shall be awarded for attendance of at least thirty (30) minutes but less than sixty (60) minutes beyond the initial sixty (60) minutes.

4. Courses offered by an accredited continuing legal education provider shall be presumed to be accredited for the amount of time designated by the provider.

5. Courses offered by a provider which is not an accredited continuing legal education provider but which otherwise comply with the rules and these regulations shall be submitted to the Board pursuant to Section 12 of these regulations for review and may be given such credit, if any, as the Board deems appropriate.

6. If a course does not bear entirely on any of the subjects of:

- (i) substantive law, practice and procedure,
- (ii) lawyer ethics and the rules of professional conduct,
- (iii) professionalism,

(iv) substance abuse as it affects lawyers and the practice of law or the method of presenting the course if below minimum standards, the Board may determine that such course is entitled to no credit or may assign such partial credit as it deems appropriate.

(b) *Teaching Activity.* The Board may assign credit to teaching activities involving courses accredited under the rules and these regulations upon written application describing the teaching activity. The Board will provide forms to be submitted for the approval of teaching credits. Credit for teaching activities will be given only for the time spent in making presentations of materials prepared by the applicant.

(c) *Carry Forward Credits.* A lawyer may carry forward a balance of credit hours in excess of the current annual CLE requirement for the next two (2) succeeding years. No more than two (2) times the current annual CLE requirement may be carried forward into the two (2) succeeding years. CLE credits for ethics, professionalism or substance abuse may be applied as provided in Section 3(d).

(d) *In-House Activities.* In-house activities will not be approved for CLE credit.

(e) *Satellite Seminars and Electronic Presentations.* Seminars viewed at remote sites by electronic transmission will receive credit if a moderator is present or available by a telecommunication facility. The Board may approve CLE courses consisting solely of television viewing in the home, correspondence work or self study to accommodate the needs of the handicapped or incapacitated.

(f) *Law School Courses.* Law school courses may qualify for CLE credit, computed in accordance with these standards, provided that:

1. They would otherwise qualify for credit under the rules and these regulations.

2. They [law school courses] are not required in order to qualify for the awarding of a basic law degree. Courses offered towards graduate or advance degrees may receive credit, upon submission of appropriate documentation to the Board. One (1) hour of CLE credit may be given for each approved graduate credit hour awarded by the law school.

3. The law school offering the course is a law school accredited by the American Bar Association.

(g) *Continuing legal education activities conducted by a provider which has not been Accredited by the Board.*

All CLE activities conducted by a provider which has not been accredited by the Board must be individually approved by the Board for credit. A lawyer or non-accredited provider must request approval for such continuing legal education activity under Section 12 of these regulations.

(h) *Self study.* Self study will not be approved for credit.

### **Section 6. Waivers, Extensions and Deferrals.**

(a) *Waiver.* The Board may waive the CLE requirements of the rules and these regulations for a period of not more than one (1) year upon a finding by the Board of:

1. Undue hardship.
2. Circumstances beyond the control of the lawyer which prevent him or her from complying in any reasonable manner with the CLE requirement.

A waiver may be extended upon application to the Board and Board approval. Upon termination of the waiver, the Board may make such additional CLE requirements as it deems appropriate.

(b) *Inactive Lawyers.* A lawyer on voluntary inactive status shall have his or her compliance deferred while on inactive status. Upon return to active status the lawyer will have twelve (12) months to complete the deferred CLE requirements, not to exceed two (2) times the current annual requirement, in addition to the CLE credit required for the current year.

(c) *Members of the Judiciary.* A member of the judiciary return to active status shall have no deferred CLE requirement, but must complete the current year's CLE requirement within twelve (12) months of returning to active status.

(d) *Members of the Armed Force.* Compliance with these regulations shall be deferred for members of the Armed Forces on active duty outside of Pennsylvania during the period of their active duty. Within thirty (30) days after termination of active duty, the lawyer shall notify the Board. The lawyer will have twelve (12) months to complete the deferred CLE requirements, not to exceed two (2) times the current requirement, in addition to the CLE credit required for the current year.

(e) *Non-Resident Active Lawyer.* There shall be a sub-classification of active lawyers available to those lawyers who comply with the following:

1. An active Pennsylvania lawyer may annually request non-resident active status if he or she neither resides nor practices law in the Commonwealth of Pennsylvania nor represents any Pennsylvania citizen as a client in any court in Pennsylvania at the time of requesting such status. Such request shall contain the lawyer's agreement that the lawyer will not practice law in Pennsylvania nor represent a Pennsylvania citizen in

any court in Pennsylvania so long as the lawyer has non-resident status. Such request shall be in writing on a form approved by the Board, be verified and submitted to the Board along with the applicable filing fee. This procedure and fee are in addition to those which must otherwise be followed and paid by active lawyers.

2. Non-resident active status must be renewed annually and will be effective only for the lawyer's compliance period as designated by the Board. If the non-resident active lawyer shall choose to practice law in the Commonwealth of Pennsylvania or represent any Pennsylvania citizen in any court in Pennsylvania, he or she must immediately notify the Board and shall satisfy the CLE requirement for the lawyer's current compliance period by attendance at approved CLE courses.

3. A violation of the statements in the request or the requirements of the rules or this regulation shall cause the lawyer to be not in compliance with the rules and regulations, and the lawyer shall be placed on inactive status in accordance with the procedures of Section 8 of these regulations.

4. During the period the lawyer is on non-resident active status his or her CLE requirements are deferred.

5. A lawyer who fails to timely reapply for non-resident active status shall be placed on regular active status by the Board, and the deferral of the CLE requirement shall be cancelled.

6. Upon return to active status from non-resident active, the lawyer will have twelve (12) months to complete the deferred CLE requirements, not to exceed two (2) times the current annual CLE requirement, in addition to the CLE credits required for the current year.

### **Section 7. Lawyer Compliance Determination.**

The Board shall maintain current records of CLE attendance for each lawyer to whom the rules and these regulations apply. These records shall be made available as the Board shall determine.

The Board will notify each lawyer of his or her CLE status prior to the final day of the compliance period to which the lawyer has been assigned and will provide a final compliance notice after the end of the compliance period. The CLE requirement must be completed by the final day of the compliance period to which the lawyer has been assigned. The final compliance notice shall include the hours earned during the compliance period which have been reported by providers and carryover hours.

If a lawyer shall disagree with the final compliance notice, the lawyer shall within thirty (30) days of the date thereof notify the Board in writing setting forth the matter in dispute.

Each active lawyer shall maintain records sufficient to establish compliance with the CLE requirement in the event of a dispute with the final compliance report.

### **Section 8. Compliance Procedures Applicable to Active Lawyers.**

(a) If a lawyer fails to comply with any requirement under the rules or these regulations, the Board will send the lawyer a notice of noncompliance.

(b) Such notice shall specify the nature of the lawyer's noncompliance. Within thirty (30) days of the date of the notice, the lawyer shall either file evidence of compliance or request a hearing. The lawyer must within sixty (60) days from the date of the notice comply with the require-

ments of the rules and these regulations. In addition, the lawyer shall pay a late fee as required by the Board.

(c) If the lawyer fails to comply with the requirements of paragraph (b), the Board shall file a report of the lawyer's noncompliance with the Supreme Court, recommending that the lawyer be placed on inactive status.

(d) If the lawyer is able to provide sufficient evidence to establish compliance, the Board may, nevertheless, assess the lawyer a late fee.

(e) Credit hours earned shall be first applied to satisfy the requirements of the compliance period which was the subject of the notice to the lawyer before any excess credits earned during the notice period may be applied to subsequent requirements.

(f) If, in response to the notice of noncompliance, the lawyer timely files a request for a hearing, the Board shall schedule a hearing. The hearing may be conducted by one (1) or more members of the Board or a hearing officer, who should be a lawyer appointed by the Chair of the Board. If the hearing is conducted by more than one (1) person, the Chair of the Board shall designate the person who will act as the presiding hearing officer. The hearing shall be held at least ten (10) days after written notice to the lawyer. Within thirty (30) days after the hearing, the hearing person or body shall submit to the Board findings of fact, conclusions of law and a recommendation which may be approved, modified or rejected by the Board, and no recommendation shall become the finding or determination of the Board until ordered by the Board. Regardless of who conducts the hearing, the findings and determination of the Board shall have the same effect as if the hearing had been conducted by the Board.

(g) The Board may engage special independent counsel to investigate and prosecute to conclusion charges of noncompliance by a lawyer. Fees and expenses of the special independent counsel shall be paid in the first instance by the Board but in cases of a finding of noncompliance, all or a portion of these fees may, at the discretion of the Board, be assessed to the noncomplying lawyer.

(h) If the Board finds that the lawyer was in compliance with the requirements of the rules and these regulations, the lawyer shall be notified and a late filing fee may be assessed at the discretion of the Board.

(i) If the Board finds that the lawyer was not in compliance with the requirements of the rules or these regulations, the Board shall carry out the provisions of paragraph (c) if the requirements of paragraph (b) are not complied with. The Board may assess the costs of the hearing, including the compensation of the hearing officer, room rental, depositions and other hearing expenses upon the lawyer.

(j) If the Board finds that the lawyer had reasonable cause for noncompliance, the lawyer shall have sixty (60) days from the date of notice of the Board's decision to correct the noncompliance. The Board may waive the late filing fee if it so determines. If compliance is not achieved within the sixty (60) day period, the Board shall proceed as provided in paragraph (c).

(k) All hearings shall be public. Witnesses shall be sworn and a complete electronic record or a transcript may be made. The presiding hearing officer shall have authority to rule on all motions, objections and other matters presented.

(l) In investigations and proceedings under the rules and these regulations, the Board shall have power to issue subpoenas and cause testimony to be taken under oath before the Board, Board member(s), or hearing examiner appointed by the Board. All subpoenas shall be issued in the name and under the seal of the Supreme Court and served as provided by the Rules of Civil Procedure. Fees and costs of the subpoenas shall be paid from the funds of the Board or taxed as costs, as determined by the Board.

(m) The Board may order the testimony of a witness to be taken by deposition within or without this Commonwealth in the manner prescribed for the taking of depositions in civil actions and the depositions may be used to the same extent as permitted in civil actions.

(n) The hearing shall result in findings of fact, conclusions of law and recommendations for action with respect to: (1) the lawyer's compliance or noncompliance with the requirements of the rules and these regulations, and (2) a determination of the existence of reasonable cause in the event of a finding of noncompliance. A copy of the same shall be sent to the lawyer.

#### **Section 9. Reinstatement.**

(a) A lawyer placed on inactive status for noncompliance under the rules and these regulations may petition the Disciplinary Board of the Supreme Court of Pennsylvania for reinstatement to active status pursuant to the Disciplinary Rules. Upon written request of the lawyer seeking reinstatement, the Board shall certify to the Disciplinary Board whether the lawyer is in compliance. Only verified attendance at sufficient hours of approved CLE activities for all reporting periods from period of noncompliance to the date of the petition for reinstatement shall be deemed in full compliance with the requirements of the rules and these regulations.

(b) Within thirty (30) days after service of the written request for certification, the Board shall make a determination regarding compliance and advise the Disciplinary Board and the lawyer in writing as to the determination.

(c) Upon reinstatement, the lawyer shall pay the Board's reinstatement fee.

#### **Section 10. Reporting Period After Reinstatement.**

The first compliance period for a lawyer who is reinstated as an active lawyer following an involuntary transfer from active status for noncompliance under the rules and these regulations or a suspension or disbarment or following resignation shall start on the date of reinstatement and shall end at the conclusion of the lawyer's current compliance period.

#### **Section 11. Accreditation of Accredited Continuing Legal Education Providers.**

(a) Application may be made for accreditation as an Accredited Continuing Legal Education Provider by submitting the appropriate form to the Board and paying the required fee.

(b) The grant of accreditation shall be effective for a period of two (2) years from date of the grant. The accreditation may be continued for an additional two (2) year period as follows:

1. The accredited status of a Certified Continuing Legal Education Provider may be continued by filing an application and paying the required fee with the Board before the end of the provider's accreditation period.

2. The Board shall determine if there are pending or past breaches of the rules or these regulations, and the

Board, at its discretion, may condition continuation upon the provider meeting additional requirements specified by the Board.

3. If an application for continuation is timely filed, the accredited status shall continue until the Board acts on the application for continuation.

4. If an application for continuation is not filed before the end of the provider's accreditation period, the provider's accredited status will terminate at the end of the period. Any application received thereafter shall be considered by the Board as an initial application for accredited provider status.

(c) Accredited Continuing Legal Education Provider status may be revoked by the Board if the reporting requirements of these regulations are not met or if, upon review of the provider's performance, the Board determines that content of the course material or the quality of the CLE activities or provider's performance does not meet the standards set forth in the rules and these regulations.

(d) Accredited Continuing Legal Education Provider status may be granted at the discretion of the Board to applicants satisfying the following requirements:

1. The provider has presented, within the past two (2) years, five (5) separate programs of CLE which meets the standards of quality set forth in the rules and these regulations, or

2. The provider has demonstrated to the Board that its CLE activities have consistently met the standards of quality set forth in the rules and these regulations, or

3. Is an American Bar Association accredited law school.

(e) Providers granted such status shall file two (2) written reports with the Board each year at times fixed by the Board. These reports shall describe the CLE activities conducted during the prior six (6) months and shall be in such detail and form as required by the Board.

(f) Providers shall file with the Board an announcement of each CLE activity on a form provided by the Board prior to the presentation of a CLE activity.

### **Section 12. Accreditation of a Single Course or CLE Activity.**

A provider of CLE activities which has not qualified as an Accredited Continuing Legal Education Provider or a lawyer may apply for accreditation of a single CLE activity on a form provided by the Board. The Board may require submission of a detailed description of the provider, the course, the course materials and the lectures.

(a) Application for accreditation of a single CLE activity should be submitted prior to the date of presentation of the activity if possible. Application for retroactive approval must be made within one (1) year of the date of presentation. CLE activities held before January 1, 1994 will not be approved.

(b) Publication that the CLE activity has been accredited is prohibited unless prior written approval is granted by the Board.

(c) The CLE activity must meet the standards set forth in the rules and these regulations.

### **Section 13. Standards for Approved CLE Activities.**

All CLE activities approved for credit shall meet the following standards:

(a) The activity shall have significant intellectual or practical content, the primary objective of which is to improve the participants' professional competence and ethical behavior.

(b) The activity shall be an organized program of learning to deal with matters directly related to subjects which satisfy the objectives of the rules and these regulations.

(c) Each CLE activity shall be open to all lawyers thought to be interested in the subject matter and there shall be no attendance restrictions, except as may be permitted by the Board, upon application from a provider, where:

1. Attendance is restricted on objective criteria for a bona fide educational objective to enhance the CLE activity.

2. Attendance is restricted due to applicable State or federal law.

3. Membership in the provider organization is open to all interested lawyers, on reasonable non-discriminatory basis and cost.

(d) The program leaders or lecturers shall be qualified with the necessary practical and/or academic experience necessary to conduct the program effectively.

(e) Each attendee shall be provided with thorough, high quality and carefully prepared written course materials before or at the time of the activity. Although written materials may not be appropriate to all courses, they are expected to be utilized whenever possible.

(f) The activity must be presented in a suitable setting, conducive to a good educational environment, which provides attendees with adequate writing space or surface.

(g) Upon request by the Board, the provider shall submit to the Board information concerning the activity, including the brochure describing the activity and the qualifications of anticipated speakers, the method or manner of presentation of materials, and, if requested, a set of the materials, as required by Rule 106(c)(3)(b).

(h) The provider shall develop and implement methods to evaluate its course offerings to determine their effectiveness and the extent to which they meet the needs of lawyers and, upon a request from the Board, provide course evaluations by the attendees on such forms as the Board shall approve.

(i) The Board will take into consideration the special needs of handicapped and incapacitated lawyers in gaining access to and participation in CLE activities. The Board shall require providers to make reasonable accommodations for handicapped and incapacitated lawyers.

(j) Self study will not be approved for CLE credit.

(k) In-house activities will not be approved for CLE credit.

(l) Seminars viewed at remote sites by electronic transmission, will receive credit if a moderator is present by a telecommunication facility. The Board may approve CLE courses consisting solely of television viewing in the home, correspondence work or self study to accommodate the needs of the handicapped or incapacitated.

(m) The provider shall monitor the CLE activity for attendance and certify such attendance to the Board.

**Section 14. Reporting Duties of All Providers.**

Accredited Continuing Legal Education Providers and providers of CLE activities which are accredited in accordance with the rules and these regulations are required to take attendance and to report attendance at each accredited activity to the Board and pay the fees required by Section 18 within thirty (30) days of the completion of the accredited course or activity. This report will be on a form prescribed by the Board. The procedure for completing and filing such reports shall be determined by the Board.

**Section 15. Advertising.**

(a) *Accreditation.* Where a CLE activity has been accredited or the activity is offered by an Accredited Continuing Legal Education Provider, the provider shall announce, in its brochures and/or registration materials: "This program has been approved by the Pennsylvania Continuing Legal Education Board for [applicable] hours of substantive law, practice and procedure CLE credit and [applicable] hours of ethics, professionalism or substance abuse CLE credit."

(b) *CLE Activities.* Providers are encouraged to widely advertise CLE activities. The Board will make mailing lists of lawyers and its automated telephone service of upcoming CLE activities available to Accredited Continuing Legal Education Providers. The Board may impose a charge for such services.

**Section 16. Provider Fees.**

(a) All providers of CLE activities, including Accredited Continuing Legal Education Providers, shall, as a condition of accreditation, agree to remit a fee for each active lawyer attending the activity. The fee shall be remitted within thirty (30) days after the activity is held, together with the attendance report required by Section 14. The amount of the fee shall be fixed annually by the Board.

(b) The Board may impose late charges on providers for failure to meet the requirements of the rules or these regulations.

(c) If a provider shall fail to pay any fee or cost established by the Board when due, upon ten (10) days written notice from the Board to the provider, the Board may suspend or terminate the accreditation of the provider or cancel accreditation of any or all of the provider's CLE activities.

(d) If a provider fails to pay to the Board the provider fees required by the Board, the lawyers who attended these accredited activities and who are seeking credit for such attendance, may, in the discretion of the Board, be required to pay the designated fee before receiving such credit.

**Section 17. Confidentiality.**

The files, records and proceedings of the Board as they relate to or arise out of any alleged failure of a lawyer to satisfy the requirements of the rules or these regulations shall be deemed confidential and shall not be disclosed except in furtherance of the duties of the Board or upon the request of the lawyer affected or as they may be introduced in evidence or otherwise produced in proceedings under these regulations.

**Section 18. Board Fee Schedule.**

Following is a schedule of fees established by the Board to be paid by providers and lawyers. This schedule will be reviewed annually by the Board and may be modified at any time upon approval by the Pennsylvania Supreme Court.

Fee to accompany application for designation as Accredited Continuing Legal Education Provider	\$ 25.00
Fee to accompany application for continuation as an Accredited Provider	\$ 25.00
Fee per credit hour to be paid by provider with attendance certification	\$ 2.50
Fee per credit hour to be paid by lawyer for certification when fee not paid by provider	\$ 2.50
Fee per credit hour when lawyer requests CLE credit for teaching course	\$ 2.50
Fee to accompany request by lawyer for certified copy of lawyer's record with the Board	\$ 25.00
Filing fee to accompany request for hearing concerning dispute of Board's determination of lawyer's CLE credit	\$ 25.00
Filing fee to accompany request for hearing concerning lawyers noncompliance	\$ 25.00
Filing fee to accompany application for waiver of CLE requirement	\$ 25.00
Filing fee to accompany application for extension to complete CLE requirement	\$ 50.00
Reinstatement fee	\$100.00
Filing fee to accompany request for hearing upon denial of reinstatement	\$ 25.00
Fee for late compliance with CLE requirement	\$100.00
Fee to accompany application to accredit single CLE activity*	\$ 25.00
Fee to accompany application for non-resident active status	\$ 25.00
Charges to be paid by a provider for failure to comply with the rules or these regulations:	
First non-compliance	\$100.00
Second non-compliance	\$200.00
Third non-compliance	\$300.00
Fourth non-compliance	\$400.00
Fifth and succeeding non-compliance	\$500.00

\*To be effective for courses held on or after May 1, 1996.

[Pa.B. Doc. No. 96-334. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

**PART I. GENERAL**

**[234 PA. CODE CH. 6000]**

**Amendments to Rules Governing Writs of Certiorari in Philadelphia Municipal Court; No. 206; Doc. No. 2**

**Order**

*Per Curiam:*

Now, this 21st day of February, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published before adoption at 18 Pa.B. 1099 (March 12, 1988), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 544, No. 2), and a *Final Report* to be published with this Order:



*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 6006, 6008, 6009, and 6011 are hereby amended, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 1996.

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the changes which are the subject of the Court's Order. The *Final Report* follows the Court's Order.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA

Rule 6006. Notice of Right to Appeal [and] or to Petition for Certiorari; Guilty Plea Challenge Procedure.

Immediately after the imposition of sentence, the judge shall inform the defendant:

- (a) in the case of a trial and verdict of guilty [ , ]:
  - (1) of the right to file a petition for a writ of certiorari within 30 days without costs or to appeal for trial de novo within 30 days without costs [ , ];
  - (2) of the right to jury trial on appeal [ , ]; and
  - (3) that the charge on which the defendant was found guilty in the Municipal Court will be considered by the district attorney as the basis for the preparation of an information after the filing of the notice of appeal [ . ];
- (b) in the case of a plea of guilty [ , ]:
  - (1) of the right to file a motion challenging the validity of the plea or the denial of a motion to withdraw the plea [ , ];
  - (2) of the 10 day time limit within which such motion must be filed [ , ];
  - (3) of the right to be represented by counsel in preparing and litigating the motion and to have counsel appointed in the event the defendant is unable to afford counsel [ , ];
  - (4) of the right to appeal from the final order disposing of the motion within 30 days after such order [ , and ];
  - (5) that only the claims raised in the motion may be raised on appeal [ , ]; and
  - (c) in any case, of the right to counsel to represent the defendant on appeal and of the right to have counsel appointed to represent the defendant on appeal in the event the defendant is unable to afford counsel.

**Official Note:** Adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended February 21, 1996, effective July 1, 1996.

#### Comment

For the right to file a petition for a writ of certiorari to the court of common pleas, see Article V, Section 26 of the Pennsylvania Constitution, and the Judicial Code, 42 Pa.C.S. § 934. See also *Commonwealth v. Speights*, 509 A.2d 1263 (Pa. Super.

1986) (petition challenging sufficiency of the evidence), and *Commonwealth v. Frazier*, 471 A.2d 866 (Pa. Super. 1984) (petition alleging that judge erred in denying motion to suppress). Certiorari is available in non-summary cases only. Compare Rule 86(g).

**Committee Explanatory Reports:** Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).

Rule 6008. [Form of] Contents of Notice of Appeal or Petition for Certiorari.

[The notice of appeal shall be substantially in the following form:]

#### [Notice of Appeal]

(a) The notice shall state which method of review is being sought in the court of common pleas by indicating whether it is a notice of appeal or notice of a petition for a writ of certiorari.

(b) The notice shall contain the following information:

[ (a) ] (1) The name and address of the defendant.

[ (b) ] (2) The date of imposition of sentence.

[ (c) ] (3) The charges upon which the defendant was convicted.

[ (d) ] (4) The name of the sentencing judge.

**Official Note:** Adopted December 30, 1968, effective January 1, 1969; amended February 21, 1996, effective July 1, 1996.

#### Comment

The notice form previously set forth in this rule was deleted in 1996 because it is no longer necessary to control the specific form by rule.

**Committee Explanatory Reports:** Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).

Rule 6009. Notice to Municipal Court Judge and District Attorney of Appeal or of Petition for Certiorari.

The Clerk of Municipal Court shall notify the sentencing judge and the [District Attorney] district attorney of the filing of the appeal or the petition for a writ of certiorari.

**Official Note:** Adopted December 30, 1968, effective January 1, 1969; amended February 21, 1996, effective July 1, 1996.

**Committee Explanatory Reports:** Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).

**Rule 6011. Bail.**

(a) Prior to verdict, an existing bail order may be modified by a Municipal Court judge in a Municipal Court case in the same manner as a judge of the court of common pleas may modify a bail order pursuant to Rule 4008(b), (c), and (d).

(b) In all cases in which a sentence is imposed, the execution of sentence shall be stayed and the bail previously set shall continue, except as provided in this rule.

(1) If a notice of appeal or a petition for a writ of certiorari is not filed within 30 days, the judge shall direct the defendant to appear before the judge for the execution of sentence.

(2) If a notice of appeal is filed within 30 days, the bail previously set shall continue.

(3) If a petition for a writ of certiorari is filed within 30 days, bail shall be determined as provided in Rule 4009(B)(1) and (2).

(c) The attorney for the Commonwealth may make application to the Court of Common Pleas to increase the amount of bail upon cause shown.

**Official Note:** Adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended February 21, 1996, effective July 1, 1996.

#### Comment

Paragraph (a) was added in 1995 to conform the practice for Municipal Court judges modifying a bail order before verdict in Municipal Court cases with the practice set forth in Rule 4008 for judges of the common pleas court.

[ The 1995 amendments to paragraphs (b) and (c) are editorial changes and are not intended to change present practice. ]

*Committee Explanatory Reports:* Final Report explaining the September 13, 1995 amendments published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

**Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).**

#### FINAL REPORT

##### *Amendments to Chapter 6000: Writs of Certiorari in Philadelphia Municipal Court*

On February 21, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court of Pennsylvania amended Rules of Criminal Procedure 6006, 6008, 6009, and 6011 to expressly recognize petitions for writs of certiorari from the Philadelphia Court of Common Pleas, a procedure already in practice in Municipal Court cases and provided for by law. PA. CONST. Art. V, § 26; 42 Pa.C.S. § 934.

The consideration of the procedures for writs of certiorari arose during the course of the Committee's examination of post-verdict procedures. Several members noted that, although the Philadelphia Public Defender's office utilized petitions for writs of certiorari fairly frequently, many members of the private bar apparently were not aware of the continued availability of certiorari as an alternative to an appeal for a trial de novo in the court of common pleas. We therefore agreed that the rules should expressly provide for this procedure. An explanation of the rule changes follows.

**1. Rule 6006 (Notice of Right to Appeal or to Petition for Certiorari; Guilty Plea Challenge Procedure)**

(a) Paragraph (a) has been amended to provide notice to the defendant of the right to petition for a writ of certiorari or to appeal for a trial de novo within thirty days of sentencing. Worded in the disjunctive, the amend-

ment makes it clear that defendants may petition for a writ of certiorari or appeal for a trial de novo, but not both.

(b) The revised *Comment* provides the constitutional and statutory bases for writs of certiorari, and cites two cases which illustrate the function of the writ in Municipal Court cases. See *Commonwealth v. Speights*, 509 A.2d 1263 (Pa. Super. 1986) (petition challenging sufficiency of the evidence), and *Commonwealth v. Frazier*, 471 A.2d 866 (Pa. Super. 1984) (petition alleging that judge erred in denying motion to suppress).

**2. Rule 6008 (Contents of Notice of Appeal or Petition for Certiorari)**

Originally a "form" rule, Rule 6008 has been made a "content" rule, in keeping with the Committee's general policy that forms should be developed administratively and not by rule. In addition, the rule now includes the required contents for the notice of a petition for certiorari.

**3. Rule 6009 (Notice to Municipal Court Judge and District Attorney of Appeal or of Petition for Certiorari)**

The amendment to Rule 6009 requires that the defendant give notice of the filing of a petition for certiorari to the Municipal Court judge and the district attorney.

**4. Rule 6011 (Bail)**

(a) The procedures governing bail after a sentence is imposed in a Municipal Court case have been expanded to provide for bail when notice of a petition for certiorari has been filed.

(b) The amendments clarify the different bail considerations implicated when notice of a petition for a writ of certiorari (rather than an appeal) has been filed. When an appeal is filed for a trial de novo, it makes sense for the amount of bail set for the Municipal Court trial to continue, because the appeal from the Municipal Court conviction voids the original trial. A petition for certiorari, on the other hand, leaves the conviction intact and seeks review on a pure question of law. As such, the case is in an "after-sentencing" posture for the purposes of bail, and the bail set for the Municipal Court trial should be reconsidered. To make these distinctions clear, paragraph (b)(2) provides that if a notice of appeal for a trial de novo is filed, the bail previously set continues. Under paragraph (b)(3), if a petition for certiorari is filed, the general rule governing bail after sentencing applies. See Pa.R. Crim.P. 4009(B)(1) and (2), effective April 1, 1996.

[Pa.B. Doc. No. 96-335. Filed for public inspection March 8, 1996, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment to Rules of Civil Procedure—Rule 131

#### Order

And Now, this 20th day of February, 1996, the following amendment to the Rules of Civil Procedure—Rule 131. Self Representation was amended at the Board of Judges meeting, as General Court Regulation 96-1-MC.

*This Order*, becomes effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,  
*President Judge*

**Rule 131. Self Representation.**

A corporation or unincorporated association must be represented by an attorney except when damages are not in excess of [ \$1000. ] \$2,500.00. In such cases, a corporation or unincorporated association may be represented by an officer who has documentation of such status.

[Pa.B. Doc. No. 96-336. Filed for public inspection March 8, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Administrative Order Establishing Costs for Competency/Accountability Programs (CAP); File No. 96-M11996

*And Now*, this 16th day of February 1996, *It Is Ordered* that the following Administrative Order relating to Establishing Costs for Competency/Accountability Programs for the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

#### Order

*And Now*, this 16th day of February 1996, in accordance with 42 Pa.C.S. § 9729 (relating to Intermediate Punishment), every person placed into a Competency/Accountability Program (CAP), shall pay, in addition to the costs of prosecution, fines, supervision fees, and restitution, a daily fee of one dollar (\$1.00) as cost of participation in said program, an Intermediate Punish-

ment Program approved by the Pennsylvania Commission on Crime and Delinquency.

This Order shall be effective April 1, 1996.

*By the Court*

JAMES N. DIEFENDERFER,  
*President Judge*

[Pa.B. Doc. No. 96-337. Filed for public inspection March 8, 1996, 9:00 a.m.]

### LEHIGH COUNTY

#### Administrative Order Establishing Costs for Urinalysis; File No 95-M11996

*And Now*, this 16th day of February 1996, *It Is Ordered* that the following Administrative Order relating to Establishing Costs for Urinalysis for the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

#### Order

*And Now*, this 16th day of February 1996, in accordance with 42 Pa.C.S. § 9729 (relating to Intermediate Punishment), every person tested by the Lehigh County Adult Probation Department for use of drugs and alcohol, shall pay, in addition to the costs of prosecution, fines, supervision fees, and restitution, a fee of two dollars and fifty cents (\$2.50) as costs of urinalysis, an Intermediate Punishment Program approved by the Pennsylvania Commission on Crime and Delinquency.

This Order shall be effective April 1, 1996.

*By the Court*

JAMES N. DIEFENDERFER,  
*President Judge*

[Pa.B. Doc. No. 96-338. Filed for public inspection March 8, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### EXECUTIVE BOARD

#### [4 PA. CODE CH. 39]

#### Defense of Suits Against Commonwealth Employees

The Executive Board (Board) amends Chapter 39, Subchapter A (relating to defense of suits against Commonwealth employees) to read as set forth in Annex A. These amendments are adopted under the authority of section 709(f) of The Administrative Code of 1929 (71 P. S. § 249(f)) and the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). The existing provisions of Subchapter A govern the standards and procedures under which the Office of General Counsel (OGC) makes determinations regarding the defense of lawsuits against Commonwealth employees. The revisions are designed to: (1) clarify that the Commonwealth will provide a defense in specified situations, rather than provide an attorney or pay attorneys fees; (2) eliminate the requirements that the Commonwealth provide a defense for employees who have acted in bad faith in multidefendant cases when the Commonwealth is providing a defense for other employees; (3) eliminate a problematic provision which, in the case of alleged violations of Federal civil rights legislation, prevented an attorney from providing a full defense and required instead that the attorney defend solely on the basis that the employe in question was not acting under color of State law; (4) clarify and streamline the procedures for the OGC determinations in this area; (5) expressly require the employe to cooperate with the defense of the matter if the Commonwealth is providing a defense to the employe; and (6) clarify that if the Commonwealth is indemnifying the employe, the Commonwealth is authorized to settle the case and make other legal and strategic decisions as it deems appropriate.

Section 39.3(b)(1) (relating to civil cases involving intentional or malicious conduct) currently provides that, if an employe/defendant's conduct is determined to have been in bad faith, malicious or outside the scope of his employment, the Commonwealth will nevertheless afford legal representation to the defendant if there are other defendants in the case that the Commonwealth's attorneys are representing. These amendments will eliminate this requirement and instead vest the General Counsel with the discretion to evaluate, on a case-by-case basis, the wisdom of providing a defense to an employe whose actions are determined to be in bad faith, malicious or outside the scope of employment.

Section 39.3(b)(2) currently requires that, in a case involving an alleged violation of Federal civil rights legislation, the Commonwealth will provide a legal defense to a defendant whose conduct was outside the scope of his employment if there are other defendants represented by Commonwealth attorneys. The same section further provides that the defense presented by the Commonwealth attorneys is limited to the argument that the defendant was not acting under color of State law. These requirements are untenable and have presented numerous problems in implementation. Moreover, the latter provision may interfere with an attorney's obligation to provide his client with a complete and vigorous defense. Consequently, these amendments will eliminate these

provisions in their entirety. The amendments also add language to clarify that defendants/employees who are denied representation because of bad faith conduct and subsequently prevail in the litigation may seek reimbursement for costs and fees of a private attorney.

The addition of an express provision authorizing the Commonwealth to settle a case in which it is indemnifying an employe clarifies the right of the Commonwealth to act in the manner that is most economically reasonable. This is a common provision in liability insurance contracts which allows the entity that is going to pay the settlement or judgment to make the legal and strategic decisions in a case.

The remaining revisions in this rulemaking either address minor administrative matters or clarify existing language.

#### *Statutory Authority*

These amendments are adopted under the authority of section 709(f) of The Administrative Code of 1929 and the Commonwealth Attorneys Act. The existing provisions of Subchapter A govern the standards and procedures under which the OGC makes determinations regarding the defense of lawsuits against Commonwealth employees.

#### *Fiscal Impact*

The Board has determined that the amendments will have no significant fiscal impact on the Commonwealth.

#### *Paperwork*

The amendments will not generate significant additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The amendments shall take effect upon publication in the *Pennsylvania Bulletin*. The regulations will be monitored annually. No sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these amendments on January 16, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on State Government and the Senate Committee on State Government. In addition to submitting the amendments, the Board provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

#### *Findings*

Public notice of intention to amend the regulations under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(1)(ii)—(iv) of the CDL (45 P. S. § 1204(1)(ii)—(iv)). The amendments relate to agency personnel, employe benefits and the OGC and agency procedures and practice. In addition, under section 204(3) of the CDL, the procedures specified in sections 201 and 202 of the CDL are in some circumstances impracticable, unnecessary and may be contrary to the public interest.

*Order*

The regulations of the Executive Board, 4 Pa. Code Chapter 39, are amended by amending §§ 39.1—39.4 and adding § 39.6 to read as set forth in Annex A.

THOMAS G. PAESE,  
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 26 Pa.B. 814 (February 24, 1996).)

**Fiscal Note:** 99-5. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 4. ADMINISTRATION****PART II. EXECUTIVE BOARD****Subpart D. EXECUTIVE BOARD REGULATIONS****CHAPTER 39. ENTITLEMENTS FOR COMMONWEALTH EMPLOYEES****Subchapter A. DEFENSE OF SUITS AGAINST COMMONWEALTH EMPLOYEES****§ 39.1. Criminal cases.**

(a) The Commonwealth will not provide an attorney to defend a present or former official or employe in a criminal case arising from acts or omissions occurring while in the service of the Commonwealth. If it is determined by the General Counsel or the General Counsel's designee that there is no basis for the prosecution as a matter of law or fact, the Commonwealth will reimburse the employe for reasonable attorneys fees and to that end will make any required advance of these fees, limited by the balance in the retirement account of the employe.

(b) In a case in which the General Counsel or the General Counsel's designee does not determine that there is no basis for the prosecution in law or fact, he may nevertheless authorize the reimbursement of reasonable attorneys fees if the employe's defense is successful.

**§ 39.2. Civil cases involving unintentional conduct.**

When a Commonwealth official or employe is sued in his official or individual capacity for alleged negligence or other unintentional misconduct occurring while in the scope of employment, the Commonwealth will provide a defense in all cases. If an insurance policy purchased by the Commonwealth affords coverage, the insurance company will undertake the defense with an attorney of its choosing at its expense. If there is no insurance coverage, the Commonwealth will provide an attorney to defend the official or employe. The Commonwealth will indemnify the defendant for the expense of a judgment against him in this case. The defendant may engage his own attorney but any attorneys fees will not be reimbursed by the Commonwealth and indemnification will be in the sole discretion of the General Counsel.

**§ 39.3. Civil cases involving intentional or malicious conduct.**

(a) *Good faith in exercise of authority.* Regardless of the allegations made against the defendant, if it appears to the General Counsel or to the General Counsel's designee that the defendant's conduct giving rise to the cause of action was within the scope of his employment and a good faith exercise of his authority, the Commonwealth, or its insurance company if there is coverage, will undertake the defense with an attorney of its choosing at its expense, and will indemnify the defendant for the expense of a judgment against him or a settlement that is approved by the

General Counsel or the General Counsel's designee. The defendant may engage his own attorney but indemnification and reimbursement of attorneys fees by the Commonwealth will be in the sole discretion of the General Counsel.

(b) *Bad faith or malicious conduct, or conduct outside the scope of employment.*

(1) If the General Counsel or the General Counsel's designee determines that the defendant's conduct was a bad faith exercise of his authority, malicious or outside the scope of his employment, the General Counsel, in his sole discretion, will determine whether the Commonwealth will undertake the defense of the defendant. The Commonwealth will not indemnify the defendant for a judgment against him, and will notify the defendant that he may be subject to personal liability and should engage his own attorney.

(2) If the General Counsel or the General Counsel's designee has determined initially that the defendant's conduct was a bad faith exercise of his authority, malicious or outside the scope of his employment, and the defendant ultimately prevails in the civil action, the General Counsel, in his sole discretion, may determine that the Commonwealth will reimburse the defendant for the costs of defense and fees of his private attorney.

**§ 39.4. Employee responsibility.**

(a) The Commonwealth will not provide a defense to an official or employe whose failure to notify the Commonwealth promptly of a suit or prosecution brought against him has jeopardized the defense of the case, and the Commonwealth will not indemnify the defendant for the expense of a judgment under these circumstances.

(b) If the Commonwealth provides a defense to an official or employe, the employe shall cooperate fully in the defense of the case.

(c) To the extent the Commonwealth is indemnifying the employe, the employe is deemed to authorize the Commonwealth to settle the case as it deems appropriate and is deemed to authorize the Commonwealth to make other legal and strategic decisions relating to defense of the case as it deems appropriate.

**§ 39.6. Applicability.**

To the extent a collective bargaining agreement in effect on March 9, 1996, refers to or incorporates this subchapter, these amendments published as Pa.B. Doc. No. 96-339 and codified at *Pennsylvania Code* serial pages \_\_\_\_\_ (*Editor's Note:* The blank refers to serial pages which will be published in the May 1996 *Pennsylvania Code Reporter* (MTS 258)) would not apply to or change the terms of the agreement.

[Pa.B. Doc. No. 96-339. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Title 61—REVENUE****DEPARTMENT OF REVENUE**

[Correction]

**[61 PA. CODE CHS. 103, 108, 117 AND 125]****Personal Income Tax; Exempt and Nonexempt Income**

An error appeared at 26 Pa.B. 887, 888 (March 2, 1996). The statutory authority should read:

*Authority*

The amendments are adopted under section 354 of the Tax Reform Code of 1971 (code) (72 P. S. § 7354). Section 354 of the code specifically authorizes and empowers the Department to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing

pertaining to the administration and enforcement of the provisions of and the collection of taxes imposed by Article III of the code (72 P. S. §§ 7301—7361).

[Pa.B. Doc. No. 96-289. Filed for public inspection March 1, 1996, 9:00 a.m.]

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# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 163]

### Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers

The Insurance Department (Department) proposes to adopt Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers) to read as set forth in Annex A. These regulations are proposed under the authority of sections 319—319.2 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 442—442.2).

#### *Purpose*

Reinsurance is an agreement whereby all or part of the risk of loss assumed by one of the parties (the ceding insurer) in issuing policies is transferred to the other party (the assuming insurer or reinsurer). By allowing insurers to transfer or share the risk of loss, reinsurance protects ceding insurers against operating losses and increases their underwriting capacity.

Under statutory insurance accounting principles, a ceding insurer is permitted to establish an asset for losses that it is entitled to recover from a reinsurer or to reduce its liability or reserves for losses that are reinsured. In particular, section 319.1 of the act sets forth conditions for the allowance of credit for reinsurance in financial statements filed with the Department and provides that the Department may promulgate regulations to limit, prohibit or authorize reinsurance credit taken by domestic insurers.

When a reinsurer is neither licensed by the Department to transact insurance business in this Commonwealth nor included on the Department's list of qualified reinsurers, the obligations of the reinsurer must be secured in order for the ceding insurer to be permitted to take credit for the reinsurance in its financial statements. The form of collateral held for purposes of credit for reinsurance, such as securities, letters of credit and funds held in trust, must be acceptable to the Department.

These proposed regulations establish minimum requirements for trust agreements, letters of credit and other forms of security acceptable to the Department for credit for reinsurance ceded to unlicensed, unqualified reinsurers. These regulatory requirements are needed to assure that collateral held for purposes of credit for reinsurance meets minimum standards for quality and collectibility of reinsurance recoverables. The proposed regulations will also provide both ceding insurers and reinsurers with formal guidelines for what constitutes forms of security acceptable to the Department.

#### *Explanation of Regulatory Requirements*

Section 163.1 (relating to definitions) contains definitions of "domestic," "insurer" and "unlicensed, unqualified reinsurer" as key terms used in identifying the types of entities to which the proposed regulations apply. Section 163.3 (relating to scope) further specifies that the proposed regulations apply to licensed domestic insurers subject to section 319.1(b) of the act for purposes of credit for collateralized reinsurance.

Section 163.4 (relating to funds held in trust) identifies underlying statutory requirements for trust agreements and defines "beneficiary," "grantor" and "trustee" as terms used to identify the parties of a trust agreement. Section 163.5 (relating to general requirements for trust agreements) lists requirements primarily intended to establish clearly and preserve the rights of the domestic ceding insurer as the beneficiary of the agreement. Section 163.6 (relating to requirements for assets held in trust accounts) builds on existing statutory requirements by protecting the assets from substitution or withdrawal except on written instructions from the beneficiary. Section 163.6 also clearly establishes the beneficiary's right to withdraw assets from the trust account at any time.

Section 163.7 (relating to duties and responsibilities of trustees) imposes requirements on the trustee relating to the form, safekeeping and withdrawal of the assets. Reporting requirements in this section establish the trustee's duty to provide the beneficiary and the grantor with timely notice of deposits or withdrawals from the account and at least quarterly statements of trust account assets. Section 163.8 (relating to resignation or removal of trustee) provides for prior written notice to all parties in the event of the resignation or removal of the trustee. This section also establishes requirements intended to prevent the resignation or removal of the trustee unless all necessary steps have been taken to secure a successor. Section 163.9 (relating to termination of trust agreements) establishes requirements intended to assure that the beneficiary is provided with advance written notice and the right to withdraw any remaining assets when a trust agreement is terminated.

Section 163.10 (relating to permitted provision in trust agreements) clarifies that, notwithstanding other requirements in the chapter, the grantor may be permitted to have voting rights on shares of stock in the trust account and may be permitted to receive dividends or interest upon stock or other obligations in the trust account.

Section 163.11 (relating to requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements) provides for an essential degree of specificity in the language of reinsurance agreements entered into in conjunction with trust agreements. The reinsurance agreement is required to contain provisions that obligate the reinsurer to establish a trust account; provide for the clear transfer of the right to negotiate the assets in the trust account to the ceding insurer; and require all settlements of account between the ceding insurer and the reinsurer to be made in cash or its equivalent. These provisions are needed to establish clearly the legal position of the ceding insurer and eliminate any impediments to the ceding insurer's ability to take possession of the assets.

Section 163.12 (relating to accounting in statutory financial statements for credit for reinsurance secured by trust agreements) prohibits a ceding insurer from taking credit for reinsurance in a financial statement filed with the Department unless the trust agreement has been executed and the trust account has been established and funded on or before the date on which the financial statement is filed. This section also limits the amount of permissible credit for reinsurance to the lesser of the current fair market value of assets available to be

withdrawn from the trust account or the specific obligations under the reinsurance agreement that the trust account was established to secure. These requirements are intended to assure that the ceding insurer does not take credit for reinsurance until the agreements and trust account have been properly executed and funded and that financial statements filed by ceding insurers are an accurate reflection of the impact of reinsurance agreements on their financial condition.

Section 163.13 (relating to existing trust agreements and underlying reinsurance agreements) gives ceding insurers 1 year from the effective date of the adoption of these regulations to bring existing reinsurance agreements and underlying trust agreements into compliance with the regulations.

Section 163.14 (relating to letters of credit) identifies underlying statutory requirements for letters of credit and defines "beneficiary" as that term is used in the proposed regulations with respect to letters of credit.

Section 163.15 (relating to requirements for letters of credit) includes requirements relating to the form of letters of credit, the rights of beneficiaries to draw on letters of credit, and the qualifications of financial institutions that issue or confirm letters of credit. Section 163.16 (relating to provisions in reinsurance agreements entered into in conjunction with letters of credit) provides for an essential degree of specificity in the language of reinsurance agreements entered into in conjunction with letters of credit, most importantly with respect to the rights of the ceding insurer in the event of nonrenewal of the letter of credit.

Section 163.17 (relating to accounting in statutory financial statements for credit for reinsurance secured by letters of credit) and § 163.18 (relating to existing letters of credit) contain provisions comparable to §§ 163.12 and 163.13 with respect to trust agreements. The amount of permissible credit is limited to the lesser of the amount of the letter of credit or the specific obligations under the reinsurance agreement that the letter of credit was issued to secure. Ceding insurers are given 1 year from the effective date of the adoption of these regulations to bring existing reinsurance agreements and letters of credit into compliance with the regulations.

Section 163.19 (relating to actions or rights of the Commissioner) provides that the failure of a trust agreement or letter of credit to identify the beneficiary as defined in the proposed regulations may not affect the rights of the Commissioner under the laws of the Commonwealth, particularly as the successor of the beneficiary in a court appointed receivership.

