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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE JUDICIARY COMMITTEE

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In Re: House Bill 127

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Stenographic report of hearing held at
Oxford Center, 301 Grant Street
Pittsburgh, Pennsylvania, on

THURSDAY
SEPTEMBER 19, 1991

HONORABLE FRANK DERMODY, CHAIRMAN

MEMBERS OF HOUSE JUDICIARY COMMITTEE

Hon. Karen Ritter Hon. Chris McNally
Hon. Gregory Fajt

Also Present:

David Krantz
Galina Milohov
Kathy Manucci

Reported by:
Cathy R. Mull, Reporter

1991-110

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Representative Christopher McNally
Thomas Capozoli, Arson Investigator,
City of Pittsburgh

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CHAIRMAN DERMODY: Good morning.
My name is Frank Dermody. I am the State Representative from the 33rd District, right here in Allegheny County. It is my pleasure to be the Acting Chairman here this morning for the hearing on House Bill 127, which is Representative McNally's bill.

Before we get started, I would like to thank Duquesne Light for letting us meet here today. I would like to get the panel and the staff to introduce themselves.

REPRESENTATIVE FAJT: Greg Fajt, Allegheny County.

REPRESENTATIVE RITTER: Karen Ritter, Lehigh County.

CHAIRMAN DERMODY: We are done.

MR. KRANTZ: David Krantz, Executive Director of the Committee.

MS. MILOHOV: Galina Milohov.

MS. MANUCCI: Kathy Manucci, Secretary for the Committee.

CHAIRMAN DERMODY: Thank you.
Representative McNally will be the first witness.

REPRESENTATIVE McNALLY: Good

1 morning, everyone. Thanks very much for coming to
2 Pittsburgh to talk about House Bill 127. I think
3 it is a very important piece of legislation and
4 let me say at the outset, I want to credit the
5 introduction of this legislation to the Pittsburgh
6 Fire Department, Mr. Thomas Capozoli, who is an
7 Arson Investigator with the City of Pittsburgh.
8 He asked me to review this legislation that had
9 been enacted in New York State and if I thought it
10 would be a good idea to introduce it here in
11 Pennsylvania. And that suggestion was made to me,
12 not only at the initiative of Mr. Capozoli, but
13 other firefighters here in the City of
14 Pittsburgh.

15 The requirements of the Bill, I think, are
16 pretty simple and straight forward and they are
17 summarized in Section 1 of the Bill. That would
18 simply require a physician, resident, medical
19 assistant or public health nurse who is licensed
20 to practice in Pennsylvania, or any other health
21 care worker, to report burn injuries that are
22 treated by that health care professional to a
23 central authority, specifically the State Fire
24 Marshal.

25 The original