Section 163.20 (relating to other security acceptable to the Commissioner) describes other forms of security for which credit is permitted, consistent with existing statutes. In general, these other forms of acceptable security consist of funds or letters of credit provided by a noninsurer parent corporation and unencumbered funds withheld by and under the exclusive control of the ceding insurer.

#### *Fiscal Impact*

##### *State Government*

The proposed regulations will not have a measurable impact on Department costs associated with the analyses of financial statements filed by domestic insurers.

#### *General Public*

The proposed regulations will have no immediate fiscal impact on the general public. However, the general public will benefit to the extent that adoption of the regulations enhances the financial solvency of domestic insurers.

#### *Political Subdivisions*

The proposed regulations will have no impact on costs to political subdivisions.

#### *Private Sector*

The requirements in these proposed regulations will impose no significant costs on domestic insurers or reinsurers. Costs required to bring existing reinsurance agreements, trust agreements and letters of credit into compliance with the regulations will be mitigated by the 1 year grace period provided in the regulations for existing agreements and letters of credit. In addition, the proposed regulations will not have a measurable impact on Department costs associated with the conduct of onsite financial examinations of domestic insurers, which costs are borne by the examinees.

#### *Paperwork*

The proposed regulations impose no additional paperwork requirements on the Department or domestic insurers.

#### *Effectiveness/Sunshine Date*

The proposed regulations will become effective upon publication as a final rulemaking in the *Pennsylvania Bulletin*. The regulations will be monitored annually. No sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Elaine M. Leitzel, Administrative Officer, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-8840, within 30 days following publication of this notice in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed regulations on February 27, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. In addition to submitting these proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

LINDA S. KAISER,  
*Insurance Commissioner*

**Fiscal Note:** 11-135. No fiscal impact; (8) recommends adoption.



## Annex A

## TITLE 31. INSURANCE

## PART VIII. MISCELLANEOUS PROVISIONS

## CHAPTER 163. REQUIREMENTS FOR FUNDS HELD AS SECURITY FOR THE PAYMENT OF OBLIGATIONS OF UNLICENSED, UNQUALIFIED REINSURERS

Sec.	
163.1.	Definitions.
163.2.	Purpose.
163.3.	Scope.
163.4.	Funds held in trust; definitions.
163.5.	General requirements for trust agreements.
163.6.	Requirements for assets held in trust accounts.
163.7.	Duties and responsibilities of trustees.
163.8.	Resignation or removal of trustee.
163.9.	Termination of trust agreements.
163.10.	Permitted provision in trust agreements.
163.11.	Requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements.
163.12.	Accounting in statutory financial statements for credit for reinsurance secured by trust agreements.
163.13.	Existing trust agreements and underlying reinsurance agreements.
163.14.	Letters of credit.
163.15.	Requirements for letters of credit.
163.16.	Provisions in reinsurance agreements entered into in conjunction with letters of credit.
163.17.	Accounting in statutory financial statements for credit for reinsurance secured by letters of credit.
163.18.	Existing letters of credit.
163.19.	Actions or rights of the Commissioner.
163.20.	Other security acceptable to the Commissioner.

**§ 163.1. Definitions.**

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

*Act*—The Insurance Company Law of 1921 (40 P. S. §§ 341—991.1718).

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Credit for reinsurance or reinsurance credit*—An increase in assets or reduction in liabilities for reinsurance in financial statements filed with the Department by domestic insurers in accordance with statutory insurance accounting principles.

*Department*—The Insurance Department of the Commonwealth.

*Domestic*—Incorporated or organized under the laws of the Commonwealth.

*Insurer*—A company, association or exchange as defined in section 101 of the act (40 P. S. § 361).

*Unlicensed, unqualified reinsurer*—An assuming insurer which is neither:

(i) Licensed by the Department to transact insurance business in this Commonwealth.

(ii) Included on a list of qualified reinsurers published and periodically reviewed by the Commissioner under section 319.1(a) of the act (40 P. S. § 442.1(a)).

**§ 163.2. Purpose.**

Section 319.1(b) of the act (40 P. S. § 442.1(b)) establishes conditions whereby a domestic ceding insurer may be allowed to take credit for reinsurance when the assuming reinsurer is an unlicensed, unqualified reinsurer. The reinsurance credit may be taken in the amount of funds held as security for the payment of the unlicensed, unqualified reinsurer's obligations but may not exceed the amount of liability carried on the domestic

ceding insurer's books. The form of security held for purposes of credit for reinsurance, such as securities, letters of credit and funds held in trust, must be acceptable to the Commissioner. This chapter establishes minimum requirements for trust agreements, letters of credit and other forms of acceptable security for which credit will be allowed for reinsurance ceded to unlicensed, unqualified reinsurers.

**§ 163.3. Scope.**

This chapter applies to licensed domestic insurers subject to section 319.1(b) of the act (40 P. S. § 442.1(b)) relating to credit for collateralized reinsurance with unlicensed, unqualified reinsurers.

**§ 163.4. Funds held in trust; definitions.**

(a) Trust agreements established for funds held on behalf of a domestic ceding insurer as security for the payment of the obligations of an unlicensed, unqualified reinsurer shall comply with section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

(b) The following words and terms, when used in this chapter with respect to trust agreements, have the following meanings, unless the context clearly indicates otherwise:

*Beneficiary*—The domestic ceding insurer for whose benefit a trust has been established and any successor of the beneficiary by operation of law. If a successor in interest to the named beneficiary is effectuated by the issuance of an order by a court of law, the successor beneficiary shall include and be limited to the court appointed domiciliary receiver, including a liquidator, rehabilitator or conservator.

*Grantor*—An unlicensed, unqualified reinsurer that has established a trust for the sole benefit of the beneficiary.

*Trustee*—A qualified United States financial institution as defined in section 319.1(g) of the act (40 P. S. § 442.1(g)).

**§ 163.5. General requirements for trust agreements.**

(a) A trust agreement shall be entered into between the beneficiary, the grantor and a trustee.

(b) A trust agreement shall be established for the sole benefit of the beneficiary.

(c) A trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.

(d) A trust agreement may not be subject to any conditions or qualifications outside of the trust agreement.

(e) A trust agreement may not be conditioned upon any other agreements or documents, except for the reinsurance agreement for which the trust agreement is established.

(f) A trust agreement may not transfer liability from the trustee for the trustee's own negligence, willful misconduct or lack of good faith.

(g) A trust agreement shall create a trust account into which the assets shall be deposited.

(h) A trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to or reimbursing the expenses of the trustee.

(i) A trust agreement shall prohibit the grantor from terminating the trust agreement on the basis of the insolvency of the beneficiary.

**§ 163.6. Requirements for assets held in trust accounts.**

(a) Assets in the trust account shall be in the form of security permitted by section 319.1(b) of the act (40 P. S. § 442.1(b)) and shall be valued at current fair market value.

(b) A trust agreement shall permit substitution or withdrawal of assets from the trust account only as provided by the following:

(1) Within 6 months of the date the trust account is funded, no substitution or withdrawal of assets may occur except on written instructions from the beneficiary for each individual substitution or withdrawal at the time the substitution or withdrawal is executed.

(2) After 6 months from the date the trust account is funded, no substitution or withdrawal of assets may occur that, together with other substitutions or withdrawals made within the preceding 12 months, exceeds 50% of the total fair market value of the assets except on written instructions from the beneficiary for each individual substitution or withdrawal at the time the substitution or withdrawal is executed.

(3) Other than a substitution or withdrawal under paragraph (2), after 6 months from the date the trust account is funded, no substitution or withdrawal of assets may occur except in accordance with prior written instructions from the beneficiary listing specific types of permitted substitutions or withdrawals of assets that the trustee determines are at least equal in market value to the assets withdrawn and that are in the form permitted by section 319.1(b) of the act (40 P. S. § 442.1(b)) and subsection (a).

(c) Notwithstanding subsection (b), upon call or maturity of a trust asset, the trustee may withdraw the asset without the consent of the beneficiary, if the trustee provides notice to the beneficiary, liquidates or redeems the assets, and the proceeds are paid into the trust account no later than 5 days after the liquidation or redemption of the assets.

(d) A trust agreement shall permit the beneficiary to have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice of the withdrawal from the beneficiary to the trustee.

(e) No statement or document other than the written notice by the beneficiary to the trustee under subsection (c) shall be required to be presented by the beneficiary to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets.

**§ 163.7. Duties and responsibilities of trustees.**

A trust agreement shall require the trustee to:

(1) Receive and hold the assets in a safe place at an office of the trustee in the United States.

(2) Determine that the assets are in a form that the beneficiary, or the trustee upon direction by the beneficiary, may negotiate the assets without consent or signature from the grantor or any other person.

(3) Furnish to the grantor and the beneficiary a statement of the assets in the trust account upon the inception of the account and at subsequent intervals no less frequent than the end of each calendar quarter.

(4) Notify the grantor and the beneficiary within 10 days of deposits to or withdrawals from the trust account,

except as provided in § 163.3(b) (relating to requirements for assets held in trust accounts).

(5) Upon written demand of the beneficiary, immediately take the steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary.

**§ 163.8. Resignation or removal of trustee.**

This section applies if the resignation or removal of a trustee does not result in the termination of the trust agreement under § 163.9 (relating to termination of trust agreements).

(1) The trustee may resign upon delivery of a written notice of resignation, effective no later than 90 days after notice to the beneficiary and grantor.

(2) The trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective no later than 90 days after notice to the trustee and the beneficiary.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the resignation or removal of the trustee may not be effective until the following requirements have been met:

(i) A successor trustee has been appointed and approved by the beneficiary and the grantor.

(ii) A trust agreement has been executed by the successor trustee which complies with section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

(iii) The possession of, and title to, all assets in the trust have been transferred to the new trustee.

**§ 163.9. Termination of trust agreements.**

(a) The trustee shall deliver written notification of termination to the beneficiary at least 30 days, but not more than 45 days, prior to termination of the trust account.

(b) Upon termination of the trust account, assets not previously withdrawn by the beneficiary may not be delivered to the grantor except with the written approval of the beneficiary.

**§ 163.10. Permitted provision in trust agreements.**

The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account.

**§ 163.11. Requirements for provisions in reinsurance agreements entered into in conjunction with trust agreements.**

A reinsurance agreement, which is entered into in conjunction with a trust agreement and the establishment of a trust account, shall contain provisions that:

(1) Require the reinsurer to enter into a trust agreement and to establish a trust account for the benefit of the reinsured.

(2) Specify what recoverables and reserves, or both, the agreement is to cover.

(3) Require the reinsurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or transfer legal title to the trustee of all shares, obligations or other assets requiring assignments so that the ceding insurer, or the trustee upon the direction of

the ceding insurer, may negotiate these assets without consent or signature from the reinsurer or any other entity.

(4) Require that all settlements of account between the ceding insurer and the reinsurer be made in cash or its equivalent.

**§ 163.12. Accounting in statutory financial statements for credit for reinsurance secured by trust agreements.**

(a) A trust agreement established in compliance with this chapter may be used by a domestic ceding insurer to take credit for reinsurance ceded to an unlicensed, unqualified reinsurer in a financial statement required to be filed with the Department if the trust agreement is executed and the trust account is established and funded on or before the date on which the domestic ceding insurer files the financial statement.

(b) Reinsurance credit shall be allowed for reinsurance ceded to an unlicensed, unqualified reinsurer only if the trust account is established in compliance with this chapter. The credit may not exceed the lesser of the current fair market value of assets available to be withdrawn from the trust account or the specific obligations under the reinsurance agreement that the trust account was established to secure.

**§ 163.13. Existing trust agreements and underlying reinsurance agreements.**

Domestic ceding insurers may continue to take credit for reinsurance ceded to unlicensed, unqualified reinsurers under reinsurance agreements with underlying trust agreements when both the reinsurance agreements and the underlying trust agreements were executed prior to \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal), if the reinsurance agreements and trust agreements were executed in compliance with applicable State laws and regulations in existence immediately preceding \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal), until \_\_\_\_ (*Editor's Note:* The blank refers to a date 1 year after the effective date of adoption of this proposal) after which no credit may be allowed until the reinsurance agreements and underlying trust agreements are brought into compliance with this chapter.

**§ 163.14. Letters of credit.**

(a) Letters of credit held by or on behalf of a domestic ceding insurer as security for the payment of the obligations of an unlicensed, unqualified reinsurer under a reinsurance agreement shall meet the requirements of section 319.1(b)—(e) of the act (40 P. S. § 442.1(b)—(e)) and this chapter.

(b) As used in this chapter with respect to letters of credit, the term "beneficiary" means the domestic ceding insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a successor in interest to the named beneficiary is effectuated by the issuance of an order by a court of law, the successor beneficiary shall include and be limited to the court appointed domiciliary receiver, including a liquidator, rehabilitator or conservator.

**§ 163.15. Requirements for letters of credit.**

(a) A letter of credit shall:

(1) Be clean, irrevocable, unconditional and evergreen as provided under section 319.1(b)(3)(i) of the act (40 P. S. § 442.1(b)(3)(i)).

(2) Contain an issue date and date of expiration with a term of at least 1 year.

(3) Contain an evergreen clause which prevents the expiration of the letter of credit without due notice from the issuer and provides for at least 30 days notice prior to expiration date or nonrenewal.

(4) Stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented.

(5) Indicate that it is not subject to any condition or qualifications outside of the letter of credit.

(6) Be conditioned upon no other agreement, document or entity, except for the reinsurance agreement for which the letter of credit is issued.

(7) Include a clearly marked section which indicates that it contains information for internal identification purposes only and which contains the name of the applicant and other appropriate notations to provide a reference for the letter of credit.

(8) Contain a statement to the effect that the obligation of the qualified United States financial institution, as defined in section 319.1(g) of the act, under the letter of credit is in no way contingent upon reimbursement of the issuer by the applicant with respect thereto.

(9) Contain a statement that the letter of credit is subject to and governed by the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 500 or subsequent updates) and the laws of the Commonwealth, and drafts drawn thereunder shall be presentable at an office of a qualified United States financial institution.

(10) Contain a provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 17 of Publication 500 (or subsequent updates) occur.

(b) A letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(1) of the act.

(c) Notwithstanding subsection (b), a letter of credit may be issued by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(2) of the act if the following conditions are met:

(1) The letter of credit is confirmed by a qualified United States financial institution authorized to issue letters of credit under section 319.1(g)(1) of the act.

(2) The issuing qualified United States financial institution formally designates the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts.

(3) The letter of credit meets other requirements of this chapter relating to letters of credit.

**§ 163.16. Provisions in reinsurance agreements entered into in conjunction with letters of credit.**

A reinsurance agreement, which is entered into in conjunction with a letter of credit, shall contain provisions that:

(1) Require the reinsurer to be identified as the provider of letters of credit to the ceding insurer.

(2) Specify what recoverables and reserves are covered by the letter of credit.

(3) Specify that nonrenewal of the letter of credit is an event of default that allows the ceding insurer to draw down the full amount of the letter of credit.

**§ 163.17. Accounting in statutory financial statements for credit for reinsurance secured by letters of credit.**

(a) A letter of credit may not be used by a domestic ceding insurer to take credit for reinsurance ceded to an unlicensed, unqualified reinsurer unless the letter of credit has been issued with the domestic ceding insurer as beneficiary and is in compliance with section 319.1 of the act (40 P. S. § 442.1) and this chapter.

(b) Credit for reinsurance secured by a letter of credit shall be allowed in an amount not exceeding the lesser of the amount of the letter of credit or the specific obligations under the reinsurance agreement which the letter of credit was issued to secure.

**§ 163.18. Existing letters of credit.**

Domestic ceding insurers may continue to take credit for reinsurance secured by letters of credit when both the reinsurance agreements and underlying letters of credit were executed prior to \_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*), if the reinsurance agreements and letters of credit were in compliance with applicable State laws and regulations in existence immediately preceding \_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*), until \_\_\_\_ (*Editor's Note: The blank refers to a date 1 year from the effective date of adoption of this rulemaking*) or the renewal date of the letter of credit, whichever time is less, after which no credit will be allowed until the reinsurance agreements and letters of credit are brought into compliance with this chapter.

**§ 163.19. Actions or rights of the Commissioner.**

The failure of a trust agreement or letter of credit to specifically identify the beneficiary as defined in § 163.4(b) or § 163.14(b) (relating to funds held in trust; definitions; and letters of credit) to include a court appointed domiciliary receiver may not be construed to prevent the Commissioner from becoming the successor of the beneficiary as a court appointed domiciliary receiver or to otherwise affect any rights which the Commissioner may possess under the laws and regulations of the Commonwealth.

**§ 163.20. Other security acceptable to the Commissioner.**

(a) A domestic ceding insurer may take reinsurance credit for funds or letters of credit provided by a noninsurer parent corporation of the ceding insurer if the requirements of section 319.1(b)(4) of the act (40 P. S. § 442.1(b)(4)) are met.

(b) A domestic ceding insurer may take credit for unencumbered funds deposited with or withheld by the ceding insurer in the United States if the funds are subject to withdrawal, transfer or substitution solely by the domestic ceding insurer, are under the exclusive control of the domestic ceding insurer, and are in the forms as permitted under section 319.1(b)(1) and (2) of the act.

[Pa.B. Doc. No. 96-340. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

## Child Abuse Reporting Requirements

The State Board of Chiropractic (Board) proposes to amend § 5.1 (relating to definitions) and add Subchapter I (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed amendments are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), chiropractors are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these amendments are, with few exceptions, recaptulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed amendments:

*§ 5.1 (relating to definitions)*

Definitions are proposed to be added to § 5.1 for the following words and phrases used throughout the amendments: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL (relating to persons required to report suspected child abuse) refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom a chiropractor has reasonable cause to suspect, on the basis of the chiropractor's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to waivers).

*§ 5.91 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 5.91 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which chiropractors in private practice settings shall make a report

of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL, for chiropractors who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 5.92 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 5.92 advises chiropractors of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 5.93 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 5.93 advises chiropractors of this statutory mandate.

*§ 5.94 (relating to immunity from liability)*

Proposed § 5.94 advises chiropractors that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the chiropractor's actions. The proposed section also informs chiropractors that under section 6318 of the CPSL, the good faith of the chiropractor will be presumed for the purpose of a civil or criminal proceeding. The Board proposes under § 5.94 to extend the good faith presumption to disciplinary proceedings against a chiropractor that result by reason of the chiropractor's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 5.95 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 5.95 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over the

Chiropractic Practice Act (act) (63 P. S. §§ 625.101—625.1106) and any other ethical principle or professional standard that might otherwise apply.

*§ 5.96 (relating to noncompliance)*

Proposed § 5.96 advises chiropractors of the consequences of noncompliance with the child abuse reporting requirements of §§ 5.91—5.95. The proposed section is divided into two subsections, (a) and (b). As proposed, chiropractors are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 506(a)(9) and (13) of the act (63 P. S. § 625.506(a)(9) and (13)). Subsection (b) advises chiropractors of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report), for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These amendments are proposed under the authority of section 6383 of the CPSL and section 302(3) of the act (63 P. S. § 625.302(3)).

*Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, chiropractors may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed amendments.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Deborah Eskin, State Board of Chiropractic, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

RANDY W. McCALL, D.C.,  
*Chairperson*

**Fiscal Note:** 16A-436. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter A. GENERAL

§ 5.1. Definitions.

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

**Abused child**—A child under 18 years of age whom a chiropractor has reasonable cause to suspect, on the basis of the chiropractor's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

\* \* \* \* \*

**Child abuse**—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

**ChildLine**—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

\* \* \* \* \*

**Individual residing in the same home as the child**—An individual who is 14 years of age or older and who resides in the same home as the child.

\* \* \* \* \*

**Perpetrator**—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

**Person responsible for the child's welfare**—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment,

training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

**Recent acts or omissions**—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

**Serious mental injury**—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious physical injury**—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

**Sexual abuse or exploitation**—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)

Subchapter I. CHILD ABUSE REPORTING REQUIREMENTS

- Sec. 5.91. Suspected child abuse—mandated reporting requirements.
- 5.92. Photographs, medical tests and X-rays of child subject to report.
- 5.93. Suspected death as a result of child abuse—mandated reporting requirement.
- 5.94. Immunity from liability.
- 5.95. Confidentiality—waived.
- 5.96. Noncompliance.

§ 5.91. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), chiropractors who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Chiropractors who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

Upon notification by the chiropractor, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 5.92. Photographs, medical tests and X-rays of child subject to report.**

A chiropractor may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 5.93. Suspected death as a result of child abuse—mandated reporting requirement.**

A chiropractor who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 5.94. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a chiropractor who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the chiropractor's actions. For

the purpose of any civil or criminal proceeding, the good faith of the chiropractor shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a chiropractor's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 5.95. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 5.91—5.94 take precedence over the act and any other ethical principle or professional standard that might otherwise apply to chiropractors.

**§ 5.96. Noncompliance.**

(a) *Disciplinary action.* A chiropractor who willfully fails to comply with the reporting requirements in §§ 5.91—5.93 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 506(a)(9) and (13) of the act (63 P. S. § 625.506(a)(9) and (13)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a chiropractor who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-341. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

### Child Abuse Reporting Requirements

The State Board of Dentistry (Board) proposes to amend § 33.1 (relating to definitions) and adopt §§ 33.250—33.255 to read as set forth in Annex A. The proposed amendments are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), Board regulated practitioners are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these amendments are, with few exceptions, recaptulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed amendments:

*§ 33.1 (relating to definitions)*

Definitions are proposed to be added to § 33.1 for the following words and phrases used throughout the amendments: "abused child," "Board regulated practitioner," "child abuse," "ChildLine," "individual residing in the

same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom a Board regulated practitioner has reasonable cause to suspect, on the basis of the Board regulated practitioner's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The term "Board regulated practitioner" when used throughout the proposed amendments would be defined to mean "a dentist, dental hygienist, expanded function dental assistant or auxiliary personnel." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 33.250 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 33.250 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which Board regulated practitioners in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for Board regulated practitioners who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§33.251 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 33.251 advises Board regulated practitioners of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 33.252 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting of postmortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 33.252 advises Board regulated practitioners of this statutory mandate.

*§ 33.253 (relating to immunity from liability)*

Proposed § 33.253 advises Board regulated practitioners that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the Board regulated practitioner's actions. The proposed section also informs Board regulated practitioners that under section 6318 of the CPSL, the good faith of the Board regulated practitioner will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 33.253 to extend the good faith presumption to disciplinary proceedings against a Board regulated practitioner that result by reason of the Board regulated practitioner's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 33.254 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 33.254 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any ethical principle or professional standard that might otherwise apply.

*§ 33.255 (relating to noncompliance)*

Proposed § 33.255 advises Board regulated practitioners of the consequences of noncompliance with the child abuse reporting requirements of §§ 33.250—33.252. The section is divided into two subsections, (a) and (b). As proposed, Board regulated practitioners are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 4.1 of the Dental Law (act) (63 P. S. § 123.1). Subsection (b) advises Board regulated practitioners of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These amendments are proposed under the authority of section 6383 of the CPSL and section 3(o) of the act (63 P. S. § 122(o)).

*Fiscal Impact and Paperwork Requirements*

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, Board regulated practitioners may incur additional paperwork in complying with the child abuse reporting requirements announced by these amendments.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the



Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to June L. Barner, Board Administrator, State Board of Dentistry, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

EDWIN F. WEAVER, III, D.D.S.,  
*Chairperson*

**Fiscal Note:** 16A-462. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter A. GENERAL PROVISIONS**

**§ 33.1. Definitions.**

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

\* \* \* \* \*

**Abused child**—A child under 18 years of age whom a Board regulated practitioner has reasonable cause to suspect, on the basis of the Board regulated practitioner's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to the child protective services—child abuse).

\* \* \* \* \*

**Board regulated practitioner**—A dentist, dental hygienist, expanded function dental assistant or auxiliary personnel.

\* \* \* \* \*

**Child abuse**—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

**ChildLine**—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

\* \* \* \* \*

**Individual residing in the same home as the child**—An individual who is 14 years of age or older and who resides in the same home as the child.

**Perpetrator**—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

**Person responsible for the child's welfare**—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

**Recent acts or omissions**—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

**Serious mental injury**—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious physical injury**—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

**Sexual abuse or exploitation**—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit

**conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.**

(*Editor's Note:* The following sections are new. They have been printed in regular text to enhance readability.)

**Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE**

**§ 33.250. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), Board regulated practitioners who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Board regulated practitioners who are staff members of a dental or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the Board regulated practitioner, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.
- (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 33.251. Photographs, medical tests and X-rays of child subject to report.**

A Board regulated practitioner may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 33.252. Suspected death as a result of child abuse—mandated reporting requirement.**

A Board regulated practitioner who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 33.253. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a Board regulated practitioner who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the Board regulated practitioner's actions. For the purpose of any civil or criminal proceeding, the good faith of the Board regulated practitioner shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a Board regulated practitioner's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 33.254. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 33.250—33.252 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over any other ethical principle or professional standard that might otherwise apply to a Board regulated practitioner.

**§ 33.255. Noncompliance.**

(a) *Disciplinary action.* A Board regulated practitioner who willfully fails to comply with the reporting requirements in § 33.250 (relating to suspected child abuse—mandated reporting requirements) will be subject to disciplinary action under section 4.1 of the act (63 P. S. § 123.1).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a Board regulated practitioner who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-342. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

[49 PA. CODE CH. 45]

## Child Abuse Reporting Requirements

The State Board of Examiners in Speech-Language and Hearing (Board) proposes to adopt Chapter 45, Subchapter F (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), speech pathologists, audiologists and teachers of the hearing impaired (licensees) are persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

### *§ 45.401 (relating to definitions)*

Definitions are proposed to be added to § 45.401 for the following words and phrases used throughout the regulations: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom a licensee has reasonable cause to suspect, on the basis of the licensee's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

### *§ 45.402 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 45.402 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which licensees in private practice settings shall make a report of

suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for licensees who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

### *§ 45.403 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 45.403 advises licensees of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

### *§ 45.404 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting of postmortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 45.404 advises licensees of this statutory mandate.

### *§ 45.405 (relating to immunity from liability)*

Proposed § 45.405 advises licensees that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the licensee's actions. The proposed section also informs licensees that under section 6318 of the CPSL, the good faith of the licensee will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 45.405 to extend the good faith presumption to disciplinary proceedings against a licensee that result by reason of the licensee's actions in participating in good faith in the making of a report of suspected child abuse.

### *§ 45.406 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 45.406 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any client confidentiality, ethical principle or professional standard that might otherwise apply.

§ 45.407 (relating to noncompliance)

Proposed § 45.407 advises licensees of the consequences of noncompliance with the child abuse reporting requirements of §§ 45.402—45.404. The section is divided into two subsections, (a) and (b). As proposed, licensees are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 10 of the Speech-Language and Hearing Licensure Act (act) (63 P.S. § 1710). Subsection (b) advises licensees of the criminal penalties available under section 6319 of the CPSL (relating to failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 5 of the act (63 P.S. § 1705).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, licensees may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Kathleen McLinn, State Board of Examiners in Speech-Language and Hearing, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

GERALD W. POWERS, Ed.D.,  
Chairperson

**Fiscal Note:** 16A-682. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING**

**Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS**

- Sec. 45.401. Definitions.
- 45.402. Suspected child abuse—mandated reporting requirements.
- 45.403. Photographs, medical tests and X-rays of child subject to report.
- 45.404. Suspected death as a result of child abuse—mandated reporting requirement.
- 45.405. Immunity from liability.
- 45.406. Confidentiality—waived.
- 45.407. Noncompliance.

**§ 45.401. Definitions.**

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

*Abused child*—A child under 18 years of age whom a licensee has reasonable cause to suspect, on the basis of the licensee's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to the child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

- (i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.
- (ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Licensee*—An audiologist, speech pathologist or teacher of the hearing impaired licensed by the Board.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, men-

tal health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 45.402. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of their employment, occupation or practice of the profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department

of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 45.403. Photographs, medical tests and X-rays of child subject to report.**

A licensee may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 45.404. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensee who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 45.405. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensee who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensee shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensee's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 45.406. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and

suspected death as a result of child abuse—mandated reporting requirement) take precedence over any client confidentiality, ethical principles or professional standard that might otherwise apply.

**§ 45.407. Noncompliance.**

(a) *Disciplinary action.* A licensee who willfully fails to comply with the reporting requirements in §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 10 of the act (63 P. S. § 1710).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensee who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-343. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

## Child Abuse Reporting Requirements

The State Board of Funeral Directors (Board) proposes to adopt §§ 13.301—13.307 (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), funeral directors are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 13.301 (relating to definitions relating to child abuse reporting requirements)*

Definitions are proposed to be added to § 13.301 for the following words and phrases used throughout the regulations: “abused child,” “child abuse,” “ChildLine,” “individual residing in the same home as the child,” “perpetrator,” “person responsible for the child’s welfare,” “recent acts or omissions,” “serious mental injury,” “serious physical injury” and “sexual abuse or exploitation.” With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of “abused child” is derived from the definition of “child abuse” as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an “abused child” in the general rule regarding persons required to report suspected child

abuse. The term, however, is not defined in the CPSL. As proposed, the phrase “abused child” would be defined to mean “a child under 18 years of age whom a funeral director has reasonable cause to suspect, on the basis of the funeral director’s professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).” The proposed definition of “ChildLine” is tailored after the Department of Public Welfare’s definition of “ChildLine” found in 55 Pa. Code § 3490.4 (relating to definitions).

*§ 13.302 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 13.302 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which a funeral director in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for licensees who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 13.303 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 13.303 advises licensees of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 13.304 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 13.304 advises licensees of this statutory mandate.

*§ 13.305 (relating to immunity from liability)*

Proposed § 13.305 advises licensees that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the licensee’s

actions. The proposed section also informs licensees that under section 6318 of the CPSL, the good faith of the licensee will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 13.305 to extend the good faith presumption to disciplinary proceedings against a licensee that result by reason of the licensee's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 13.306 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 13.306 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any client confidentiality related to ethical principle or professional standard that might otherwise apply.

*§ 13.307 (relating to noncompliance)*

Proposed § 13.307 advises licensees of the consequences of noncompliance with the child abuse reporting requirements of §§ 13.302—13.304. The section is divided into two subsections, (a) and (b). As proposed, licensees are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 11 of the Funeral Director Law (act) (63 P. S. § 479.11). Subsection (b) advises licensees of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 16 of the act (63 P. S. § 479.16).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, licensees may incur additional paperwork in complying with the child abuse reporting requirements announced by these regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Dorna Thorpe, Board Administrator, State Board of Funeral Directors, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

LEANDRO N. ANGELONE,  
Chairperson

**Fiscal Note:** 16A-484. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following sections are new. They have been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS**

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 13.301. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 13.302—13.307 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Abused child*—A child under 18 years of age whom a funeral director has reasonable cause to suspect, on the basis of the funeral director's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 13.302. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), funeral directors who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Funeral directors who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the funeral director, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to

ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 13.303. Photographs, medical tests and X-rays of child subject to report.**

A funeral director may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 13.304. Suspected death as a result of child abuse—mandated reporting requirement.**

A funeral director who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 13.305. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a funeral director who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the funeral director's actions. For the purpose of any civil or criminal proceeding, the good faith of the funeral director shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a funeral director's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.



**§ 13.306. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 13.302—13.304 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over any client confidentiality, ethical principles or professional standard that might otherwise apply.

**§ 13.307. Noncompliance.**

(a) *Disciplinary action.* A funeral director who willfully fails to comply with the reporting requirements in §§ 13.302—13.304 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P. S. § 479.11).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a funeral director who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-344. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

### Child Abuse Reporting Requirements

The State Board of Medicine (Board) proposes to adopt Chapter 16, Subchapter G (relating to minimum standards of practice—child abuse reporting) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(a) and (b) of the CPSL (relating to persons required to report suspected child abuse), medical doctors, physician assistants, nurse widwives, certified registered nurse practitioners, respiratory care practitioners, drugless therapists, acupuncturists and auxiliary personnel performing radiologic procedures (Board regulated practitioners) are included among the persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 16.101 (relating to definitions)*

Definitions are proposed to be added to § 16.101 for the following words and phrases used throughout the regulations: “abused child,” “Board regulated practitioner,” “child abuse,” “ChildLine,” “individual residing in the same home as the child,” “perpetrator,” “person respon-

sible for the child’s welfare,” “recent acts or omissions,” “serious mental injury,” “serious physical injury” and “sexual abuse or exploitation.” With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of “abused child” is derived from the definition “child abuse” as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an “abused child” in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase “abused child” would be defined to mean “a child under 18 years of age who a Board regulated practitioner has reasonable cause to suspect, on the basis of the Board regulated practitioner’s professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).” The proposed definition of “ChildLine” is tailored after the Department of Public Welfare’s definition of “ChildLine” found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 16.102 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 16.102 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which Board regulated practitioners in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for Board regulated practitioners who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social services agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 16.103 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 16.103 advises Board regulated practitioners of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 16.104 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the

appropriate coroner. Proposed § 16.104 advises Board regulated practitioners of this statutory mandate.

*§ 16.105 (relating to immunity from liability)*

Proposed § 16.105 advises Board regulated practitioners that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the Board regulated practitioner's actions. The proposed section also informs Board regulated practitioners that under section 6318 of the CPSL, the good faith of the Board regulated practitioners will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 16.105 to extend the good faith presumption to disciplinary proceedings against a Board regulated practitioner that result by reason of the Board regulated practitioner's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 16.106 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 16.106 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any ethical principle or professional standard that might otherwise apply.

*§ 16.107 (relating to noncompliance)*

Proposed § 16.107 advises Board regulated practitioners of the consequences of noncompliance with the child abuse reporting requirements of §§ 16.102—16.104. The section is divided into two subsections, (a) and (b). As proposed, Board regulated practitioners are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 41 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.41). Subsection (b) advises Board regulated practitioners of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 8 the act (63 P. S. § 422.8).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, Board regulated practitioners may incur additional paperwork in complying with the child abuse reporting requirements announced by these regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided

IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days from the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Cindy L. Warner, Administrative Assistant, State Board of Medicine, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

CHARLES J. BANNON, M.D.,  
*Chairperson*

**Fiscal Note:** 16A-492. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter G. MINIMUM STANDARDS OF PRACTICE—CHILD ABUSE REPORTING**

- |         |  |
|---------|--|
| Sec.    |  |
| 16.101. | Definitions.   |
| 16.102. | Suspected child abuse—mandated reporting requirements.                     |
| 16.103. | Photographs, medical tests and X-rays of child subject to report.          |
| 16.104. | Suspected death as a result of child abuse—mandated reporting requirement. |
| 16.105. | Immunity from liability.   |
| 16.106. | Confidentiality—waived.  |
| 16.107. | Noncompliance.   |

**§ 16.101. Definitions.**

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

*Abused child*—A child under 18 years of age who a Board regulated practitioner has reasonable cause to suspect, on the basis of the Board regulated practitioner's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Board regulated practitioner*—A medical doctor, physician assistant, nurse midwife, certified registered nurse practitioner, respiratory care practitioner, drugless therapist, acupuncturist or auxiliary personnel performing radiologic procedures on the premises of a medical doctor.

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 16.102. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), Board

regulated practitioners who, in the course of their employment, occupation or practice of their profession, come into contact with children, shall report or cause a report to be made to the Department of Public Welfare when the Board regulated practitioners have reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Board regulated practitioners who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the Board regulated practitioner, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing, within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 16.103. Photographs, medical tests and X-rays of child subject to report.**

A Board regulated practitioner may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as

possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 16.104. Suspected death as a result of child abuse—mandated reporting requirement.**

A Board regulated practitioner who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 16.105. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a Board regulated practitioner who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the Board regulated practitioner's actions. For the purpose of any civil or criminal proceeding, the good faith of the Board regulated practitioner shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a Board regulated practitioner's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 16.106. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 16.102—16.104 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirements) take precedence over any ethical principles or professional standard that might otherwise apply.

**§ 16.107. Noncompliance.**

(a) *Disciplinary action.* A Board regulated practitioner who willfully fails to comply with the reporting requirements in §§ 16.102—16.104 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirements) will be subject to disciplinary action under section 41 of the act (63 P. S. § 422.41).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a Board regulated practitioner who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-345. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

### Child Abuse Reporting Requirements

The State Board of Nursing (Board) proposes to adopt Chapter 21, Subchapter E (relating to child abuse report-

ing requirements) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), professional nurses (RNs), licensed practical nurses (LPNs) and certified registered nurse practitioners (CRNPs) are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 21.501 (relating to definitions)*

Definitions are proposed to be added to § 21.501 for the following words and phrases used throughout the regulations: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom a registered nurse (RN), licensed practical nurse (LPN) or certified registered nurse practitioner (CRNP) has reasonable cause to suspect, on the basis of the RN, LPN or CRNP's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse). The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found in 55 Pa. Code § 3490.4 (relating to definitions).

*§ 21.502 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 21.8 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which RNs, LPNs and CRNPs in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for RNs, LPNs and CRNPs who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the

appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 21.503 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 21.9 advises RNs, LPNs and CRNPs of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 21.504 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting of postmortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 21.10 advises RNs, LPNs and CRNPs of this statutory mandate.

*§ 21.505 (relating to immunity from liability)*

Proposed § 21.11 advises RNs, LPNs and CRNPs that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the nurse's actions. The amendment also informs RNs, LPNs and CRNPs that under section 6318 of the CPSL, the good faith of the nurse will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 21.11 to extend the good faith presumption to disciplinary proceedings against a nurse that result by reason of the nurse's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 21.506 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 21.506 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any other ethical principle or professional standard that might otherwise apply.

*§ 23.507 (relating to noncompliance)*

Proposed § 23.507 advises RNs, LPNs and CRNPs of the consequences of noncompliance with the child abuse reporting requirements of §§ 21.501—21.504. The section is divided into two subsections, (a) and (b). As proposed, nurses are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 14 of the Professional Nursing Law (63 P. S. § 224) and section 16 of the Practical Nurse Law (63 P. S. § 666). Subsection (b) advises nurses of the criminal penalties available under

section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL, section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)) and section 17.6 of the Practical Nurse Law (63 P. S. § 667.6).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, RNs, LPNs and CRNPs may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Beth Sender Michlovitz, State Board of Nursing, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

SISTER RITA MORIARTY, SCC, RN,  
Chairperson

**Fiscal Note:** 16A-515. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter E. CHILD ABUSE REPORTING REQUIREMENTS**

Sec.	
21.501.	Definitions.
21.502.	Suspected child abuse—mandated reporting requirements.
21.503.	Photographs, medical tests and X-rays of child subject to report.

- 21.504. Suspected death as a result of child abuse—mandated reporting requirement.  
 21.505. Immunity from liability.  
 21.506. Confidentiality—waived.  
 21.507. Noncompliance.

### § 21.501. Definitions.

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

*Abused child*—A child under 18 years of age whom a registered nurse (RN), licensed practical nurse (LPN) or certified registered nurse practitioner (CRNP) has reasonable cause to suspect, on the basis of the RN, LPN or CRNP's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to the child protective services—child abuse).

*Acts*—The Professional Nursing Law (63 P. S. §§ 211—225); and the Practice Nurse Law (63 P. S. §§ 651—667).

*Child abuse*—A term meaning any of the following:

- (i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.
- (ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

### § 21.502. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), RNs, LPNs or CRNPs who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* RNs, LPNs and CRNPs who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the RN, LPN or CRNP, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 21.503. Photographs, medical tests and X-rays of child subject to report.**

An RN, LPN and CRNP may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 21.504. Suspected death as a result of child abuse—mandated reporting requirement.**

An RN, LPN and CRNP who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 21.505. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), an RN, LPN and CRNP who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the nurse's actions. For the purpose of any civil or criminal proceeding, the good faith of the RN, LPN and CRNP shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of an RN, LPN or CRNP's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 21.506. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 25.502—25.504 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any other ethical principle or professional standard that might otherwise apply to RNs, LPNs and CRNPs.

**§ 21.507. Noncompliance.**

(a) *Disciplinary action.* An RN, LPN and CRNP who willfully fails to comply with the reporting requirements in § 25.502—25.504 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected

death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 14 of the Professional Nursing Law (63 P. S. § 224) and section 16 of the Practical Nurse Law (63 P. S. § 666).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), an RN, LPN and CRNP who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-346. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[49 PA. CODE CH. 42]

### Child Abuse Reporting Requirements

The State Board of Occupational Therapy Education and Licensure (Board) proposes to adopt §§ 42.41—42.47 to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), occupational therapists or occupational therapist assistants are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 42.41 (relating to definitions relating to child abuse reporting requirements)*

Definitions are proposed to be added to § 42.41 for the following words and phrases used throughout the amendments: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL, refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom an occupational therapist or occupational therapist assis-

tant has reasonable cause to suspect, on the basis of the occupational therapist's or occupational therapist assistant's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 42.42 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 42.42 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which occupational therapists or occupational therapist assistants in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL, for occupational therapists or occupational therapist assistants who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 42.43 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report) persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 42.43 advises occupational therapists or occupational therapist assistants of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 42.44 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 42.44 advises occupational therapists or occupational therapist assistants of this statutory mandate.

*§ 42.45 (relating to immunity from liability)*

Proposed § 42.45 advises occupational therapists or occupational therapist assistants that under section 6318 of the CPSL (relating to immunity from liability) those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the occupational therapist's or

occupational therapist assistant's actions. The proposed section also informs occupational therapists or occupational therapist assistants that under section 6318 of the CPSL, the good faith of the occupational therapist or occupational therapist assistant will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 42.45 to extend the good faith presumption to disciplinary proceedings against an occupational therapist or occupational therapist assistant that result by reason of the occupational therapist's or occupational therapist assistant's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 42.46 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 42.46 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any client confidentiality and any other ethical principle or professional standard that might otherwise apply.

*§ 42.47 (relating to noncompliance)*

Proposed § 42.47 advises occupational therapists or occupational therapist assistants of the consequences of noncompliance with the child abuse reporting requirements of §§ 42.42—42.44. The section is divided into two subsections, (a) and (b). As proposed, occupational therapists or occupational therapist assistants are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 16 of the Occupational Therapy Practice Act (act) (63 P. S. § 1516). Subsection (b) advises occupational therapists or occupational therapist assistants of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report), for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 5 of the act (63 P. S. § 1505).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, occupational therapists or occupational therapist assistants may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.



If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Deborah Orwan, Board Administrator, State Board of Occupational Therapy Education and Licensure, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

GLEENDA J. DOUGHERTY,  
*Chairperson*

**Fiscal Note:** 16A-671. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following text is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 42.41. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 42.42—42.47 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Abused child*—A child under 18 years of age whom an occupational therapist or occupational therapist assistant has reasonable cause to suspect, on the basis of the occupational therapist's or occupational therapist assistant's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate

medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 42.42. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), occupational therapists or occupational therapist assistants who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Occupational therapists or occupational therapist assistants who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution,

school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the occupational therapist or occupational therapist assistant, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing, within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 42.43. Photographs, medical tests and X-rays of child subject to report.**

An occupational therapist or occupational therapist assistant may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 42.44. Suspected death as a result of child abuse—mandated reporting requirement.**

An occupational therapist or occupational therapist assistant who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 42.45. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), an occupational therapist or occupational therapist assistant who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the occupational therapist's or occupational therapist assistant's actions. For the purpose of any civil or criminal proceeding, the good faith of the occupational therapist or occupational therapist assistant shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of an occupational therapist's or occupational therapist assistant's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 42.46. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply.

**§ 42.47. Noncompliance.**

(a) *Disciplinary action.* An occupational therapist or occupational therapist assistant who willfully fails to comply with the reporting requirements in §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 16 of the act (63 P. S. § 1516).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), an occupational therapist or occupational therapist assistant who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-347. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

### Child Abuse Reporting Requirements

The State Board of Optometry (Board) proposes to amend § 23.1 (relating to definitions) and adopt §§ 23.111—23.116 (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed amendments are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over

professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), optometrists are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 23.1 (relating to definitions)*

Definitions are proposed to be added to § 23.1 for the following words and phrases used throughout the amendments: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom an optometrist has reasonable cause to suspect, on the basis of the optometrist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 23.111 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 23.111 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which an optometrist in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL, for optometrists who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social services agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 23.112 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected

child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 23.112 advises optometrists of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 23.113 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 23.113 advises optometrists of this statutory mandate.

*§ 23.114 (relating to immunity from liability)*

Proposed § 23.114 advises optometrists that under section 6318 of the CPSL (relating to immunity from liability) those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the optometrist's actions. The proposed section also informs optometrists that under section 6318 of the CPSL, the good faith of the optometrist will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 23.114 to extend the good faith presumption to disciplinary proceedings against an optometrist that result by reason of the optometrist's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 23.115 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 23.115 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12) and any other ethical principle or professional standard that might otherwise apply.

*§ 23.116 (relating to noncompliance)*

Proposed § 23.116 advises optometrists of the consequences of noncompliance with the child abuse reporting requirements of §§ 23.111—23.113. The section is divided into two subsections, (a) and (b). As proposed, optometrists are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 7(8), (10) and (11) of the act (63 P. S. § 244.7(8), (10) and (11)). Subsection (b) advises optometrists of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These amendments are proposed under the authority of section 6383 of the CPSL and section 3(b)(14) of the act (63 P. S. § 244.3(b)(14)).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, optometrists may incur additional paperwork in complying with the child abuse reporting requirements announced by these amendments.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Deborah B. Eskin, Board Counsel, State Board of Optometry, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

ROBERT A. GINSBURG, O.D.,  
*Chairperson*

**Fiscal Note:** 16A-523. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 23. STATE BOARD OF OPTOMETRY  
GENERAL PROVISIONS**

**§ 23.1. Definitions.**

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

**Abused child**—A child under 18 years of age whom an optometrist has reasonable cause to suspect, on the basis of the optometrist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

\* \* \* \* \*

**Child abuse**—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

**ChildLine**—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

\* \* \* \* \*

**Individual residing in the same home as the child**—An individual who is 14 years of age or older and who resides in the same home as the child.

\* \* \* \* \*

**Perpetrator**—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

**Person responsible for the child's welfare**—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

**Recent acts or omissions**—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

\* \* \* \* \*

**Serious mental injury**—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious physical injury**—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

**Sexual abuse or exploitation**—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

(Editor's Note: The following text is new. It has been printed in regular type to enhance readability.)

#### CHILD ABUSE REPORTING REQUIREMENTS

##### § 23.111. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), optometrists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Optometrists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the optometrist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

##### § 23.112. Photographs, medical tests and X-rays of child subject to report.

An optometrist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

##### § 23.113. Suspected death as a result of child abuse—mandated reporting requirement.

An optometrist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

##### § 23.114. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), an optometrist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the optometrist's actions. For the purpose of any civil or criminal proceeding, the good faith of the optometrist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of an optometrist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

##### § 23.115. Confidentiality—waived.

To protect children from abuse, the reporting requirements of this chapter take precedence over provisions of the act defined in § 23.1 (relating to definitions) and other ethical principles or professional standards that might otherwise apply to optometrists.

##### § 23.116. Noncompliance.

(a) *Disciplinary action.* An optometrist who willfully fails to comply with the reporting requirements in §§ 23.111—23.113 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 7(8), (10) and (11) of the act (63 P. S. § 244.7(8), (10) and (11)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), an optometrist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-348. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

## Child Abuse Reporting Requirements

The State Board of Osteopathic Medicine (Board) proposes to amend Chapter 25, Subchapter J (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), osteopathic physicians, physician assistants and certified respiratory care therapists are included among the persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

### *§ 25.401 (relating to definitions)*

Definitions are proposed to be added at § 25.401 for the following words and phrases used throughout the regulations: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definitions of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL (relating to persons required to report suspected child abuse) refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom an osteopathic physician, physician assistant or certified respiratory care therapist has reasonable cause to suspect, on the basis of the osteopathic physician, physician assistant or certified respiratory care therapist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." The proposed definition of "ChildLine" is tailored after the Department of Public Welfare's definition of "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

### *§ 25.411 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 25.411 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which an osteopathic physician, physician assistant or certified

respiratory care therapist in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL, for osteopathic physicians, physician assistants or certified respiratory care therapists who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

### *§ 25.412 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 25.412 advises osteopathic physicians of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

### *§ 25.413 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 25.413 advises osteopathic physicians, physician assistants and certified respiratory care therapists of this statutory mandate.

### *§ 25.414 (relating to immunity from liability)*

Proposed § 25.414 advises osteopathic physicians, physician assistants and certified respiratory care therapists that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the making of a report. The proposed section also informs osteopathic physicians, physician assistants and certified respiratory care therapists that under section 6318 of the CPSL, the good faith of the osteopathic physician, physician assistant or certified respiratory care therapist will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 25.414 to extend the good faith presumption to disciplinary proceedings against an osteopathic physician or physician assistant that result by reason of the osteopathic physician's or physician assistant's actions in participating in good faith in the making of a report of suspected child abuse.

### *§ 25.415 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take

precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 25.415 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over § 25.213(c) (pertaining to medical records) and any other ethical principle or professional standard that might otherwise apply.

*§ 25.416 (relating to noncompliance)*

Proposed § 25.416 advises osteopathic physicians, physician assistants and certified respiratory care therapists of the consequences of noncompliance with the child abuse reporting requirements of §§ 25.411—25.413. The section is divided into two subsections, (a) and (b). As proposed, osteopathic physicians and physician assistants are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 15(a)(6) or (b)(7) of the Osteopathic Medical Practice Act (act) (63 P. S. § 271.15(a)(6) or (b)(7)). Subsection (b) advises osteopathic physicians, physician assistants and certified respiratory care therapists of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report), for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 16 of the act (63 P. S. § 271.16).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, osteopathic physicians, physician assistants and certified respiratory care therapists may incur additional paperwork in complying with the child abuse reporting requirements announced by these regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Gina Bittner, Administrative Assistant, State Board of Osteopathic Medicine, 116 Pine Street,

P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

MORRIS A. FISHMAN, D.O.,  
*Chairperson*

**Fiscal Note:** 16A-535. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter J. CHILD ABUSE REPORTING REQUIREMENTS**

**GENERAL**

Sec.

25.401. Definitions.

**CHILD ABUSE REPORTING REQUIREMENTS**

25.411. Suspected child abuse—mandated reporting requirements.

25.412. Photographs, medical tests and X-rays of child subject to report.

25.413. Suspected death as a result of child abuse—mandated reporting requirement.

25.414. Immunity from liability.

25.415. Confidentiality—waived.

25.416. Noncompliance.

**GENERAL**

**§ 25.401. Definitions**

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

*Abused child*—A child under 18 years of age whom an osteopathic physician, physician assistant or certified respiratory care therapist has reasonable cause to suspect, on the basis of the osteopathic physician, physician assistant or certified respiratory care therapist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or simulation of sexually explicit conduct, for the purpose of producing visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 25.411. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), osteopathic physicians, physician assistants and certified respiratory care therapists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Osteopathic physicians, physician assistants and certified respiratory care therapists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person

in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the osteopathic physician, physician assistant or certified respiratory care therapist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

- (1) The names and addresses of the child and the parents or other person responsible for the care of the child if known.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of the subjects of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.
- (5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.
- (6) Family composition.
- (7) The source of the report.
- (8) The person making the report and where that person can be reached.
- (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.
- (10) Other information which the Department of Public Welfare may require by regulation.

**§ 25.412. Photographs, medical tests and X-rays of child subject to report.**

An osteopathic physician, physician assistant or certified respiratory care therapist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 25.413. Suspected death as a result of child abuse—mandated reporting requirement.**

An osteopathic physician, physician assistant or certified respiratory care therapist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.



**§ 25.414. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), an osteopathic physician, physician assistant or certified respiratory care therapist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the osteopathic physician's, physician assistant's or certified respiratory care therapist's actions. For the purpose of any civil or criminal proceeding, the good faith of the osteopathic physician, physician assistant or certified respiratory care therapist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of an osteopathic physician's, physician assistant's or certified respiratory care therapist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 25.415. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 25.411—25.413 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the confidentiality provisions in § 25.213(c) (relating to medical records) and any other ethical principle or professional standard that might otherwise apply to osteopathic physicians, physician assistants and certified respiratory care therapists.

**§ 25.416. Noncompliance.**

(a) *Disciplinary action.* An osteopathic physician or physician assistant who willfully fails to comply with the reporting requirements in §§ 25.411—25.413 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 15(a)(6) or (b)(7) of the act (63 P. S. § 271.15(a)(6) or (b)(7)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), an osteopathic physician, physician assistant or certified respiratory care therapist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-349. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]  
Facsimile Machines

The State Board of Pharmacy (Board) proposes to amend § 27.1 (relating to definitions) by adding a definition of "long-term care facility" and proposes to adopt

§ 27.20 (pertaining to facsimile machines). The Board proposes these amendments under the authority of sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

The Board proposes these changes for two principal reasons. First, the Federal Drug Enforcement Administration (DEA) amended its regulations, effective May 19, 1994, to allow for the transmission of controlled substance prescriptions between the prescriber and the dispenser by facsimile machine. See 59 FR 26109 (May 19, 1994). The Board believes that it should adopt the standards promulgated by the DEA. Second, the Board has received numerous questions from its licensees regarding the legality of filling a prescription or drug order which was received in a pharmacy by means of facsimile machine.

Section 27.18(o) (relating to standards of practice) already authorizes a pharmacist to dispense a drug on the basis of a prescription or order as long as the prescription or order is an original prescription or order or direct copy issued by a prescriber who may be using electronic or computerized equipment. Even before the promulgation of the DEA regulations on May 19, 1994, the Board had interpreted this section to mean that it was lawful for a pharmacist to fill a prescription or order received on a facsimile machine for a drug other than a controlled substance. The Board proposes to clarify this lawful practice and add rules pertaining to filling a prescription or order for a controlled substance received on a facsimile machine.

The Board believes that the use of a facsimile machine to transmit an order or prescription from prescriber to pharmacist does not increase the risk to public health and safety. The Board believes that facsimile transmission may result in fewer errors than telephone transmission of a prescription or order. When a prescription or order is transmitted by means of telephone, it is possible for the pharmacist or for the person who makes the call to make an error. There may well be less possibility for error in both the transmission and reception of a prescription or order transmitted by facsimile machine, for the pharmacist will read an exact copy of the prescription.

*§ 27.1 (relating to definitions)*

The proposal would add a definition of "long-term care facility" based on the DEA definition found at 21 CFR 1306.01(e) (relating to definitions).

The standards adopted by the DEA generally forbid a pharmacist from dispensing a prescription for a Schedule II controlled substance received on a facsimile machine prior to also receiving and reviewing the original signed prescription. The DEA regulations created two exceptions to the requirement that the pharmacist first review the original of a prescription for a Schedule II controlled substance. Under one of these exceptions, a pharmacist would be permitted to dispense a prescription for a Schedule II controlled substance received on a facsimile machine for a patient in a long-term care facility and use the facsimile as the original written prescription. The proposal would adopt the DEA definition of "long-term care facility" so that a pharmacist will know for what kind of institution the pharmacist may dispense a prescription for a Schedule II controlled substance received on a facsimile machine without first reviewing the original.

*§ 27.20 (relating to facsimile machines)*

The Board proposes to establish standards for filling a prescription or drug order received on a facsimile ma-

chine in § 27.20. Subsection (a) deals with a pharmacist in a noninstitutional practice.

Subsection (a)(1) deals with Schedule II controlled substances. In paragraph (1)(i) of this subsection the Board proposes to authorize a pharmacist to fill a prescription for a Schedule II controlled substance which was received on a facsimile machine if the pharmacist reviews the original prescription signed by the medical practitioner before the pharmacist actually dispenses the medication. The original signed prescription will serve as the pharmacy record. In paragraph (1)(ii) of this subsection, the Board identifies two circumstances in which the pharmacist may dispense a prescription for a Schedule II controlled substance received on a facsimile machine while using the facsimile as the original pharmacy record: (A) a prescription for a narcotic which will be administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion in the patient's home or hospice; and (B) a prescription for any Schedule II controlled substance for a resident of a long-term care facility.

Subsection (a)(2) deals with Schedule III—V controlled substances and other nonproprietary drugs. In this subsection, the Board proposes to allow a pharmacist to dispense a prescription for a Schedule III—V controlled substance or other nonproprietary drug received on a facsimile machine and use the facsimile as the original pharmacy record. This proposal is consistent with the recent change to DEA regulations. See 21 CFR 1306.21(a) (relating to requirement of prescription).

Subsection (b) deals with a pharmacist in an institutional practice. The Board proposes to authorize a pharmacist to dispense a drug order received on a facsimile machine as long as the medical practitioner who issued the order wrote and signed the original.

In subsection (c)(1), the Board proposes to require a pharmacist to exercise professional judgment regarding the accuracy and authenticity of the facsimile. Current State and Federal regulations already make the pharmacist responsible for making professional determinations and ensuring that a prescription for a controlled substance has been issued for a legitimate medical purpose. See §§ 27.12(a)(1), 27.18(b) and (c) and 21 CFR 1306.04(a) (relating to purpose of issue of prescription).

In subsection (c)(2), the Board proposes to require that a facsimile copy of a prescription or drug order used as a record be printed on paper that can survive for at least 2 years. The act requires that prescriptions be kept on file for at least 2 years. See 63 P. S. § 390-4(a)(3) and 21 CFR 1304.04(a) (relating to maintenance, reports and inventory).

In subsection (c)(3), the Board proposes to forbid a pharmacy or pharmacist from contributing to the installation of a facsimile machine in the office of a medical practitioner or institution.

*Fiscal Impact*

This proposed rulemaking will not have a negative fiscal impact on the Commonwealth, local government, licensees or consumers.

*Paperwork Requirements*

The proposed rulemaking will not have an impact on the paperwork of the Commonwealth, local government, the general public or licensees.

*Statutory Authority*

Section 4(j) of the act authorizes the Board to promulgate regulations governing standards of practice and operation of pharmacies, including regulations governing the standards for dispensing prescriptions to insure methods of operation and conduct which protect the public health, safety and welfare. Section 6(k)(1) of the act authorizes and requires the Board to regulate the practice of pharmacy. Section 6(k)(9) of the act authorizes and requires the Board to regulate the practice of pharmacy for the protection and promotion of the public health safety and welfare.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Professional Licensure and Consumer Protection. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of the material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections prior to final publication of the regulations by the Board, the General Assembly and the Governor.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Richard Marshman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JOHN P. MARIANI, R.Ph.,  
*Chairperson*

**Fiscal Note:** 16A-543. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY  
GENERAL PROVISIONS**

**§ 27.1. Definitions.**

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

\* \* \* \* \*

**Long-term care facility**—A nursing home, retirement care, mental care or other institution that provides extended health care to resident patients.

\* \* \* \* \*

## STANDARDS

## § 27.20. Facsimile machines.

(a) *Noninstitutional pharmacies.*(1) *Schedule II controlled substances.*

(i) A pharmacist in a noninstitutional pharmacy may fill a prescription for a Schedule II controlled substance which was received on a facsimile machine if the original prescription signed by the medical practitioner is presented to the pharmacist for review prior to the actual dispensing of the controlled substance. The original prescription shall be maintained as the pharmacy record.

(ii) There are two exceptions to the requirement that the pharmacist review the original of the prescription received on a facsimile machine before dispensing a Schedule II controlled substance. A pharmacist in a noninstitutional pharmacy may fill and dispense a prescription for a Schedule II controlled substance which was received on a facsimile machine and may use the facsimile as the original pharmacy record of the following:

(A) A prescription for a Schedule II controlled narcotic substance which will be administered to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion in the patient's home or hospice.

(B) A prescription for a Schedule II controlled substance for a resident of a long-term care facility.

(2) *Schedule III, IV and V controlled substances and other nonproprietary drugs.* A pharmacist may fill and dispense a prescription for a Schedule III, IV or V controlled substance or other nonproprietary drug which was received on a facsimile machine. The pharmacist may use the facsimile as the original pharmacy record.

(b) *Institutional pharmacies.* A pharmacist in an institutional pharmacy may fill and dispense a drug order which was received on a facsimile machine, for a nonproprietary drug, including a Schedule II, III, IV or V controlled substance, if the original of the drug order was written and signed by the medical practitioner as defined in section 2(9) of the act (63 P. S. § 390-2(9)).

(c) *General.*

(1) A pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the facsimile copy of a prescription or drug order.

(2) The quality of paper on which a facsimile copy of a prescription or drug order is printed shall be of a type that the facsimile copy can be maintained as a record for at least 2 years, as required under section 4(a)(3) of the act (63 P. S. § 390-4(a)(3)).

(3) It is unlawful for a pharmacist or pharmacy to contribute in any way to the installation of a facsimile machine in the office of a medical practitioner or in an institution.

[Pa.B. Doc. No. 96-350. Filed for public inspection March 8, 1996, 9:00 a.m.]

## [49 PA. CODE CH. 27]

## General Revisions

The State Board of Pharmacy (Board) proposes to amend §§ 27.1, 27.11, 27.12, 27.14—27.16, 27.18, 27.21 and 27.23—27.26. The amendments include both substantive changes and clarifications of dated or redundant language. The Board proposes these amendments under the authority of sections 3(f), 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-3(f), 390-4(j) and 390-6(k)(1) and (9)).

## § 27.1 (relating to definitions)

The Board proposes to delete the definitions of "BNDD" and "caution legend drug or device" and replaces them with the statutory definitions of "DEA" and "nonproprietary drug." The Drug Enforcement Administration (DEA) has replaced the Bureau of Narcotics and Dangerous Drugs (BNDD). The term "caution legend drug or device" has also been replaced elsewhere in this proposed rulemaking. These proposed changes make the Board's regulations consistent with the statutory language and eliminate some confusion caused by the phrase "caution legend drug or device."

The Board proposes to add to its regulations the statutory definitions of "medical practitioner," "prescription" and "proprietary drug." See, 63 P. S. § 390-2(9), (8), and (7.2). The Board proposes to add new definitions of "drug order," "pharmacy intern," "pharmacy technician" and "satellite pharmacy." The phrase "drug order" is the standard phrase in an institution for an order issued by a medical practitioner for a drug which will be administered to a patient. The definition of "pharmacy intern" derives from the internship requirement of section 3(b)—(f) of the act. The phrase "pharmacy technician," a phrase which enjoys industrywide currency, is used for an unlicensed person who assists a pharmacist in the practice of pharmacy, as anticipated by sections 5(a)(7) and 8(2) of the act (63 P. S. §§ 390-5(a)(7) and 390-8(2)). The Board proposes to add the definition of "satellite pharmacy" to describe a pharmacy unit in an institution which is dependent on the main pharmacy. The Board also proposes to add the definitions of "FDLE" and "NABPLEX," the two examinations required for licensure as a pharmacist.

The Board proposes to add to the regulatory definition of "pharmacist manager" the requirement of section 4(e) of the act that the permit to operate a pharmacy bear the name of the pharmacist in charge of the pharmacy, that is, the pharmacist manager.

## § 27.11. (relating to pharmacy permit and pharmacist manager)

The Board proposes to revise this section to clarify the language and to add several substantive changes. First, the statutory requirement of section 4(a)(4) of the act that a pharmacist shall be in charge of the pharmacy at all times that it is open, has been added at § 27.11(c).

Second, subsection (d) will require an application for change in ownership to be filed when there is a change in the controlling interest in a pharmacy, as well as a change in ownership. This addition will cover the situation of the small, closed corporation which holds a permit to operate a pharmacy and experiences a change in controlling interest. By requiring a new application, the Board will be able to keep track of the identity of the individual who controls the corporation.

Third, the Board proposes to delete the provision which requires an applicant to attach photographs of the phar-

macy to applications for a new permit or change in location. This provision will no longer be needed because Board inspectors will go to new pharmacies and new locations of existing pharmacies to inspect the premises.

Fourth, subsection (g) creates a means by which a pharmacy can gain 30 additional days to obtain a new pharmacist manager, if it has lost the services of a pharmacist manager and cannot replace the manager within the required 15 days. Under the current regulation, a pharmacy which cannot find a new manager within 15 days would be in violation of subsection (g). The proposed revision to subsection (g) will also make clear that both a pharmacist permit holder and a nonpharmacist permit holder have a duty to inform the Board of a change in pharmacist manager.

Fifth, subsection (h) proposes to restate the statutory requirement of section 4(c) of the act that a pharmacist may not manage more than one pharmacy at a time. However, the proposed amendment takes into account the situation of a permit holder who loses the services of a pharmacist manager and cannot immediately replace the person. The proposed amendment will allow the permit holder to request permission from the Board to allow the pharmacist manager of another pharmacy to serve as manager of the otherwise unmanaged pharmacy for up to 60 days beyond the expiration of the initial 15 days.

Sixth, subsection (i) specifies the conditions when an institution will be required to obtain a separate permit for a satellite pharmacy.

*§ 27.12 (relating to practice of pharmacy and delegation of duties)*

The Board has redrafted § 27.12. Subsection (a) restates the statutory principle that only a licensed person may engage in the practice of pharmacy. See 63 P. S. § 390-8(2).

Subsection (b) explains how a pharmacist may delegate aspects of the practice of pharmacy to a pharmacy intern or technician. Paragraphs (1) and (2) restate the current requirements that a pharmacist must review every prescription before it is filled and review the final product after it is filled. Section 8(2) of the act requires that interns or other authorized personnel work under the direct and immediate personal supervision of a pharmacist. Paragraph (3) defines direct, immediate and personal supervision. Paragraph (4) requires the pharmacist to take responsibility for the proper labeling of containers of nonproprietary drugs.

Subsection (c) outlines the role of the pharmacy intern. Subsection (d) outlines the role of the pharmacy technician. Under the proposed rulemaking, a pharmacy technician would be authorized to assist the pharmacist in compounding medications. Under the current subsection (b), only a pharmacist or intern may compound medications. Subsection (d)(4) requires the pharmacist manager to establish a written protocol for each pharmacy technician in the pharmacy. Finally, subsection (d)(5) requires that no more than two pharmacy technicians assist a pharmacist in the practice of pharmacy at any time. The Board, after holding public hearings and much discussion, concluded that a pharmacist could not supervise more than two technicians at a time and still assure that prescriptions or drug orders were being accurately and safely filled.

*§ 27.14 (relating to supplies)*

The proposed rulemaking clarifies this section. Subsection (b) has been redrafted for clarity and to bring the

disposal of controlled substances into conformity with current Federal regulations at 21 CFR 1307.21 (relating to procedures for disposal of controlled substances).

The proposal revises subsection (c)(3) to require that the refrigerator for drugs be kept within the prescription area. The prohibition against the use of the refrigerator for anything other than drugs, vaccines, biologicals or medicaments has been dropped.

The proposal revises subsection (c)(15) to correct the titles of reference works from which a pharmacy must choose two and to add one new title, *Physicians' Generix*.

*§ 27.15 (relating to sanitary standards)*

The proposal revises this section for clarity and to eliminate redundant language. Subsection (d) removes the requirement that waste receptacles have covers and replaces it with the requirement that the waste removal system be adequate to maintain clean and sanitary conditions.

*§ 27.16 (relating to construction and equipment requirements)*

The heading of this section has been revised to include equipment requirements because the section deals with both construction and equipment.

Subsection (a)(1) has been revised for clarity. The revision also adds the requirement that when an applicant for a new pharmacy permit or change in location submits plans to the Board for review, the plans must include dimensions. Subsection (b)(2) eliminates the voluntary guidelines that related the size of a store to the size of the prescription area. The Board no longer believes that there is a significant relationship between the size of a store and the level of activity in the pharmacy.

Subsection (b)(3) has been rewritten and given a new heading: "Self-contained pharmacy." The phrase is used to describe a pharmacy which is in or adjacent to a store but which can be securely sealed off from the store and, consequently, may keep different hours from the store. The remaining subparagraphs attempt to establish the security and integrity of the pharmacy when the pharmacy is closed but the larger or adjoining store is open.

Subsection (b)(4) is proposed to be amended to authorize a pharmacy to disperse controlled substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft of controlled substances, as an alternative to storing them in a locked cabinet. This proposed amendment would make the Board's regulations consistent with those of the DEA at 21 CFR 1301.75 (relating to physical security controls for practitioners). The presence of a locked cabinet has sometimes led burglars right to the stock of controlled substances.

*§ 27.18 (relating to standards of practice)*

Section 27.18(a) is proposed to be amended to allow a pharmacist to reuse the original container for issuing a refill of a prescription, if the container is clean and capable of reuse. Numerous pharmacists have maintained that it is wasteful for a pharmacist to have to automatically discard the original container when a patient brings it in for a refill.

Subsection (b) deals with the requirements for prescriptions kept on file in the pharmacy. Subsection (b)(1) adds the requirements that a prescription on file show the address of the patient; the date the prescription was issued if it is for a controlled substance or if it was written with an "as needed" designation; and the cautions communicated to the ultimate consumer.

Under the current regulation a prescription on file has to show "when required by statute, the address of the patient . . . and the BNDD number of the prescriber." This language caused some confusion among pharmacists. Some thought that all prescriptions must show the BNDD number. The proposed rulemaking clarifies this language by requiring an address for all prescriptions (supra) and the DEA number of the prescriber for prescriptions for controlled substances. Subsection (b)(3) revises but does not alter the substance of the current regulation. Subsection (b)(4) adds to the Board's regulations the requirement that original prescriptions be kept for 2 years. See, 63 P. S. § 390-4(a)(3). Subsection (b)(5) requires institutional pharmacies to keep records of Schedule II controlled substances which were dispensed by the pharmacy and received by the patient.

Subsection (c) identifies various circumstances under which a pharmacist may exercise professional judgment not to fill a prescription. In addition to the circumstances outlined in the current regulations the proposed rulemaking adds that a pharmacist may decline to fill a prescription if the pharmacist has reasonable cause to believe that it is false, that it will not be paid for, or that it will be diverted, abused or misused.

Subsection (d) is proposed to be revised at paragraph (4) to conform to a recent revision to section 11(f)(iii) of The Controlled Substance, Drug, Device and Cosmetic Act (Controlled Substance Act) (35 P. S. § 780-111(f)(iii)), which deleted the requirement that the Federal registration number (DEA number) of the prescriber appear on the label of the container of a prescription for a controlled substance. The prescriber's DEA number did not serve a useful purpose on a prescription container. The proposed revisions to paragraph (6) add clarity and allow a pharmacist to abbreviate the name of the manufacturer of a generic drug.

Subsection (d)(7) is proposed to be revised to add the requirement that when a person requests a copy of a prescription from a pharmacy, the person must identify his authority to request the copy and show identification. The Board adds this provision out of concern for the confidentiality of the patient.

Subsection (v) has been added to clarify labeling requirements for drug orders in institutions.

*§ 27.21 (relating to application for examination and registration)*

The Board proposes to revise this section pertaining to the application for examination to bring it up to date with current procedure. Under current procedures, an applicant obtains an application for licensure from the Board, files it together with supporting documentation with the Board, but also submits an examination scheduling form with the testing service which administers the examination.

*§ 27.23 (relating to time and place for holding examination)*

This section is proposed to be revised to recognize that the time and place for examination are determined by contract.

*§ 27.24 (relating to examinations administered and passing grade)*

This section is proposed to be revised to add the September administration of the licensure examinations and to eliminate dated language pertaining to the composition of the licensure examinations.

*§ 27.25 (relating to licensure by reciprocity)*

This section replaces the current § 27.25 (pertaining to failure to appear for examination). The current § 27.25 is unnecessary because this matter is covered by the examination contract and the examination fee is paid directly to the testing service. The proposed § 27.25 pertains to licensure by reciprocity. This section informs an applicant for licensure by reciprocity that he must have passed or pass the FDLE if the applicant gained licensure in another state after January 26, 1983. On that date, the FDLE became a requirement for licensure in this Commonwealth.

*§ 27.26 (relating to pharmacy internship)*

This section is proposed to be redrafted largely to clarify the language of the current section. Subsection (b) adds the requirement that the applicant for registration as an intern be of good moral character. This is implicit in section 3(a)(2) of the act which requires an applicant for licensure as a pharmacist to satisfy the Board that he is of good moral character. Subsection (d)(5) authorizes the Board to grant internship credit for hours that an individual served in a pharmacy before the individual registered as an intern upon a showing of good cause. The current regulation at subsection (e)(1) does not allow the Board to grant credit for hours worked before registration. This has caused a hardship in certain cases.

Subsection (d)(4) clarifies and replaces subsection (f)(1) of the current regulation in order to deal with internship hours that may be obtained through a pharmacy school program.

The Board proposes to revise subsection (h)(1) to authorize it to hear appeals and waive the requirement that a pharmacist may not have been convicted of an offense relating to the practice of pharmacy. The Board now believes that a conviction for even a relatively minor offense related to practice of pharmacy should not automatically bar a pharmacist from ever serving as a preceptor.

*Fiscal Impact*

This proposed rulemaking will not have a negative fiscal impact on either the Commonwealth or local government. An applicant for a new pharmacy permit or for a change in location may have slightly reduced costs because the applicant, under the change proposed to § 27.11(e), will no longer have to supply photographs of the pharmacy to the Board. The proposed requirement at § 27.11(d) that an application for change in ownership be filed when there is a change in controlling interest will increase costs for the pharmacy by the amount of the application. The Board believes that this increase is counterbalanced by the value to the Board of knowing the identity of the person who exercises a controlling interest in a pharmacy. The proposed requirement at § 27.11(i) that a satellite pharmacy in an institution obtain a separate permit if the pharmacy had previously been in a separate institution or if its routine activity is dispensing drugs to outpatients will increase costs by the amount of the separate permit and any costs associated with that. The Board feels that these costs are counterbalanced by the fact that the satellite pharmacy under these circumstances constitutes a pharmacy which is distinct and separate from the primary pharmacy of the institution and cannot be adequately supervised by the pharmacist manager of the primary pharmacy of the institution. The proposed § 27.12(d) may lower costs to pharmacies by allowing a technician to assist a pharmacist in compounding drugs, including IV units, and performing tasks such

as entering data in a computer. The proposed § 27.12(d)(3), which requires the pharmacist manager to create a written protocol for each technician employed in the pharmacy will increase costs. The Board believes that this cost will be counterbalanced by assuring that the technician has been trained and can safely perform each task that is assigned to the technician. The proposed § 27.18(a), which allows a pharmacist to reuse the patient's own vial for a refill of the same drug, will slightly reduce costs and waste.

*Paperwork Requirements*

The proposed rulemaking would not have an impact on the paperwork of the Commonwealth, local government or the general public. A pharmacy which makes use of technicians would have to prepare a written protocol for each technician. This will result in a slight increase in paperwork for the pharmacy.

*Statutory Authority*

Section 3(f) of the act authorizes the Board to promulgate regulations which prescribe the instructional content of the pharmacy internship. Section 4(j) of the act authorizes the Board to promulgate regulations governing standards of practice and operation of pharmacies, including regulations governing the standards for dispensing prescriptions to insure methods of operation and conduct which protect the public health, safety and welfare and prevent practices or operations which may tend to lower professional standards of conduct. Section 6(k)(1) of the act authorizes and requires the Board to regulate the practice of pharmacy. Section 6(k)(9) of the act authorizes and requires the Board to regulate the practice of pharmacy for the protection and promotion of the public health, safety and welfare.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Professional Licensure and Consumer Protection. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of the material is available to the public upon request.

If IRRC has any objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections prior to final publication of the regulations by the Board, the General Assembly and the Governor.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Richard Marshman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JOHN P. MARIANI, R.Ph.,  
*Chairperson*

*(Editor's Note: For a proposal amending § 27.1, also proposed to be amended in this document, see 26 Pa.B. 1030 (March 9, 1996).)*

**Fiscal Note:** 16A-542. No fiscal impact; (8) recommends adoption.

**Annex**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY**

**GENERAL REVISIONS**

**§ 27.1. Definitions.**

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

\* \* \* \* \*

[ **BNDD—The Federal Bureau of Narcotics and Dangerous Drugs.** ]

\* \* \* \* \*

[ **Caution legend drug or device—Controlled substances and other drugs or devices which by statute or regulation may be dispensed to a patient by a pharmacist only upon the prescription of a medical practitioner.** ]

\* \* \* \* \*

**DEA—The Federal Drug Enforcement Administration.**

\* \* \* \* \*

**Drug order—An oral or written order issued by a medical practitioner which is either written on or entered by computer into the medical record of a patient in an institution for the dispensing of a drug or device for administration to the patient. The term does not include an order for a drug for a patient in an institution which the patient will self-administer which will be considered a prescription.**

**FDLE—The Federal Drug Law Examination.**

\* \* \* \* \*

**Medical practitioner—A physician, dentist, veterinarian or other individual authorized and licensed by law to prescribe drugs.**

**NABPLEX—The National Association of Board of Pharmacy Licensure Examination.**

**Nonproprietary drug—A drug containing any quantity of any controlled substance or a drug which is required by an applicable Federal or State law to be dispensed only by prescription.**

**Pharmacist manager—The pharmacist named in the permit to operate a pharmacy who is in charge of a pharmacy [ who is ] and responsible for operations involving the practice of pharmacy under section 4 of the act (63 P. S. § 390-4).**

**Pharmacy—The [ store or other ] place licensed by the Board where the practice of pharmacy is conducted.**

**Pharmacy intern—A person registered by the Board as a pharmacy intern under section 3(e) of the act (63 P. S. § 390-3(e)) and § 27.26 (relating to pharmacy internship).**

**Pharmacy technician**—An unlicensed person working in a pharmacy to assist a pharmacist in the practice of pharmacy in § 27.12 (relating to practice of pharmacy and delegation of duties). The term does not include a pharmacy intern or clerical or housekeeping personnel.

\* \* \* \* \*

**Prescription**—A written or oral order issued by a licensed medical practitioner in the course of his professional practice for a controlled substance, other drug or device or medication which is dispensed for use by a consumer.

\* \* \* \* \*

**Proprietary drug**—A nonprescription, nonnarcotic medicine or drug which may be sold without a prescription and which is prepackaged for use by the consumer and labeled in accordance with the requirements of Federal and State statutes and regulations.

**Satellite pharmacy**—A pharmacy in an institution which provides services for the inpatient population and is dependent upon the centrally located pharmacy for administrative control, staffing and drug procurement.

STANDARDS

§ 27.11. Pharmacy permit and pharmacist manager.

\* \* \* \* \*

(b) [No] A pharmacy may not display, advertise or use [another] any name [except] other than the name in which it is registered.

(c) [A change in name or ownership shall require a new application.] A pharmacy may not operate without a licensed pharmacist on duty at all times.

(d) [No person holding a certificate, license, permit or registration as a licensed pharmacy or pharmacist may post or display in public view a current certificate, license, permit or registration or a renewal pertaining thereto of a person not lawfully employed by the licensee.] A change in name or ownership or controlling interest of the pharmacy shall require a new application.

(e) [Applications for a new permit or for a change in location shall be accompanied by at least five photographs, 8 inches by 10 inches, one showing the exterior, one from the inside entrance facing the rear, one from the rear of the pharmacy facing the front and two photos of the prescription area showing its contents, including equipment, sink and refrigerator.] A person or entity holding a certificate, license, permit or registration as a licensed pharmacist or pharmacy may not post or display in public view a current certificate, license, permit, registration or renewal of a person not lawfully employed by the licensee.

(f) A pharmacy which closes or otherwise ceases operation shall immediately return to the Board its current permit and shall immediately inform the Board of the disposition of the prescription files and [caution legend] nonproprietary drugs. After 30 days, [no] neither prescription files [or caution legend] nor nonproprietary drugs may be sold, transferred or disposed of without prior permission from the Board.

[Signs] When a pharmacy closes or ceases operation, signs, symbols or other indications of a pharmacy [being present] shall immediately [upon closing] be removed from both the interior and exterior of the premises [both inside and outside].

(g) [In the case of a pharmacy permit issued to a person who is not a registered pharmacist, the person shall notify the Board if the pharmacist manager whose name appears on the permit ceases to be the pharmacist manager for that pharmacy, within 15 days from date thereof, together with the name of the new pharmacist manager. If the Board raises no objections within 30 days of notification, the new pharmacist manager may be deemed to be approved. A pharmacy may not operate without a pharmacist manager.] If the pharmacist manager ceases to be the pharmacist manager, the holder of the permit to operate the pharmacy shall inform the Board in writing of this fact and of the new pharmacist manager not more than 15 days after the former pharmacist manager ceased being pharmacist manager. If the Board does not object within 30 days of notification, the new pharmacist manager may be deemed approved. If the holder of the permit is unable to replace the pharmacist manager within those 15 days, the permit holder may request in writing an extension of up to 30 additional days to obtain a new pharmacist manager. A pharmacy may not operate without a pharmacist manager for more than 15 days unless the pharmacy first obtains from the Board an extension of time for obtaining a new pharmacist manager.

(h) A pharmacist may not be the pharmacist manager of more than one pharmacy at any given time. The holder of a permit to operate a pharmacy which has lost the services of a pharmacist manager and cannot obtain a suitable replacement may apply in writing to the Board for a temporary waiver of this subsection. The Board may grant a waiver which would authorize the pharmacist manager to serve as pharmacist manager of more than one pharmacy for up to 60 days after the initial 15 days permitted under subsection (g).

(i) A satellite pharmacy will require a separate permit under any of the following conditions:

(1) The satellite had a permit to operate as a pharmacy in another institution before that institution was incorporated into the present institution.

(2) The routine activity of the satellite is dispensing drugs to outpatients.

§ 27.12. Practice of pharmacy and delegation of duties.

(a) [It shall be unlawful for a person not licensed as a pharmacist, under the act, to engage or allow another to engage in the practice of pharmacy, including the preparing, compounding, dispensing, selling or distributing at retail to a person a drug, except a pharmacy intern or other authorized personnel under the immediate personal supervision of a pharmacist, who may assist the pharmacist with the preparation of other than Schedule II controlled substances and except personnel engaged in clerical functions, provided that:

(1) Prior to preparing the prescription, a licensed pharmacist shall review the prescription and make

necessary professional determinations, which shall include the interpretation of the prescriber's order with respect to the drug name, strength, dosage, quantity and allowable refills.

(2) After the prescription has been prepared, a licensed pharmacist shall thoroughly inspect the prepared prescription to verify the accuracy of the preparation, dosage and number of allowable refills.

(b) In the actual preparation of a prescription, the procedures which require professional skill and training, such as the verification of proper ingredients, the weighing of ingredients and the compounding of other similar processing of ingredients into the final prescription drug shall be performed by a licensed pharmacist or a licensed pharmacist intern under the direct personal supervision of a licensed pharmacist.

(c) Personnel authorized by the pharmacist to assist him may:

- (1) Accept written prescriptions.
- (2) Convey written prescriptions to the pharmacist.
- (3) Carry containers of drugs in and around the pharmacy.
- (4) Count pills, tablets or capsules.
- (5) After review by the pharmacist, package for delivery and deliver the drugs.
- (6) Perform clerical tasks relating to the practice of pharmacy. ]

*General.* It is unlawful for a person not licensed as a pharmacist by the Board to engage or allow another person to engage in the practice of pharmacy as defined in § 27.1 (relating to definitions) and section 2 of the act (63 P. S. § 390-2) except in accordance with the provisions in this section.

(b) *Delegation.* A pharmacist may delegate aspects of the practice of pharmacy to a pharmacy intern or pharmacy technician, as defined in § 27.1 subject to the following conditions:

(1) The pharmacist shall review every prescription or drug order prior to its preparation to determine the name of the drug, strength, dosage, quantity, permissible refills and the other information required under § 27.18(b) (relating to standards of practice).

(2) The pharmacist shall inspect a prescription or drug order after it has been prepared to verify the accuracy of the preparation.

(3) The pharmacist shall provide direct, immediate and personal supervision to pharmacy interns and pharmacy technicians working under him. Direct, immediate and personal supervision means that the supervising pharmacist has reviewed the prescription or drug order prior to its preparation, has verified the final product and is on duty to direct the work of interns and technicians and respond to questions or problems.

(4) The pharmacist shall ensure that the label of the container in which a nonproprietary drug is dispensed or sold pursuant to a prescription complies with the labeling requirements of § 27.18(d).

(c) *Pharmacy interns.*

(1) A pharmacy intern may work only under the direct, immediate, personal supervision of a pharmacist in accordance with subsection (b)(3).

(2) A pharmacy intern may neither accept nor transcribe an oral order or telephone prescription.

(3) A pharmacy intern may neither enter nor be in a pharmacy if a pharmacist is not on duty.

(4) A pharmacy intern working under the direct, immediate, personal supervision of a pharmacist may perform procedures which require professional skill and training. Examples of the procedures include: verifying ingredients, weighing ingredients, compounding ingredients and other similar processing of ingredients.

(d) *Pharmacy technicians.*

(1) A pharmacy technician may work only under the direct, immediate, personal supervision of a pharmacist in accordance with subsection (b)(3).

(2) The following are examples of the types of activities which a pharmacy technician may perform:

(i) Carry containers of drugs in and around the pharmacy.

(ii) Count pills, tablets and capsules and put them in a container.

(iii) Type or print, or both, labels.

(iv) Maintain records which are related to the practice of pharmacy.

(v) Assist the pharmacist in preparing and reconstituting parenteral products and other medications. After the parenteral product or other medication has been prepared, the supervising pharmacist shall initial the label of the product or medication to document his final inspection and to accept total responsibility for its preparation.

(vi) Enter prescription, drug order or patient information in a patient profile.

(3) A pharmacy technician may not:

(i) Accept or transcribe an oral order or telephone prescription.

(ii) Assist in preparing Schedule II controlled substances.

(iii) Enter or be in a pharmacy if a pharmacist is not on duty.

(iv) Perform any act within the practice of pharmacy that involves discretion or independent professional judgment.

(v) Perform a duty until the technician has been trained and the duty has been specified in a written protocol.

(4) The pharmacist manager shall create and maintain a written protocol for each pharmacy technician employed in the pharmacy. The protocol shall specify each duty which the pharmacy technician may perform. The pharmacist manager and the pharmacy technician shall date and sign the protocol and each amendment to the protocol. The pharmacist manager shall make the protocol available to agents of the Board upon demand.

(5) No more than two pharmacy technicians may assist a pharmacist in the practice of pharmacy at any time. The number of pharmacy technicians



permitted to assist a pharmacist under this paragraph is in addition to pharmacy interns and clerical and housekeeping personnel.

**§ 27.14. Supplies.**

(a) A pharmacy shall maintain a supply of drugs and devices adequate to meet the needs of the health professions and the patients it is intended to serve [ , and the Board will determine by published regulation and according to reasonable standards what is adequate ]. The applicant for a pharmacy permit shall show proof by affidavit that he has ordered or possesses and shall continue to maintain an [ adequate ] inventory of **nonproprietary** drugs, devices and equipment **appropriate to the practice of that pharmacy.** [ **Until further regulations are promulgated, the applicant shall show proof by affidavit that he has ordered not less than** ] **The inventory shall include at least \$5,000 worth of nonproprietary drugs and devices, at cost, from a [ registered ] licensed wholesaler or manufacturer [ in order to supply the prescription needs of his customers. At no time may the prescription ] The inventory may not go below this figure at any time.**

(b) [ **A drug which does not meet established legal standards of strength and purity, or which has been improperly stored, or has expired dates for its use, or varies from the purity and strength specified on the label, or is unfit, misbranded or adulterated as defined in the Commonwealth and the Federal statutes for use due to deterioration or other causes may not be sold or given away but shall, within 30 days after the pharmacist knows or upon reasonable effort should know of the drug, be properly disposed of by the pharmacist, except that a caution legend drug be surrendered to a BNDD regional office, or to the Division of Drug Control of the Department of Health or to the Board or returned to the wholesaler or manufacturer to be disposed of in compliance with applicable regulations or, where otherwise permitted by law, destroyed in the presence of an agent of one of the above agencies. The Board will arrange for appropriate storage of a drug at the request and expense of the pharmacist, if the surrendered drug is the subject of litigation or is otherwise required to be preserved. The pharmacist manager shall be responsible for keeping proper records of items surrendered or returned.** ] **Drugs which must be removed from active stock shall be removed in accordance with the following provisions:**

(1) **The pharmacist manager is responsible for removing from the active stock of the pharmacy and disposing of the following:**

- (i) **A drug whose expiration date has passed.**
- (ii) **A drug which does not meet legal standards of strength and purity.**
- (iii) **A drug which varies from the strength and purity on the label of the commercial container.**
- (iv) **A drug which has been improperly stored.**
- (v) **A drug which has deteriorated.**
- (vi) **A drug which is unfit, misbranded or adulterated under Federal or State statutes.**

(2) **Drugs which have been removed from active stock in accordance with this subsection may not**

**be sold or given away. The drugs shall be returned to the wholesaler or manufacturer for disposal or disposed of by the pharmacy according to Federal or State statutes or regulations.**

(3) **A pharmacy desiring to or required to dispose of a controlled substance shall contact the nearest DEA office for authority and instructions to dispose of the substance.**

(4) **The pharmacist manager shall be responsible for keeping proper records of controlled substances which have been disposed of. These records shall include the name of the substance, the number of units or the volume of the substance or the number of commercial containers and the date and manner of disposal.**

(c) A pharmacy shall maintain at least the following equipment and [ **miscellaneous** ] supplies:

(1) [ **One** ] **A Class A prescription balance [ , that is, scale, with weights or automatic balance ] or other scale with sensitivity [ requirement ] of 6 milligrams [ with no load ] or less.**

\* \* \* \* \*

(3) **A mechanical refrigerator having the [ proper and suitable ] appropriate temperature control for the [ exclusive ] storage of the drugs, vaccines, biologicals or medicaments which require [ certain designated ] specific temperatures for their stability. [ The refrigerator shall either be within the prescription area or reasonably close, in which case it shall be kept locked except when being used. ] The refrigerator shall be kept within the prescription area.**

(4) [ **An appropriate source and appliance to generate heat.** ]

[ (5) ] **At least four graduates assorted to measure 1 [ cc ] ml to 500 [ cc (or five minums to one pint) ] ml.**

[ 6 ] (5) \*\*\*

[ 7 ] (6)\*\*\*

[ (8) ] (7) **At least two funnels, one [ four ounces ] 120 ml and the other [ 16 ounces ] 480 ml.**

[ (9) ] (8) **One ointment slab of glass or tile or [ special ointment ] specially treated paper.**

[ (10) ] (9) [ **One** ] **A book to record sales and transfers of [ exempt narcotics and one book to record sales and transfers of ] Schedule V controlled substances and poisons. This paragraph does not apply to an institutional pharmacy servicing inpatients.**

[ (11) ] (10) \*\*\*

[ (12) ] (11) [ **Suitable prescription filing devices** ] **Prescription files for keeping [ proper records of regular prescription narcotic and controlled substances prescription ] prescriptions of nonproprietary drugs in accordance with the act and, for controlled substance prescriptions, the regulations of the DEA at 21 CFR 1304.04(h) (relating to maintenance of records and inventories). The original prescription must be retained for 2 years. A pharmacy may make use of a computerized recordkeeping system for keeping track of telephone prescrip-**

tions, refills, counselling, and the like if the system has safeguards to prevent accidental erasure and the information can be transferred to hardcopy within 72 hours.

[ (13) ] (12) \*\*\*

[ (14) ] (13) \*\*\*

[ (15) ] (14) An adequate reference library including two or more of the latest editions of the following, including current supplements:

(i) *The [ National Formulary and the ] United States Pharmacopeia, the National Formulary.*

\* \* \* \* \*

(iii) *Drug Facts and Comparisons.*

(iv) *[ Remington Practice of Pharmacy ] Remington's Pharmaceutical Sciences.*

(v) *[ U. S. ] The United States Dispensatory.*

(vi) *[ Pharmaceutical Sciences ] Physicians' Generix.*

(vii) *USPDI [ United States Pharmacopeia Dispensing Information ].*

\* \* \* \* \*

(ix) *Goodman and Gilman's Pharmacological Basis of Therapeutics.*

(x) *AHFS Drug Information: American Hospital Formulary Service.*

(xi) *[ United States Public Health Services ] Radiological Health Handbook.*

(xii) *The Merck Index: An Encyclopedia of Chemicals, Drugs, and Biologicals.*

(xiii) *[ Martindale's ] Martindale: The Extra Pharmacopeia.*

§ 27.15. Sanitary standards.

(a) The pharmacy and equipment shall be maintained in a clean and orderly condition and in good repair.

\* \* \* \* \*

(c) [ The walls, ceilings, windows and floors of the pharmacy shall be clean and maintained in good repair and order.

(d) [ Waste material may not be permitted [ or allowed ] to collect upon the [ floors, counters ] floor, counter or other [ portions ] area of the pharmacy [ , and covered waste receptacles shall be placed in convenient places for the waste material ]. The pharmacy shall have a waste removal system adequate to maintain clean and sanitary conditions.

[ (e) ] (d) \*\*\*

[ (f) ] (e) \*\*\*

[ (g) ] (f) \*\*\*

[ (h) ] (g) \*\*\*

§ 27.16. Construction and equipment requirements.

(a) *Approval of plans.* The following [ requirements ] requirements [ shall be ] are applicable to approval of plans:

(1) *New pharmacy or change-of-location.* Plans for construction of a new pharmacy [ or a new building ] or new location for an existing pharmacy may be submitted to the Board for approval prior to proceeding with construction. Within 90 days [ , or less, if possible, of receipt ] of receiving the plans, the Board will notify the applicant of its approval of the planned pharmacy [ , ] or of its disapproval and the reasons [ therefor ] for disapproval. The plans, including dimensions, shall demonstrate compliance with applicable regulations and shall show the layout and fixtures for the prescription area and the [ area ] immediately adjacent [ thereto ] area.

\* \* \* \* \*

(b) *Building standards.* The following apply to building standards:

\* \* \* \* \*

(2) [ *Voluntary guidelines.* The experience of the Board indicates a relationship between the size of a store in which a prescription area is located and the level of activity in the practice of pharmacy. Therefore, the voluntary guidelines set forth in the following table are suggested:

Store Area (in square feet)	Prescription Area (in square feet)
up to 4,000	250
4,001—6,000	350
6,001—8,000	480
8,001—10,000	600
10,001—12,000	750
12,001—14,000	900
14,001—16,000	1,000
16,001—18,000	1,080
over 18,000	1,200 ]

[ (3) *Adjoining store.* A permit may be issued for a self-contained pharmacy having an entrance into an adjoining store which owns the pharmacy or is otherwise affiliated with it. The pharmacy shall have an area of at least 350 square feet. Its separating walls and doors shall afford a degree of security against illegal entry equal to that normally afforded by walls and doors fronting on a public way, and the doors shall be securely locked whenever a licensed pharmacist is not present and on duty. The terms "pharmacy," and "drugs," or words of comparable meaning may only be used in reference to the self-contained pharmacy. ]

*Self-contained pharmacy.*

(i) A self-contained pharmacy is a pharmacy which either is in a larger store or has an entrance into an adjoining store affiliated with the pharmacy and can be securely sealed off from the larger or adjoining store.

(ii) The barrier devices which seal off the self-contained pharmacy shall be capable of providing security for the self-contained pharmacy. The barrier devices shall reach from floor to ceiling, shall be impenetrable by hand or the use of a reach extender, and shall be securely locked whenever a licensed pharmacist is not present and on duty.

(iii) The pharmacy shall be closed whenever a licensed pharmacist is not present and on duty.

(iv) Safes, electrical equipment or other facilities of the larger or adjoining store may not be located in or approached through the self-contained pharmacy unless a pharmacist is on duty whenever staff in the larger or adjoining store need access to these facilities.

(v) If the business hours of the self-contained pharmacy differ from the hours of the larger or adjoining store, the hours of the pharmacy shall be posted at all points of public access.

(vi) Employees of a larger store may enter the larger store only if either the pharmacist is present or if the pharmacy is self-contained and secure. Protocols for access by nonpharmacist staff for bona fide emergencies, such as fires, natural disasters or police matters, may be developed for review and approved by the Board on a case-by-case basis.

(vii) Employees of an adjoining store or of a larger store may not enter an affiliated pharmacy when the pharmacy is closed.

[ (4) ] (3) *Locked compartment.* Space shall be provided in the prescription area for a substantially constructed cabinet or safe to contain controlled substances [ required to be kept locked in accordance with Federal BNDD regulations ] unless the pharmacy dispenses controlled substances throughout the stock of noncontrolled substances in a manner as to obstruct the theft of controlled substances. If the pharmacy stocks Schedule I controlled substances, these substances shall be stored in a securely locked, substantially constructed cabinet or safe.

[ (5) ] (4) *Telephone.* At least one telephone [—or more if necessary—] shall be [ immediately ] accessible in the prescription area, and the telephone number shall [ coincide with ] be the [ mandatory ] telephone number required to be printed on the label of a prescription.

[ (6) ] (5) *Sanitary facilities.* Pharmacies shall be equipped with a sink within the prescription area to be used solely for pharmaceutical purposes. The sink shall measure at least 200 square inches exclusive of drainboard area. The sink shall be connected properly to supply hot and cold water. [ The sink shall be wholly located within the area designated as the prescription area. Adequate restroom ] Restroom facilities for employees of the pharmacy shall be provided reasonably close to, but outside of the prescription area [ , or with an entrance for the public located outside of the prescription area ].

[ (7) ] (6) \*\*\*

[ (8) ] (7) \*\*\*

[ (9) ] (8) \*\*\*

[ (10) ] (9) \*\*\*

#### § 27.18. Standards of practice.

(a) [ No drug may be dispensed whether it be on a new prescription or a refill—renewal—except in a new and clean suitable container or in the manufacturer's original container. ] A pharmacist shall dispense a new prescription in a new and clean container or in the manufacturer's original container. In refilling a prescription, the pharmacist

may reuse the original container of that prescription if the container is clean and capable of reuse. The refill requires a new label containing the information specified in subsection (d). Pharmacies and pharmacists shall comply with the [ Federal ] Poison Prevention Packaging Act of 1970 (15 U.S.C.A. §§ 1471 [ et seq. ]—1476.) which includes the use of child resistant containers. [ Bottles received originally from manufacturers, wholesalers, distributors or suppliers, shall be destroyed when the container becomes emptied. ]

(b) Prescriptions kept on file in the pharmacy shall meet the following requirements:

(1) A prescription on file shall show the name and address of the patient[ , ]; the name and address or other identifier of the prescriber[ , ]; the date the prescription was issued, if the prescription is for a controlled substance or if it was written with a PRN or ad lib refill designation; the name and quantity of the drug prescribed[ , ]; directions for its use[ , ]; cautions communicated to the ultimate consumer by means of auxiliary labels or other means when dispensed to the ultimate consumer; the date the prescription was compounded and dispensed[ , ]; and the name or initials of the dispensing pharmacist[ , and in addition, when required by statute, the address of the patient, the date the prescription was issued, and the BNDD number of the prescriber ].

(2) Prescriptions for controlled substances shall show the DEA number of the prescriber. Prescriptions for Schedule II controlled substances shall be written with ink [ or ], indelible pencil [ or ], typewriter, word processor or computer printer and shall be manually signed by the prescriber. The pharmacist is responsible for [ seeing that a caution legend drug prescription he fills meets the requirements of ] compounding and dispensing nonproprietary drugs consistent with the [ Federal ] Controlled Substances Act (21 U.S.C.A. § 321 et seq.), The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144) and the regulations promulgated under these acts.

(3) If a prescription for a [ caution legend ] nonproprietary drug is refilled, a record of the refill [ showing ] shall show the date of the refill [ and ], the name or initials of the dispensing pharmacist and the quantity dispensed[ , if ]. If the pharmacist dispenses a quantity different from that [ shown originally on the face ] of the original prescription, the pharmacist shall [ be indicated ] indicate the changes on the back of the original prescription [ or stored in a functionally equivalent information retrieval system ] or shall enter the changes in the computerized files of the pharmacy.

(4) Original prescriptions shall be kept for 2 years.

(5) In an institution Schedule II controlled substances which the pharmacy dispensed and which were ultimately received by the patient shall be recorded and the record kept for 2 years. [ If a copy is given, the person requesting the copy shall show the pharmacist acceptable identification, such as a

driver's license, and it shall be noted in writing as to the date and to whom and by whom the copy was given. ]

(c) [ No ] A pharmacist may decline to fill or refill a prescription if the pharmacist knows or has reason to know that it is false, fraudulent or unlawful, or that it is tendered by a patient served by a public or private third-party payor who will not reimburse the pharmacist for that prescription. A pharmacist may not knowingly fill or refill a prescription for a [ legend, caution legend drug ] controlled substance or nonproprietary drug or device if [ he ] the pharmacist knows or has reason to know it is for use by a person other than the one for whom the prescription was written, or will be otherwise diverted, abused or misused. In addition, a pharmacist may [ not be required ] decline to fill or refill a prescription if, in [ his ] the pharmacist's professional judgment exercised in the interest of the safety of the patient, [ he ] the pharmacist believes [ it ] the prescription should not be filled or refilled. The pharmacist shall explain the decision to the patient. If necessary the pharmacist shall attempt to discuss the decision with the prescriber.

(d) The container in which a prescription drug or device is sold or dispensed to the ultimate consumer shall bear a label [ with the following ] which shall be written in ink, typed or computer generated and shall contain the following information:

(1) [ Name ] The name, address, telephone number and DEA number of the pharmacy [ and the BNDD number assigned to it by that Bureau ].

\* \* \* \* \*

(4) The name of the prescriber [ and a registration number of the prescriber required to be obtained under applicable Federal statute ].

\* \* \* \* \*

(6) The trade or brand name of the drug [ and proportion or amount of drug dispensed, unless omission is specifically requested by the prescribing doctor in writing ], strength, dosage form and quantity dispensed. If [ the name is generic, then ] a generic drug is dispensed, the manufacturer's name or suitable abbreviation of manufacturer's name shall also be shown.

\* \* \* \* \*

(r) The following provisions [ are applicable ] apply to the advertisement and sale of drugs:

\* \* \* \* \*

(7) The patient has the right to request a copy of [ his ] an original prescription[, and the]. The copy shall clearly indicate on its face that it is a copy and may not be used to obtain a new prescription [ order ] or refill. Before a pharmacist provides a copy of a written prescription to a patient or an authorized agent of the patient, the person requesting the copy shall show the pharmacist acceptable authorization and identification, such as a driver's license. The pharmacist shall record in writing the date, to whom and by whom the copy was given.

\* \* \* \* \*

(v) A drug order in an institution is not required to conform to the labeling requirements of subsection (d) as long as it is in unit dose. A drug in unit dose shall be labeled to indicate the patient name, drug name, drug strength, dosing instructions and lot number. The label of a parenteral, enteral or total parenteral nutrition product shall contain the name of the patient; the ingredients, including the name, strength, quantity of each, and the diluent and expiration date; and the initials of the pharmacist.

PHARMACISTS

§ 27.21. Application for examination and registration.

(a) [ An application for an examination and registration as a licensed pharmacist shall be submitted on an application form prescribed and provided by the Commissioner, accompanied by the evidence, statements or documents as required, and filed with the Board at its office in Harrisburg at least 30 days before the date fixed for examination. ] A person applying to take the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) and the Federal Drug Law Examination (FDLE) shall obtain an application for licensure from the Board, complete the application, and file the application with the Board at least 45 days before the examination.

(b) [ An applicant shall use his full legal name in filling out an application. ] The applicant shall include with the application proof of graduation with a B.S. or advanced degree in pharmacy granted by an accredited school or college; affidavits of all internship experience gained prior to submitting the application; and the application fee.

(c) [ A separate application shall be filed and an examination fee paid for each examination taken. ] The applicant shall also complete an examination scheduling form which the applicant shall submit, together with the examination fee, directly to the testing service.

(d) [ Internship experience affidavits shall be filed prior to the date set for the practical examination. ] Affidavits of internship experience gained after the filing of the application shall be filed before the examination date.

§ 27.23. Time and place for holding examination.

Examinations shall be held at a time and place determined by the [ Commissioner ] Bureau's examination contract with the testing service which administers the examination.

§ 27.24. Examinations administered and passing grade.

(a) Candidates for licensure by examination are required to pass both the [ National Association of Boards of Pharmacy Licensure Examination (NABPLEX) ] NABPLEX and the [ Federal Drug Law Examination (FDLE) ] FDLE, which shall be administered in January [ and ], June and September of each year.

(b) [ Through January 1986, the NABPLEX shall consist of the following five substantive areas:

Chemistry, Mathematics, Pharmacy, Pharmacology and the Practice of Pharmacy. Each substantive area shall be graded separately. The minimum passing rate is an average of 75% of the separately graded substantive areas, with at least 60% in Chemistry, Mathematics, Pharmacy and Pharmacology, and at least 75% in the Practice of Pharmacy.

(c) Beginning in June 1986, the NABPLEX shall be an integrated exam, covering the subjects itemized in subsection (b), but with only one grade, rather than separately graded subsections. ] The minimum passing [rate] grade for [this integrated exam may be no less than] NABPLEX is 75.

[ (d) ] (c) The minimum passing grade for the FDLE [may be no less than] is 75.

§ 27.25. [Failure to appear for examination] Licensure by reciprocity.

[The fee paid for investigation and examination of an application for registration as a pharmacist may not be refunded if the applicant fails to qualify for examination, or, if, without good cause as determined by the Board, the applicant fails to appear for examination after notification of the time and place of two consecutive examinations has been mailed by the Board to him at his address as shown on the records of the Board. In this event, a new application shall be filed and a new application fee paid before the applicant shall be eligible for examination. ]

(a) An applicant for licensure by reciprocity shall comply with section 3(g) of the act (63 P.S. § 390-3(g)).

(b) An applicant for licensure by reciprocity who received a license to practice pharmacy in any other state, territory or possession of the United States after January 26, 1983, shall be required to demonstrate that he passed the FDLE.

§ 27.26. [Internship] Pharmacy internship.

(a) [Pharmacy internship means the supervised practical experience required for licensure as a registered pharmacist. The purpose of the Pharmacy Internship Program is to provide those individuals with the knowledge and practical experience necessary for functioning competently and effectively upon licensure.

(b) A certificate of registration as a pharmacy intern will only be issued for the purpose of allowing individuals who intend to become registered pharmacists the opportunity to obtain the practical experience required for examination and registration as a pharmacist. If a person desires to work as a pharmacy intern in this Commonwealth, he shall do the following:

(1) Apply for an intern application after having successfully completed his second year in an accredited college which leads to a 5-year course in pharmacy.

(2) Apply to the Board for registration as a pharmacy intern.

(c) A person desiring to register as a pharmacy intern shall complete an application as provided by the Commissioner and in addition shall forward to the Board the following:

(1) A head and shoulders photograph which shall be 3 inches by 4 inches.

(2) The fee.

(3) A letter or transcript certifying that the applicant has in fact successfully completed a minimum of 2 years in an accredited college.

(d) The Board will register an applicant as a pharmacy intern as soon as the Board receives a completed application and the items set forth in subsection (c). Pharmacy internships shall be valid for a period not exceeding 6 years from the date of issue exclusive of time spent in the military service.

(e) The following applies to internship credit: The internship experience may not be less than 1,500 hours, with a maximum of 50 hours in any one week. Credit for internship will not be granted by the Board for periods before registration as an intern.

(f) The following apply to pharmacy intern experience:

(1) Pharmacy school instruction is necessary. After January 1, 1973, a person may not be eligible to become a candidate for registration to practice pharmacy in this Commonwealth unless he receives his instructions in practical pharmacy and pharmaceutical technique from an instructor, professor or faculty member who is a registered pharmacist or from a faculty member who is a registered pharmacist at a Board-approved college.

(2) Internship credit for a maximum of 750 hours may be gained from practical experience obtained in a structured internship program. The credit will be limited to the number of hours of credit for which the structured internship program has been approved by the Board. Internship credit will only be granted when the practical experience is obtained on a full-time basis with no other concurrent required academic load and if the intern obtains a passing grade from the course involved. An accredited school or college of pharmacy which desires to conduct structured internship programs eligible for approval shall make a written request to the Board. Board-approved structured internship programs at the pharmacy schools will be monitored and guided by the Board. ]

Pharmacy internship means the supervised practical experience required for licensure as a registered pharmacist. The purpose of the pharmacy internship program is to provide a registered intern with the knowledge and practical experience necessary for functioning competently under the act and this chapter.

(b) A certificate of registration as a pharmacy intern will be available to an individual who has completed at least 2 years of pharmacy college or an accredited program leading to transfer into the third year of pharmacy college and is of good moral character. A person desiring to register as a pharmacy intern shall do the following:

(1) Apply to the Board for registration including the fee specified in § 27.91 (relating to schedule of fees) for registering as a pharmacy intern.

(2) Forward to the Board a letter or transcript certifying that the applicant has successfully com-

pleted 2 years of pharmacy college or an accredited program leading to transfer into the third year of pharmacy college.

(c) The Board will register an applicant after it receives a completed application and other items in subsection (b). A pharmacy intern certificate shall be valid for 6 years from the date of issue exclusive of time spent in the military.

(d) The following applies to internship credit:

- (1) An intern shall serve at least 1,500 hours.
- (2) A maximum of 50 hours may be credited in 1 week.
- (3) An intern shall serve at least 750 of the 1,500 hours in a pharmacy.
- (4) An intern may earn up to 750 of the 1,500 hours in an internship program sponsored or approved by the pharmacy college subject to the following conditions:

(i) The Board will determine the maximum number of hours available for each internship program sponsored or approved by a pharmacy college.

(ii) The Board will grant internship credit to an individual in an internship program sponsored or approved by a pharmacy college only if the following applies:

- (A) The internship program is full-time.
- (B) There is no concurrent academic courseload.
- (C) The individual achieves a passing grade in the program.

(iii) A pharmacy college which desires to sponsor or approve an internship program shall request approval from the Board.

(iv) The Board will monitor internship programs which are sponsored or approved by a pharmacy college.

(5) The Board may grant internship credit for hours that an individual served in a pharmacy before the individual registered as an intern only if the individual shows good cause for failing to register in timely fashion.

(6) The Board will not grant internship credit for hours which an individual served in a pharmacy if the supervising pharmacist was not registered as a preceptor. An exception to the requirement that the supervising pharmacist register as a preceptor will be made for internship hours acquired in an internship program sponsored or approved by a pharmacy college.

(e) The Board will grant internship credit only for activities related to the practice of pharmacy. The following are examples of these activities: scrutinizing prescriptions or drug orders, compounding medications and filling prescriptions. The Board will not grant internship credit for activities which are not related to the practice of pharmacy. The following are examples of these activities: retail sales unrelated to pharmacy items, shelving or clerical functions unrelated to pharmacy.

(f) A person may not be eligible to become a candidate for registration to practice pharmacy unless the person receives instruction in practical pharmacy and pharmaceutical technique from an instructor, professor, or faculty member who is a

registered pharmacist or from a faculty member who is a registered pharmacist at a pharmacy college.

\* \* \* \* \*

(h) The requirements for registration as a pharmacist preceptor is as follows:

(1) A pharmacist preceptor may not have been convicted of an offense with respect to observance of Federal, State and municipal statutes and ordinances relating to the practice of pharmacy. A pharmacist may appeal to the Board for a waiver of this provision.

\* \* \* \* \*

[Pa.B. Doc. No. 96-351. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF PHYSICAL THERAPY

[49 PA. CODE CH. 40]

## Child Abuse Reporting Requirements

The State Board of Physical Therapy (Board) proposes to adopt Chapter 40, Subchapter D (relating to child abuse reporting) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(a) and (b) of the CPSL (relating to persons required to report suspected child abuse), physical therapists, physical therapist assistants and certified athletic trainers are included among the persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

### § 40.201 (relating to definitions)

Definitions are proposed for the following words and phrases used throughout the regulations: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age who a physical therapist, physical therapist assistant or certified athletic trainer has reasonable cause to suspect, on the basis of the physical therapist, physical therapist assistant or certified athletic trainer's professional or other training or

experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).” The proposed definition of “ChildLine” is tailored after the Department of Public Welfare’s definition of “Childline” found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 40.202 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 40.202 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which physical therapists, physical therapist assistants or certified athletic trainers in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for physical therapists, physical therapist assistants or certified athletic trainers who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 40.203 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 40.203 advises physical therapists, physical therapist assistants or certified athletic trainers of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 40.204 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting of postmortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 40.204 advises physical therapists, physical therapist assistants and certified athletic trainers of this statutory mandate.

*§ 40.205 (relating to immunity from liability)*

Proposed § 40.205 advises physical therapists, physical therapist assistants and certified athletic trainers that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the physical

therapist’s, physical therapist assistant’s or certified athletic trainer’s actions. The proposed section also informs physical therapists, physical therapist assistants and certified athletic trainers that under section 6318 of the CPSL, the good faith of the physical therapist, physical therapist assistant or certified athletic trainer will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 40.205 to extend the good faith presumption to disciplinary proceedings against a physical therapist, physical therapist assistant or certified athletic trainer that result by reason of the physical therapist’s, physical therapist assistant’s or certified athletic trainer’s actions in participating in good faith in the making of a report of suspected child abuse.

*§ 40.206 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters “shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse.” Section 40.206 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any ethical principle or professional standard that might otherwise apply.

*§ 40.207 (relating to noncompliance)*

Proposed § 40.207 advises physical therapists, physical therapist assistants and certified athletic trainers of the consequences of noncompliance with the child abuse reporting requirements of §§ 41.71—41.73. The section is divided into two subsections, (a) and (b). As proposed, physical therapists, physical therapist assistants and certified athletic trainers are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 11 of the Physical Therapy Practice Act (act) (63 P. S. § 1311). Subsection (b) advises physical therapists, physical therapist assistants and certified athletic trainers of the criminal penalties available under section 6319 of the CPSL (relating to failure to report) for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 3(a) of the act (63 P. S. § 1303(a)).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, physical therapists, physical therapist assistants and certified athletic trainers may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compli-

ance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Shirley Klinger, Administrative Assistant, State Board of Physical Therapy, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

BARBARA A. AFFLERBACH, P.T.,  
*Chairperson*

**Fiscal Note:** 16A-653. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY**

**Subchapter D. CHILD ABUSE REPORTING**

- Sec. 40.201. Definitions.
- 40.202. Suspected child abuse—mandated reporting requirements.
- 40.203. Photographs, medical tests and X-rays of child subject to report.
- 40.204. Suspected death as a result of child abuse—mandated reporting requirement.
- 40.205. Immunity from liability.
- 40.206. Confidentiality—waived.
- 40.207. Noncompliance.

**§ 40.201. Definitions.**

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

*Abused child*—A child under 18 years of age whom a physical therapist, physical therapist assistant or certified athletic trainer has reasonable cause to suspect, on the basis of the physical therapist, physical therapist assistant or certified athletic trainer's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to the child protective services—child abuse).

*Act*—The Physical Therapy Practice Act (63 P. S. §§ 1301—1312).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 40.202. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), physical therapists, physical therapist assistants or certified athletic trainers who, in the course of their employment, occupation or practice of the profession, comes into con-



tact with children shall report or cause a report to be made to the Department of Public Welfare when the physical therapist, physical therapist assistant or certified athletic trainer has reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Physical therapists, physical therapist assistants and certified athletic trainers who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the physical therapist, physical therapist assistant or certified athletic trainer, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 40.203. Photographs, medical tests and X-rays of child subject to report.**

A physical therapist, physical therapist assistant or certified athletic trainer may take or cause to be taken photographs of the child who is subject to a report and, if

clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 40.204. Suspected death as a result of child abuse—mandated reporting requirement.**

A physical therapist, physical therapist assistant or certified athletic trainer who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 40.205. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a physical therapist, physical therapist assistant or certified athletic trainer who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the physical therapist's, physical therapist assistant's or certified athletic trainer's actions. For the purpose of any civil or criminal proceeding, the good faith of the physical therapist, physical therapist assistant or certified athletic trainer shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a physical therapist's, physical therapist assistant's or certified athletic trainer's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 40.206. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 40.202—40.204 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over any ethical principle or professional standard that might otherwise apply.

**§ 40.207. Noncompliance.**

(a) *Disciplinary action.* A physical therapist, physical therapist assistant or certified athletic trainer who willfully fails to comply with the reporting requirements in § 40.202 (relating to suspected child abuse—mandated reporting requirements) will be subject to disciplinary action under section 11 of the act (63 P. S. § 1311).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a physical therapist, physical therapist assistant or certified athletic trainer who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-352. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29]

## Child Abuse Reporting Requirements

The State Board of Podiatry (Board) proposes to adopt §§ 29.91—29.97 (relating to child abuse reporting requirements) to read as set forth in Annex A. The amendments are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training), of the Child Protective Services Law (CPSL) which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), podiatrists are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 29.91 (relating to definitions relating to child abuse reporting requirements)*

Definitions are proposed to be added to § 29.91 for the following words and phrases used throughout the proposed regulations: “abused child,” “child abuse,” “ChildLine,” “individual residing in the same home as the child,” “perpetrator,” “person responsible for the child’s welfare,” “recent acts or omissions,” “serious mental injury,” “serious physical injury” and “sexual abuse or exploitation.” With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of “abused child” is derived from the definition of “child abuse” as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an “abused child” in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase “abused child” would be defined to mean “a child under 18 years of age whom a podiatrist has reasonable cause to suspect, on the basis of the podiatrist’s professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).” The proposed definition of “ChildLine” is tailored after the Department of Public Welfare’s definition of “ChildLine” found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 29.92 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 29.92 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which podiatrists in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the

reporting requirements under section 6311(c) of the CPSL, for podiatrists who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedure). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 29.93 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 29.93 advises podiatrists of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

*§ 29.94 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 29.94 advises podiatrists of this statutory mandate.

*§ 29.95 (relating to immunity from liability)*

Proposed § 29.95 advises podiatrists that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the podiatrist’s actions. The proposed section also informs podiatrists that under section 6318 of the CPSL, the good faith of the podiatrist will be presumed for the purpose of a civil or criminal proceeding. The Board proposes under § 29.95 to extend the good faith presumption to disciplinary proceedings against a podiatrist that result by reason of the podiatrist’s actions in participating in good faith in the making of a report of suspected child abuse.

*§ 29.96 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters “shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse.” Section 29.96 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over the provisions of confidentiality and any other ethical principle or professional standard that might otherwise apply.

§ 29.97 (relating to noncompliance)

Proposed § 29.97 advises podiatrists of the consequences of noncompliance with the child abuse reporting requirements of §§ 29.92—29.94. The proposed section is divided into two subsections, (a) and (b). As proposed, podiatrists are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 16 of the Podiatry Practice Act (act) (63 P. S. § 42.16). Subsection (b) advises podiatrists of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report), for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under the authority of section 6383 of the CPSL and section 15 of the act (63 P. S. § 42.15).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, podiatrists may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Wade A. Fluck, Counsel, State Board of Podiatry, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

STANLEY E. BOC, D.P.M.,  
Chairperson

**Fiscal Note:** 16A-442. No fiscal impact; (8) recommends adoption.

(*Editor's Note:* The following text is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 29. STATE BOARD OF PODIATRY  
CHILD ABUSE REPORTING REQUIREMENTS**

**§ 29.91. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 29.92—29.97, have the following meanings, unless the context clearly indicates otherwise:

*Abused child*—A child under 18 years of age whom a podiatrist has reasonable cause to suspect, on the basis of the podiatrist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 29.92. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), podiatrists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Podiatrists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the podiatrist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing, within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 29.93. Photographs, medical tests and X-rays of child subject to report.**

A podiatrist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 29.94. Suspected death as a result of child abuse—mandated reporting requirement.**

A podiatrist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 29.95. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a podiatrist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the podiatrist's actions. For the purpose of a civil or criminal proceeding, the good faith of the podiatrist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a podiatrist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 29.96. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 29.92—29.94 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of confidentiality in § 29.23 (relating to confidentiality) and any other ethical principle or professional standard that might otherwise apply to podiatrists.

**§ 29.97. Noncompliance.**

(a) *Disciplinary action.* A podiatrist who willfully fails to comply with the reporting requirements in §§ 29.92—29.94 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a

result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 16 of the act (63 P. S. § 42.16).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a podiatrist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-353. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

### Child Abuse Reporting Requirements

The State Board of Psychology (Board) proposes to amend § 41.1 (relating to definitions) and adopt §§ 41.71—41.76 (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed amendments are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), mental health professionals are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these amendments are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed amendments:

#### § 41.1 (relating to definitions)

Definitions are proposed to be added to § 41.1 for the following words and phrases used throughout the amendments: "abused child," "child abuse," "ChildLine," "individual residing in the same home as the child," "perpetrator," "person responsible for the child's welfare," "recent acts or omissions," "serious mental injury," "serious physical injury" and "sexual abuse or exploitation." With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of "abused child" is derived from the definition of "child abuse" as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an "abused child" in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase "abused child" would be defined to mean "a child under 18 years of age whom a psychologist has reasonable cause to suspect, on the basis of the psychologist's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse)." Finally, the proposed definition for "ChildLine" is tailored

after the Department of Public Welfare's definition for "ChildLine" found at 55 Pa. Code § 3490.4 (relating to definitions).

#### § 41.71 (relating to suspected child abuse—mandated reporting requirements)

Proposed § 41.71 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which psychologists in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL for psychologists who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

#### § 41.72 (relating to photographs, medical tests and X-rays of child subject to report)

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 41.72 advises psychologists of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.

#### § 41.73 (relating to suspected death as a result of child abuse—mandated reporting requirement)

Section 6317 of the CPSL (relating to reporting of postmortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 41.73 advises psychologists of this statutory mandate.

#### § 41.74 (relating to immunity from liability)

Proposed § 41.74 advises psychologists that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the psychologist's actions. The proposed section also informs psychologists that under section 6318 of the CPSL, the good faith of the psychologist will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 41.74 to extend the good faith presumption to disciplinary proceedings against a psychologist that result by reason of the psychologist's actions in participating in good faith in the making of a report of suspected child abuse.

§ 41.75 (relating to confidentiality—waived)

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters “shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse.” Section 41.75 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over § 41.61, Ethical Principle 5 (confidentiality) and any other ethical principle or professional standard that might otherwise apply.

§ 41.76 (relating to noncompliance)

Proposed § 41.76 advises psychologists of the consequences of noncompliance with the child abuse reporting requirements of §§ 41.71—41.73. The section is divided into two subsections, (a) and (b). As proposed, psychologists are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 8(a) of the Professional Psychologists Practice Act (act) (63 P. S. § 1208(a)). Subsection (b) advises psychologists of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report) for the same willful noncompliance with the reporting requirements.

Statutory Authority

These amendments are proposed under the authority of section 6383 of the CPSL and section 3.2(2) of the act (63 P. S. § 1203.2(2)).

Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, psychologists may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed amendments.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed amendments, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, “Improving Government Regulations.” A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the proposed amendments.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Jackie Wiest Lutz, Counsel, State Board of Psychology, 116 Pine Street, P. O. Box 2649, Harris-

burg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

PATRICIA M. BRICKLIN, Ph.D.,  
Chairperson

**Fiscal Note:** 16A-630. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 41. STATE BOARD OF PSYCHOLOGY**  
**GENERAL**

§ 41.1. Definitions.

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

**Abused child**—A child under 18 years of age whom a psychologist has reasonable cause to suspect, on the basis of the psychologist’s professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

\* \* \* \* \*

**Child abuse**—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning.

**ChildLine**—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

\* \* \* \* \*

**Individual residing in the same home as the child**—An individual who is 14 years of age or older and who resides in the same home as the child.

**Perpetrator**—A person who has committed child abuse and is a parent of the child, a person respon-

sible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

**Person responsible for the child's welfare**—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

\* \* \* \* \*

**Recent acts or omissions**—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

**Serious mental injury**—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

**Serious physical injury**—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

**Sexual abuse or exploitation**—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

(Editor's Note: The following sections are new. They have been printed in regular type to enhance readability.)

#### CHILD ABUSE REPORTING REQUIREMENTS

**§ 41.71. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), psychologists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Psychologists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

Upon notification by the psychologist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 41.72. Photographs, medical tests and X-rays of child subject to report.**

A psychologist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 41.73. Suspected death as a result of child abuse—mandated reporting requirement.**

A psychologist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 41.74. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a psychologist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the psychologist's actions. For

the purpose of any civil or criminal proceeding, the good faith of the psychologist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a psychologist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 41.75. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of Ethical Principle 5 (relating to confidentiality) in § 41.61 (relating to Code of Ethics) and any other ethical principle or professional standard that might otherwise apply to psychologists.

**§ 41.76. Noncompliance.**

(a) *Disciplinary action.* A psychologist who willfully fails to comply with the reporting requirements in §§ 41.71—41.73 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 8(a) of the act (63 P. S. § 1208(a)).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a psychologist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-354. Filed for public inspection March 8, 1996, 9:00 a.m.]

## STATE BOARD OF SOCIAL WORK EXAMINERS

[49 PA CODE CH. 47]

### Child Abuse Reporting Requirements

The State Board of Social Work Examiners (Board) proposes to adopt §§ 47.51—47.57 (relating to child abuse reporting requirements) to read as set forth in Annex A. The proposed regulations are responsive to the statutory mandate of 23 Pa.C.S. § 6383(b)(2) (relating to education and training) of the Child Protective Services Law (CPSL), which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations by July 1, 1996, on the responsibilities of the mandated reporters. Under section 6311(b) of the CPSL (relating to persons required to report suspected child abuse), licensed social workers are included among the enumeration of persons required to report suspected child abuse.

The child abuse reporting requirements proposed by these regulations are, with few exceptions, recapitulations of the statutory requirements imposed upon persons required to report suspected child abuse under the CPSL. Following is a description of the proposed regulations:

*§ 47.51 (relating to definitions relating to child abuse reporting requirements)*

Definitions are proposed to be added to § 47.51 for the following words and phrases used throughout the regulations: “abused child,” “child abuse,” “ChildLine,” “individual residing in the same home as the child,” “perpetrator,” “person responsible for the child’s welfare,” “recent acts or omissions,” “serious mental injury,” “serious physical injury” and “sexual abuse or exploitation.” With three exceptions, the proposed definitions provided for these terms are those contained in section 6303 of the CPSL (relating to definitions). The definition of “abused child” is derived from the definition of “child abuse” as defined under section 6303(b) of the CPSL. Section 6311(a) of the CPSL refers to an “abused child” in the general rule regarding persons required to report suspected child abuse. The term, however, is not defined in the CPSL. As proposed, the phrase “abused child” would be defined to mean “a child under 18 years of age whom a licensed social worker has reasonable cause to suspect, on the basis of the licensed social worker’s professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse). The proposed definition of “ChildLine” is tailored after the Department of Public Welfare’s definition of “ChildLine” found at 55 Pa. Code § 3490.4 (relating to definitions).

*§ 47.52 (relating to suspected child abuse—mandated reporting requirements)*

Proposed § 47.52 announces mandatory reporting requirements for persons required to report suspected child abuse under section 6311 of the CPSL. As proposed, the section is divided into four subsections, (a)—(d). Subsection (a) announces the circumstances under which licensed social workers in private practice settings shall make a report of suspected child abuse. Subsection (b) announces the reporting requirements under section 6311(c) of the CPSL, for licensed social workers who are staff members of a medical or other public or private institution, school, facility or agency. Subsections (c) and (d), respectively, announce the procedures for reporting child abuse as required under section 6313 of the CPSL (relating to reporting procedures). Proposed subsection (c) instructs that reports of suspected child abuse shall be made immediately by telephone to ChildLine, and in writing within 48 hours after the oral report, to the appropriate county children and youth social service agency. Proposed subsection (d) enumerates information which, if available, shall be included in a written report.

*§ 47.53 (relating to photographs, medical tests and X-rays of child subject to report)*

Under section 6314 of the CPSL (relating to photographs and X-rays of child subject to report), persons or officials who are required to report cases of suspected child abuse are permitted to take photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Proposed § 47.53 advises licensed social workers of this information and of other relevant information which shall be forwarded to the appropriate county children and youth social service agency concurrently with the written report or as soon thereafter as possible.



*§ 47.54 (relating to suspected death as a result of child abuse—mandated reporting requirement)*

Section 6317 of the CPSL (relating to reporting post-mortem investigation of deaths) provides that a person or official required to report cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner. Proposed § 47.54 advises licensed social workers of this statutory mandate.

*§ 47.55 (relating to immunity from liability)*

Proposed § 47.55 advises licensed social workers that under section 6318 of the CPSL (relating to immunity from liability), those who participate in good faith in the making of a report of suspected child abuse, cooperating with an investigation, testifying in a proceeding or taking photographs, shall have immunity from civil and criminal liability that might result by reason of the licensed social worker's actions. The proposed section also informs licensed social workers that under section 6318 of the CPSL, the good faith of the licensed social worker will be presumed for the purpose of any civil or criminal proceeding. The Board proposes as well under § 47.55 to extend the good faith presumption to disciplinary proceedings against a licensed social worker that result by reason of the licensed social worker's actions in participating in good faith in the making of a report of suspected child abuse.

*§ 47.56 (relating to confidentiality—waived)*

Section 6383(b)(2) of the CPSL requires that the regulations promulgated by licensing boards having jurisdiction over professional licensees identified as mandated reporters "shall clarify that the provisions of this chapter take precedence over any professional standard that might otherwise apply in order to protect children from abuse." Section 47.56 proposes to address this statutory mandate by clarifying that the child abuse reporting requirements announced in this chapter take precedence over any client confidentiality, ethical principle or professional standard that might otherwise apply.

*§ 47.57 (relating to noncompliance)*

Proposed § 47.57 advises licensed social workers of the consequences of noncompliance with the child abuse reporting requirements of §§ 47.52—47.54. The section is divided into two subsections, (a) and (b). As proposed, licensed social workers are advised under subsection (a) that a willful failure to comply with the reporting requirements will result in disciplinary action under section 11 of the Social Workers' Practice Act (act) (63 P. S. § 1911). Subsection (b) advises licensed social workers of the criminal penalties available under section 6319 of the CPSL (relating to penalties for failure to report), for the same willful noncompliance with the reporting requirements.

*Statutory Authority*

These regulations are proposed under section 6383 of the CPSL and section 6 of the act (63 P. S. § 1906).

*Fiscal Impact and Paperwork Requirements*

The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, licensed social workers may incur additional paperwork in complying with the child abuse reporting requirements announced by these proposed regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed regulations on February 28, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Professional Licensure and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting the proposed regulations, the Board has provided IRRC and will provide the Committees with a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the regulations.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Deborah Orwan, Board Administrator, State Board of Social Work Examiners, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking.

REGINALD BETHEL,  
*Chairperson*

**Fiscal Note:** 16A-691. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The following text is new. It has been printed in regular type to enhance readability.)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 47. STATE BOARD OF SOCIAL WORK EXAMINERS**

**CHILD ABUSE REPORTING REQUIREMENTS**

**§ 47.51. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 47.52—47.57 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

*Abused child*—A child under 18 years of age whom a licensed social worker has reasonable cause to suspect, on the basis of the licensed social worker's professional or other training or experience, is a victim of child abuse and who is subsequently the subject child in an indicated or founded report of child abuse under 23 Pa.C.S. Chapter 63 (relating to the Child Protective Services Law) and 55 Pa. Code Chapter 3490 (relating to child protective services—child abuse).

*Child abuse*—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

*ChildLine*—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

*Individual residing in the same home as the child*—An individual who is 14 years of age or older and who resides in the same home as the child.

*Perpetrator*—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

*Person responsible for the child's welfare*—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

*Recent acts or omissions*—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

*Serious mental injury*—A psychological condition, as diagnosed by a physician, licensed psychologist or licensed social worker, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

*Serious physical injury*—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

*Sexual abuse or exploitation*—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct, or a simulation of sexually explicit conduct, for the purpose of producing a visual depiction of sexually explicit conduct, or the rape, molestation, incest, prostitution or other form of sexual exploitation of children.

**§ 47.52. Suspected child abuse—mandated reporting requirements.**

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed social workers who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be

made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child.

(b) *Staff members of institutions, and the like.* Licensed social workers who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is an abused child. Upon notification by the licensed social worker, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313, and in writing within 48 hours after the oral report to the county children and youth social service agency in the county where the suspected child abuse occurred.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare by regulation. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

**§ 47.53. Photographs, medical tests and X-rays of child subject to report.**

A licensed social worker may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall

be entitled to have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

**§ 47.54. Suspected death as a result of child abuse—mandated reporting requirement.**

A licensed social worker who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the appropriate coroner.

**§ 47.55. Immunity from liability.**

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensed social worker who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensed social worker's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed social worker shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed social worker's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

**§ 47.56. Confidentiality—waived.**

To protect children from abuse, the reporting requirements of §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions over any client confidentiality, ethical principle or professional standard that might otherwise apply.

**§ 42.57. Noncompliance.**

(a) *Disciplinary action.* A licensed social worker who willfully fails to comply with the reporting requirements in §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P. S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensed social worker who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 96-355. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 37—LAW

### STATE POLICE

#### [37 PA. CODE CH. 56]

#### Megan's Law

As a requirement of 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders) (act), the statement of policy necessary for the general administration of this subchapter, is amended.

#### *Fiscal Impact*

The amended statement of policy will not impose additional costs on State and local governments.

#### *Paperwork Requirements*

The amended statement of policy will not require the completion of additional forms, reports and other paperwork.

#### *Comments*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, and a concise statement with sufficient detail on the subject. Written statements may be directed to the State Police, Attention: Director, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110.

#### *Contact Person*

The contact person is Trooper R. M. Van Buskirk, State Police, Bureau of Research and Development, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-4898.

#### *Effective Date*

This amended statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

COLONEL PAUL J. EVANKO,  
*Commissioner*

*(Editor's Note: A statement of policy is amended at 37 Pa. Code § 56.3 (relating to responsibilities) to read as set forth in Annex A, with ellipses referring to the existing text.)*

**Fiscal Note:** 17-58. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

#### PART I. STATE POLICE

#### Subpart H. ADMINISTRATION OF MEGAN'S LAW

#### CHAPTER 56. GUIDELINES FOR ADMINISTRATION OF MEGAN'S LAW—STATEMENT OF POLICY

#### § 56.3. Responsibilities.

(a) The Board of Probation and Parole, in cooperation with the Department of Corrections and county officials, shall:

(1) Create procedures to guide and instruct State and county prison and probation and parole personnel how to inform sexual offenders of their duties under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), known as Megan's Law. These procedures shall include, at a minimum:

(i) Completion of a sexual offender registration form provided by the State Police prior to release from incarceration, upon parole from a State or county correctional institution or commencement of a sentence of intermediate punishment or probation.

(ii) Prior to release from incarceration, and at the time of registration, a photograph of the sexual offender and the information specified in paragraph (4) shall be obtained for immediate transmittal to State Police.

(2) Require, as a condition of being permitted to reside in this Commonwealth under the Interstate Compact, sexual offenders from other states to register and abide by the requirements of 42 Pa.C.S. Chapter 97, Subchapter H.

(3) Provide the following information to the State Police, Bureau of Records and Information Services, Attention: Director, Records and Identification Division (Act 24 of 1995), 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, or facsimile at (717) 772-3681. In the case of a State sentence, this information will be provided prior to release on parole from a State sentence. In the case of a county sentence, the information will be provided immediately upon its receipt from county authorities.

\* \* \* \* \*

[Pa.B. Doc. No. 96-356. Filed for public inspection March 8, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965, the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 27, 1996.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-95	Farmers First Bank Lititz Lancaster County	Weis Market 820 Stony Battery Rd. West Hempfield Twp. Lancaster County	Opened
2-20-96	Ambassador Bank of the Commonwealth Allentown Lehigh County	402 State Road Emmaus Lehigh County	Opened
2-21-96	Standard Bank, PaSB Murrysville Westmoreland County	Davis Supermarkets, Inc. Eastgate Plaza 730 E. Pittsburgh St. Greensburg Westmoreland County	Approved
2-21-96	Ambassador Bank of the Commonwealth Allentown Lehigh County	1323 Grape Street Whitehall Lehigh County	Approved
2-21-96	West Milton State Bank West Milton Union County	1025 North Main St. Watsonstown Delaware Township Northumberland County	Approved
2-22-96	Financial Trust Company Carlisle Cumberland County	1 Forge Road Boiling Springs S. Middleton Twp. Cumberland County	Filed
2-26-96	Integra Bank Pittsburgh Allegheny County	One Oxford Centre Pittsburgh Allegheny County	Approved
2-26-96	Founders' Bank Bryn Mawr Montgomery County	15 East Gay Street West Chester Chester County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-22-96	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 747 Corporation St. Beaver Beaver County  <i>From:</i> 605 Third Street Beaver Beaver County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	9 East Main Street Waynesboro Franklin County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	760 Cumberland Street Lebanon Lebanon County	Filed

**SAVINGS ASSOCIATIONS****Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-20-96	Dollar Savings Association New Castle Lawrence County	32 North Mill St. New Castle Lawrence County	Filed

*To:*

Dollar Savings Bank  
New Castle  
Lawrence County

Conversion from a State-chartered stock savings association to a State-chartered stock savings bank will be used to facilitate the merger of the resulting savings bank with and into the First National Bank of Pennsylvania, Hermitage.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-357. Filed for public inspection March 8, 1996, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AFFAIRS

### Consolidated Plan; Notice of 1995 Annual Performance Report Availability

The Department of Community Affairs is making the 1995 Annual Performance Report (APR) for the Commonwealth of Pennsylvania's Consolidated Plan available for public review. The 1995 APR reports are activities which were outlined in the Consolidated Plan for Federal fiscal years 1995 through 1999. The report describes progress in achieving the Commonwealth's 5-year strategy during 1995, including resources made available and activities completed. This report will be submitted to the U. S. Department of Housing and Urban Development by March 30, 1996.

Copies of the draft Annual Performance Report are available for public comment now through March 25, 1996, at the locations listed. The final APR will be made available again at these same locations, following approval by HUD.

*County Commissioners*—A copy will be sent to the Chairperson of each County Board of Commissioners.

*The Tri-County Branch of the Pennsylvania Association of the Blind (on audio cassette):*

Patricia Summers, Coordinator, Harrisburg, Area Radio Reading Service, 1800 N. Second Street, Harrisburg, PA 17102, telephone (717) 238-2531

*Pennsylvania Department of Community Affairs' Regional Offices:*

Southwest Regional Office, 413 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, telephone: (412) 565-5002

Northeast Regional Office, 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503, telephone: (717) 963-4571

Northwest Regional Office, Third Floor, Rothrock Building, 121 West 10th Street, Erie, PA 16501, telephone: (814) 871-4241

Southeast Regional Office, 908 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130, telephone: (215) 560-2256

Northcentral and Southcentral Regional Offices, 402 Finance Building, Harrisburg, PA 17120, telephone: (717) 787-7347

*Pennsylvania's 28 District Libraries:*

B. F. Jones Memorial Library, Aliquippa

Allentown Public Library, Allentown

Altoona Area Public Library, Altoona

Centre County Library, Bellefonte

Bethlehem Area Public Library, Bethlehem

Conococheague District Library, Chambersburg

Clarion District Library, Clarion

Bucks County Free Library, Doylestown

Easton Area Public Library, Easton

Erie County Library, Erie

Dauphin County Library, Harrisburg

Cambria County Library, Johnstown

Lancaster County Library, Lancaster

Delaware County Library, Brookhaven

Monessen Public Library, Monessen

New Castle Public Library, New Castle

Montgomery County-Norristown Public Library, Norristown

Free Library of Philadelphia, Philadelphia

Carnegie Library of Pittsburgh, Pittsburgh

Pottsville Free Public Library, Pottsville

Reading Public Library, Reading

Scranton Public Library, Scranton

Warren Public Library, Warren

Citizens Library, Washington

Chester County Library, Exton

Osterhout Free Library, Wilkes-Barre

James V. Brown Library, Williamsport

Martin Memorial Library, York

Please submit written comments on the Annual Performance Report to Kim T. Coon, Director, Office of Policy Development, Department of Community Affairs, Room 304, Forum Building, Harrisburg, PA 17120, (717) 787-8169. Written comments must be received by March 25, 1996.

Anyone with a hearing disability who wishes to review the Annual Performance Report should notify the Department and accommodations can be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

WILLIAM C. BOSTIC,  
*Secretary*

[Pa.B. Doc. No. 96-358. Filed for public inspection March 8, 1996, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Act 101 Program Eligibility

In accordance with 22 Pa. Code § 44.4 (relating to eligible students), notice is hereby given that for the 1996-97 academic year the maximum adjusted annual family income to be used for including students in an Act 101 program is \$18,600. This figure was determined by increasing the maximum adjusted annual family income of \$18,450 for the 1995-96 academic year by 25% of the increase in the consumer price index between July 1994 and July 1995 (2.8%), rounded to the nearest \$50.

Questions can be directed to Dr. Nathaniel Gadsden, Act 101 State Director at (717) 783-9531.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 96-359. Filed for public inspection March 8, 1996, 9:00 a.m.]

### Availability of Even Start Family Literacy Funds for Federal FY 1997

#### I. Authorization

The Even Start Family Literacy Program is authorized by Title I, Part B of the Improving America's Schools Act of 1994 (Pub. L. 103-382) to provide funds through the Department of Education (Department) for the establishment of local Even Start projects.

#### II. Intent

The Department intends to allocate and administer Title I Even Start Family Literacy funds to eligible local educational agencies (LEA) and community-based organizations (CBO) within this Commonwealth. Eligibility includes entities applying for the first year of a 4-year grant period and current Even Start recipients applying for a grant renewal.

#### III. Goals

The goals of the Even Start Family Literacy Program are:

- to help parents become full partners in the education of their children;
- to assist children in reaching their full potential as learners; and
- to provide literacy training for their parents.

#### IV. Purpose

The purpose of the Even Start program is to:

- break the cycle of poverty and illiteracy through means of an intergenerational effort;
- improve the educational opportunities for children and adults by integrating early childhood and adult education for parents into a unified family program;
- implement collaborative relationships that build on existing community resources to create a new range of services;
- promote achievement of National Education Goals; and
- assist children and adults from low-income families to meet challenging education performance standards.

#### V. Priorities

Priority will be given to applications under the following conditions:

- reflect the family focus of Even Start;
- target services to families most in need; and
- locate sites in areas designated by the Federal government as empowerment zones or enterprise communities.

#### VI. Eligibility

A. *Applicant.* The term "eligible entity" refers to a partnership between one or more LEA and one or more CBO, public agencies other than an LEA, institutions of higher education or other nonprofit organizations of demonstrated quality other than an LEA.

B. *Eligible Children and Parent Participants.* Even Start can serve children from birth to age 7 and their parents.

(1) The parent must meet the following criteria:

- be eligible for participation in an adult education program under section 322 of the Federal Adult Educa-

tion Act (16 years of age or older) or the Pennsylvania Adult Literacy Act 143 (17 years of age or older); or

- be within Pennsylvania's compulsory school attendance age (17 years old) and enrolled in a secondary school.

(2) Most eligible children and their parents should reside within the Title I school attendance area, although there is no requirement to only serve those local residents.

(3) Other family members, such as, grandparents, step-parent, and the like, may participate in Even Start activities and services when the participation would serve Even Start purposes.

#### VII. *Duration of Projects*

The grant period (or duration of an Even Start grant) will be for a term of 4 years provided that sufficient progress is made towards meeting program objectives. The Commonwealth will not, however, issue a 4-year contract. Each year, or grant year, grantees will be required to apply for continuation funding. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another 4-year grant.

The maximum period a project may receive Even Start funds is 8 years.

A startup period of 3 to 6 months may be granted to new projects in their first year of program operation. This time may be used for staff recruitment and training, coordination of services and program planning.

#### VIII. *Funding*

The estimated FY 1997 appropriation for Pennsylvania is \$4.1 million, of which 95% is available for distribution to new and continuation projects. The minimum award

will be \$75,000. Successful applicants will be notified of funding at the earliest possible time to allow the project to begin October 1, 1996. Project funding is dependent upon receipt of Even Start funds from the United States Department of Education.

#### IX. *Preproposal Session*

A preproposal session will be held during the 1996 Annual Conference of the PA Association of Federal Program Coordinators (PAFPC), April 21—24, 1996, at Seven Springs Resort, Champion, PA.

#### X. *Letter of Intent*

Prospective applicants who desire a funding application package (forms and guidelines) should submit, by mail or fax, a Letter of Intent, signed by the chief administrator (that is, superintendent or executive director) not later than March 24, 1996, to the following address:

Department of Education  
Division of Early Childhood and Family Education  
Even Start Family Literacy Program  
333 Market Street, 5th Floor  
Harrisburg, PA 17126-0333

#### XI. *Submission of Applications*

Applications must be received by 4 p.m., May 24, 1996.

#### XII. *State Contact*

Donald F. Paquette  
Even Start Coordinator  
(717) 772-2813  
Fax: 717-787-6824

EUGENE W. HICKOK, Jr.,  
*Secretary*

[Pa.B. Doc. No. 96-360. Filed for public inspection March 8, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period, will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.



**Applications for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.**

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**PA 0022411.** Sewage, **US Naval Air Station—Willow Grove**, Department of the Navy, Joint Reserve Base, Box 21, Willow Grove, PA 19090-5021.

This application is for renewal of an NPDES permit to discharge treated sewage from the US Naval Air Station—Willow Grove in Horsham Township, **Montgomery County**. This is an existing discharge to unnamed tributary to Park Creek.

The receiving stream is classified for warm water fish, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 1.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrite Nitrogen		
(7-1 to 10-31)	9.5	19.0
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Total Residual Chlorine (years 1 and 2)	1.0	2.5
Total Residual Chlorine (years 3, 4 and 5)	0.013	0.42
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

**PA 0029441.** Sewage, **Township of Upper Dublin**, 801 Loch Alsh Avenue, Fort Washington, PA 19034.

This application is for renewal of an NPDES permit to discharge treated sewage from Upper Dublin STP serving the Pine Run and Rapp Run drainage basins in Upper Dublin Township, **Montgomery County**. This is an existing discharge to Pine Run.

The receiving stream is classified for trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 0.85 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Total Residual Chlorine	1.00 Interim		2.5 Interim
	0.07*		0.24*
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.03*	0.06*	0.075*
Total Silver	0.012*	0.024*	0.03*
Free Cyanide	0.007*	0.014*	0.018*

\*Limits effective beginning of fourth year

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

**PA 0209775.** Sewage, **Church of Jesus Christ in God**, R. D. 2, Spartansburg, PA 16434.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to McLaughlin Run in Rome Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and is used by the Emlenton Water Company which is 64 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000279 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	monitor and report	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0000345.** Industrial waste, SIC: 4941, **Pennsylvania-American Water Company**, Clarion Filter Plant, Water Works Road, Clarion, PA 16214.

This application is for a renewal NPDES permit to discharge treated industrial wastewater and stormwater to the Clarion River in Clarion Township, **Clarion County**.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion River and is used by the PA-American Water Company Clarion District located in Clarion at River 33.46 approximately 0.04 mile downstream.

Design monthly average waste flow for Outfall No. 001 is 0.138 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
Total Suspended Solids	30		60
Total Aluminum	4.0		8.0
Total Iron	2.0		4.0
Total Manganese	1.0		2.0
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

Design monthly average waste flow for Outfall No. 002 is N/A mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
BOD		monitor and report	
Total Suspended Solids		monitor and report	
Oil and Grease		monitor and report	
Total Kjeldahl Nitrogen		monitor and report	
Total Phosphorus		monitor and report	
Total Aluminum		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Residual Chlorine		monitor and report	
pH	6.0—9.0 at all times		

Design monthly average waste flow for Outfall No. 003 is N/A mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
BOD		monitor and report	
Total Suspended Solids		monitor and report	
Oil and Grease		monitor and report	
Total Kjeldahl Nitrogen		monitor and report	

## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus		monitor and report	
Total Aluminum		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Residual Chlorine		monitor and report	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 000256.** Industrial waste, SIC: 4941. **Pennsylvania-American Water Company**, Big Run Filter Plant, McCurdy Road, Big Run, PA 15715.

This application is for a renewal NPDES permit to discharge treated industrial wastewater and stormwater to the east branch of Mahoning Creek in Gaskill Township, **Jefferson County**.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and is used by the PA-American Water Company Kittanning District located in Kittanning at River Mile 45.27 approximately 50 miles downstream.

Design monthly average waste flow for Outfall No. 001 is 0.0373 mgd.

<i>Parameter Flow (mgd)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l) monitor and report</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
Total Aluminum	4.0		8.0
Total Iron	2.0		4.0
Total Manganese	1.0		2.0
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

Design monthly average waste flow for Outfall No. 002 is N/A mgd.

<i>Parameter Flow (mgd)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l) monitor and report</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD		monitor and report	
Total Suspended Solids		monitor and report	
Oil and Grease		monitor and report	
Total Kjeldahl Nitrogen		monitor and report	
Total Phosphorus		monitor and report	
Total Aluminum		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Residual Chlorine		monitor and report	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0032026.** Sewage, **Family Affair Campground**, 8640 Findley Lake Road, North East, PA 16428.

This application is for renewal and increase in flow of an NPDES permit to discharge treated sanitary sewage from a campground to an unnamed tributary to Sixteen Mile Creek in North East Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is an intake pipe on Sixteen Mile Creek to Grahamville Reservoir located in North East Township, Erie County, which is approximately 1.15 miles downstream from the point of discharge.

The interim effluent limits for Outfall 001 based on an average design flow of 0.0025 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	28	50
(11-1 to 4-30)	no limit	

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Phosphorus as "P"	1.0	
Total Residual Chlorine		monitor and report
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		

The proposed final effluent limits for Outfall 001 based on average design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	6.5	13
(11-1 to 4-30)	19.5	39
Phosphorus as "P"	1.0	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		

The EPA waiver is in effect.

**PA 0210012.** Sewage, **Paul R. Goda**, 72 Birchwood Drive, Transfer, PA 16154.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to the Shenango River in Pymatuning Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Shenango River and is used by the Sharpsville Municipal Authority which is 7 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000350 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)	monitor and report	
Total Residual Chlorine	6.0—9.0 at all times	
pH		

The EPA waiver is in effect.

**PA 0209929.** Sewage, **Dennis Stefanak**, R. D. 2, Roman Road, Pulaski, PA 16143.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to the Shenango River in Shenango Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Shenango River and is used by the Pennsylvania-American Water New Castle District which is 12 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000400 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	monitor and report	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.*

**PA 0114758.** Sewerage, SIC: 4952, **Frank Perano**, Box 278, King of Prussia, PA 19406.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage from Bucknell View Mobile Home Park to the west branch of the Susquehanna River in West Chillisquaque Township, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located approximately 8 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0186 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine First Month—36th Month	report	report
37th Month—Expiration	1.0	2.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0114821.** Sewerage, SIC: 4952, **Gregg Township Municipal Authority**, P. O. Box 192, Allenwood, PA 17810-0192.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to the west branch of the Susquehanna River in Gregg Township, **Union County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania-American Water Company located at 7 miles below the discharge on the west branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.8 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 standard units at all times		
Total Chlorine Residual*	0.5		1.6

\*Limit effective 2 years after permit effective date. Until then, monitor and report.

The EPA waiver is in effect.

**PA 0014575.** Industrial waste, SIC: 4941, **Jersey Shore Area Joint Water Authority**, 220 South Main Street, Jersey Shore, PA 17740.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Larrys Creek in Anthony Township, **Lycoming County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is at PA-American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 mgd are:

<i>Discharge Parameter</i> <i>pH (std. units)</i>	<i>Average</i> <i>Monthly (mg/l)</i> <i>within the range of 6.0—9.0</i>	<i>Daily</i> <i>Maximum (mg/l)</i>	<i>Instantaneous</i> <i>Maximum (mg/l)</i>
TSS	30	60	75
Total Iron	2	4	5
Total Manganese	1	2	2.5
Total Aluminum	4	8	10
Total Residual Chlorine	0.7		2.3

The EPA waiver is in effect.

**PA 0014567.** Industrial waste, SIC: 4941, **Jersey Shore Area Joint Water Authority**, 220 South Main Street, Jersey Shore, PA 17740.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Pine Creek in Pine Creek Township, **Clinton County**.

The receiving stream is classified for the following uses: high quality trout stock fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is at PA-American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 mgd are:

<i>Discharge Parameter</i> <i>pH (std. units)</i>	<i>Average</i> <i>Monthly (mg/l)</i> <i>within the range of 6.0—9.0</i>	<i>Daily</i> <i>Maximum (mg/l)</i>	<i>Instantaneous</i> <i>Maximum (mg/l)</i>
TSS	30	60	75
Total Iron	2	4	5
Total Manganese	1	2	2.5
Total Aluminum	4	8	10
Total Residual Chlorine	1		2.3

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

**PA 0014672.** Industrial waste, SIC: 3691 and 3341, **General Battery Corporation**, Exide Corporation—Reading Smelter Division, Spring Valley Road and Nolan Street, Laureldale, PA 19605.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater to a dry/intermittent stream, tributary to Bernharts Creek, in Muhlenberg Township, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation is the Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed *Interim* effluent limits for Outfall 001 for a design flow of 0.441 mgd are:

<i>Parameter</i> <i>pH</i>	<i>Average</i> <i>Monthly (mg/l)</i> <i>within limits of 6—9 standard units at all times</i>	<i>Maximum</i> <i>Daily (mg/l)</i>	<i>Instantaneous</i> <i>Maximum (mg/l)</i>
Total Antimony		monitor and report	
Total Arsenic		monitor and report	
Total Cadmium	0.27	0.59	0.68
Total Copper		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	
Total Nickel		monitor and report	
Total Iron		monitor and report	
Total Aluminum		monitor and report	
Total Phosphorus		monitor and report	
Total Ammonia as N	20	40	40
Oil and Grease	15	30	30
Total Suspended Solids	30	60	75
Total Dissolved Solids	6,000	7,500	
CBOD <sub>5</sub>		monitor and report	
Dissolved Oxygen		monitor and report	
Osmotic Pressure		monitor and report	
MBAS		monitor and report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chronic Whole Effluent Toxicity Tests		monitor and report	

The proposed *Final* effluent limits for Outfall 001 for a design flow of 0.441 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6—9 standard units at all times		
Total Antimony	0.1	0.2	0.25
Total Arsenic	0.21	0.42	0.52
Total Cadmium	0.003	0.006	0.008
Total Copper	0.03	0.06	0.08
Total Lead	0.01	0.02	0.03
Total Zinc	0.02	0.04	0.05
Total Nickel	0.04	0.08	0.10
Total Iron		monitor and report	
Total Aluminum		monitor and report	
Total Phosphorus		monitor and report	
Total Ammonia as N	3	6	7.5
Oil and Grease	15	30	30
Total Suspended Solids	10	20	25
Total Dissolved Solids	1,000	2,500	2,500
CBOD <sub>5</sub>	10	20	25
Dissolved Oxygen		5.0 at all times	
Osmotic Pressure	77	154	192
MBAS		monitor and report	
Chronic Whole Effluent Toxicity Tests		monitor and report	

The proposed *Interim* effluent limits for Outfall 002 for the discharge of groundwater and stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		monitor and report	
Chemical Oxygen Demand		monitor and report	
Total Suspended Solids		monitor and report	
Total Lead		monitor and report	
Total Chromium		monitor and report	
Total Iron		monitor and report	
Oil and Grease		monitor and report	
pH		monitor and report	
Total Copper		monitor and report	
Total Cadmium		monitor and report	
Total Arsenic		monitor and report	
Total Antimony		monitor and report	
Total Zinc		monitor and report	
Total Phenols		monitor and report	
Ammonia as N		monitor and report	
Acute Whole Effluent Toxicity Tests		monitor and report	

The proposed *Final* effluent limits for Outfall 002 for the discharge of groundwater and stormwater after the first flush is collected are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		monitor and report	
Chemical Oxygen Demand		monitor and report	
Total Suspended Solids		monitor and report	
Total Lead		monitor and report	
Total Chromium		monitor and report	
Total Iron		monitor and report	
Oil and Grease		monitor and report	
pH		monitor and report	
Total Copper		monitor and report	
Total Cadmium		monitor and report	
Total Arsenic		monitor and report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Antimony		monitor and report	
Total Zinc		monitor and report	
Total Phenols		monitor and report	
Ammonia as N		monitor and report	
Acute Whole Effluent Toxicity Tests		monitor and report	

Part C requirements for toxics are briefly listed as:

1. Final water quality based effluent limitations for Total Antimony, Total Arsenic, Total Cadmium, Total Copper, Total Lead, Total Zinc, Total Nickel, Ammonia, Total Suspended Solids, Total Dissolved Solids, Dissolved Oxygen, CBOD<sub>5</sub> and Osmotic Pressure.
2. Requirements to submit a toxics reduction evaluation within 24 months of permit issuance.
3. Conditions for future permit modifications.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

**PA 0086908.** Sewage, SIC: 8661, **Middle Creek Bible Conference, Inc.**, 5100 Randolph Road, Rockville, MD 20852.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Middle Creek, in Freedom and Liberty Townships, **Adams County**.

The receiving stream is classified for cold water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the City of Frederick, Maryland located on the Monocacy River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0745 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Residual Chlorine	0.5	1.17
Dissolved Oxygen	minimum of 5.0 at all times	
pH	6.0—9.0	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	39,800/100 ml as a geometric average	

The EPA waiver is in effect.

**PA 0087068.** Industrial waste, SIC: 2754, **Chiyoda America, Inc.**, Thousand Oaks Corporate Center, P. O. Box 470, Morgantown, PA 19543.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to East Branch Conestoga River, in Caernarvon Township, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Morgantown Properties located near Morgantown. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
Total Residual Chlorine	0.5		1.63
BOD <sub>5</sub>	30		60
pH	within limits of 6—9 standard units at all times		
Temperature	maximum of 110°F at all times		

The EPA waiver is in effect.

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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**PA 0036005.** Industrial waste, SIC: 2013, **Alfery's Sausage Company, Inc.**, R. D. 6, Box 2060, Mount Pleasant, PA 15666.



This application is for issuance of an NPDES permit to discharge waste from a tributary of Jacob Creek in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of Sherrick Run, classified as warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of .0115 mgd. 1st through 36th month.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	.85	1.7	monitor and report		50
Suspended Solids	1.2	2.4	monitor and report		72.5
Ammonia Nitrogen	monitor and report				
Total Residual Chlorine	monitor and report				
Oil and Grease	0.4	0.8	monitor and report		25
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean nor exceed 400 mpn/100 ml at any time				
(10-1 to 4-30)	not greater than 400 mpn/100 ml at any time				
Dissolved Oxygen	not less than 4 mg/l				
pH	6.0—9.0				

Outfall 001: 37th month through expiration date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	.85	1.7	monitor and report		50
Suspended Solids	1.2	2.4	monitor and report		72.5
Ammonia Nitrogen (5-1 to 10-31)	0.3	0.6	3	6	7.5
(11-1 to 4-30)	0.6	1.2	6	12	15
Total Residual Chlorine	0.04		0.4		9
Oil and Grease	0.4	0.8	monitor and report		25
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean nor exceed 400 mpn/100 ml				
(10-1 to 4-30)	not greater than 400 mpn/100 ml				
Dissolved Oxygen	not less than 4 mg/l				
pH	6.0—9.0				

The EPA waiver is in effect.

**PA 0091740.** Industrial waste, SIC: 4911, **Allegheny Power System**, West Penn Power Company, 800 Cabin Hill Drive, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated leachate from the Springdale Ash Disposal Site in Frazer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Riddle Run and Tawney Run, classified as warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Oakmont Borough M.A., located at 721 Allegheny Avenue, Oakmont, PA 15139, 4.5 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.059 mgd. Limits are effective from permit issued date through 3 years after issued date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	60	75
Total Dissolved Solids			monitor and report		
Aluminum			monitor and report		
Iron			monitor and report		
Dissolved Iron			0.33	0.66	0.83
Manganese			monitor and report		
Arsenic			monitor and report		
Boron			monitor and report		

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Selenium			monitor and report		
pH	6.0—9.0				

Other Conditions: Final water quality based effluent limitations at Outfall 101 for total dissolved solids, aluminum, iron (total), manganese, arsenic, boron and selenium.

Outfall 001: final effluent limits effective from 3 years after issued date through expiration date.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	60	75
Total Dissolved Solids				1,646	2,058
Aluminum			0.50	1.0	1.3
Iron			1.6	3.2	4.0
Dissolved Iron			0.33	0.66	0.83
Manganese			1.1	2.2	2.8
Arsenic			0.057	0.114	0.143
Boron			1.7	3.4	4.3
Selenium			0.0057	0.011	0.014
pH	6.0—9.0				

Outfall 002: new discharge, design flow of 0.001 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	60	75
pH	6.0—9.0				

The EPA waiver is in effect.

**PA 0094587.** Industrial waste, SIC: 1221, **White Enterprises**, P. O. Box 410, Kittanning, PA 16201.

This application is for renewal of an NPDES permit to discharge treated stormwater from a coal prep plant in Washington Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributaries of the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Western Pennsylvania Water Company, located at Kittanning, 7.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.105 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			35		70
Iron			3.5		7.0
Manganese			2.0		4.0
pH	6.0—9.0				

Outfall 002: existing discharge, design flow of 0.419 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			35		70
Iron			3.5		7.0
Manganese			2.0		4.0
pH	6.0—9.0				

The EPA waiver is in effect.

**PA 0021113.** Sewage, **Glassport Borough**, Fifth and Monongahela Avenues, Glassport, PA 15045.

This application is for renewal of an NPDES permit to discharge treated sewage from the Glassport Borough Sewage Treatment Plant in Glassport Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company, Becks Run Station.

Outfall 001: existing discharge, design flow of 1.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	35,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.5			1.6
pH	6.0—9.0			

*Other Conditions:* Outfalls 002 through 006 are combined sewer overflows and are permitted to discharge only in the event the hydraulic capacity of the sewer system is exceeded during storm events.

The EPA waiver is not in effect.

**PA 0029971.** Sewage, **Avella Area School District**, 1000 Avella Road, Avella, PA 15312.

This application is for renewal of an NPDES permit to discharge treated sewage from the Avella District Joint High School Sewage Treatment Plant in Cross Creek Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of South Fork Cross Creek, which are classified as a high quality, warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Independence Township Municipal Authority located on Cross Creek.

Outfall 001: existing discharge, design flow of 0.012 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.07			0.16
Dissolved Oxygen	not less than 6.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0205541.** Sewage, **Bestform Foundations, Inc./Bestform LLC**, 210 Industrial Park Road, Johnstown, PA 15904.

This application is for issuance of an NPDES permit to discharge treated sewage from Bestform Foundations Sewage Treatment Plant in Croyle Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as south fork of Little Conemaugh River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works, located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.0014 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

*Southeast Regional Office: Regional Manager; Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**PA 0056731.** Sewage, **Historic Salem Village Homeowner's Association, c/o Charles F. Line, R. D. 5, Box 25, Yellow Springs Road, Malvern, PA 19355.**

This application is for issuance of an NPDES permit to discharge treated sewage from a small flow treatment facility to an unnamed tributary to Valley Creek in Tredyffrin Township, **Chester County**. This is a new discharge to unnamed tributary of Valley Creek.

The receiving stream is classified for warm water fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, exceptional value waters and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 1,700 gpd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus (as P)	1.0	2.0
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**NOI Received and Final Actions Under NPDES General Permits**

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

NPDES No.	Applicable GP No.	Facility Name and Address	Facility Location	Stream Name	SIC
PAG048365	3	Thomas E. and Tamara Lee Mook 22417 Fry Rd. Venango, PA 16440	Crawford Cussewago Twp.	Unnamed Tributary of Wolf Run	

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations re-

garding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

*Southeast Regional Office: Regional Water Management Program Manager; Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6131.*

*Northeast Regional Office: Regional Water Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

*Southwest Regional Office: Regional Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

*Southcentral Regional Office: Regional Water Management Program Manager; One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

*Northwest Regional Office: Regional Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

*Allegheny County Conservation District, District Manager; 875 Greentree Road, Pittsburgh, PA 15220-3501, telephone (412) 921-1999.*

**NPDES Permit PAS10A085.** Stormwater. **Penn Center Management**, Penn Center West 2, Suite 110, Pittsburgh, PA 16276 has applied to discharge stormwater from a construction activity located in Robinson Township, **Allegheny County**, to Campbells Run.

*Berks County Conservation District, District Manager; Agricultural Center, Leesport, PA 19533, telephone (610) 372-4657.*

**NPDES Permit PAS10C021.** Stormwater. **Group One Properties Inc.**, 4641 Pottsville Pike, Suite E, Reading, PA 19605 has applied to discharge stormwater from a construction activity located in Leesport Borough, **Berks County**, to Schuylkill River.

**NPDES Permit PAS10C022.** Stormwater. **Fiorino Grande**, Grande Construction, 424 Miller Road, Sinking Spring, PA 19608 has applied to discharge stormwater from a construction activity located in Lower Heidelberg Township, **Berks County**, to Cacoosing Creek.

*Butler County Conservation District, District Manager; 122 McCune Drive, Butler, PA 16001, telephone (412) 284-5270.*

**NPDES Permit PAS10E049.** Stormwater. **Regional Industrial Development Corporation**, 7th Floor, 907 Penn Avenue, Pittsburgh, PA 15222, has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to Brush Creek.

**NPDES Permit PAS10E050.** Stormwater. **H J Schneider Construction Company**, 2080 Ehrman Road, Cranberry Township, PA 16066 has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to the Connoquenessing and Brush Creeks.

*Chester County Conservation District, District Manager; 610 Westtown Road, Government Services Center; West Chester, PA 19382-4519.*

**NPDES Permit PAS10G195.** Stormwater. **Orleans Corporation**, 1 Greenwood Square, Suite 101, 3333 Street Road, Bensalem, PA 19020 has applied to discharge stormwater from a construction activity located in Willistown Township, **Chester County**, to Ridley Creek.

**NPDES Permit PAS10G196.** Stormwater. **Thompson Estate Homes Inc.**, 1704 Chichester Avenue, Boothwyn, PA 19061 has applied to discharge stormwater from a construction activity located in Franklin Township, **Chester County**, to White Clay Creek's west branch.

*Delaware County Conservation District, District Manager; 1521 N. Providence Road, Media, PA 19063, telephone (610) 892-9484.*

**NPDES Permit PAS10J030.** Stormwater. **SouthCo, Inc.**, 210 N. Brinton Lake Road, Concordville, PA 19331 has applied to discharge stormwater from a construction activity located in Concord Township, **Delaware County**, to the west branch of Chester Creek.

*Lancaster County Conservation District, District Manager; 1383 Arcadia Road, Lancaster, PA 17601, telephone (717) 299-5361.*

**NPDES Permit PAS10-O-049.** Stormwater. **Zerbe Sisters Nursing Center Inc.**, 2499 Zerbe Road, Narvon, PA 17555 have applied to discharge stormwater from a construction activity located in Caernarvon Township, **Lancaster County**, to UNT to the Conestoga River.

**NPDES Permit PAS10-O-050.** Stormwater. **Sterling Place Development Corporation**, 897 C Mt. Joy Road, Mt. Joy, PA 17552 has applied to discharge stormwater from a construction activity located in Lancaster Township, **Lancaster County**, to the Conestoga River.

**NPDES Permit PAS10-O-051.** Stormwater. **Wieland Davco Corporation**, 416 N. Cedar Street, Lansing, MI 46912 has applied to discharge stormwater from a construction activity located in Upper Leacock Township, **Lancaster County**, to UNT to Mill Creek.

**NPDES Permit PAS10-O-052.** Stormwater. **Calvary Church**, 1401 Esbenschade Road, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in Manheim Township, **Lancaster County**, to UNT to the Conestoga River.

**NPDES Permit PAS10-O-053.** Stormwater. **Hogan, Lepore and Hogan**, 1271 Lititz Pike, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in West Hempfield Township, **Lancaster County**, to Strickler Run.

*Lebanon County Conservation District, District Manager; 2120 Cornwall Road, Lebanon, PA 17042, telephone (717) 272-3377.*

**NPDES Permit PAS10P019.** Stormwater. **Ken and Richard Haller**, R. D. 1, Box 444, Newmanstown, PA 17073 have applied to discharge stormwater from a construction activity located in Heidelberg Township, **Lebanon County**, to Hammer Creek.

*Lehigh County Conservation District, District Manager, 4184 Dorney Park Road, Allentown, PA 18104, telephone (610) 391-9583.*

**NPDES Permit PAS10Q107.** Stormwater. **Trexler Development Associates**, 1611 Pond Road, Suite 201, Allentown, PA 18102 has applied to discharge stormwater from a construction activity located in the City of Allentown, **Lehigh County**, to Little Lehigh Creek.

*Montgomery County Conservation District, District Manager, 1015 Bridge Road, Collegetown, PA 19426, telephone (610) 489-4506.*

**NPDES Permit PAS10T060.** Stormwater. **Newfields Development Corporation**, 401 City Avenue, Suite 710, Bala Cynwyd, PA 19004 has applied to discharge stormwater from a construction activity located in Limerick Township, **Montgomery County**, to Mingo Creek.

*Northampton County Conservation District, District Manager, R. R. 4, Nazareth, PA 18064, telephone (610) 746-1971.*

**NPDES Permit PAS10U049.** Stormwater. **Transil-wrap Company Inc.**, 2828 N. Paulina Street, Chicago, IL 60657 has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

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*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**A. 4095406.** Sewerage. **Daniel Wasielewski**, R. R. 1, Box 239, Wapwallopen, PA 18660. Application to construct and operate a small flow treatment facility to serve a

single family residence, located in Dorrance Township, **Luzerne County**. Application received in the Regional Office December 4, 1995.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 3796401.** Sewage, **New Castle Sanitation Authority**, City of New Castle, 110 East Washington Street, New Castle, PA 16101 is to expand the capacity of the existing secondary wastewater treatment plant in New Castle, **Lawrence County**.

**WQM Permit No. 1096403.** Sewage, **Motheral, Inc.**, 400 Hastings Street, Pittsburgh, PA 15206 is for the construction of a small flow treatment facility to serve 5, 3 bedroom dwellings in Middlesex Township, **Butler County**.

**WQM Permit No. 2096401.** Sewage, **Hugh A. Buffham, SRSTP**, 214 N. State Line Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in East Fallowfield Township, **Crawford County**.

*Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

**A. 0696402.** Sewage, **Assemblies of Yahweh**, P. O. Box C, Bethel, PA 19507 in Bethel Township, **Berks County** to construct a spray irrigation system to serve their proposed meeting hall was received in the Southcentral Region on February 21, 1996.

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**Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**A. 4396501.** Public water supply. **The Municipal Authority of the Borough of Greenville**, 44 Clinton Street, P. O. Box 638, Greenville, PA 16125. This proposal involves the extension of water service to the St. Paul's Nursing Home. In exchange for this extension, St. Paul's Nursing Home will give to the Authority the two 100,000 gallon water storage tanks currently owned by St. Paul's Nursing Home. To utilize these tanks, the Authority must install a water booster pumping station and create a separate pressure zone for this area in Greenville Borough, **Mercer County**. This application was published in the February 17, 1996 Pennsylvania Bulletin. It had the wrong permit application number.

*Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**A. 3896502.** Public water supply. **Timber Service Corporation**, S. Londonderry Twp., **Lebanon County**, (William B. Care, P. O. Box 231, Mt. Gretna, PA 17604), installation of a polyphosphate injection system for iron sequestration and corrosion control, (David J. Gettle, Kohl Bros., Inc., P. O. Box 350, Myerstown, PA 17067).

**A. 3696501.** Public water supply. **Upper Leacock Twp. Water Dept.**, Boro of Leola, **Lancaster County**, (Jimmy Dennis, Supervisor, Upper Leacock Twp. Water Dept., 115 Newport Road, Leola, PA 17540), installation of equipment for addition of caustic soda for pH control at the Newport Road and Quarry Road Treatment plants, (Joe Gradischer, Acer Engineers and Consultants, Inc., 270 Granite Run Drive, Lancaster, PA 17601).

*Northcentral Field Operations: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 4196501. Orchard Mobile Home Park, 7 Schuyler Avenue, Muncy, PA 17756, Wolf Township, Hughesville, Lycoming County.** Addition of raw water storage tanks to each of the existing wells.

### **Pennsylvania Priority List of Hazardous Sites For Remedial Response**

#### *Preamble*

#### 1. *Background*

The Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS; 40 CFR Part 300, Appendix A), established under the Federal Superfund Act, as amended, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. The proposed listing notice is issued under HSCA section 502(c). The HRS was created by the U. S. Environmental Protection Agency and appears at 40 CFR Part 300, Appendix A in accordance with the Superfund Amendments and Reauthorization Act of 1986.

#### 2. *Summary and Purpose*

Placement of a site on the PAPL is used to identify sites which need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the

sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

#### 3. *Technical Evaluation Grants under Act 108*

Under section 510 of HSCA, the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. However, the grant will not be awarded until the proposed remedial response is available for public review. At that time, the municipality will receive the official grant award in order to proceed with the review of the Department's proposed remedial response.

#### **Pennsylvania Priority List of Hazardous Sites For Remedial Response**

##### *A. Effective Date*

The site listed below is being placed on the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL) effective upon publication of this *Pennsylvania Bulletin*.

##### *B. Contact Persons*

For further information concerning the Pennsylvania Priority List of Hazardous Sites for Remedial Response, contact David Crownover, Chief, Hazardous Sites Cleanup Section, P. O. Box 8471, Harrisburg, PA 17105, telephone (717) 783-7816.

Individual site information may be obtained by contacting the Department's Regional Office in which the site is located whose address can be found in the Additional Information Section of this notice.

##### *C. Statutory Authority*

The Pennsylvania Priority List of Hazardous Sites for Remedial Response is published under the authority of section 502(a) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the Judiciary Act Repealer Act, 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law) or the Environmental Hearing Board Act (35 P. S. §§ 7511—7515), nor shall it confer a right or duty upon the Department or any person.

##### *D. Review and Public Comment*

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the formal 30-day comment period for the sites being added with this publication. Written comments should be sent to David Crownover, Chief, Hazardous Sites Cleanup Section, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816.

The Regional Office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate

Regional Office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday excluding State holidays. Contact the Regional Environmental Cleanup Manager whose address can be found in the Additional Information section of this notice.

The Department considers all written comments received during the formal comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

#### E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice. The name of the site, HRS score, municipality, county and Department region are included in this table.

Table 2 lists all sites currently on the PAPL including the site added by this notice. The name of the sites, HRS score, municipality, county and Department region are included in this table. The sites are listed in decreasing order of HRS scores.

**TABLE 1  
SITE BEING ADDED BY THIS NOTICE**

Site	HRS	Municipality	County	DER Region
Quakertown Foundry	22.25	Quakertown Boro.	Bucks	Southeast

**TABLE 2  
PENNSYLVANIA PRIORITY LIST FOR REMEDIAL RESPONSE**

Site	HRS	Municipality	County	DER Region
Ind. Solvents & Chem.	55.72	Newberry Twp.	York	Southcentral
H. K. Porter	48.04	Hopewell Twp.	Beaver	Southwest
Delta Chemicals, Inc.	39.61	N. Buffalo Twp.	Armstrong	Southwest
Avtex Fibers, Inc.	38.08	Vernon Twp.	Crawford	Northwest
Crown Industries	36.92	Lackawaxen Twp.	Pike	Northeast
J. C. Cleaners	35.68	Gettysburg	Adams	Southcentral
Easterly STP	35.06	Logan Twp.	Blair	Southcentral
F. E. Cooper Lumber	33.62	Broad Top Twp.	Bedford	Southcentral
Presque Isle Chemical	32.27	Washington Twp.	Erie	Northwest
Oliver Site	30.20	Waterford Twp.	Erie	Northwest
Shaler/JTC	22.70	Bruin Borough	Butler	Northwest
Quakertown Foundry	22.25	Quakertown Boro.	Bucks	Southeast
Mun. & Ind. Disposal	19.58	Elizabeth Twp.	Allegheny	Southwest

#### F. Site Listing Summaries

The site summary for the Quakertown Foundry site is listed below. Site summaries for the first 12 sites placed on the PAPL are listed in the *Pennsylvania Bulletin* published on May 5, 1990, September 15, 1990, May 4, 1991, October 26, 1991, June 13, 1992, August 1, 1992, December 10, 1994 (PORTER), June 3, 1995 (SHALER) and October 28, 1995 (OLIVER).

##### Quakertown Foundry

The Quakertown Foundry Site is located at 400 Mill Street in Quakertown, Bucks County. The site lies within both the Borough of Quakertown and Richland Township. The site covers approximately 22 acres and was the location of former foundry operations, dating back to 1923. It has had various ownerships throughout its history. Foundry operations ceased at the site in 1984 and the foundry buildings were demolished in 1987.

The primary wastes produced through foundry operations included casting sands, slag and baghouse dust. Foundry wastes were presumably disposed of on the rear portion of the site and have come to be located throughout the foundry site. Two tar dip pits also remain onsite. A neighboring midget football field is included in the definition of the site since fill material from the foundry was utilized in the construction of the field. A municipal supply well is located approximately 100 feet northwest of the site.

Baghouse dust samples have been found to contain significant quantities of leachable lead. Groundwater samples from a perched water table lying beneath the site have indicated lead levels above maximum contaminant levels and, although the municipal supply well does not currently show any site-related contamination, pump tests have indicated that there may be a connection between the perched water table beneath the site and the aquifer from which the municipal supply well takes its water.

Soil samples have indicated very high lead levels. From samples taken at surface level and subsurface, it has been calculated that over 87,000 cu. yds. of contaminated fill exists at the Quakertown Foundry Site.

The Department conducted a Prompt Interim Response in December, 1992, during which an 8-foot high chain-link fence was constructed around the perimeter of the foundry site and the municipal football field.

#### G. Additional Information

Department Regional Office address and phone number for site file review and technical evaluation grant information: Bruce Beitler, Environmental Cleanup Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6212.



**Permit modification proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste management regulations for a general permit to process or beneficially use residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Numbers: WMGR002, WMGR002D001 and WMGR002D002.**

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management proposes to modify General Permits WMGR002, WMGR002D001 and WMGR002D002, which were issued on February 4, 1994, March 17, 1995 and February 13, 1996, respectively, for the beneficial use of paper and pulp mill wastewater treatment sludge as a soil additive to facilitate revegetation on disturbed land at permitted and at abandoned mine sites. The Department proposes to add a condition that will require permittees to submit a chemical analysis for each new source of paper and pulp mill wastewater treatment sludge to the Department no less than 15 days prior to waste application. Permittees would be able to apply the new source of waste in accordance with the permit after the 15 day period, unless otherwise instructed by the Department.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611(a) of the Residual Waste Management Regulations to issue or modify general permits for any category of beneficial use or processing of residual waste on a regional or Statewide basis when the Department determines that such use or modification will not harm or present a threat of harm to the health, safety or welfare of the public or the environment, and the activity can be adequately regulated using standard permit conditions. As currently written, the above referenced permits do not have a mechanism to assure that new sources of paper and pulp mill wastewater treatment sludge are in compliance with the permits prior to land application. The Department has determined that requiring permittees to submit chemical analyses of new sources of paper and pulp mill wastewater treatment sludge is necessary to prevent the land application of wastes that may not be protective of the soils of the Commonwealth, and the environment in general.

Comments concerning the proposed general permit modification may be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit modification may contact the Division at (717) 787-7381. TDD users may contact the Division through the Pennsylvania Relay Service 1 (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional revisions to, approval of, or disapproval of the proposed permit modification.

**Application (Form S) received for the modification of municipal and residual solid waste management permits to authorize the management of a previously unpermitted class of residual solid waste.**

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 400592. Resource Recovery Facility.** Lancaster County Solid Waste Management Authority. Modify permit to accept Form S (Municipal-Like Residual Waste) to facility located in Conoy Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office February 15, 1996.

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**A. 301292. Masonite** (Division of International Paper, P. O. Box 311, Towanda, PA 18848). Repermitting of existing spray irrigation facility to a land disposal of residual waste facility. Operation located in Wysox Township, **Bradford County**. Application received in Regional Office February 14, 1996.

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.*

**A. 301077. PPM, Philadelphia Facility,** 4105 Whitaker Avenue, Philadelphia, PA 19124. This permit renewal is for the continuing operation of a residual waste transfer station which transfers PCB contaminated material. Facility located in the City of Philadelphia. Application received in the Southeast Regional Office on February 20, 1996.

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **46-309-009G**  
Source: Spray Dryer No. 1  
Company: **American Olean Tile**  
Location: Lansdale  
County: **Montgomery**

Permit: **15-307-026**  
Source: Steel Slag Process  
Company: **International Mill Service**  
Location: Coatesville  
County: **Chester**

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**Operating permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department intends to issue an air quality operating permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **48-309-077**  
 Source: Fabric Collectors  
 Company: **Pennsylvania Perlite Corporation**  
 Location: City of Bethlehem  
 County: **Northampton**

Permit: **58-302-005**  
 Source: Two Cleaver Brooks Boilers; No. 2 Oil  
 Company: **Allied-Signal Aerospace Company**  
 Location: Bridgewater Township  
 County: **Susquehanna**

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**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**07-308-003C.** Replacement of the existing fabric collector on the refining and dross treatment operations by **Fry Metals, Inc.** (4100 Sixth Avenue, Altoona, PA 16602) in the city of Altoona, **Blair County**. The source is subject to 40 CFR 60, Subpart L, Standards of Performance for New Stationary Sources and 40 CFR 63, Subpart X, of the National Emission Standards for Hazardous Air Pollutants.

**36-315-017A.** Construction of a new collector/baghouse and replacement of two other cyclones with baghouses by **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) in the city of Lancaster, **Lancaster County**.

**21-318-017.** Construction of a powder coating booth by **Lane Enterprises, Inc.** (1244 Claremont Road, Carlisle, PA 17013) in Middlesex Township, **Cumberland County**.

**22-301-056A.** Installation of two human crematory incinerators by **Cremation Society of Pennsylvania** (4100 Jonestown Road, Harrisburg, PA 17109) in Lower Paxton Township, **Dauphin County**.

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**Plan approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

An application for plan approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-302-153**  
 Source: Two 25 MMBTU/hr Boilers  
 Received: February 1, 1996

Company: **The Coca-Cola Company**  
 Location: Upper Macungie Township  
 County: **Lehigh**

Permit: **39-313-032A**  
 Source: 23 DMPA Tanks w/Packed Scrubber  
 Received: February 2, 1996  
 Company: **Mallinckrodt Chemical Inc.**  
 Location: South Whitehall Township  
 County: **Lehigh**

Permit: **40-304-010A**  
 Source: Thermal Reclaimer-Foundry Sand  
 Received: February 2, 1996  
 Company: **Hazleton Pumps Incorporated**  
 Location: City of Hazleton  
 County: **Luzerne**

Permit: **48-320-003E**  
 Source: Bind/Stitch/Trim w/Cyclones & Bags  
 Received: February 2, 1996  
 Company: **Mack Printing Company**  
 Location: Wilson Borough  
 County: **Northampton**

Permit: **48-320-009**  
 Source: Web Press w/Catalytic Oxidizer  
 Received: February 1, 1996  
 Company: **Mack Printing Company**  
 Location: Wilson Borough  
 County: **Northampton**

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**Hazardous and Residual Waste and Plan Approval Action**

Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous and residual waste storage and treatment facility and plan approval under 25 Pa. Code § 127.44 and the Air Pollution Control Act to construct four rotary kilns and associated air pollution control equipment.

Copies of the applications, DEP's analysis and other documents used in evaluation of the applications are available for public inspection during normal business hours at the address below.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, by April 24, 1996. Comments received by April 24, 1996, will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. Each comment concerning the proposed plan approval should specify Plan Approval No. 04-313-053C. A public hearing has been scheduled on this proposal for April 2, 1996, at 7 p.m. at the Highland Middle School, 402 Shenango Road, Chippewa Township, PA to solicit testimony on the proposal.

Following the comment period, the Department will make a final determination regarding the proposed permit and plan approval action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Issue Permit:*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD987270725. Envirotrol, Inc.**, 118 Park Road, Darlington, PA 16115. Operation of a hazardous and residual waste storage and treatment facility located in Darlington Township, **Beaver County**.

*Intent to Issue Plan Approval*

*Regional Office: Regional Air Quality Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**04-313-053C. Envirotrol, Inc.**, 118 Park Road, Darlington, PA 16115. Construction of four rotary kilns and associated air pollution control equipment (in conjunction with the terms and conditions of Waste Management draft permit PAD987270725) for a waste storage/treatment facility located in Darlington Township, **Beaver County**.

For additional information, contact Philip P. Sapala, Air Pollution Control Engineer, Air Quality Program, (412) 442-4174, at the same address.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E40-437. Encroachment. Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 13.0-foot × 7.0-foot precast reinforced concrete box culvert, with its invert 1.0 foot below stream bed, in a tributary to Black Creek (CWF). The project is located on S. R. 3038, Section 3S1, Segment 0010, Offset 0000, approximately 0.1 mile north of S. R. 3018 (Nuremberg, PA Quadrangle N: 19.3 inches; W: 8.0 inches) in Black Creek Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-733. Encroachment. Horsham Township Sewer Authority**, 1025 Horsham Road, Horsham, PA 19044. To

construct and maintain a stormwater facility which will impact 0.02 acre of wetlands (PEM) adjacent to a headwater spring which is a tributary to Park Creek (WWF) associated with the modifications to the Park Creek Sewage Treatment Plant Expansion project located approximately 2,200 feet west of the intersection of Keith Valley Road and County Line Road (Ambler USGS Quadrangle N: 17.0 inches; W: 5.3 inches) in Horsham Township, **Montgomery County**.

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

**D26-053EA. Environmental Assessment. Deer Lake Improvement Association**, 401 W. Hutchinson Avenue, Pittsburgh, PA 15218. To construct and maintain a triploid grass carp containment screen constructed of 5/8 inch × 5/8 inch wire mesh fabric attached to galvanized steel posts anchored in concrete footings across Meadow Run (HQ-CWF) located approximately 200 feet downstream of the Deer Lake Dam (Fort Necessity, PA Quadrangle N: 16.8 inches; W: 12.5 inches) in Wharton Township, **Fayette County**.

*Southwest Regional Office: Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E02-494-A1. Encroachment. Campbell Transportation Co., Inc.**, P. O. Box 124, Charleroi, PA 15022. To amend and extend the time on Permit No. E02-494 to perform commercial dredging at various locations in Pool 2 (Mile Markers 13.5 to 14.3), Pool 3 (Mile Markers 17.75 to 18.75; 19.5 to 21.75; 23.75 to 24.0) and Pool 4 (Mile Markers 24.9 to 28.5) in the Allegheny River. The sites are located in the following municipalities: East Deer Township, Harrison Township, Springdale Township, Springdale Borough, Oakmont Borough, Tarentum Borough, Harmar Township, Plum Borough in Allegheny County and Allegheny Township, City of New Kensington, City of Arnold, and City of Lower Burrell in **Westmoreland County**.

**E04-232. Encroachment. County of Beaver**, 469 Constitution Boulevard, New Brighton, PA 15066. To remove existing structure known as County Bridge No. 31 (J. C. Aten Bridge) and to construct and maintain a prestressed concrete box beam side-by-side structure, 25.75 feet wide with a span of 26 feet for the purpose of carrying T-303 over North Fork Kings Creek located 3/4 mile from intersection of T-303 and T-316 (Weirton WV, Quadrangle N: 20.9 inches; W: 1.5 inches) in Hanover Township, **Beaver County**.

**E32-373. Encroachment. Joseph Kuzneski**, 115 N. 6th Street, Indiana, PA 15701. To place and maintain fill in three separate wetlands totalling 0.30 acre for the purpose of developing a parking area and proposed expansion of the existing Shelly Plaza located east of the intersection of Route 422 and Shelly Drive (Indiana, PA Quadrangle N: 22.0 inches; W: 9.0 inches) in White Township, **Indiana County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E17-299. Water obstruction and encroachment. Robert Showers**, R. R. 3, Box 155A, Philipsburg, PA 16866. The

applicant proposed to place fill in 0.24 acre of PEM wetland along an unnamed tributary of Laurel Run. Purpose of the fill is for the expansion of an existing commercial business. The project is located along SR 2024, 0.6 mile west of the intersection with SR 0322 (Philipsburg, PA Quadrangle N: 6.3 inches; W: 16.5 inches) Decator Township, **Clearfield County**.

**E17-300.** Water obstruction and encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove the existing structure and to construct and maintain a single cell precast concrete box culvert with a span of 8 feet at a 60 degree skew and rise of 5 feet with 1 foot of that depressed in Reinsinger Run on SR 4011 approximately 1 mile due south of the Dubois Borough line (Luthersburg, PA Quadrangle N: 19.9 inches; W: 16.6 inches) in Sandy Township, **Clearfield County**. The stream is classified as CWF and the total disturbance is approximately 100 feet.

**E53-284.** Water obstruction and encroachment. **Department of Transportation**, Engineering Dist. 2-0, 1924-30 Daisy St., Clearfield, PA 16830. Remove an existing structure and construct and maintain a two span prestressed concrete adjacent box beam bridge to carry SR 3004, Section A02 across the Allegheny River, a cold water fishery. The project does not impact wetlands but does impact 97.5 linear feet of stream that is located approximately 500.0 feet south of the intersection of T-317 and SR 3004 (Roulette, PA Quadrangle N: 5.0 inches; W: 4.00 inches) in Roulette Township, **Potter County**.

**Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Regional Office: Field Operations, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**WA 38-1004.** Water allocation. **Fredericksburg Sewer and Water Authority, Lebanon County**. The applicant is requesting the right to purchase 500,000 gallons per day (gpd), based on a 30-day average from the City of Lebanon Authority located in **Lebanon County**.

## ACTIONS

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514 and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1(800) 654-5984.

**Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Permits Issued*

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

**NPDES Permit No. PA 0041246.** Sewage, **Mill Village Elementary School**, 122 East Second Street, P. O. Box 810, Waterford, PA 16441 is authorized to discharge from a facility located in Mill Village Borough, **Erie County**, to an unnamed tributary of French Creek.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**NPDES Permit No. PA0026212.** Sewage, **The Washington-East Washington Joint Authority**, P. O. Box 510, 80 East Chestnut Street, Washington, PA 15301 is authorized to discharge from a facility located at Washington-East Washington Sewage Treatment Plant, South Strabane Township, **Washington County** to Chartiers Creek.

*Northcentral Regional Office: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.*

**NPDES Permit No. PA0209074.** Sewerage. **Vernon and Sandra Pettengill**, R. D. 2, Box 856, Lock Haven, PA 17745 has been authorized to discharge from facilities located in Woodward Township, **Lycoming County** to receiving waters unnamed tributary to Quenshukeny Run.

**NPDES Permit No. PA0209309.** Industrial waste. **Travel Ports of America, Inc.**, 3495 Winton Place, Rochester, New York, is authorized to discharge from facilities located in Boggs Township, **Centre County** to unnamed tributary to Bald Eagle Creek.

**NPDES Permit No. PAG044832.** Sewerage. **Williard Cutler**, R. R. 1, Box 255, Woodland, PA 16881 has been authorized to discharge from facilities located in Bradford Township, **Clearfield County** to receiving waters named unnamed tributary to Morovian Run.

**NPDES Permit No. PAG044831.** Sewerage. **Fredrick G. Moore**, 318 Walker Hollow Road, Bellefonte, PA 16823 has been authorized to discharge from facilities located in Union Township, **Centre County** to unnamed tributary to Bald Eagle Creek.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**NPDES Permit No. PA0012882.** Amendment No. 1. Industrial waste. **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122, is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Schuylkill River—Zone 3.

**NPDES Permit No. PA0046876.** Amendment No. 1. Industrial waste. **Philadelphia Gas Works**, 800 West

Montgomery Avenue, Philadelphia, PA 19122, is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Schuylkill River—Zone 4.

**NPDES Permit No. PA0013323.** Amendment No. 1. Industrial waste. **Boeing Defense and Space Group**, Helicopters Division, P. O. Box 16858, Philadelphia, PA 19142-0858, is authorized to discharge from a facility located in Ridley Township, **Delaware County** into Crum Creek, Darby Creek and Delaware River.

#### Notices of Intent for Coverages Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the follow-

ing actions by approving the requested general permit coverages.

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

#### List of NPDES General Permits Issued by DEP's Water Management Deputate

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
1	SW—Construction	BLWM
2	SW—Industrial	BWQM
3	SRSTP	BWQM
4	CSO	BWQM

*Northeast Regional Office: Regional Environmental Protection Manager, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

#### NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permit issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG042204	3	Danny Wasielewski R. R. 1, Box 239 Wapwallopen, PA 18660	Luzerne County Dorrance Township	Little Wapwallopen Creek	N/A

#### The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G175	Bentley Development 1595 Paoli Pike West Chester, PA 19380	Westtown Township Chester County	Chester Creek
PAS10-D070	Kings Woods Associates 130 Almshouse Road Suite 404C Richboro, PA 18954	Solebury Township Bucks County	Aquetong Creek

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10S032	Pocono Mountain School District Pocono Mountain School Road P. O. Box 200 Swiftwater, PA 18370-0200	Monroe Co. Coolbaugh Twp.	Clear Run
PAS10S033	Pinecrest Development Corp. P. O. Box 760 Pocono Pines, PA 18350	Monroe Co. Tobyhanna Twp.	Upper Tunkhannock Creek

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10S035	James W. and Shirley M. Halterman R. R. 4, Box 4094 Saylorsburg, PA 18353-4094	Monroe Co. Middle Smithfield Twp.	Michael Creek
PAS10S037	Pennsylvania Department of Transportation Engineering District 5-0 1713 Lehigh Street Allentown, PA 18103	Monroe Co. Coolbaugh and Tobyhanna Twps.	Lehigh River Tobyhanna Creek and tributaries

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**Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 2595408.** Sewerage. **Family Affair Campground**, 9640 Findley Lake Road, North East, PA 16428. This permit is for plans to construct new upgrading treatment facilities and abandon the existing treatment facility in North East Township, **Erie County**.

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**Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**WQM Permit No. 1796401.** Sewerage. **Willard Cutler**, R. R. 1, Box 255, Woodland, PA 16881, is authorized to construct a single family residence treatment facility in Bradford Township, **Clearfield County**, which discharges to unnamed tributary of Morovian Run.

**WQM Permit No. 1496402.** Sewerage. **Fredrick G. Moore**, 318 Walker Hollow Road, Bellefonte, PA 16823 is authorized to construct a single family residence treatment facility in Union Township, **Centre County**, to discharge to unnamed tributary to Bald Eagle Creek.

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**Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Permits Issued*

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**Permit No. 2396401.** Sewerage. **Glen Mills School**, Glen Mills Road, Concordville, PA 19331. Conversion of disinfection system from chlorine gas to liquid sodium hypochlorite for existing wastewater treatment plant located in Thornbury Township, **Delaware County** to serve Glen Mills School.

**Permit No. 4695418.** Amendment No. 1. Sewerage. **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. Connect the proposed gravity sewer line to a previously unknown existing sanitary sewer main stub, eliminate the installation of the proposed Valley View Drive pumping station and reroute a portion of the proposed gravity sewer as requested by local residents located in Lower Moreland Township, **Montgomery County** to serve Red Lion Area Sanitary Sewer Extension Project.

**Permit No. 4695429.** Sewerage. **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. Construction and operation of a

sewage collection system, pump station and force main located in Franconia Township, **Montgomery County** to serve Wolf Track development.

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**Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-0530.*

*Location:* Buffalo Township, **Union County**.

*Project Description:* The Buffalo Township Municipal Sewer Authority proposes to build a sewage collection and conveyance system to serve the Villages of Vicksburg and Buffalo Crossroads. The villages are presently served by septic systems. Collected wastewater will be conveyed by a new interceptor to the existing township sewage treatment facility at Mazeppa. The Mazeppa STP will be expanded from 40,000 to 80,000 gallons per day capacity. Discharge will continue to be to Buffalo Creek.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

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**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**Permit No. 761W009-T1, 8377W, 8490W, 4677505, 0975502-T1 and 0975503-T1.** Public water supply. **North Wales Water Authority**, P. O. Box 1339, 200 West Walnut Street, North Wales, PA 19454-0339. The Authority requests the cancellation of the above permits, Borough of North Wales, **Montgomery County**.

*Type of Facility:* Wells Nos. 3, 5, 7, 23, 46 and 47.

**Permit No. 0995517.** Public water supply. **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929. The applicant has been approved to install manganese sequestration feeders at well nos. 1 and 3 in Warwick Township, **Bucks County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Gilmore & Associates, Inc., Robert C. Schmauk, P.E., 331 Butler Avenue, New Britain, PA 18901.

*Permit to Construct Issued:* February 16, 1996.

**Permit No. 1595507.** Public water supply. **West Chester Municipal Authority**, 990 Fern Hill Road, West Chester, PA 19380. This proposal involves the construction of a 2.0 mgd treatment plant known as Fern Hill in West Chester Borough, **Chester County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Hazen and Sawyer, Richard Peeters, 730 Broadway, New York, NY 10003.

*Permit to Construct Issued:* February 16, 1996.

*Northeast Regional Office:* Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.

**4894505.** Public water supply. A permit was issued on February 6, 1996, to **Lower Saucon Authority, c/o Marvin Smith**, Administrator, 3690 Old Philadelphia Pike, Bethlehem, PA 18015. This proposal involves the extension of a water distribution system along Applebutter Road in a Phase II and Phase III project. The project consists of a pump station, a 0.15 million gallon storage tank and water mains on Ring Hoffer Road and Skyline Drive. It is located in Lower Saucon Township, **Northampton County**.

**Issued determination of applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

*Central Office:* Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

**General Permit Determination of Applicability No. WMGR002D002. Ponderosa Fibres of Pennsylvania**, 2115 N. Charles Street, Baltimore, MD 21218, under permit #WMGR002 issued to Willamette Industries, Inc. for the beneficial use of wastewater treatment sludge generated by paper and pulp mills as a soil additive to facilitate revegetation of disturbed land at permitted and abandoned mine sites. Determination of applicability was issued by Central Office on February 13, 1996.

**Permit applications denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Southwest Regional Office:* Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

**Permit ID No. 301091. Kipin Mobile Processing Facility**, Kipin Industries, Inc., 513 Green Garden Road, Aliquippa, PA 15001. Operation of a residual waste processing facility in City of Pittsburgh, **Allegheny County**. Permit application denied in the Regional Office on February 16, 1996.

**Operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contaminant sources and associated air cleaning devices.**

*Regional Office:* Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-310-031**  
Source: Stone Crushing Plant w/Waterspray  
Company: **Scranton Material Inc.**  
Location: Newton Township  
County: **Lackawanna**

Permit: **35-399-031**  
Source: Paint Sanding w/After Filter Bags  
Company: **Suckle Corporation**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **45-302-057**  
Source: Rental Boiler-Powerhouse Engr. Co.  
Company: **Tobyhanna Army Depot**  
Location: Coolbaugh Township  
County: **Monroe**

Permit: **58-301-007**  
Source: Shenandoah Pathological Incinerator  
Company: **A L S Services Incorporated**  
Location: Lenox Township  
County: **Susquehanna**

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Regional Office:* Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

**06-1002.** The Department intends to issue an air quality NOx RACT operating permit to **Allentown Cement Company, Inc.** (P. O. Box 619, Blandon, PA 19510) for a portland cement manufacturing facility controlled by two multiclones and six fabric collectors at Maiden Creek Township, **Berks County**.

**06-1037.** The Department intends to issue an air quality operating permit, Synthetic Minor for Volatile Organic Compounds, to **McConway & Torley Corporation** (230 Railroad Street, Kutztown, PA 19530) for a steel foundry controlled by eight fabric collectors at Kutztown, **Berks County**.

**06-307-067A.** The Department intends to issue an air quality operating permit to **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) for six electric slag remelt furnaces controlled by lime injection and a fabric collector at Reading, **Berks County**.

**36-2025.** The Department intends to issue a RACT (Reasonably Available Control Technology) air quality operating permit to **Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251) for the Marietta Compressor Station in East Donegal Township, **Lancaster County**.

**36-318-004A.** The Department intends to issue an air quality operating permit to **Alumax Mill Products, Inc.** (P. O. Box 3167, Lancaster, PA 17604) for an aluminum coil coating operation in Manheim Township, **Lancaster County**.

**36-318-150.** The Department intends to issue an air quality operating permit to **Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for the No. 7 coating line in Lancaster, **Lancaster County**.

**36-309-093.** The Department intends to issue an air quality operating permit to **Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for ten storage silos in Lancaster, **Lancaster County**.

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**Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

A plan approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

**Permit: 39-313-038**

Source: TME Reactor w/Packtower Scrubber  
 Issued: February 1, 1996  
 Company: **Mallinckrodt Chemical Inc.**  
 Location: South Whitehall Township  
 County: **Lehigh**

**Permit: 39-318-100**

Source: 2 Paint Dip Operations  
 Issued: February 6, 1996  
 Company: **Victaulic Company of America**  
 Location: Alburtis Borough  
 County: **Lehigh**

**Permit: 40-399-037**

Source: Paper Trimmer  
 Issued: February 4, 1996  
 Company: **Offset Paperback**  
 Location: Dallas Borough  
 County: **Luzerne**

**Permit: 48-399-039**

Source: 4 Rubber Cure Ovens w/Afterburner  
 Issued: February 6, 1996  
 Company: **Victaulic Company of America**  
 Location: Palmer Township  
 County: **Northampton**

**Permit: 54-321-009**

Source: Rear Bleachery w/Lint Filters  
 Issued: February 14, 1996  
 Company: **Morgan Knitting Mills, J. E.**  
 Location: Rush Township  
 County: **Schuylkill**

**Permit: 54-321-010**

Source: Front Bleachery w/Lint Filters  
 Issued: February 14, 1996  
 Company: **Morgan Knitting Mills, J. E.**  
 Location: Rush Township  
 County: **Schuylkill**

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**Notice of Plan Approval Application Minor Source**

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The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Regional Office: Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

**43-303-005A.** The Department received a plan approval application from **Dunbar Asphalt Products, Inc.** (P. O. Box 477, Wheatland, PA 16161) for the modification of the dust collection system at their facility in Wheatland, **Mercer County**.

**37-309-048.** The Department received a plan approval application from **ESSROC Materials, Inc.** (P. O. Box 5250, Poland, OH 44514) for the installation of a fabric filter to the clinker transfer belt (750,000 tons/yr) in Bessemer, **Lawrence County**.

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**Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources or air cleaning devices.**

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*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**01-318-011.** On February 16, 1996, the Department issued a plan approval to **Schindler Elevator Corporation** (1200 Biglerville Road, Gettysburg, PA 17325) for the installation of a finish spray booth in Cumberland Township, **Adams County**.

**06-1006.** On February 12, 1996, the Department issued a plan approval to **Brentwood Industries, Inc.** (P. O. Box 605, Reading, PA 19603) for the modification of a plastic parts manufacturing facility in Reading, **Berks County**.

**36-309-077B.** On February 16, 1996, the Department issued a plan approval to **Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for the installation of a pneumatic conveying system controlled by a fabric collector in Lancaster City, **Lancaster County**.

**06-317-014B.** On February 14, 1996, the Department issued a plan approval to **Hershey Chocolate USA** (P. O. Box 15087, Reading, PA 19612-5087) for the construction and modification of a candy manufacturing operation and three fabric collectors at the Luden's Plant in Reading, **Berks County**.

**06-1007A.** On February 16, 1996, the Department issued a plan approval to **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) for the construction of three reheat furnaces at the Reading Plant in Reading/Muhlenberg Township, **Berks County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**10-302-038.** On February 20, 1996, a plan approval was issued to **Callery Chemical Company**, Mine Safety



Appliances Company (P. O. Box 429, Pittsburgh, PA 15230) for installation of a boiler in Forward Township, **Butler County**.

**33-322-001.** On February 9, 1996, a plan approval was issued to **Eagle Environmental, L.P.** (11 New Street, Englewood Cliffs, NJ 07632) for construction of a landfill gas extraction systems and flares in Washington Township, **Jefferson County**.

**37-345-009.** On February 20, 1996, a plan approval was issued to **International Metals Reclamation Company** (P. O. Box 720, Ellwood City, PA 16117-0720) for construction of a thermal oxidizer furnace in Ellwood City, **Lawrence County**.

**42-301-018.** On February 15, 1996, a plan approval was issued to **McKean County Animal Hospital** (258 Seaward Ave., Bradford, PA 16701) for construction of an incinerator in Foster Township, **McKean County**.

**43-399-015.** On February 20, 1996, a plan approval was issued to **Stein Steel Mill Service, Inc.** (15 Roemer Blvd., Farrell, PA 16121) for construction of a slag/scrap material processing facility in Farrell, **Mercer County**.

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute proves a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

#### *Permits Issued and Actions on 401 Certification*

*Northcentral Region: Water Management-Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E14-277.** Encroachment. **Galen Dreibelis**, 1535 North Atherton St., State College, PA 16801. Modify and maintain an existing stream enclosure in an unnamed tributary to Big Hollow Run for the purpose of commercial development. The project shall consist of installing two 210.0 foot long corrugated metal arch culverts that measure 57 inches in span and 38 inches in rise to an

existing 160.0 feet long corrugated metal arch culvert. The project is located along the western right-of-way of T-743 approximately 1,500.0 feet southwest of the intersection of SR 0322 (Business Route) and T-743 (Julian, PA Quadrangle N: 9.4 inches; W: 1.7 inches) in Ferguson Township, **Centre County**.

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D46-265A.** Dam. **The Township of Lower Merion**, 75 E. Lancaster Avenue, Ardmore, PA 19003. To modify, operate and maintain Remington Dam located across a tributary to west branch Indian Creek in Lower Merion Township, **Montgomery County**.

**D46-303A.** Dam. **The Township of Lower Merion**, 75 E. Lancaster Avenue, Ardmore, PA 19003. To modify, operate and maintain Knox Dam located across a tributary to west branch Indian Creek in Lower Merion Township, **Montgomery County**.

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-273.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087. To reissue and amend Permit No. E46-273 by performing the following activities: (1) To rehabilitate, operate and maintain the bridge which carries Route 29 across the Schuylkill River. This bridge has five clear normal spans of 103 feet each with an underclearance of 12 to 28 feet. The original deck superstructure will be removed. The lower portion of the bridge piers, abutments and foundation will remain intact. (2) To rehabilitate, operate and maintain an adjacent box beam bridge carrying Route 29 across the Schuylkill Canal having a normal span of 50 feet with an underclearance of 12 to 14 feet. (3) To install, operate and maintain a temporary causeway with a top elevation of 77.0 feet (Mead WSEL = 75.0 feet) consisting of multiple pipes ranging from 12" to 36" in diameter and clean stone or concrete rubble backfill and (4) To install, operate and maintain a temporary minor road crossing of the Schuylkill Canal for driveway access. This site is situated where Route 29 crosses the Schuylkill River and Canal (Phoenixville USGS Quadrangle N: 1.9 inches; W: 1.25 inches) in Phoenixville Borough, **Chester County** and Upper Providence Township, **Montgomery County**.

**E51-146.** Encroachment. **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To perform perpetual routine maintenance at the Fish and Boat Commission's Frankford boat access and the Tacony boat access areas (Frankford, PA Quadrangle N: 1.38, 3.75 inches; W: 7.88, 4.75 inches respectively) in the City of Philadelphia, **Philadelphia County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E48-230.** Encroachment. **Dr. George and Jeanne Joseph**, 3742 Easton-Nazareth Road, Easton, PA 18042. To construct and maintain a concrete retaining wall, having a maximum height of 12.0 feet and a length of approximately 160 feet and to place and maintain two areas of fill in and along the floodway of an unnamed intermittent tributary to Shoeneck Creek to provide buildable area for future development. The first area of fill has a length of approximately 385 feet with 2:1 side slopes, located partially behind the concrete retaining wall, immediately

downstream of the S. R. 0248 bridge and the second area of fill has a length of approximately 260 feet with 3:1 side slopes, located 1,125 feet downstream of the S. R. 0248 bridge. The project is located on the north side of S. R. 0248, approximately 0.5 mile southeast of its intersection with S. R. 0033 (Nazareth, PA Quadrangle N: 15.8 inches; W: 4.5 inches) in Lower Nazareth Township, **Northampton County**.

**E54-214. Encroachment. Branch Township Board of Supervisors**, P. O. Box 265, Llewellyn, PA 17944. To remove the existing structure, to construct and maintain an 18 foot by 4.5 foot reinforced concrete box culvert in the channel of Muddy Branch Creek and to fill a de minimus area of wetlands less than or equal to 0.05 acre associated with the construction of the culvert. This project is located along Township Road T-564 (Black Diamond Road) approximately 700 feet south of the intersection with S. R. 0209 (Minersville, PA Quadrangle N: 7.2 inches; W: 7.4 inches) in Branch Township, **Schuylkill County**.

**E54-217. Encroachment. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 93 North State Street, Wilkes-Barre, PA 18701-3195. To backfill a 0.26 acre water-filled strip mine pit associated with the Bureau of Abandoned Mine Reclamation Project, Lorberrry Junction North, OSM 54 (2011) 101.1 to eliminate a hazardous highwall. This project is located along the east side of Township Road T-412, approximately 1,800 feet south of S. R. 0209 (Pine Grove, PA Quadrangle N: 20.1 inches; W: 5.5 inches) in Tremont Township, **Schuylkill County**.

**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

*Northwest Regional Office: Sanitarian Regional Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

*Permits Issued*

**Permit No. WA 33-1000.** Water allocation. **Sykesville Municipal Authority**, 21 East Main Street, Sykesville, PA 15865. Permit issued granting the right to purchase 300,000 gpd from the City of DuBois, **Jefferson County**.

*Type of Facility:* Municipal Authority—Water Allocation.

*Consulting Engineer:* Anthony J. Coval, C.E., Lee-Simpson Associates, Inc., 203 West Weber Avenue, P. O. Box 504, DuBois, PA 15801.

*Permit Issued:* February 21, 1996.

[Pa.B. Doc. No. 96-361. Filed for public inspection March 8, 1996, 9:00 a.m.]

### **Agricultural Advisory Board; Schedule of 1996 Meetings**

The Agricultural Advisory Board to the Department of Environmental Protection announces its schedule of 1996 meetings. All meetings will be held at 10 a.m. in the 1st Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, on the following dates:

April 24  
June 26  
August 28  
October 23  
December 18

Questions concerning this schedule or agenda items can be directed to Dean Auchenbach at (717) 772-5668 or e-mail at Auchenbach.Dean@a1.dep.state.pa.us. This schedule and an agenda for each meeting will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Dean Auchenbach directly at (717) 772-5668 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-362. Filed for public inspection March 8, 1996, 9:00 a.m.]

### **Money-Back Guarantee Permit Review Program**

[Correction]

Effective March 4, 1996, the Department of Environmental Protection will add over 30 new permits to the DEP Money-Back Guarantee Permit Review Program. The program, established August 23, 1995, by Governor's Executive Order 1995-5, originally included 19 permit types. The Money-Back Guarantee Permit Review Program establishes clear timelines for the processing of certain DEP permits. Should the Department fail to meet the published processing time, the permit application fee will be returned automatically to the applicant. The following permit types are now included in the program:

- Oil and Gas PIT Approval
- Oil and Gas Dust Approval
- Oil and Gas Pillar Permit
- Coal Preparation Plant
- Coal Refuse Disposal
- Coal Refuse Reprocessing
- Hazardous Waste Transporter License
- Infectious and Chemotherapeutic Waste Transporter License
- Residual Waste Beneficial Use and Processing Prior to User General Permit, Determination of Applicability and Registration
- Infectious and Chemotherapeutic Processing General Permit, Determination of Applicability and Registration
- Municipal Waste Form R—Waste Analysis and Classification Plan
- Municipal Waste Form 35—Disposal of ICW
- Municipal Waste Form 36—Disposal of municipal incinerator ash residue
- Municipal Waste Form FC-1—Disposal of virgin fuel contaminated soil
- Municipal Waste Beneficial Use or Coal Ash
- Municipal Waste Yard Waste Composting

Water Quality Management Part II—Industrial Waste  
 Water Quality Management Part II—Sewerage Extension  
 Water Quality Management Part II—Sewerage Treatment Plan  
 Public Water Supply—Community Water System Minor Amendment  
 Public Water Supply—Bottled Water System—Operations  
 Public Water Supply—Retail Water System—Operations  
 Public Water Supply—Vended Water System—Operations  
 Public Water Supply—Vended Water System—New Construction  
 Public Water Supply—Vended Water System—Major Amendment  
 Public Water Supply—Vended Water System—Minor Amendment  
 Public Water Supply—Bulk Water Hauler—Operations  
 Public Water Supply—Noncommunity Water System—Operations

For additional information about the processing times for the above named permits or the 19 permits announced in the original Executive Order, contact the local regional office or mining district office for a DEP Money-Back Guarantee Fact Sheet or Kim Nelson at Nelson.Kimberly@a1.DEP.STATE.PA.US. More information is also available on the DEP World Wide Web site at: <http://www.dep.state.pa.us> (choose What's New).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-296. Filed for public inspection March 1, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services will meet to consider selections of Design Professionals for the following projects:

**Project No. DGS CFSP**—Repair of Cabins, Restrooms, Trails, Watertank, Install Drainage, and the like; Pave Roads; Rehabilitation of Fire Tower Road and State Park Bridge Repair, Cook Forest State Park, Clarion and Forest Counties, PA. Total construction cost: \$1,142,000. The scope of work includes, but is not limited to, repair/improvement of recreational facilities, cabins, trails, improvements to roads and parking lots, including drainage and relocation of restrooms.

**Project No. DGS DOTHVAC**—Air Conditioning, Ventilation, 1st Floor East and 2nd Floor, District Office Building, Indiana, Indiana County; A.C. System, District Office Building, Uniontown, Fayette County and replace heating and cooling systems with one four-pipe system, District Office Building, Clearfield, Clearfield County, PA. Total construction cost: \$1,766,181. The scope of work includes, but is not limited to, replacement of the entire HVAC system including replacement of the existing chiller equipment and cooling tower at the Indiana County site. The work to be performed at the Fayette

County site includes, but is not limited to, demolition of existing air handling units, outdoor condenser units, ductwork, and the like, installation of new fan coil units, air handling units, ductwork, primary cooling equipment, electrical wiring and installation of new dropped ceiling and lighting. The Clearfield site includes, but is not limited to, replacement of existing heating/cooling system with a four-pipe system; upgrade indoor air quality/fire alarm system and asbestos remediation as required.

**Project No. DGS 376-1**—Conversion of Hospital to a State Correctional Institution through the purchase and installation of two perimeter fences and the installation of an electronic detection system along the entire perimeter, Somerset State Hospital, Somerset County, PA. Construction cost: \$1,584,000. The scope of work includes, but is not limited to, construction of two standard Department of Corrections (DOC) fences with general purpose barbed tape obstacle wire attached to both fences; standard DOC perimeter lighting system and fence mounted intrusion detection system.

**Project No. DGS 575-3**—Construction of a 500-Cell Maximum Security Facility, with Provision for Expansion to 750-Cells, for violent juvenile offenders, State Correctional Institution, Western Pennsylvania (Indiana County). Construction cost: \$42,490,000. The scope of work includes, but is not limited to, construction of a 500-cell maximum security detention facility for juvenile offenders. Facility to include administration, visitation, custody administration, reception and discharge, health care, dietary, laundry, commissary, maintenance, correctional industries, chapel, psychological services, education/vocation, recreational services, warehouse, automotive and central plant. Housing units shall be no greater than 24 cells with dining, recreation and educational services in the unit. The facility is to be designed to provide possible expansion to 750-cells.

**Project No. DGS 583-13**—Reconstruct Masonry Walls and Upgrade Windows in Keystone House, Harmony House, Laurel House, Villa, JFK, Horizon and Sunset Buildings, Ebensburg Center, Ebensburg, Cambria County, PA. Construction cost: \$875,000. The scope of work includes, but is not limited to, stabilization/repair of masonry walls and replacement of the single pane aluminum frame windows with energy efficient windows in Keystone House, Harmony House, Laurel House, Villa, JFK, Horizon and Sunset Building.

**Project No. DGS A 970-119**—New OMS/CSMS (Regional Maintenance Facility), Scranton, Lackawanna County, PA. Construction cost: \$3,119,000. The scope of work includes, but is not limited to, construction of a Regional Maintenance Shop for the Department of Military Affairs with offices, personnel areas, work areas, arms vault, work bays, off street parking, fencing, sidewalks, wash platform, fuel storage and dispensing system, loading ramp, and controlled waste handling facility. (Note: National Guard Bureau ARNG A-E Fee Schedule is in effect for this project.)

**Project No. DGS 1579-3**—Renovate Kosciusko Hall, State Correctional Institution, Cambridge Springs, Crawford County, PA. Construction cost: \$3,685,000. The scope of work includes, but is not limited to, renovation of Kosciusko Hall to include plumbing, electrical, mechanical, asbestos removal, fire alarm, and general construction necessary to convert the Hall into a Minimum Security Housing Unit.

### Requirements and Information

#### *Instructions for Filing Application*

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Revised 1994 Form 150, not more than 1 year old as of the deadline date stated in paragraph (d) below, must be filed with the Department of General Services for the requesting professional firm and the designated key consultants listed on the requesting professional firm's application (Form 150-S). All signatures on Form 150 must be original signatures. Consultants listed on the requesting professional firm's application (Form 150-S) shall be deemed to be designated key consultants. If these documents are not on file with the Department, the requesting professional firm must submit them with firm's application (Form 150-S). A photocopy of Form 150 without an original signature of a principal of the firm is not acceptable. Revised 1994 Form 150, Architect/Engineer Questionnaire, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(b) The requesting professional firm shall obtain from each consultant listed in the requesting professional firm's application (Form 150-S) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-S) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-S) for the specific project. All signatures on letters of certification must be original signatures.

(c) The requesting professional firm must submit six signed copies of Revised 1994 Form 150-S, Specific Project Form, for each project herein advertised in which the firm is interested and qualified to perform. All signatures on Form 150-S must be original signatures. For architectural projects and, when appropriate, for engineering projects, the professional shall supply photographs showing a maximum of two different views of each of the three projects described in Question 14, Page 5 of the application (Form 150-S). The requesting professional firm or joint venture members must be the professional of record for the projects described in Question 14, Page 5 of the application (Form 150-S). It is not acceptable to list work performed by key consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the professional of record. Renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-S). The pages of each copy of revised 1994 Form 150-S must be stapled with photographs and consultant's letters of certification followed by photocopies of licenses of registered professionals included as the last section of the application. Do not bind the application (Form 150-S) in any way to any other documentation. Do not bind the application (Form 150-S) in a binder of any type. Revised 1994 Form 150-S may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 783-8468.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.), Thursday, April 4, 1996, and addressed to the

Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the current 1994 forms. Outdated forms are not acceptable.

(e) The Selections Committee may at its discretion establish interviews with any or all of the professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

#### *Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The professional firm selected to design a project will be expected to perform and administer, when required by the Department as additional services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the scope.

The professional agrees to comply with the terms of the agreement and specifically as it relates to the Professional Liability Insurance and the General Liability Insurance Requirements.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under the act of July 22, 1975 (P. L. 75, No. 45).

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-363. Filed for public inspection March 8, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Equipment to Determine Blood Alcohol Content under the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The Department of Health has approved the following equipment for determining alcohol content of the blood by analysis of a person's breath. This list of approved equipment replaces the previous list which appeared in 24 Pa.B. 5149 (October 8, 1994) and is published under the authority contained in the Motor Vehicle Code (75 Pa.C.S. § 1547(c)(1)), the Fish and Boat Code (30 Pa.C.S. § 5125(c)(1)), the Game and Wildlife Code (34 Pa.C.S. § 2502(c)) and The Administrative Code of 1929 (71 P. S. § 532).

Equipment approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3731 (driving under the influence of alcohol or controlled substance), or any other violation of the Vehicle Code arising out of the same action, or 30 Pa.C.S. § 5502 (operating watercraft under influence of alcohol or controlled substance), or any other violation of the Fish and Boat Code arising out of the same action, or 34 Pa.C.S. § 2501 (hunting or furtaking under influence of alcohol or controlled substance), or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the above referenced statutes before purchasing any of the devices contained on this list.

The approval of Type A equipment listed in this notice is based on the evaluation of the equipment by the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation (61 FR 3078, January 30, 1996).

Instruments marked with an asterisk (\*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood concentrations below 0.050%.

NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Equipment on the list is approved for both mobile and nonmobile operation unless designated for use at a fixed location (nonmobile) exclusively or for transport to field locations (mobile) only.

Inquiries concerning this notice may be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Bureau of Laboratories, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability may submit questions to Dr. Shoemaker in alternative formats, such as by audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille) should contact Dr. Shoemaker so that he may make the necessary arrangements.

(a) *Type-A equipment.* The following equipment is approved for determining the alcohol content of the blood by analysis of a person's breath:

- (1) Alcohol Countermeasures System, Inc., Port Huron, MI  
Alert J3AD\*
- (2) BAC Systems, Inc., Ontario, Canada  
Breath Analysis Computer\* (mobile use only)
- (3) CAMEC Ltd., North Shields, Tyne and Ware, England  
IR Breath Analyzer\*

- (4) CMI, Inc., Owensboro, KY  
Intoxilyzer 200  
Intoxilyzer 200D  
Intoxilyzer 300  
Intoxilyzer 400  
Intoxilyzer 1400  
Intoxilyzer 4011\*  
Intoxilyzer 4011A\*  
Intoxilyzer 4011AS\*  
Intoxilyzer 4011AS-A\*  
Intoxilyzer 4011AS-AQ\*  
Intoxilyzer 4011AW\*  
Intoxilyzer 4011A27-10100\*  
Intoxilyzer 4011A27-10100 with filter\*  
Intoxilyzer 5000  
Intoxilyzer 5000 (w/Cal. Vapor Re-Circ.)  
Intoxilyzer 5000 (w/3/8" ID hose option)  
Intoxilyzer 5000CD  
Intoxilyzer 5000CD/FG5  
Intoxilyzer 5000 (CAL DOJ)  
Intoxilyzer 5000 (VA)  
Intoxilyzer PAC 1200\*  
Intoxilyzer S-D2
- (5) Decator Electronics, Decator, IL  
Alco-Tector model 500\* (nonmobile use only)
- (6) Gall's Inc., Lexington, KY  
Alcohol Detection System-A.D.S. 500
- (7) Intoximeters, Inc., St. Louis, MO  
Photo Electric Intoximeter\* (nonmobile use only)  
GC Intoximeter MK II\*  
GC Intoximeter MK IV\*  
Auto Intoximeter\*  
Intoximeter 3000\*  
Intoximeter 3000 (rev B1)\*  
Intoximeter 3000 (rev B2)\*  
Intoximeter 3000 (rev B2A)\*  
Intoximeter 3000 (rev B2A) w/FM option\*  
Intoximeter 3000 (Fuel Cell)\*  
Intoximeter 3000D\*  
Intoximeter 3000DFC\*  
Alcomonitor (nonmobile use only)  
Alcomonitor CC  
Alco-Sensor III  
Alco-Sensor IV  
RBT III  
RBT III-A  
RBT-IV  
Intox EC-IR  
Portable Intox EC-IR
- (8) Komyo Kitagawa, Kogyo, K.K.  
Alcolyzer DPA-2\*  
Breath Alcohol Meter PAM 101B\*
- (9) Life-Loc, Inc., Wheat Ridge, CO  
PBA 3000-B  
PBAS 3000-P\*
- (10) Lion Laboratories Ltd., Cardiff, Wales, UK  
Alcolmeter 300  
Alcolmeter 400  
Alcolmeter AE-D1\*  
Alcolmeter SD-2\*  
Alcolmeter EBA\*  
Auto-Alcolmeter\* (nonmobile use only)  
Intoxilyzer 200  
Intoxilyzer 200D  
Intoxilyzer 1400  
Intoxilyzer 5000 CD/FGS

- (11) Luckey Laboratories, San Bernardino, CA  
Alco-Analyzer 1000\* (nonmobile use only)  
Alco-Analyzer 2000\* (nonmobile use only)
- (12) National Draeger, Inc., Durango, CO  
Alcotest 7010\*  
Alcotest 7110\*  
Alcotest 7110 MK111  
Alcotest 7410  
Breathalyzer 900\*  
Breathalyzer 900A\*  
Breathalyzer 900BG\*  
Breathalyzer 7410  
Breathalyzer 7410-11
- (13) National Patent Analytical Systems, Inc.,  
Mansfield, OH  
BAC Datamaster  
BAC Verifier Datamaster
- (14) Omicron Systems, Palo Alto, CA  
Intoxilyzer 4011\*  
Intoxilyzer 4011AW\*
- (15) Plus 4 Engineering, Minturn, CO  
5000 Plus 4\*
- (16) Siemans-Allis, Cherry Hill, NJ  
Alcomat\*  
Alcomat F\*
- (17) Smith and Wesson Electronics, Springfield, MA  
Breathalyzer 900\*  
Breathalyzer 900A\*  
Breathalyzer 1000\*  
Breathalyzer 2000\*  
Breathalyzer 2000 (Non-Humidity Sensor)\*
- (18) Sound-Off Inc., Hudsonville, MI  
AlcoData
- (19) Stephenson Corp.  
Breathalyzer 900\*
- (20) U. S. Alcohol Testing, Inc./Protection Devices, Inc.  
Rancho Cucamonga, CA  
Alco-Analyzer 1000 (nonmobile use only)  
Alco-Analyzer 2000 (nonmobile use only)  
Alco-Analyzer 2100
- (21) Verax Systems, Inc., Fairport, NY  
BAC Verifier\*  
BAC Verifier Datamaster  
BAC Verifier Datamaster II\*

(b) *Type-B Equipment.* The following equipment is approved for taking a sample of a person's breath for subsequent laboratory analysis to determine the alcohol content of a person's blood:

- (1) Intoximeters, Inc., St. Louis, MO  
Indium Encapsulation System
- (2) Luckey Laboratories, San Bernardino, CA  
Mobat Sober-Meter-SM II

PETER J. JANNETTA, M.D.,  
Secretary

[Pa.B. Doc. No. 96-364. Filed for public inspection March 8, 1996, 9:00 a.m.]

### Notice of Beginning of Review; Certificates of Need

The Department has completed its preliminary assessment of the following applications for the offering, devel-

opment, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 740(b)).

*CON-95-B-2552-B:* Gnaden Huetten Memorial Hospital, 211 North 12th Street, Lehighton, PA 18235. The project involves renovation and expansion of existing outpatient services, at an estimated cost of \$8,000,000.

*CON-95-D-2459-B:* Wyoming Nursing Home Association, Inc., Suite 733, 400 Penn Center Blvd., Pittsburgh, PA 15235. The project involves constructing a 90-bed long-term care facility in Lemon Township, Wyoming County, at an estimated cost of \$5,954,702.

*CON-95-D-2438-B:* Beverly Enterprises-Pennsylvania, Inc., 5111 Rogers Avenue, Suite 40-A, Fort Smith, Arkansas 72919-0155. The project involves constructing a 62-bed addition to Carpenter Care Center in Tunkhannock, Wyoming County, at an estimated cost of \$3,917,245.

*CON-94-F-2223-B:* Dubois Regional Medical Center, P. O. Box 447, 100 Hospital Avenue, Dubois, PA 15801. The applicant is proposing the consolidation and the relocation of its 15-bed obstetric service and its 15-bed neonatal intensive care unit from its East Campus (Maple Avenue) to its West Campus (Hospital Avenue) at an estimated cost of \$6,185,047.

*CON-95-I-2409-B:* St. Vincent Health Center, 232 West 25th Street, Erie, PA 16544. The applicant proposes to develop a 14-bed hospital-based skilled nursing unit through conversion of medical/surgical beds, at an estimated cost of \$781,953.

*CON-95-H-2418-B:* Armstrong County Memorial Hospital, One Nolte Drive, Kittanning, PA 16201. The project involves an addition of 8 long-term care beds to an existing 17-bed hospital-based skilled nursing unit through conversion of acute care beds, at an estimated cost of \$323,466.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning March 9, 1996. Interested persons, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. All requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting. If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. Gnaden Huetten Memorial Hospital public meeting will begin at 9:30 a.m., Friday, April 26, 1996. Wyoming Nursing Home Association public meeting will begin at 9:30 a.m., Beverly Enterprises-PA, Inc. public meeting will begin at 11 a.m., Dubois Regional Medical Center public meeting will begin at 1 p.m., St. Vincent Health Center public meeting will begin at 2 p.m. and Armstrong County Memorial Hospital public meeting will begin at 3 p.m., Thursday May 9, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. These meetings are subject to

cancellation without further notice. For additional information, contact the Division of Need Review at (717) 787-5601.

PETER J. JANNETTA, M.D.,  
*Secretary*

[Pa.B. Doc. No. 96-365. Filed for public inspection March 8, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Charles H. Ishman v. DEP; Doc. No. 95-230-MG

The Department of Environmental Protection (Department) and Charles H. Ishman have agreed to a settlement of the above matter.

The parties have agreed to a settlement, the major provisions of which include that Charles H. Ishman is eligible to take an oral examination in May 1996 in order to become certified as a Pennsylvania Mine Foreman.

Copies of the full agreement are in the possession of:

Gail A. Myers, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

J. Daniel Hull, Esquire, J. D. Hull & Associates, USX Tower, 600 Grant Street, Suite 4040, Pittsburgh, PA 15219-2702;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-366. Filed for public inspection March 8, 1996, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Designation of Additional Wilderness Trout Streams

The Fish and Boat Commission is adding the following waters to the list of Wilderness Trout Streams. The following streams or sections thereof are currently managed for wild trout (no stocking) and meet the guidelines set for Wilderness Trout Streams management:

<i>County</i>	<i>Water</i>	<i>Limits</i>	<i>Length (Miles)</i>	<i>Primary Owner</i>
Cambria	S. Fk. of Little Conemaugh River	Headwaters downstream to Beaverdale Reservoir	2.1	Game Commission SGL #26
Carbon	Jeans Run	Headwaters downstream to SGL lower boundary	2.5	Game Commission SGL #141
Elk	Vineyard Run	Headwaters downstream to Spring Creek-Horton Township line	2.5	Game Commission SGL #44
McKean	S. Branch of Kinzua Creek	Headwaters downstream to confluence of Hubert Run	7.1	Allegheny National Forest
Westmoreland	Roaring Run	Headwaters downstream to lower boundary of State forest (1 mile upstream of T-332 bridge)	3.5	Forbes State Forest-DEP
	Shannon Run	Headwaters downstream to SGL lower boundary	2.0	Game Commission SGL #42
	Left Middle Fk. of Mill Creek	Headwaters downstream to mouth	2.1	Game Commission SGL #42
	Right Middle Fk. of Mill Creek	Headwaters downstream to mouth	2.6	Game Commission SGL #42

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-367. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Designations of Waters Subject to Special Fishing Regulations**

The Fish and Boat Commission is designating the following waters as subject to the special fishing regulations under 58 Pa. Code Chapter 65 effective immediately:

*58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas:*

The following waters are designated to be regulated and managed under the Delayed Harvest Artificial Lures Only Program and are added to the list of waters subject to these regulations (58 Pa. Code § 65.6):

County	Water	Description
Susquehanna	Salt Lick Creek	A 1.6 mile section from the downstream boundary of State Game Lands No. 35 upstream to the bridge on T-638.

*58 Pa. Code § 65.7. Trophy Trout Program:*

The limits of the section of the Lackawanna River, Lackawanna County subject to regulations applicable to the Trophy Trout program (58 Pa. Code § 65.7) are redefined as follows:

County	Water	Description
Lackawanna	Lackawanna River	A 5.2 mile section extending from White Oak Creek in Archibald downstream to the Lackawanna Avenue Bridge in Olyphant with the exception of a .3 mile section from the upstream end of Mellow Park and extending downstream to the lower end of Kendell Park.

*58 Pa. Code § 65.9. Big Bass Special Regulations:*

The following lakes are designated to be regulated and managed under the Big Bass Special Regulations and are added to the list of waters subject to these regulations (58 Pa. Code § 65.9):

Counties	Water
Carbon	Mauch Chunk Lake
Lycoming	Rose Valley Lake
Westmoreland	Upper Twin Lake

The following river waters are designated to be regulated and managed under the Big Bass Special Regulations and are added to the list of waters subject to these regulations (58 Pa. Code § 65.9):

The Susquehanna River from Dock Street Dam, near Harrisburg, upstream to the Fibradam, near Sunbury, and the Juniata River from its mouth upstream to the Duncannon Bridge.

Under 58 Pa. Code § 61.7 the portion of the Susquehanna River from Holtwood Dam upstream to Dock Stream Dam is already regulated with the same size and creel limits for bass as provided in the Big Bass regulations.

*58 Pa. Code § 65.10. Select Trout Stocked Lake Program:*

The following waters are designated "Select Trout Stocked Lakes" (Late Winter Extended Trout Season) and are added to the list under 58 Pa. Code § 65.10:

County	Water
Beaver	Upper Hereford Manor Lake
Butler	Harbor Acres Lake

The following waters are deleted from the list of "Select Trout Stocked Lakes" designated under 58 Pa. Code § 65.10:

County	Water
Luzerne	Lily Lake
Wyoming	Lake Winola

*58 Pa. Code § 65.21. Waters Limited to Specific Purposes—Exclusive Use Areas:*

The following waters are added to the list of waters designated as waters for the exclusive use of special populations under 58 Pa. Code § 65.21:

County	Water	Description of Area
Lehigh	Coplay Creek	An area extending 50 feet upstream and 50 feet downstream of a fishing pier for persons with disabilities located within the Whitehall Parkway, approximately 1/4 mile west of Route 145 in Whitehall Township.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-368. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Public Hearings and Extension of Public Comment Period**

The Fish and Boat Commission published a notice of proposed rulemaking at 26 Pa.B. 168 (January 13, 1996) seeking public comment on proposed changes to regulations applicable to fishing tournaments. The notice of proposed rulemaking provided for a 60-day public comment and two public hearings. The public comment period on the proposed changes to fishing tournament regulations is extended until March 29, 1996. The public hearings on these proposed regulations will be held as follows:

Date	Time	Place
March 19, 1996	7-9 p.m.	Erie City Council Chambers City Hall 626 State Street Erie, PA 16501
March 21, 1996	7-9 p.m.	Game Commission 2000 Elmerton Avenue Harrisburg, PA 17110

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 96-369. Filed for public inspection March 8, 1996, 9:00 a.m.]



# HEALTH CARE COST CONTAINMENT COUNCIL

## Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chair of the Senate Banking and Insurance Committee to review Senate Bill 1334, which would mandate insurance benefits for clinical cancer trials.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of such documentation to the Council no later than April 30, 1996. The documentation should be mailed to Marc P. Volavka, Director of Program Administration, PA Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in section 9 of Act 34:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of the Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no such coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of the Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the result of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

(vii) The results of any other relevant research.

(viii) Evidence of the financial impact of the proposed legislation, including at least:

(A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

(B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

(C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

(D) The impact of the proposed benefit on administrative expenses of health care insurers.

(E) The impact of the proposed benefits on benefits costs of purchasers.

(F) The impact of the proposed benefits on the total cost of health care within the Commonwealth.

ERNEST J. SESSA,  
*Executive Director*

[Pa.B. Doc. No. 96-370. Filed for public inspection March 8, 1996, 9:00 a.m.]

# HUMAN RELATIONS COMMISSION

## Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) hereby announces the publication of the Stipulations of Fact, Findings of Fact, Conclusions of Law, Final Decision and Order, made after a public hearing under section 9(e)—(g) of the Act, in the following case:

*Ralph Johnson and Theodore R. Dixon, Jr. v. The Housing Authority of The City of McKeesport*; Doc. No. E56914, Doc. No. E56916; (Pennsylvania Human Relations Commission, February 26, 1996); Alleged race-based suspension, termination; Ruling for Complainant, 8-0 decision; 21 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 96-371. Filed for public inspection March 8, 1996, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commis-

sion at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#2-91	Department of Agriculture Pseudorabies Disease	2/23/96
#11-127	Insurance Department Automatic Subscription to Pennsylvania Code and Pennsylvania Bulletin	2/27/96
#14-427	Department of Public Welfare Income	2/21/96
#14-433	Department of Public Welfare Eligibility Provisions for the Healthy Horizons Program for the Elderly/Disabled	2/21/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-372. Filed for public inspection March 8, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws: Mary E. Davis; Doc. No. P96-01-010

Notice is hereby given of the Order to Show Cause issued on February 27, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 604, 633 and 633.1 of The Insurance Department Act (40 P. S. §§ 234, 273, 273.1); sections 4 and 5 of The Unfair Insurance Practices Act (40 P. S. §§ 1171.4, 1171.5 and 1171.9); 31 Pa. Code §§ 37.46(6), (7) and 37.47.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to general rules of administrative practice and procedure); 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-373. Filed for public inspection March 8, 1996, 9:00 a.m.]

### Alleged Violation of Insurance Laws; Michael C. Coyle; Doc. No. P94-04-93

Notice is hereby given of the Order to Show Cause issued on February 12, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 603 and 633 of The Insurance Department Act (40 P. S. §§ 233 and 273), and section 604 of The Insurance Department Act (40 P. S. § 234); 31 Pa. Code § 37.46(7)(i)(A); and sections 4 and 5(a)(1)(i) of The Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 5(a)(1)(i)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to The Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to general rules of administrative practice and procedure); 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-374. Filed for public inspection March 8, 1996, 9:00 a.m.]

### Nationwide Mutual Insurance Company; Nationwide Mutual Fire Insurance Company; Private Passenger Automobile Rate Filing

On February 21, 1996, the Insurance Department received from Nationwide Insurance a filing for rate level changes for private passenger automobile insurance.

Nationwide Mutual Insurance Company requests an overall 0.1% decrease, amounting to \$224,200 annually, to be effective June 15, 1996.

Nationwide Mutual Fire Insurance Company requests an overall 1.3% increase, amounting to \$143,200 annually, to be effective June 15, 1996.

Unless formal administrative action is taken prior to May 21, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Guo Harrison, Actu-

ary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-375. Filed for public inspection March 8, 1996, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Proposed Revisions

On February 23, 1996, the Department received from the Pennsylvania Compensation Rating Bureau proposed revisions to the Pennsylvania Construction Classification Premium Adjustment Program.

The Bureau requests that for policies with anniversary rating dates on or after July 1, 1996, the reporting period used to determine the payroll and hours worked be updated to the third quarter of 1995.

The Bureau also requests that the minimum hourly wage eligible for premium credit be updated in accordance with the most recent change in the Statewide average weekly wage, bringing the minimum wage to \$15.75 per hour.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, during normal work hours, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Anstead, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-376. Filed for public inspection March 8, 1996, 9:00 a.m.]

## LAWYER TRUST ACCOUNT BOARD

### Meeting Notice

A meeting of the Lawyer Trust Account Board will be held on Friday, March 15, 1996, at 10 a.m. The meeting will be held at the Dauphin Bar Association, 213 North Front Street, Harrisburg, PA.

GERALD McHUGH,  
Chairperson

[Pa.B. Doc. No. 96-377. Filed for public inspection March 8, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0909 10 West Centre Avenue, Newtown, PA 18940

*Lease Expiration:* July 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space in the Borough of Newtown.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794  
**Contact:** Robert Jolly, (215) 560-5310

Dauphin County, Wine & Spirits Shoppe #2201, Kline Village Shopping Center, 29 Kline Village, Harrisburg, PA 17104-1530.

*Lease Expiration:* May 31, 1977

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,800 net useable square feet of new or existing retail commercial space in the eastern section of Harrisburg City.

*Proposals due:* April 4, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lycoming County, Wine & Spirits Shoppe #4104, 30 S. Main Street, Muncy, PA 17756-1307.

*Lease Expiration:* May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 to 1,500 net useable square feet of new or existing retail commercial space within Muncy Borough or Munch Creek Township.

*Proposals due:* April 4, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe #4025, Valley Plaza, Conyngham, PA 18219-0117.

*Lease Expiration:* May 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,800 net useable square feet of new or existing retail commercial space within Sugarloaf Township or Conyngham Borough.

*Proposals due:* April 4, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Northampton County, Wine & Spirits Shoppe #4807, 401 Main Street, Hellertown, PA 18055

*Lease Expiration:* February 29, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Main Street (PA Route 412) and Saucon Street, Hellertown Borough.

*Proposals due:* April 4, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Perry County, Wine & Spirits Shoppe #5002, 42 N. Market Street, Duncannon, PA 17020

*Lease Expiration:* September 30, 1996

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,600 to 1,800 net useable square feet of new or existing retail commercial space within the Borough of Duncannon.

*Proposals due:* April 4, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Wayne County, Wine & Spirits Shoppe #6401, 510 Church Street, Hawley, PA 18428-1408.

*Lease Expiration:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,300 to 4,700 net useable square feet of new or existing retail commercial space in the vicinity of Hawley Borough.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-378. Filed for public inspection March 8, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 1, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

### Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

**A-00112823. John D. Salaki, t/d/b/a Private Limousine and Sedan Service** (527 Blue Mountain Road, Schuylkill Haven, Schuylkill County, PA 17972)—persons in limousine service, between points in the county of Schuylkill, and from points in said county to points in the counties of Northumberland, Carbon and Luzerne. *Attorney:* Patrick F. McCormick, P. O. Box 401, Frackville, PA 17931.

**A-00112837. Bushkill Volunteer Emergency Corps, Inc., t/d/b/a Bushkill Emergency Corps**, a corporation of the Commonwealth of Pennsylvania (P. O. Box 174, Bushkill, Pike County, PA 18324)—persons in paratransit service, between points in the boroughs of Stroudsburg and East Stroudsburg, Monroe County, and points within an airline radius of 145 statute miles of the limits of the said boroughs.

**A-00112829. Startrans, Inc.** (7400 Brewster Avenue, Philadelphia, Philadelphia County, PA 19153), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, for Philadelphia Marriott Hotels, Inc., from its hotel at 1201 Market Street, city and county of Philadelphia, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinticum, Delaware County. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

### Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

**A-00112826, Folder 1. Tri County Transit Service, Inc.** (826 North Lewis Road, Limerick, Montgomery County, PA 19468), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand: (1) in the borough of Phoenixville, Chester County; (2) in the townships of Schuylkill, Charlestown and East Pikeland, Chester County, and the township of Upper Providence, Montgomery County; (3) in the borough of Royersford, Montgomery County, and the borough of Spring City, Chester County; and (4) in the township of West Pottsgrove, Lower Pottsgrove, Upper Pottsgrove, Limerick, Douglass, New Hanover, Upper Frederick, Lower Frederick, Perkiomen and Skippack, Montgomery County; the townships of North Coventry, East Coventry, South Coventry, East Vincent, West Vincent, East Nantmeal, West Nantmeal and Warwick, Chester County; the townships of Douglass, Amity, Union, Colebrookdale, Washington, Hereford, Earl, Pike and District, and the boroughs of Boyertown and Bally, Berks County; which is to be a

transfer of part of the rights authorized under the certificate issued at A-00099550, F. 2, Am-A and F. 2, Am-B to Tri County Taxi Company, subject to the same limitations and conditions. *Attorney:* Thomas M. Keenan, 376 East Main Street, Collegeville, PA 19426.

**A-00112826, Folder 2. Tri County Transit Service, Inc.** (826 North Lewis Road, Limerick, Montgomery County, PA 19468), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service between points in the borough of Pottstown, Montgomery County, and within an airline distance of 15 statute miles of the limits of said borough: which is to be a transfer of part of the right authorized under the certificate issued at A-00099550, F. 3 to Tri County Taxi Company, subject to the same limitations and conditions. *Attorney:* Thomas M. Keenan, 376 East Main Street, Collegeville, PA 19426.

**Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before March 25, 1996.

- A-00112834 Debby A. Bachman, t/d/b/a Bachman Transfer Overland  
352 Oak Lane, Mount Joy, PA 17552
- A-00112840 Koalaty Trucking, Inc.  
P. O. Box 12402, 2262 Downing Street, Reading, PA 19612
- A-00112847 Hermann Leasing Company of Pennsylvania, Inc.  
P. O. Box 102, North Brunswick, NJ 08902; David P. Lonski, 251 Livingston Avenue, New Brunswick, NJ 08901
- A-00112845 Arlan R. Wessner, Inc.  
1646 Hex Highway, Hamburg, PA 19526
- A-00112846 DLD Martin, Inc.  
1431 Hay Field Drive, East Earl, PA 17519

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-379. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Sewerage Service Without Hearing**

**A-230061. Edwin, Inc.** Application of Edwin, Inc. for approval to continue to supply sewerage service in Pennsylvania.

This application may be considered without a hearing. Answers or intervention can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 25, 1996, under 52 Pa. Code (relating to public utilities).

*Name and address of Company:* Edwin, Inc., 129 North Washington Avenue, Scranton, PA 18503.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-380. Filed for public inspection March 8, 1996, 9:00 a.m.]

**Water Service Without Hearing**

**A-210069. Lakeside Water Systems Inc.** Application of Lakeside Water Systems Inc. for approval to continue to supply water service in Pennsylvania.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before March 25, 1996, under 52 Pa. Code (relating to public utilities).

*Names and Address of Applicant:* Lakeside Water Systems, Inc., Peter Sabia, Vice President, 400 Mill Street, Dunmore, PA 18512.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-381. Filed for public inspection March 8, 1996, 9:00 a.m.]

**STATE TRANSPORTATION COMMISSION**

**Public Forum Schedule for 1996**

The State Transportation Commission (Commission) will be holding public forums on selected transportation issues on the following dates and locations throughout the Commonwealth:

*Thursday, March 14, 1996*—The Holiday Inn Hotel & Conference Center, Bethlehem, U. S. Routes 22 and 512, Bethlehem, PA 18017, (610) 866-5800

*Thursday, March 21, 1996*—Radisson Penn Harris Hotel & Convention Center, 1150 Camp Hill Bypass, Camp Hill, PA 17011-3734, (717) 763-7117

*Thursday, March 28, 1996*—Sheraton Bucks County Hotel Langhorne, 400 Oxford Valley Road, Langhorne, PA 19047, (215) 547-4100

*Thursday, April 11, 1996*—Ramada Hotel—Altoona, Route 220 and Plank Road, Altoona, PA 16601, (814) 946-1631

*Thursday, April 25, 1996*—Embassy Suites Hotel, 550 Cherrington Parkway, Coraopolis, PA 15108, (412) 269-9070

*Friday, May 3, 1996*—Genetti Hotel & Convention Center, 200 West 4th Street, Williamsport, PA 17701, (717) 326-6600

*Thursday, May 16, 1996*—Bel Aire Hotel, 2800 West 8th Street, Erie, PA 16505-4084, (814) 833-1116

The public forums are scheduled to begin at 9 a.m. and end at 3:15 p.m. These forums will deal with selected transportation issues identified by the Commission and

will not be project specific. The forums are open to the public to attend. Individuals have been invited to present oral statements to the Commission regarding the identified issues. Others wishing to make a presentation will be accommodated as time permits. Agendas will be filled on a first come, first served basis. Anyone wishing to present oral statements or requiring additional information is requested to contact the Commission Office at (717) 787-2913. The deadline for being placed on the agenda is 10 days prior to each meeting. Written statements to supplement oral statements or in lieu of oral statements will be accepted and considered by the Commission. The docket for written statements will remain open until May 16, 1996. These written statements can address the identified transportation issues or update project-specific testimony provided to the Commission during the 1995 public hearings.

The meeting locations are accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact the Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 96-382. Filed for public inspection March 8, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of a Construction Management Firm

#### Montgomery County Reference No. 4-045

The Turnpike Commission may retain a construction management firm to provide construction management and construction inspection services for the Turnpike Commission's Schuylkill River Bridge and Diamond Run Viaduct, widening and rehabilitation project. The existing Turnpike bridge over the Schuylkill River (DB-113, Milepost 331.06) will be re-decked and a new independent structure will be constructed to the south of the existing bridge. The existing bridge will carry three lanes of westbound traffic and the new bridge will carry three lanes of eastbound traffic. The new bridge will require five piers, one of which will be in the Schuylkill River, and the existing abutments will be extended to support the new structure. The existing Diamond Run Viaduct (DB-114, Milepost 331.52) will be completely removed and Diamond Run Creek will be relocated into a metal plate pipe arch culvert and a gabion-lined trapezoidal channel. A new two-span bridge will be built over the Conrail tracks and relocated Diamond Run, a single-span bridge will be built over Conshohocken Road and the area between the two bridges will be filled in. The height of embankment varies from approximately 20 to 40 feet. The existing four lane roadway will be milled, resurfaced, and widened to six lanes with 12' shoulders utilizing full depth bituminous pavement, for a distance of 1 mile. In addition, a noise wall will be constructed. Significant coordination will be required with the involved railroads and utilities. Estimate for construction is \$36,000,000. Duration of the management and inspection services will be approximately 36 months.

The selected firm will be involved with the final design and construction phases of the project. During the design phase, special assignment will include, but are not limited

to: provide construction input at design review meetings, review plans, specifications and addenda for value engineering and constructability, perform an in-depth plan check on all tabulated quantities, prepare construction time tables, and evaluate contract bids. During the construction phase, specific assignments will include, but are not limited to: prepare all project correspondence, provide full-time, onsite construction inspection services utilizing computer documentation for records, conduct monthly progress meetings at the site, analyze schedules submitted by contractors, recommend for acceptance all materials and mix designs, track and coordinate contractor's submissions and design changes to the design consultant, witness or perform onsite material acceptance testing, inspect property demolitions, coordinate with the community members and all local governing agencies, monitor compliance with the requirements of environmental permits, track and monitor all utility involvement, prepare press releases and assist in the coordination of groundbreaking and ribbon-cutting ceremonies, provide geotechnical services as needed, monitor all costs to keep the construction contracts within budget, prepare contractor's monthly invoices, change orders and final documentation, conduct final inspections, recommend acceptance of final quantities for each contract, provide survey corps when required, provide and coordinate detailed as-built drawings for each contract, provide claim avoidance and defense, if required, monitor compliance MBE/WBE programs and prevailing wage requirements, and organize and participate in partnering as directed.

The selected firm will be required to provide a full-time construction management team consisting of a project manager with qualified and experienced support personnel to maintain project control in areas of engineering, utilities, scheduling, public relations, quality control and toll plaza construction. Environmental monitoring will also be required. In addition, an onsite staff consisting of a resident engineer, clerk of the works, and an appropriate number of construction inspectors will be required. The project manager must be approved by the Commission. Construction inspectors must meet Commission NICET and Education Standards as follows:

Sixty percent of the inspection staff assigned to this Commission project must meet any of the following requirements:

(A) Be certified by the National Institute for Certification in Engineering Technologies (NICET) as a Transportation Engineering Technician—Construction, Level 2 or higher.

(B) Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of highway experience acceptable to the Commission.

(C) Hold a Bachelor of Science degree in Civil Engineering with 2 years of highway experience acceptable to the Commission.

(D) Hold an Associate degree in Civil Engineering Technology with 3 years of highway experience acceptable to the Commission.

The remaining 40% assigned to each Commission construction project shall meet the following minimum education and experience requirements:

*Education*—Graduation from high school or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

*Experience*—1 year of experience in construction inspection or workmanship which required reading and inter-

preparing construction plans and specifications or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 or 4 year engineering college degree may be substituted for 1 year of experience.

Technical question concerning the requirement for this project should be directed to Matthew J. Wagner, P.E., at (717) 939-9551, extension 5210.

#### General Requirements and Information

Firms interested in performing the above services are invited to submit letters of interest to John F. Graham, Jr., P.E., Deputy Executive Director—Engineering/Chief Engineer, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letters of interest must include the heading, the firm's Federal Identification Number and the Project Reference Number indicated in this advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement must be submitted for the firm, each party in a joint venture and for each subconsultant the firm or joint venture is proposing to use for the performance of professional services. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. Department of Transportation Form D-427 (as revised 6/89) must be completed to show an indication of both the prime consultant's and subconsultant's current workload by listing all Department of Transportation and Turnpike Commission projects.

Standard Form 255 must be filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on this project. DBEs must be presently certified by the Department and the name of the firms and the work to be performed must be indicated in Item 6.

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's office indirect payroll costs (overhead) to 130% and the consultant's field indirect payroll costs (overhead) to 100% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting letters of interest.

(A) Specialized experience and technical competence of firm.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) The prime consultant's and subconsultant's current workload as indicated on Department of Transportation Form D-427 (as revised 6/89). Letters of interest not including Form D-427 and subject to nonconsideration by the Selection Committee.

(D) Location of consultant's and subconsultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission.

(F) Previous experience in construction management of large highway or public works projects.

(G) Other factors, if any, specific to the project.

The letters of interest and required forms must be received by 4 p.m., Friday, April 19, 1996. Any letters of interest received after this date and time will be time-stamped and returned.

Firms will be shortlisted from the list responding to their advertisement in accordance with the Turnpike Commission policy. Shortlisted firms will be required to attend a Scope of Work meeting, submit a Technical Proposal, and if required, be interviewed through a formal presentation. The shortlisted firms will then be rated by the Technical Review Commission and an order of preference will be established by the Selection Committee.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-383. Filed for public inspection March 8, 1996, 9:00 a.m.]

#### Retention of a Developer

##### Reference No. 146-008

The Turnpike Commission will consider entering into a long-term (maximum of 50 years), unsubordinated ground lease of 9± total acres in East Cocalico Township, Lancaster County. The property is also adjacent to State Route 272 and Legislative Route 148 Spur. The site is currently vacant and is surrounded by commercial and industrial activity, including motels, restaurants and a Pepperidge Farm manufacturing facility. Access to the current Reading Interchange (No. 21) of the Pennsylvania Turnpike is approximately .8 mile from the site. The Commission will consider proposals from all qualified firms for development of this property.

Interested parties will attend a mandatory meeting scheduled for 11 a.m., April 4, 1996, at the Turnpike Commission's Eastern Regional Office, located at 251 Flint Hill Road, King of Prussia, PA. The proposals must be received by the Commission at its Harrisburg office at 4 p.m., May 31, 1996.

Firms interested in receiving a copy of the Request for Proposals (RFP) should call Lisa Smith at (717) 986-9674, or send written requests to Lisa Smith, Turnpike Commission, 800 Eisenhower Boulevard, Middletown, PA 17057. Requests must be received by the Commission no later than 4 p.m., April 1, 1996.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-384. Filed for public inspection March 8, 1996, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$10,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

### Commodities

**8071720** Anti-skid and aggregates and bituminous materials—various tonnage; Bituminous wearing course.

**Department:** Transportation  
**Location:** Franklin, Venango County, PA 16323  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2367385** Boiler system—1 project; furnish and install, but not limited to replacement of the existing boiler system with the new boiler/burner unit, Burnham Commercial Oil Hydronic Boiler V-908, or approved equal.

**Department:** Conservation and Natural Resources  
**Location:** Carlisle, Cumberland County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8129570** Chemicals and chemical products—262,350 gallons; liquid calcium chloride applied as a dust palliative.

**Department:** Transportation  
**Location:** Honesdale, Wayne County, PA 18431  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2291225** Computer related—1 each furnish and render operational an optical scanner.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2365115** Construction, mining, excavating and highway maintenance equipment—3 each; lead abatement system.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA 17001-0598  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8502880** Construction, mining, excavating and highway maintenance equipment—various amounts; hydraulic parts as manufactured by Commercial Shearing, Inc. (no substitute) with appropriate accessories.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**1245705** Data processing and computer equipment and supplies—60 MO; used Unisys U6000/85 minicomputer and associated software.

**Department:** PSERS  
**Location:** Harrisburg, Dauphin County, PA 17108-1147  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2466355** Data processing and computer equipment and supplies—2 each; handheld GPS/GIS data collection system including: 2—Leica MX 8614 GPS receivers plus accessories—1 each; Leica MX 8600PC software—1 each; Leica MX 8610PC software.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA 17105-8476  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8055330** Data processing and computer equipment and supplies—39 each port control units.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2387225** Electric and electronic equipment components—12 each; electrical pullboxes; units shall be precast concrete (5000 psi strength). Steel reinforcing shall be Grade 60 minimum. Live loading design shall be for H-20 wheel loads as per A.A.S.H.T.O. standard specifications.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2513215** Firefighting, rescue, safety and police equipment and supplies—various amounts; keys, boiler, 3/4", keys with appropriate accessories.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565-0300  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8502940** Highway maintenance equipment—1 each; Recast concrete box culvert.

**Department:** Transportation  
**Location:** Indiana, Indiana County, PA 15701  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2460045** Highway maintenance equipment—1 each; Type EE articulating boom lift with aerial work platform, Model JLG45E or equal.

**Department:** State Farm Products Commission  
**Location:** Harrisburg, Dauphin County, PA 17110-9408  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8231030** Highway maintenance equipment—10 each; sweeper, self-propelled, single broom.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2476225** Highway maintenance equipment—16 each; precast concrete manhole with pulling irons and cover, 4'0" x 4'0" x 4'0" covers to have provisions for lifting with a 30" access opening—13 each; precast concrete handhole with open bottom, 2'0" x 2'0" x 2'0" heavy duty solid bolt on skid resistant cover with gasket.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2270135** Hospital equipment and supplies—4 each; Parker Princess 300 patient knee lift/transport using a sling or approved equal—7 each; Parker Delta 400 patient sling lift or approved equal.

**Department:** Veterans Affairs  
**Location:** Soldiers and Sailors Home, Erie, Erie County, PA 16512-6239  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2436215** Household and commercial furnishings and appliances—1 each; furnish and install dishwasher. Design—automatic conveyor, rack type single tank with recirculating wash and fresh water final rinse.

**Department:** Public Welfare  
**Location:** Laurelton Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2418115** Household and commercial furnishings and appliances—31 each; stainless steel security fixtures, lavatory toilet combination, Metcraft Model 100-90-C-15-3, as manufactured by Metcraft, Grandview, MO or approved equal.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2358115** Kitchen equipment—outside walk-in freezer.

**Department:** Corrections  
**Location:** State Correctional Institution Retreat, Hunlock Creek, Luzerne County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2280135** Kitchen storage equipment—4 each Perfect-Temp cart, Model No. PT-20 meal delivery system with 20 tray capacity and with Lexan doors or equal.

**Department:** Veterans Affairs  
**Location:** Soldiers and Sailors Home, Erie, Erie County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2359355** Laboratory equipment and supplies—50M bottle, polypropylene, autoclavable, 4 oz./125 ml., with/blue closure.

**Department:** Environmental Protection  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2487225** Lumber—various quantities of pressure treated lumber various sizes and construction grades.

**Department:** Fish and Boat Commission  
**Location:** Elm, Lancaster County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2369115** Maintenance and repair shop equipment—1 each; two post surface mounted, rotary lift Model SPO 12-LC or approved equal—1 each; site installation cost—1 each; two post surface mounted, rotary lift model SPO 7" or approved equal—1 each; site installation cost.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426-0246  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2484215** Medical, dental and veterinary equipment and supplies—1 unit; furnish and installation of dental unit.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2503115** Metal bars, sheets and shapes—1500 sheets; cold roll sheet steel: size 48" x 96" x 18 gauge. Must conform to ASTM A366, lightly oiled and free from rust. Mfg. Standard Gauge No. 18 or approved equal.

**Department:** Correctional Industries  
**Location:** State Correctional Institution Pittsburgh, Pittsburgh, Allegheny County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2471225** Metal bars, sheets and shapes—various quantities of brackets, braces, steel plates.

**Department:** Fish and Boat Commission  
**Location:** Various locations throughout the Commonwealth  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2048385** Motor vehicles, trailers and cycles—1 each; 1996 model compact heavy duty pickup truck.

**Department:** Conservation and Natural Resources  
**Location:** Administrative Services, Harrisburg, Dauphin County, PA 17105-8769  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2049385** Motor vehicles, trailers and cycles—1 each; 1996 model compact heavy duty pickup truck.

**Department:** Conservation and Natural Resources  
**Location:** Administrative Services, Harrisburg, Dauphin County, PA 17105-8769  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2237215** Motor vehicles, trailers and cycles—1 each; 1996 model converted van type wheelchair/passenger vehicle.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, Luzerne County, PA 18661-9602  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2170355** Motor vehicles, trailers and cycles—1 each; 1996 model large size enclosed type 4x4 truck.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2055385** Motor vehicles, trailers and cycles—10 each; 1996 model large size enclosed type 4x4 truck.

**Department:** Conservation and Natural Resources  
**Location:** Administrative Services, Harrisburg, Dauphin County, PA 17105-8769  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2129385** Motor vehicles, trailers and cycles—2 each; 1996 model 3/4 ton 4x4 utility body truck.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2232135** Motor vehicles, trailers and cycles—2 each; 1996 model compact HD pickup truck.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2211225** Motor vehicles, trailers and cycles—2 each; 1996 model heavy duty 4x4 pickup truck.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2131385** Motor vehicles, trailers and cycles—5 each; 1996 model 3/4 ton 4x4 utility body truck w/snowplow.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2213355** Motor vehicles, trailers and cycles—5 each; 1996 model large size enclosed type 4x4 truck.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2438075** Paper and printing—20M; Pennsylvania Cardiac Catheterization report.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA 17108-0090  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2500235** Paper and printing—1,700 M; Pennsylvania Hunting and Trapping regulations.

**Department:** Game Commission  
**Location:** Harrisburg, Dauphin County, PA 17110-9797  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2352155** Paper and printing equipment and supplies—1 each; Shinohara 66IIP—20" x 26" two color convertible offset press.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA 17104  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2464075** Pharmaceuticals—various types and quantities—all drug prices must be equal to or lower than those listed on the Federal Supply Schedule.

**Department:** Health  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2414225** Pipe tubing, hose and fittings—various amounts; concentric weld reducer w/appropriate accessories.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2495225** Pipe tubing, hose and fittings—various amounts; PVC pipe and accessories.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**8055340** Printers—194 each Slip Document printers.

**Department:** Transportation  
**Location:** New location to be determined  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2277115** Safety equipment and supplies—1 system; the vendor shall furnish and install all equipment necessary for a perimeter intrusion detection and reporting system.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16652  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2335115** Safety equipment and supplies—various amounts; body armor.

**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA 16698-1000  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2285115** Security system, electronic—1 lot; electronic watchtower recorder system, complete with all software and equipment.

**Department:** Corrections  
**Location:** State Correctional Institution Muncy, Muncy, Lycoming County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2417385** Ships, small crafts, pontoons, floating docks—1 each; "Hammerhead" work boat, as manufactured by American Eagle Manufacturing, Inc. (or approved equal)—1 each; E.M.P. Industries, Inc. Sanisailer pump-out system (or approved equal)—1 each; E.M.P. Industries, Inc. Chemtainer septic and storage tank (or approved equal).

**Department:** Conservation and Natural Resources  
**Location:** Neshaminy State Park, Bensalem, Bucks County, PA 19020  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2327115** Special industry machinery and supplies—5 each; rib body knitting machines with appropriate accessories.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2326115** Special industry machinery and supplies—9 each; sewing machines w/appropriate accessories.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA 19426  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**3998206** Testing instruments—1500 pkgs.; alcohol breath testing simulator solution, 500 ml. size, two (2) bottles per package, designed to produce a reading of .10 on a breath test instrument and marked with a white label and related supplies.

**Department:** State Police  
**Location:** Various locations throughout the Commonwealth  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2531115** Textiles—50000 yards, sheeting, per PA Spec S-26 Eff. 5 September 95, Style C. Salvage two sides; run of the mill quality. Width: 54" only. Color: white.

**Department:** Correctional Industries  
**Location:** State Correctional Institution Huntingdon, Huntingdon, Huntingdon County, PA  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2394115** Tools—1 each; automatic die cutting machine.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA 17932  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**2390115** Windows—1 lot; furnish and install—9/16" tempered glass clad polycarbonate windows to be placed in existing hollow metal framed windows.

**Department:** Corrections  
**Location:** Waynesburg, Greene County, PA 15370-8089  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

## SERVICES

### Telecommunications Services and Equipment—03

**C00485** Provide cleaning and television inspection of sewage collection system at Little Buffalo State Park.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Facility, Design and Construction, Little Buffalo State Park, PA  
**Duration:** Through 6/30/96  
**Contact:** Corinna Gaiski, (717) 783-0760

### Construction—04

**Project No. DGS A 700-75** Project title: Roof Replacement. Brief description: remove and replace approximately 4400 square feet of roof materials with asbestos content present in the materials. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, March 27, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Route 92 South, Tunkhannock, Wyoming County, PA  
**Duration:** 150 calendar days from date of award  
**Contact:** Bidding Unit, (717) 787-6556

**ESU 405-489** ESU accepting bids on ESU 405-489 Repair Spangenberg Farm. General prime estimate 150K—200K. Bid specification available for \$40.00 payable to Kieran, Timberlake & Harris, 20 North 3rd Street, Philadelphia, PA 19106, call (215) 922-6600. For special accommodations contact Zaffy Zaffuto at (717) 422-3595. All responsible bidders are required to participate, including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 120 days ANP  
**Contact:** Kieran, Timberlake & Harris, (215) 922-6600

**FR 96-02** Kutztown University is seeking proposals from qualified contractors able to provide concrete renovation services. The contractor would be responsible for but not limited to providing replacement of concrete steps, curbing, sidewalks, ramps. The services would also include excavation, seeking and miscellaneous paving repairs. Interested contractors can obtain the plans and specifications from: ENTECH, Engineering, Inc., P. O. Box 32, Reading, PA 19603, (610) 687-6667 for a non-refundable cost of thirty-five dollars (\$35.00). Specifications are available March 11, 1996. There will be a pre-bid meeting on March 21, 1996. Bids are due on April 2, 1996 by 2:00 p.m. Late submissions will be returned unopened. Kutztown University encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year from NTP with renewable up to 2 additional years  
**Contact:** Barbara Reitz, (610) 683-4132

**FR 96-03** Kutztown University is seeking proposals from qualified contractors able to provide major paving renovation services. The contractor would be responsible for but not limited to providing replacement of bituminous concrete paving, such as roadways, and parking lots, storm piping, lawn repair, concrete curbs and pavement striping. Interested contractors can obtain the plans and specifications from: ENTECH, Engineering, Inc., P. O. Box 32, Reading, PA 19603, (610) 683-6667 for a non-refundable cost of thirty-five dollars (\$35.00). Specifications are available March 11, 1996. There will be a pre-bid meeting on March 21, 1996. Bids are due on April 2, 1996 by 2:00 p.m. Late submissions will be returned unopened. Kutztown University encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year from NTP with renewable up to 2 additional years  
**Contact:** Barbara Reitz, (610) 683-4132

**MI-664** Project title: Brooks Hall Tennis Courts. Scope of work: milling existing courts, repairing cracks, installing new surface, providing and installing new nets and fencing, as well as repainting the surface and boundary lines. Plans cost: \$15.00.

**Department:** State System of Higher Education  
**Location:** Brooks Hall Tennis Courts, Millersville University, Millersville, Lancaster County, PA 17551-0302  
**Duration:** 15 days from notice to proceed  
**Contact:** Bernadette J. Wendler, Dilworth Building, (717) 872-3829

**SOM-106** The State Correctional Institution at Somerset will be bidding paving to include all labor, equipment, materials and supplies necessary to construct various new roadways on the premises of the State Correctional Institution at Somerset.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 4-1-96 through 6-30-96  
**Contact:** Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, ext. 311

**Contract No. FDC-003-162** Provide and place: 4,750 ton of 2A aggregate, 20,250 S. Y. of Bituminous Paving, 27,750 S. Y. of full depth road reclamation, 300 S. Y. of riprap, 1120 L. F. of various size corrugated plastic pipe and 70 end sections. All work is in Forest District No. 3 in an area approximately 14 miles west of Mifflintown.

**Department:** Conservation and Natural Resources  
**Location:** Milford Township, Juniata County  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-005-161** Provide and place: 25,000 S. Y. of Bituminous paving, 300 ton of riprap, 3,148 L. F. of 15" C. P. pipe, 1,056 L. F. of 18" C. P. pipe, 30 L. F. of 24" C. P. pipe, 40 L. F. of 42" C. P. pipe and 50 L. F. of 48" C. P. pipe. Work is located in Forest District No. 5 South of State College.

**Department:** Conservation and Natural Resources  
**Location:** Harris Township, Centre County, Brown and Armagh Townships, Mifflin County, and Jackson Township, Huntingdon County  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-117-145** Remove and dispose of existing superstructure (steel beams and grid); provide deck of steel and wood; masonry modifications; guide rail; bituminous paving and reseeding. All work is located at Parker Dam State Park.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township, Clearfield County  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-313-157** Approximately, 4,500 C. Y. of silt removal and finish grading, seeding and mulching at Shawnee State Park.

**Department:** Conservation and Natural Resources  
**Location:** Napier Township, Bedford County  
**Duration:** 45 days after notice to proceed  
**Contact:** Construction Management, (717) 787-5055

**080885** Bucks County, SR 2048-08S; Chester County, SR 41-S51; Montgomery County, Traffic Signal Update; Allegheny County, SR 79-37M.

**Department:** Transportation  
**Location:** Districts 6 and 11  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, PE, (717) 787-5914

**Project No. DGS A 199-40 Phase II** Project title: Brood and Fingerling Units, Tylersville Fish Culture Station. Brief description: construct two new concrete raceways and related piping and work. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, April 3, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Thursday, March 14, 1996 at 10:00 a.m. at the Office of Tylersville Fish Culture Station, Logan Township, Clinton County, PA. Contact person is John O'Brien at (814) 359-5190. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Brood and Fingerling Units, Tylersville Fish Culture Station, Logan Township, Clinton County, PA  
**Duration:** 49 calendar days from date of award  
**Contact:** Bidding Unit, (717) 787-6556

**SPC 293317** Remove, dispose and replace portion of shingled roof on Maintenance Building and portion of built-up roof on the Regional Manager's Residence. Both located in Shawnee State Park. Bid opening date: March 28, 1996, 2:00 p.m., State Parks Region No. 3 Office, R. R. 2, Box 142C, Schellsburg, PA 15559-9336.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, State Parks Region No. 3 Office, R. R. 2, Box 142C, Schellsburg, PA 15559-9336  
**Duration:** June 30, 1996  
**Contact:** Gene Strick, (814) 733-2202

**Project No. DGS A 1405-30 Revised Rebid** Project title: Roof Replacement. Brief description: partial roof replacement utilizing a new fully-adhered EPDM single-ply membrane roofing with new rigid ISP board and recovery board over existing foam glass insulation and new counter flashing at parapet walls. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, March 27, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** 333 Market Street for Harrisstown Development, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of award  
**Contact:** Bidding Unit, (717) 787-6556

**CCCC-002 (Rebid)** The Hiram G. Andrews Center in Johnstown is seeking bids for the furnishing and installing of a suspended acoustical ceiling, approximately 5570 square feet.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 5/1/96 to 4/30/97  
**Contact:** R. D. Robinson, Chief Purchasing Agent, (814) 255-8210

**SL 132-5-108.1** Completion of Mine Drainage Limestone Treatment Facilities, involves a small stream impoundment, water intake structure and 250 ft. of 8" PVC pipe. Also 1550 S. Y. of bituminous paving, construction of a sand filter sanitary treatment system.

**Department:** Environmental Protection  
**Location:** Fox Township, Elk County  
**Duration:** Complete by September 30, 1996  
**Contact:** Construction Contracts Unit, (717) 783-7994

## HVAC—05

**CAL-004** The Hiram G. Andrews Center is seeking the services of a contractor to provide calibration services for panel board and related controls, as well as emergency repair service for the following: Hays Republic coal fired combustion electronic controls. There are three boilers at the facility.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 7/1/96 to 6/30/99 with a one-year renewal option  
**Contact:** R. D. Robinson, Chief Purchasing Agent, (814) 255-8210

**Inquiry No. 8760** Refrigeration system improvement central kitchen.

**Department:** Public Welfare  
**Location:** Laurelton Center, Route 45, Laurelton, Union County, PA 17835-0300  
**Duration:** 4-1-96 to 6-30-96  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**Contract No. FDC-019-164** All electrical work associated with building alterations. Site is located near Swiftwater along Route 611.

**Department:** Conservation and Natural Resources  
**Location:** Pocono Township, Monroe County, PA  
**Duration:** 270 days after Notice to Proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-019-165** All HVAC and plumbing work associated with building alterations. Site is located near Swiftwater along Route 611.

**Department:** Conservation and Natural Resources  
**Location:** Pocono Township, Monroe County, PA  
**Duration:** 270 days after Notice to Proceed  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FDC-417-143** Removal of two electric water heaters; provide and install two new propane heaters, tank, piping, exhaust systems, concrete bearing pad, and underground piping at Ricketts Glen State Park.

**Department:** Conservation and Natural Resources  
**Location:** Fairmount Township, Luzerne County, PA  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Construction Management, (717) 787-5055

**Project No. 166** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 261 King Street, Pottstown, Montgomery County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 167** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 261 King Street, Pottstown, Montgomery County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 169** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 520 North Centre Street, Pottsville, Schuylkill County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518



**Project No. 194** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 926 South Logan Avenue, Tyrone, Blair County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 195** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 926 South Logan Avenue, Tyrone, Blair County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 197** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 330 Hickory Street, Warren, Warren County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 198** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 330 Hickory Street, Warren, Warren County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 199** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 78 West Maiden Street, Washington, Washington County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 200** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 125 Goodridge Lane, Washington, Washington County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 204** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 2 Central Avenue, Wellsboro, Tioga County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 207** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 210** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittston, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 213** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 216** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 219** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**FM-142** Provide emergency and routine repair work for the heating, plumbing, electrical and air conditioning systems. Bid awarded on low mechanic, helper and travel rates. Materials to be billed at vendor net cost. Services to be provided at the following locations: Pittsburgh Station, 1401 Washington Boulevard, Pittsburgh, PA; Dunmore Headquarters and Garage, 85 Keystone Industrial Park, Dunmore, PA; Butler Headquarters, 200 Barracks Road, Butler, PA; Hollidaysburg Headquarters and Garage, P. O. Box 403, North Juniata Street, Hollidaysburg, PA; Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA. Work performed on an as needed basis.

**Department:** State Police  
**Location:** Facility Management Division at above locations  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Project No. DGS A 251-304** Project title: HVAC Systems and Building Renovations. Brief description: new 20'-0" X 26'-8" masonry addition for mechanical room. Install new partitions, acoustical tile ceilings and carpet in existing building. Demolish existing HVAC and install new. Remove asbestos in work areas, demolish lighting fixtures, install new and install new fire alarm system and generator. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, March 27, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** District 9-0, Hollidaysburg, Blair County, PA  
**Duration:** 300 calendar days from date of award  
**Contact:** Bidding Unit, (717) 787-6556

**Elevator Maintenance Service—06**

**FM-143** Furnish all labor and materials and equipment to provide a complete service and Preventive Maintenance Program for three (3) Dover Passenger elevators and one (1) Dover Service elevator. Services shall include monthly scheduled preventive maintenance and servicing on each unit including all necessary additional service calls that are required.

**Department:** State Police  
**Location:** Facility Management Division, Department Headquarters Building, 1800 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Les Brightbill or Joan Douglass, (717) 783-5484

**Consulting Services—07**

**IFB 94-07-60** The contractor will provide coordination services to the Office of Drug and Alcohol Programs, Division of Training and Public Information in the form of: training registration of participants, courses and trainers; participant verification of courses and scholarship awards; a participant fee payment and billing system; contracting for both trainers and sites; summary reports on training evaluations and pre- and post-test compilations; logistical support at training events; payment of trainer accommodations, travel per diem expenses and other ODAP approved training expenses; and mailing of training brochures and notices. The selected contractor will maintain an automated system to manage the Statewide training system coordination in conjunction with the Department of Health, Division of Training and Public Information.

**Department:** Health  
**Location:** Drug and Alcohol Programs, Statewide  
**Duration:** October 1, 1996—September 30, 2001  
**Contact:** Karen D. Price, (717) 787-2606

**RFP 96-06** Kutztown University is seeking proposals from qualified professionals able to provide total quality management consultation and leadership. The consultant/agency would be responsible for but not limited to providing the University with the most current expertise in developing a quality management/continuous improvement program. This would require conducting leadership and task force meetings as well as other training activities as required by the University. Interested professionals should request an RFP package in writing from: Mrs. Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530 at FAX (610) 683-4674. Packages will be available March 11, 1996. Proposals are due on March 25, 1996 by 2:00 p.m. Late submissions will be returned unopened. Kutztown University encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** One year from NTP with renewable up to 4 additional years  
**Contact:** Barbara Reitz, (610) 683-4132

**ME No. 60008, RFP No. 1996-08** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Mercer in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Mercer, 801 Butler Pike, Mercer, PA 16137-9651  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Catherine Morelli, Project Director, (412) 662-1837

**ME No. 60007, RFP No. 1996-07** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Waymart in the following areas: Certificates of Specialization in Construction Electricity; Air Conditioning and Refrigeration Technology; Plumbing and Heating Technology.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Waymart, Box 256, Waymart, PA 18472-0256  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Tom Bandle, Project Director, (717) 488-5811

**ME No. 60006, RFP No. 1996-06** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Somerset in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Somerset, 1590 Walters Mill Road, Somerset, PA 15501-5103  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Peter Baumhardt, Project Director, (814) 443-8100

**ME No. 60005, RFP No. 1996-05** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Greene in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Sharon Beerman, Administrative Assistant, (412) 852-2902

**ME No. 60004, RFP No. 1996-04** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Mahanoy in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management; Certificate of Specialization in Hotel and Restaurant Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Ed Dutton, Project Director, (717) 773-2158

**ME No. 60003, RFP No. 1996-03** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Coal Township in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Coal Township, One Kelly Drive, Coal Township, PA 17866-1020  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Anthony Iovacchini, Project Director, (717) 644-7890

**ME No. 60002, RFP No. 1996-02** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Cambridge Springs in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Cambridge Springs, Fullerton Avenue, Cambridge Springs, PA 16403-1229  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Harold Heckler, Project Director, (814) 398-5100

**ME No. 60001, RFP No. 1996-01** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Albion in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Albion, 10745 Route 18, Albion, PA 16475-0001  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** Harold Heckler, Project Director, (814) 756-5778

**ME No. 60009, RFP No. 1996-09** The contractor will be required to provide accredited post-secondary educational programs to inmates at the State Correctional Institution at Houtzdale in the following areas: Associate Degree in Business Administration; Associate Degree or Certificate of Specialization in Business Management.

**Department:** Education  
**Location:** Bureau of Correction Education, State Correctional Institution Houtzdale, P. O. Box 1000, State Route 2007, Houtzdale, PA 16651  
**Duration:** July 1, 1996 through June 30, 2001  
**Contact:** James Hudack, Project Director, (814) 398-5100

**PSERS-9501** The Public School Employees' Retirement System is issuing an RFP to satisfy a need for Quality Assurance Consulting Service. Consultant to develop a Quality Assurance program which should include the necessary tasks and standards for the establishment, initiation, and monitoring of a quality assurance and testing program for PSERS Business System (PBS) as well as future BIS projects.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** 3—4 months  
**Contact:** Jackie Keever, (717) 720-4759

## Court Reporting Services—08

**Court Reporting Services** Court Reporting Service for the State Civil Service Commission Appeal Hearings, July 1, 1996 to June 30, 1997, with renewal option by State Civil Service of one year. Successful bidder must provide service at all three locations: 320 Market Street, Harrisburg, PA; 10 South 11th Street, Philadelphia, PA; and 300 Liberty Avenue, Pittsburgh, PA; approximately 3 days of hearing at each location per month. Vendor must be able to provide service at all three locations.

**Department:** State Civil Service Commission  
**Location:** 320 Market Street, Harrisburg, PA; 10 South 11th Street, Philadelphia, PA; and 300 Liberty Avenue, Pittsburgh, PA  
**Duration:** July 1, 1996 through June 30, 1997 with renewal of one year  
**Contact:** Patty Perkins, (717) 787-5607

## Demolition and Renovation—09

**Contract No. FDC-019-138** Renovations to existing building. Work includes demolition, paving, fencing, stone masonry restoration, carpentry, roofing, interior finishing including doors and windows. Site is located near Swiftwater along Route 611.

**Department:** Conservation and Natural Resources  
**Location:** Pocono Township, Monroe County, PA  
**Duration:** 270 days after Notice to Proceed  
**Contact:** Construction Management, (717) 787-5055

## Medical Services—10

**204964** Recommitment Hearing Consultant: contractor will evaluate patients who are identified by the medical staff as in need of re-commitment under the Mental Health Act as part of the evaluation. The physician examination section of the commitment papers will be completed. Contractor will be present at the commitment hearings and testify as to the results of his/her examination and the reason for the recommended re-commitment.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1996 to June 30, 1999, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**FCTUT-002** The Hiram G. Andrews Center is seeking the services of Functional Competency Tutor(s) for students who are deaf or hard-of-hearing. The tutor(s) will provide the opportunity for more hands-on experience and mastering of competencies necessary to support independent living skills for the aforementioned students. This will not result in a contract for employment.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 7/1/96 to 6/30/99 with option to renew for one additional year  
**Contact:** R. D. Robinson, Chief Purchasing Agent, (814) 255-8210

**H-5497** Neurological examinations and treatment by licensed physician. To receive specifications, send written request to I. G. Reinert, Hamburg Center, Hamburg, PA 19526, FAX (610) 562-6025

**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Irvin G. Reinert, Purchasing Agent, (610) 562-6031

**0882-117** Clinical laboratory services—contractor shall perform clinical laboratory services as required by the Center. Laboratory services shall be provided by contractors licensed by the Pennsylvania Department of Health, approved by the Commission of Inspections, accredited by the College of American Pathologists, and certified by Medicare/Medicaid. Any contractor that is a part of a hospital must also demonstrate that the hospital is accredited by the Joint Commission on Accreditation of Hospitals. The contractor must participate in recognized proficiency testing programs. Any sub-contracted laboratory tests shall be limited to no more than 20% of the tests required. Such sub-contracted services shall also meet contractor's qualifications described above. A phlebotomist shall be available to the Center for bleeding procedures and specimen collection (i.e. urines, cultures, etc.) Monday through Friday between the hours of 5:30 a.m.—10:30 a.m. and 2:30 p.m.—4:30 p.m. All routine lab results are to be returned in 24 hours or less, except those tests requiring more than 24 hours, including but not limited to bacteriology, special hormonal tests or drug level studies, etc. Additional information and bid specifications can be obtained by contacting the Center.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** 7/1/96 through 6/30/2001  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

**821** Diagnostic Radiology Services for individuals of Polk Center by a physician certified in the practice of radiology in the Commonwealth of PA for the purpose of reading and interpreting x-rays. Shall provide semi-annual consultations to the Center's x-ray department with respect to equipment, technology and current procedures.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** 9/1/96—8/31/99  
**Contact:** Patty Frank, (814) 432-0397

**0882-109** Audiological Services: contractor will perform audiologic evaluations using the Center's equipment including air, bone, speech and word discrimination audiometry using conditional responses-reinforcement techniques as appropriate. Contractor will perform hearing aid evaluations/selections. Contractor will perform tympanometric and immittance measurements for middle ear function and appropriate stapedial reflex and stapedial reflex decay measures as indicated on residents. Contractor will perform ABR evaluations at the Center on portable equipment to conduct ABR test procedures as appropriate for threshold determinations or presence of retro-cochlear lesions. Contractor to provide consultative services to the Speech and Hearing Specialist at the Center after reading and reviewing audiograms done by this staff member. Recommendations are made regarding type of treatment or treatment approaches for residents. Contractor to perform in-house service and instruction for staff in understanding the impact of hearing ears, instruction in lipreading skills, and instruction in and use of inductance loop circuitry for telephone communication needs. Additional specifications are available by contacting the Center. Award shall be made on the basis of the lowest aggregate bid for all three years.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

## Engineering Services—11

**11096001** Perform soil, rock, aggregate and water testing services primarily on samples taken during investigation of District 11's design and maintenance projects. Samples must be picked up at the District Office or Bridgeville Maintenance facility no later than 3 working days after being notified. Results are to be supplied no later than 7 working days after receipt of samples unless testing procedures require additional time. All laboratory data sheets, graphs, calculations and computer input/output must be submitted with results. The laboratory must be AMRL accredited.

**Department:** Transportation  
**Location:** Allegheny, Beaver and Lawrence Counties  
**Duration:** 10-1-96 through 9-30-97 with renewal options  
**Contact:** William R. Adams, Jr. Ph.D., P.E., P.G., (412) 429-4919



### Firefighting, Safety and Rescue Services—12

**10-96-01** Pick-up, transporting, storage and disposal of tear gas and Class A, B and C explosives. Bidders must have all applicable Federal and State licenses.

**Department:** State Police  
**Location:** Statewide  
**Duration:** 7/1/96 through 6/30/98  
**Contact:** Margaret Chapman, P&S Division, (717) 783-5485

### Food Services—13

**823** Meat and meat products: 60 lbs.—beef, pre-roasted; 1,350 lbs.—beef cubes, flaked and formed; 330 lbs.—frankfurters, all beef; 200 lbs.—beef steaks, flaked and formed; 320 lbs.—ground veal and beef patties; 60 lbs.—pork shoulder; 90 lbs.—pork steak, flaked and formed, chops; 90 lbs.—pork steak, flaked and formed, ribs; 580 lbs.—pork cubes, flaked and formed; 80 lbs.—pork sausage, pre-cooked; 660 lbs.—pork, ham, cured and smoked; 150 lbs.—beef liver, portion cut; 4,000 lbs.—ground beef; 50 lbs.—bologna, all beef; 120 lbs.—pickle and pimento loaf; 90 lbs.—chopped ham.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** May 1996  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0397

**5870** Prepared vegetables, fresh for the month of May 1996. Bid to be on a monthly basis. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** May 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5867** Fruits and vegetables, fresh for the month of May 1996. Bid to be on a monthly basis. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** May 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

### Janitorial Services—15

**SP288276** Contractor will provide janitorial services at the Huntingdon County Assistance Office. These services are to be performed daily after 5:00 p.m. Monday through Friday except State holidays. Contractor is to supply all materials, labor, tools and equipment necessary to perform this job. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 101 South Fifth Street, Huntingdon, PA 16652  
**Duration:** 07/01/96—06/30/97  
**Contact:** Lori Vessella, (717) 783-9281

**SP288277** Vendor to supply janitorial services at the Allegheny Assistance Office—Susquehanna District Office. The office space is located on the 2nd, 3rd and 4th floors and consists of approximately 28,950 square feet. Duties are to be performed immediately after 5:00 p.m., 5 days per week, Monday through Friday, 12 months per year. Vendor to provide all of the equipment and supplies to meet the cleaning requirements. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 5947 Penn Avenue, Pittsburgh, PA 15206  
**Duration:** 07/01/96—06/30/97  
**Contact:** Lori Vessella, (717) 783-9281

**7100-02** Perform periodic light janitorial service at PennDOT facility, administrative office, restrooms and adjacent areas per specifications and schedule.

**Department:** Transportation  
**Location:** Bureau of Motor Vehicles, 4926 Pearson Avenue, Philadelphia, PA 19114  
**Duration:** 7/1/96—6/30/97  
**Contact:** Bonnie Fields, (717) 783-9513

**7100-03** Perform periodic light janitorial service at PennDOT facility, administrative office, restrooms and adjacent areas per specifications and schedule.

**Department:** Transportation  
**Location:** Bureau of Motor Vehicles, Barclay Square Center, 1500 Garrett Road, Building No. 1570, Rear, Upper Darby, PA 19082  
**Duration:** 7/1/96—6/30/97  
**Contact:** Bonnie Fields, (717) 783-9513

**7100-04** Perform periodic light janitorial service at PennDOT facility, administrative office, restrooms and adjacent areas per specifications and schedule.

**Department:** Transportation  
**Location:** Bureau of Motor Vehicles, 2085 Forest Grove Road, Coraopolis, PA 15108  
**Duration:** 7/1/96—6/30/97  
**Contact:** Bonnie Fields, (717) 783-9513

**G-033** The Hiram G. Andrews Center is seeking the services of a contractor to remove garbage and trash. Removal services are required Monday through Saturday for five locations at the facility. The contractor shall furnish bulk containers with lids to handle all refuse which includes approximately 3 each 6 cubic yard and 2 each 4 cubic yard containers. The contractor shall provide, "as requested," approximately 10 each 30 cubic yard roll-off containers.

**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, 727 Goucher Street, Johnstown, Cambria County, PA 15905  
**Duration:** 7/1/96 to 6/30/97 with renewal options  
**Contact:** R. D. Robinson, Chief Purchasing Agent, (814) 255-8210

**OVR-4-96** Janitorial services to be performed as follows for 10,500 square feet of office space: Daily: clean restroom toilets, tile floor, mirrors, etc., replace soap, paper towels, and toilet paper; empty all trash cans; clean all interior glass; vacuum all carpets; complete high and low dusting; Weekly: wash all trash cans; vacuum ceiling vents; spray buff all hard surface floors; clean all vinyl and cloth furniture; polish all wood furniture; Monthly: surface clean all carpets; wash windowsills, doors and frames; Annually: hot water extract all carpets.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, 665 Carey Avenue, Wilkes-Barre, Luzerne County, PA 18702  
**Duration:** 1 year—July 1, 1996 to June 30, 1997  
**Contact:** Vance C. Coover, Manager, (717) 826-2011

**814165** Provide labor, supervision, materials, and equipment necessary to perform janitorial services at the Flight Services Section Hangar, Capital City Airport, New Cumberland, PA. A certified check, bank cashier's check, trust company treasurer's check, or bid bond in the amount of at least 10% of the bid price must be submitted with the proposal. The successful bidder will be required to furnish a performance bond or an irrevocable bank letter of credit in the amount of 25% of the total contract. The bond must be issued by a surety company authorized to do business in Pennsylvania.

**Department:** Transportation  
**Location:** Aviation, Capital City Airport, New Cumberland, PA 17070  
**Duration:** May 1, 1996 through April 30, 1997  
**Contact:** Curt Summers, (717) 948-3927

**FM-130** Furnish all materials, equipment and labor to perform janitorial services to include daily emptying of wastebaskets; sweeping and mopping all tile floors or vacuum carpets; wash walls; dust furniture; polish chrome fixtures; wash windows inside and outside; plus semi-annual house cleaning at the PA State Police, Media Station, 1324 West Baltimore Pike, Media, PA 19063. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Media Station, 1324 West Baltimore Pike, Media, Delaware County, PA 19063  
**Duration:** 7/1/96 to 6/30/98  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**FM-131** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general house cleaning twice a year; shampoo carpets, etc. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Hamburg Station, Box 3895, Hamburg, PA 19526  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-132** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general house cleaning twice a year; shampoo carpets, etc. at the Pennsylvania State Police, Fern Ridge Station, SR 0115, 1/4 mile north of I-80, Exit 43, Blakeslee, PA 18610. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Fern Ridge Station, HC No. 1, Box 1327, Blakeslee, PA 18610  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-133** Furnish all labor, equipment and materials to perform janitorial services two (2) visits per week at the Hazleton Procurement and Supply Facility, 230 Dessen Drive, Hazleton, PA 18201, including damp mop tile floors; wipe walls and doors; clean lavatories; wash windows inside and outside; semi-annual housecleaning at the discretion of the Officer In Charge or his representative. Detailed work schedule and bid specifications must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Hazleton Procurement and Supply Facility, 230 Dessen Drive, Hazleton, PA 18201  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-134** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; to include snow removal from sidewalks; as required; semi-annual house cleaning at the discretion of the Commanding Officer or his representative at the Milesburg Headquarters, I-80, Exit 23 on US-220 S., 2.5 miles, Milesburg, PA. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Milesburg Headquarters, P. O. Box 346, Milesburg, PA 16853  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-135** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; to include snow removal from sidewalks, as required; semi-annual house cleaning at the discretion of the Officer In Charge or his representative at Northwest Training Center. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Northwest Training Center, 195 Valley View Drive, R. D. 3, Box 785-D, Meadville, PA 16335  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-136** Furnish all labor, materials and equipment to provide janitorial services at the Pennsylvania State Police, Punxsutawney Headquarters, P. O. Box 445, North Findley Street, Punxsutawney, PA 15767-0445. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Punxsutawney Headquarters, P. O. Box 445, 445 North Findley Street, Punxsutawney, PA 15767-0445  
**Duration:** 7/1/96 to 6/30/97  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-137** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; semi-annual house cleaning at the discretion of the Officer In Charge or his representative at Northeast Training Center, 1989 Wyoming Avenue, Forty Fort, PA 18704. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Northeast Training Center, 1984 Wyoming Avenue, Forty Fort, PA 18704  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-138** Furnish all equipment and materials to perform janitorial services four (4) visits per week including damp mop tile floors; sweep carpets; wipe walls and doors; clean lavatories; wash windows inside and outside; semi-annual housecleaning at the discretion of the Officer In Charge. Snow and ice removal from sidewalks, as required. These services to be provided at the Waynesburg Station, 302 Elm Drive, Box 512, Waynesburg, PA 15370. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Waynesburg Station, 302 Elm Drive, Box 512, Waynesburg, PA 15370  
**Duration:** 7/1/96 to 6/30/97  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-139** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside; general house cleaning twice a year; shampoo carpet. Area to include P & S located in garage and restrooms. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Erie Headquarters, 4320 Iroquois Avenue, Erie, Erie County, PA 16512  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-140** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general house cleaning twice a year; shampoo carpets. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Ebensburg Station, R. D. 3, Box 186, Ebensburg, PA 15931  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**FM-141** Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general house cleaning twice a year; shampoo carpets. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Selinsgrove Station, R. D. 1, Box 131, Selinsgrove, PA 17870  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**SPC 104097** Janitorial service—Nolde Forest Environmental Education Center. Bidders must visit the Center and make an on-site inspection of work to be done. Sealed bids will be received in Nolde Forest Environmental Education Center, 2910 New Holland Road, Reading, PA 19607 until 2:00 p.m. prevailing time on April 24, 1996 and then publicly opened and read. Documents containing all pertinent information must be obtained from the office of the Center Coordinator.

**Department:** Conservation and Natural Resources  
**Location:** Nolde Forest Environmental Education Center, 2910 New Holland Road, Reading, Berks County, PA 19607  
**Duration:** July 1, 1996 through June 30, 1999  
**Contact:** Center Office, (610) 775-1411

**L&I-6-96** Window washing services: washing, cleaning and drying of all windows in the Labor and Industry Building on a pre-established basis. A pre-bid on-site inspection is mandatory. The date and time of the on-site inspection will be contained in the bid package.

**Department:** Labor and Industry  
**Location:** Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Donna A. Sodrosky, Contract Officer, (717) 787-2560

## Landscaping Services—16

**11096002** This work consists of establishing wildflower areas throughout District 11, work includes herbicide vegetation control, mowing, seed bed preparation, seeding and maintenance of the wildflower areas.

**Department:** Transportation  
**Location:** Allegheny, Beaver and Lawrence Counties  
**Duration:** 5/1/96—4/30/98 with renewal options  
**Contact:** Joe DiPietro, (412) 429-4954

**SP281259** Snow removal contract needed for Administrative Services/Lottery located at 2850 Turnpike Industrial Park, Middletown, PA 17057-5492. Specifications are as follows: must plow when two (2) or more inches of snow are on premises; must cinder when snow accumulates up to 2" with a minimum of 3/4 cinder; must cinder with 3/4 ton of cinder when icy conditions exist. All work must be completed by 6:00 a.m. of each work day. Vendor must respond automatically when inclement weather occurs. If you desire a bid proposal, contact individual below.

**Department:** Revenue  
**Location:** Bureau of Administrative Services, 2850 Turnpike Industrial Park, Middletown, PA  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Sandy Wirt, (717) 772-0511

**SP 296383** Provide grass mowing services for the ABM Wade Site located in the City of Chester, PA.

**Department:** Environmental Protection  
**Location:** Southeast Field Operations, ABM Wade Site, Front and Flower Streets, Chester, PA  
**Duration:** Multi-year contract—4/1/96 to 12/31/98  
**Contact:** Alice Tremont, (610) 832-5936

### Laundry and Dry Cleaning Services—17

**APR No. 6** Vendor to furnish laundering, dry cleaning, pressing, repairs and alterations for Capitol Police uniforms at the Capitol Complex in Harrisburg, PA. Contract effective from July 1, 1996 through June 30, 1997. Approximate number of uniforms to be serviced is: dry clean and press uniform trousers—8,000 pair; dry clean all-season jackets—200 each; launder and press long and short sleeve shirts, sharp creases in all sleeves—10,000 each; dry clean windbreaker jackets—50 each; dry clean neckties—100 each; sew on buttons, sew on emblems and rank chevrons, mend tears and rips, sew broken belt loops, etc. Quantities cited above are estimates only and payment will be made only for actual services performed. Vendor agrees to pick up and deliver all cleaning to the first floor of the Capitol Police offices in the Capitol Addition building all items covered by this contract twice a week on a schedule convenient to both the vendor and customer. Invoicing will be made monthly.

**Department:** General Services  
**Location:** Police and Safety, Suite 70E, First Floor, Capitol Addition, Harrisburg, Dauphin County, PA 17125  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** Charles Klein, (717) 787-9635

**0711** Furnish and maintain uniforms for (7) seven custodial workers of The State Museum. Six (6) trousers and six (6) shirts short sleeve per employee are exchanged for clean ones weekly. Vendor carries the cost of supplying employees name emblem and emblem of The State Museum of Pennsylvania sewn on shirt. Custodial work within the Museum is often dirty, custodians are highly visible to the many visitors.

**Department:** Historical and Museum Commission  
**Location:** The State Museum, 3rd and North Streets, Harrisburg, PA 17108-1026  
**Duration:** 3 years  
**Contact:** Dwight R. Lindenberger, (717) 787-5183

### Lodging/Meeting Facilities—18

**FUR-96 CELE** The Public School Employees' Retirement System (PSERS) is soliciting bids for an awards dinner for up to 300 staff members to be held on either Friday September 20, or Friday September 27, or Friday, October 4, 1996. Please contact Ethel Straining at (717) 720-4606 for a bid package. Facility must be located within a 15 mile radius of Harrisburg.

**Department:** PSERS  
**Location:** At winning vendor's location; 5 North Fifth Street, Harrisburg, PA 17101  
**Duration:** One day  
**Contact:** Ethel Straining, (717) 720-4604

**AC-996** Conference facilities required on one of the following sets of dates: September 14-20, 1996 or October 5-11, 1996 or September 21-27, 1996, consisting of 1 conference room for up to 250 persons and 4 breakout rooms for up to 50 persons each. Each conference and breakout room to be equipped with podium, overhead projector/screen and TV/VCR. Single lodging rooms on premises for up to 250 persons. Breakfast for lodgers, refreshment breaks, lunches and dinner for up to 250 persons. Conference to be held within the Commonwealth of Pennsylvania. Location to be within the Commonwealth of Pennsylvania. For bid package, contact Maurice G. Hilliard at (717) 783-3963.

**Department:** Pennsylvania Emergency Management Agency  
**Location:** Commonwealth of Pennsylvania  
**Duration:** September 14-20, 1996 or October 5-11, 1996 or September 21-27, 1996 (7 days)  
**Contact:** Maurice G. Hilliard, (717) 783-3963

**110-96-099** Provide one large meeting room with podium and microphone, with the meeting room having a capacity to seat up to 300 persons with 8 persons per round table (no more) from 8:30 a.m. to 3:30 p.m. Coffee, tea and sweet rolls from 8:30 a.m. to 11:00 a.m. with refills on coffee and tea. Luncheon 12:00 noon—menu to be determined for up to 300 persons. Gratuity not to exceed 16%. Confirmation 48 hours prior to event on attendance count. Meeting date 5-9-96.

**Department:** Transportation  
**Location:** District 11-0, 25 mile radius Pittsburgh International Airport  
**Duration:** One day—see remarks.  
**Contact:** R. Fixel or B. Hatck, (412) 429-4956

**CW97** Meeting room for 115 persons with four breakout rooms (30 each classroom style) on January 7, 8, and 9, 1997. Rooms are to be available from 10:00 a.m. January 7 through 12:00 noon January 9 exclusively. Lodging for 80-100 singles on January 7 and 8 with extended checkout. Two dinners, one lunch, 2 breakfasts, and breaks will be required. Facility must be within the Pittsburgh area from Greentree to Greensburg. Contact David Mays (717) 783-3647; bids must be received not later than 1:00 p.m. 29 March 1996, in Room 809, Transportation and Safety Building, Harrisburg, PA.

**Department:** Transportation  
**Location:** PennDOT Construction and Materials, Greentree to Greensburg, Pittsburgh Area  
**Duration:** January 7-9, 1997  
**Contact:** David Mays, PennDOT Training, (717) 783-3647

**SP 297334** Provide meeting facilities for approximately 20 meetings for the Department of Environmental Protection, Bureau of Air Quality Stakeholders' meetings.

**Department:** Environmental Protection  
**Location:** Within a 15 mile radius of the City of Pittsburgh  
**Duration:** Through 6/30/97  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1 (800) 654-5984

**SP 297333** Provide meeting facilities for approximately 20 meetings for the Department of Environmental Protection, Bureau of Air Quality Stakeholders' meetings.

**Department:** Environmental Protection  
**Location:** Within a 15 mile radius of the City of Philadelphia  
**Duration:** Through 6/30/97  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1 (800) 654-5984

### Maintenance and Repair Services—20

**95-012CI** Service for recapping an estimated 750 tires of various sizes and to include both Bias Ply and Radial casings. Approximately 250 tires to be recapped each year. Vendor must accept all tires. Any tires unable to be recapped shall be disposed of by the vendor. Vendor must provide pick up and delivery. Prior to application to procure tread rubber, casings are to be inspected for cuts, breaks, and separation. If casings are capable there will be no charge for repair inside or outside of casing. Tire will be buffed to a rough finish and will be perfectly round when removed from the buffer. After tread is applied and tire is mounted on rim, it should hang for curing at 210—220 degrees.

**Department:** Correctional Industries  
**Location:** State Correctional Institution Camp Hill, Bureau of Correctional Industries Freight, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Linda Malinak, (717) 975-4931

**10-96-04** Perform repairs and overhaul Motorcraft and General Motors alternators of vehicles owned and operated by the Pennsylvania State Police. Service to include pick-up and delivery.

**Department:** State Police  
**Location:** Transportation Division, 20th and Herr Streets, Harrisburg, PA  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard Binker, Chief, (717) 787-1318

**10-96-05** Perform automotive starter repairs on passenger and truck vehicles owned and operated by the Pennsylvania State Police. Service to include pick-up and delivery.

**Department:** State Police  
**Location:** Transportation Division, 20th and Herr Streets, Harrisburg, PA  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard Binker, Chief, (717) 787-1318

**10-96-08** Vehicle repainting—paint entire vehicle, using manufacturer's colors to be designated by the Pennsylvania State Police Transportation Division. Contractor must provide paint and fill materials. Service to include pick-up and delivery of cars.

**Department:** State Police  
**Location:** Transportation Division, 20th and Herr Streets, Harrisburg, PA  
**Duration:** 7/1/96 through 6/30/99  
**Contact:** Richard Binker, Chief, (717) 787-1318

**0420-SPPC** Sandblast and prime coat paint six (6) dump trucks, two (2) graders and two (2) front end loaders. Graders and loaders will be completely sandblasted and prime coat painted and the dump trucks will have the under carriage and box sandblasted and prime coat painted. Because of need to transport equipment to vendor successful bidder will be within one hundred (100) miles of Clarks Summit, PA.

**Department:** Transportation  
**Location:** District 4-2, Grove Street 7 Morgan Highway, Clarks Summit, PA  
**Duration:** 3/15/96 through 10/15/96  
**Contact:** Robert G. West, Equipment Manager, (717) 963-3000

**124-043** Tire repair service. Repair of tires and installation of new tires. Service will include mounts, dismounts, wheel changes, flat repairs, and other services performed to repair a tire. Specifications will be included in the bid package. Work/repairs to be made at the county maintenance shed as well as in-the-field at various sites throughout the county.

**Department:** Transportation  
**Location:** Maintenance District 12-4, Washington County, PA  
**Duration:** 04/01/96 to 06/30/97  
**Contact:** Lorraine Harlack, (412) 223-4480

**SP 281260** Maintenance agreement for approximately 500—550 typewriters varying in age from 1 year to 12 years old and various brands, i.e., Adler, Brother, IBM, Panasonic, Remington, Sharp, and Xerox for service Statewide including the Harrisburg area and 23 various field offices. Agreement must include an hourly rate per call. Any parts needed for repair will also be included under this contract. If you desire a bid proposal, contact individual below.

**Department:** Revenue  
**Location:** Bureau of Administrative Services, Harrisburg and 23 Field Offices throughout the State  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Sandy Wirt, (717) 772-0511

**Project No. 165** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 261 King Street, Pottstown, Montgomery County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8580

**Project No. 168** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 520 North Centre Street, Pottsville, Schuylkill County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 171** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 441 North Findley Street, Punksutawney, Jefferson County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 174** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 2601 River Road, Reading, Berks County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 177** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 72 North Broad Street, Ridgway, Elk County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 181** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 900 Adams Avenue, Scranton, Lackawanna County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 184** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, Park Avenue, Sellersville, Bucks County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 187** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 111 Armory Drive, Spring City, Chester County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 190** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, R. D. 1, Catawissa Avenue, Sunbury, Northumberland County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 193** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 926 South Logan Avenue, Tyrone, Blair County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 196** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 330 Hickory Street, Warren, Warren County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 201** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 410 North Grant Street, Waynesboro, Franklin County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 202** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 2 Central Avenue, Wellsboro, Tioga County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 203** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 2 Central Avenue, Wellsboro, Tioga County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 205** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Army Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 206** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 226 North High Street, West Chester, Chester County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 208** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittston, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 209** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1308 Susquehanna Avenue, West Pittston, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 211** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 212** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 214** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 215** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 217** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, P. O. Box B, US 209, Williamstown, Dauphin County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 218** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 220** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 369 North George Street, York, York County, PA  
**Duration:** 1 July 96—30 June 99  
**Contact:** Emma Schroff, (717) 861-8518

**0712** Contractor to provide repairs and resetting of Faraday Clocks in the State Museum and Archives Buildings, on an as-needed basis for an hourly fee. There are approximately 83 Faraday Clocks located in State Museum and Archives.

**Department:** Historical and Museum Commission  
**Location:** 3rd and North Streets, Harrisburg, PA 17108-1026  
**Duration:** 3 years  
**Contact:** Dwight R. Lindenberger, (717) 787-5183

## Photography Services—23

**PGC-2506** Printing of 1996 PA Game Commission Waterfowl Management Stamp Print—contractor to provide a minimum of 2500 high quality fine art reproductions from an original black ducks painting to be furnished by the Game Commission. Contractor must be located within a 50 mile radius of Harrisburg. Bid opening date is March 18, 1996.

**Department:** Game Commission  
**Location:** 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** March 18, 1996 to June 30, 1996  
**Contact:** Carl Graybill, (717) 787-6286

**1000-051** Provide photo finishing services for the District Office. Photo work is the development of color, black/white and slide film, 35mm 24 exposure and standard black/white and color prints. 5" x 7" enlargements from 35mm B/W negatives and color negatives, 8" x 10" enlargements from 35mm color negatives and B/W negatives, standard color and B/W prints, color slides from 35mm negatives, color slides from color prints, B/W slides from B/W prints, color slides from color slides. Copy negatives from 35mm color prints and black/white prints. Development of Panoramic color 35mm film and Panoramic prints.

**Department:** Transportation  
**Location:** Engineering District 10-0, Indiana, PA  
**Duration:** April 1996 to March 1997  
**Contact:** Nancy Magness, (412) 357-7987

## Sanitation—24

**X101665** Provide pickup, packaging, transportation and disposal of hazardous waste for the Department of Environmental Protection Laboratories located in Harrisburg and Erie.

**Department:** Environmental Protection  
**Location:** Bureau of Laboratories, Harrisburg and Erie, PA  
**Duration:** 7/1/96—6/30/99  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1 (800) 654-5984

**SC95-012** Removal and disposal of infectious waste on a weekly basis from the Northeastern Veterans Center. Waste to be treated and disposed at a facility approved by DEP and all other regulatory bodies having jurisdiction. For specifications please send written request to agency.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 1996 through June 30, 1997 with renewal option  
**Contact:** Joseph Libus, Purchasing Agent II, (717) 961-4318

**S-34244** The contractor shall transport asbestos containing materials to an approved landfill. Interested vendors can call Mr. Philip Keller, Fire/Safety Specialist at (412) 761-1955, ext. 384.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 1996 to June 30, 1999  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

**M34352** To provide garbage and trash removal at the State Correctional Institution at Pittsburgh. One (1) 32 cubic yard portable compactor. Approximately twelve (12) loads per month. Two (2) yard capacity, equivalent to eight (8) gallon drums. These containers will be emptied two (2) times each week. Interested vendors can call Mr. Jim Spagnoletti at (412) 761-1955, ext. 260 for additional information.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 01, 1996 to June 30, 1999  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955, ext. 212

## Subscription Services—25

**3500/Library** Subscription processing services to be provided to PA Department of Transportation, Trans Employees Library. Listing of sample titles and quantities will be provided with bid proposal package. Contract award will be based on percent of service charge, not on actual cost of subscriptions. Annual billing is requested, except for publisher price increases and new orders. By mutual consent of both parties, at the time of expiration, this contract shall be renewable for one year periods for four such renewals. Bid opening will be April 5, 1996 at 9:00 a.m. in Room 903 of the Transportation and Safety Building.

**Department:** Transportation  
**Location:** 903 Transportation and Safety Building, Harrisburg, PA 17120  
**Duration:** 7-1-96 to 6-30-97  
**Contact:** Judy Gutshall, Librarian, (717) 787-6527

## Data Processing Services—27

**1200** To produce microfilm/aperture cards of standardized as built plans.

**Department:** Transportation  
**Location:** District 1200, North Gallatin Avenue Extension, Uniontown, PA 15401  
**Duration:** 5/1/96 through 4/30/97  
**Contact:** Donald P. Boord, (412) 439-7338

**PGC-2501** Cheyenne Arcserve 6.0 for Netware, Workgroup Edition—6 copies. Cheyenne Arcserve Client Agent for Windows NT—1 copy. Upgrade Arcserve 5.0 for Netware 250 user license to Arcserve 6.0 for Netware, Enterprise Edition—1 copy. Upgrade Changer Option for Arcserve 5 to Changer Option for Arcserve 6.0 for Netware—1 copy. Bid opening will be 3/28/96 at 1:30 p.m. at the Pennsylvania Game Commission Headquarters, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Bids will be awarded on a line item basis.

**Department:** Game Commission  
**Location:** Bureau of Management Information Systems, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** 3/28/96—3/27/97  
**Contact:** Timothy Smith, (717) 783-6625

**C 00544** Production of digitized AutoCADD 12.0 files and DXF or postscript files compatible with Corel 5.0 from existing mylars for a maximum of 95 State Park Mini Maps.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks, Harrisburg, PA  
**Duration:** Through 6/30/96  
**Contact:** Corinna Gaiski, (717) 783-0760

**95-011/95-C0895** The Department of Corrections intends to acquire client/server software. The software will: provide for the development of Windows based applications that will access data stored on LAN file servers and the Department's mainframe computer; provide for the creation of GUI (Graphical User Interface) front ends; facilitate the transfer of information between the microcomputer applications and the mainframe computer (middleware); and support the use of SQL and other file management techniques. The mainframe interface software must be capable of being installed and made operational under the VSE/ESA operating system accessing VSAM files. The microcomputers and LAN file servers operate on Novell Networks using a Token Ring architecture.

**Department:** Corrections  
**Location:** 55 Utey Drive, Camp Hill, PA 17001-0598  
**Duration:** One year  
**Contact:** Linda Malinak, (717) 975-4931

**08** Consultant or vendor to provide at least 12 copies of a hazardous waste management/tracking computer database program which can generate completed biennial hazardous waste reports from previously entered data, and provide training to thirty individuals at three regional training sessions (total ninety individuals), and provide technical support for thirteen months.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** June 1, 1996 through June 30, 1997  
**Contact:** Jeffrey Schaeberle, (717) 783-3616

**IFB 95-07-24** The Department of Health will be acquiring personal computer software packages. This Invitation to Bid will include 14 titles from various manufacturers. The Department plans to acquire approximately 227 packages. If additional packages are purchased, they will be at the quoted prices in the bid.

**Department:** Health  
**Location:** Harrisburg, PA  
**Duration:** April 1, 1996—June 30, 1996  
**Contact:** Ann D'Amico, (717) 783-8770

## Auctioneer Services—30

**0051-A14-03** Auctioneer Services: The Pennsylvania Department of Transportation invites licensed auctioneers to submit proposals for conducting an auction of machinery and equipment, inventory, miscellaneous items, etc., acquired from a Meineke Muffler Franchise as a result of a transportation project. Auctioneers will be required to comply with FHWA and State regulations. For bid forms, specifications and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

**Department:** Transportation  
**Location:** City of Pittsburgh, Allegheny County  
**Duration:** 1 day  
**Contact:** Michael Sudar, (412) 429-4830

**B-2120** For automotive auctioneering services. The successful bidder will provide the Bureau with an auctioneer who will sell used Commonwealth vehicles to the general public through oral auction. The Bureau will furnish the necessary clerks. The auctions will number approximately one per month. Auctioneer must be available to perform the auctioneering services any working day, Monday through Friday, with the exception of State holidays. Auctioneer should provide the name of the individual and the individuals auctioneer's license number who will be conducting the sales. This person should have at least two years experience in large volume motor vehicle auctioneering. Auctioneer must average one vehicle per minute or auction approximately 210 vehicles in 3 1/2 hours. The auctioneer also will be responsible for selling "rerun" vehicles. Auctioneer will receive the same contracted rate for all vehicles. The auctioneer must be able to open and conduct the sale of the vehicles to the public in a clear and understanding manner.

**Department:** General Services  
**Location:** Bureau of Vehicle Management, 2221 Forster Street, Commonwealth Garage, Harrisburg, PA 17125  
**Duration:** 07-01-96 through 06-30-98  
**Contact:** Bureau of Vehicle Management, (717) 787-3162

**Real Estate Services—35**

**872A** Sale of State Owned Property—Commonwealth of Pennsylvania. The Department of General Services, Commonwealth of Pennsylvania, will offer for sale by sealed bid, the property formerly known as the Animal Research Center, located 5 miles South of Honey Brook, PA about 1/4 mile West of PA Route 10, along Beaver Dam Road, location is only 45 miles from Philadelphia area. 119 acres of prime land with fourteen (14) special purpose buildings. An excellent site for a medical or pharmaceutical research facility. Property located partly in Chester County and partly in Lancaster County. Site has a well with storage tank and on-site sewage treatment plant. Request for information and Bidding Package due by 3:00 p.m. March 18, 1996.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Lloyd D. Colegrove, (717) 772-0538

**873A** Sale of State-Owned Property. For sale: 113 acres in Northeast Philadelphia. One half mile from the PA Turnpike Exchange, three miles from I-95, and four miles from North Philadelphia Airport. A population of 2,282,000 within a 15 mile radius. The site, formerly known as Byberry (Philadelphia) State Hospital, contains 113 acres and 26 buildings in varying conditions. The Commonwealth of Pennsylvania is seeking proposals to acquire and develop this site. The successful party will develop the property in a manner that ensures job creation, positive regional economic impact and community development. To obtain a request for proposal package, contact the Bureau of Real Estate, Department of General Services, Room 500, North Office Building, Harrisburg, PA 17125, (717) 787-7405. Closing date for receipt of proposals will be 4/16/96.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Lloyd Colegrove, (717) 787-4394

**Rentals/Leases—37**

**871A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 5,825 useable square feet of new or existing first floor office space, with minimum parking for thirty-two (32) vehicles, near Clarion, Clarion County, PA, within three (3) miles of, and including, the Borough of Clarion. In areas where no street or public parking is available, an additional fifty (50) parking spaces are required. Proposals due: April 1, 1996. Solicitation No.: 092189.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**0713** To furnish and maintain string mop heads in two sizes. This will be a 3 year contract. Used mops are to be exchanged weekly at a rate of usually 10—12 per week. The string mops will be used to clean the floors of The State Museum of PA and Archives. The string mops are to be top quality.

**Department:** Historical and Museum Commission  
**Location:** 3rd and North Streets, Harrisburg, PA 17108-1026  
**Duration:** 3 years  
**Contact:** Dwight R. Lindenberger, (717) 787-5183

[Pa.B. Doc. No. 96-385. Filed for public inspection March 8, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p>01. <b>BARBER SERVICES</b><br/>general</p> <p>02. <b>PERSONNEL/CLERICAL SERVICES</b><br/>transcribing, telephone answering, radio dispatch, secretarial, temporary help employment agency</p> <p>03. <b>TELECOMMUNICATIONS SERVICES AND EQUIPMENT</b><br/>mobile radios, P. A. systems, televisions, radios and telephones: equipment and repair</p> <p>04. <b>CONSTRUCTION</b><br/>alterations, miscellaneous, roofing, building, flooring, remodeling, asphalt and concrete, paving, highway projects, stream rehabilitation projects</p> <p>05. <b>HVAC</b><br/>air conditioning and heating, water conditioner, miscellaneous repair, refrigeration services, furnace and steam plant</p> <p>06. <b>ELEVATOR MAINTENANCE SERVICES</b><br/>elevator maintenance</p> <p>07. <b>CONSULTING SERVICES</b><br/>miscellaneous, training, workshops, education, research, testing service, technical assistance legal, certified public accountant, management, public relations, bilingual services, planning, financial planning, environmental research</p> <p>08. <b>COURT REPORTING SERVICES</b><br/>hearing</p> <p>09. <b>DEMOLITION AND RENOVATION</b><br/>structure, equipment</p> <p>10. <b>MEDICAL SERVICES</b><br/>medicine and drugs, general, consultant, laboratory, optical, mortuary, dental, ambulance, health care, veterinarian</p> <p>11. <b>ENGINEERING SERVICES</b><br/>miscellaneous, geologic, civil, mechanical, electrical, surveying, solar</p> <p>12. <b>FIREFIGHTING, SAFETY AND RESCUE SERVICES</b><br/>guard, burglar alarm, private investigator, armed courier, miscellaneous equipment</p> <p>13. <b>FOOD SERVICES</b><br/>commodities, surplus food processing, employment opportunities, etc.</p> <p>14. <b>FUEL-RELATED SERVICES</b><br/>installation of fuel tanks, pumping stations, pipe lines for fuel, includes utility related services</p> <p>15. <b>JANITORIAL SERVICES</b><br/>includes general, commercial maintenance, sweeping, cleaning, property maintenance</p> <p>16. <b>LANDSCAPING SERVICES</b><br/>general, pruning, tropical plants, design, harvesting crops</p> <p>17. <b>LAUNDRY AND DRY CLEANING SERVICES</b><br/>linen, laundry</p> <p>18. <b>LODGING/MEETING FACILITIES</b><br/>rooms and service, meals, room and board</p> <p>19. <b>MAIL SERVICES</b><br/>delivery, labeling, stuffing</p> | <p>20. <b>MAINTENANCE AND REPAIR SERVICES</b><br/>installation and/or repair of windows, doors, siding, fencing, walls, tanks, recapping tires, plumbing, electrical, equipment maintenance, painting and restoration, carpeting services, welding, drilling, excavating</p> <p>21. <b>MOVING SERVICES</b><br/>moving, car rental, storage, hauling, flying, bus, freight, travel service</p> <p>22. <b>MUSICAL SERVICES</b><br/>tuning and repair of musical instruments, use of instructors</p> <p>23. <b>PHOTOGRAPHY SERVICES</b><br/>general, aerial, lab development, consultant, blueprint reproduction art studios and schematic, advertising, graphic arts</p> <p>24. <b>SANITATION</b><br/>sanitation, recycling</p> <p>25. <b>SUBSCRIPTION SERVICES</b><br/>textbook educational material, testing material, miscellaneous, newsletter, miscellaneous printing, advertising</p> <p>26. <b>UPHOLSTERING SERVICES</b><br/>repair, refinishing, restoration</p> <p>27. <b>DATA PROCESSING SERVICES</b><br/>computer, keypunch, programming, analysis miscellaneous, equipment rental</p> <p>28. <b>PEST CONTROL SERVICES</b><br/>pest control, termite control, biological pest control</p> <p>29. <b>RELIGIOUS SERVICES</b><br/>contracting various clergy for hospitals, centers, etc.</p> <p>30. <b>AUCTIONEER SERVICES</b><br/>assistance in the sale of motor vehicles, equipment, etc.</p> <p>31. <b>CHILD CARE SERVICES</b><br/>Statewide child care services</p> <p>32. <b>INSURANCE SERVICES</b><br/>miscellaneous brokerage insurance services</p> <p>33. <b>MECHANICAL MAINTENANCE AND REPAIRS</b><br/>installation of handicap equipment into vehicles, homes, etc.</p> <p>34. <b>RAILROAD SERVICES</b><br/>transporting of goods by rail</p> <p>35. <b>REAL ESTATE SERVICES</b><br/>acquisition, disposition, leasing and appraisals of real estate</p> <p>36. <b>SHOE REPAIRS</b><br/>repair of shoes, braces and prosthetics</p> <p>37. <b>RENTALS/LEASES</b><br/>of medical equipment, construction equipment, movies, canvas tents, laboratory equipment, vehicles, storage facilities, office space</p> <p>38. <b>MINE RECLAMATION</b><br/>backfilling mine openings, extinguishing abandoned mine fires, flushing of mine voids, acid mine drainage abatement, regrading surface mines</p> <p>39. <b>DRILLING SERVICES</b><br/>well drilling, core drilling and exploratory drilling</p> |
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GARY E. CROWELL,  
*Secretary*



## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1082155-01-1	02/23/96	Service Supply Corp.	1,628.17	2599-01	03/01/96	Globe Electric Co., Inc.	584.00
1529215-01	02/20/96	Wyeth-Ayerst Laboratories	5,553.00	3049353-01-1	02/27/96	Phillips Ford Sales	272,233.00
1577385-01	02/23/96	U. S. Filter Corporation	16,082.86	6250-01	02/29/96	Wesco Distribution, Inc.	25,000.00
1635355-01	02/23/96	Datafile	4,292.95	6250-01	02/29/96	City Lighting Products Co.	100,000.00
1635355-02	02/23/96	Tab Sales of Central PA	12,687.11	6250-01	02/29/96	Scott Electric	20,000.00
1766155-01	02/23/96	American Sterilizer Co.	28,168.00	6810-04	02/29/96	Wimpey Minerals USA, Inc.	37,070.00
1786115-01	02/21/96	AG Chem, Inc.	11,029.42	6810-04	02/29/96	George S. Coyne Chemical Co., Inc.	69,190.00
1786115-02	02/21/96	Webbs Supergro Products	960.00	6810-04	02/29/96	Mercer Lime and Stone Co.	31,991.00
1861075-01	02/23/96	Moore Business Forms, Inc.	6,125.00	6810-08	03/01/96	Mid State Chemicals, Inc.	3,385.00
1863155-01	02/21/96	Allegheny Clarklift, Inc.	5,379.00	6810-08	03/01/96	MDC Industries, Inc.	27,965.00
1877205-01	02/23/96	Northeast Auto Outlet	168,529.56	6810-08	03/01/96	Ind. and Agricultural Chemicals, Inc.	21,800.00
1938255-01	02/23/96	Firing Line, Inc.	4,625.00	6810-08	03/01/96	Textile Chemical Co., Inc.	131,000.60
1948235-01	02/23/96	K-B Offset Printing	24,750.00	6810-08	03/01/96	Interstate Chemical Co.	21,267.00
1949115-01	02/23/96	Tabb Textiles Co., Inc.	19,250.00	6810-08	03/01/96	FBC Chemical Corporation	220,064.00
1968215-01	02/21/96	Dixon-Shane	18,671.40	7510-10	03/04/96	Adolph Sufirin, Inc.	16,352.50
2007185-01	02/23/96	IDC Technologies, Inc.	15,728.24	7510-10	03/04/96	National Office and School Supplies	509,290.20
2028185-01	02/23/96	Modern Handling Equip. Co.	22,894.00	7510-10	03/04/96	Standard Stationery Supply Co.	62,414.20
2041135-01	02/20/96	Nidek Medical Products	9,720.00	7510-10	03/04/96	Corporate Express	26,709.00
2074225-01	02/21/96	Total Asphalt Maintenance, Inc.	7,110.20	7510-10	03/04/96	Minnacor Industries	48,924.00
2154155-01	02/23/96	Wepco, Inc.	4,581.00	7510-10	03/04/96	Logans Marketing	87,820.15
2164225-01	02/20/96	Outboard Marine Corp.	12,382.00	7510-10	03/04/96	King Medical and Business Forms	38,564.00
2216215-01	02/23/96	Sandoz Pharmaceuticals Corporation	24,920.00	7510-10	03/04/96	ATD American Co.	34,835.18
2219215-01	02/21/96	Bellco Drug Corporation	13,689.00				
2599-01	03/01/96	Vehicle Maintenance Program	56,466.15				

STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
8116010-01	02/23/96	IKG Industries, IKG/Greulich Division	39,949.70	9550-10	03/04/96	Sigma Industries Sales	87,701.75
8222120-01	02/23/96	Cramer Motors, Inc.	784,434.47	9550-10	03/04/96	U. S. Municipal Supply d/b/a DW Miller Inds.	1,385,993.12
8540-01 Supplement No. 1	03/01/96	Resourcenet	189,370.00	9550-10	03/04/96	Garden State Highway Prods., Inc.	1,260,965.43
8540-01 Supplement No. 1	03/01/96	Galer & Hults, Inc.	32,955.00			GARY E. CROWELL, <i>Secretary</i>	
9550-10	03/04/96	Chicago Heights Steel	72,987.00				

[Pa.B. Doc. No. 96-386. Filed for public inspection March 8, 1996, 9:00 a.m.]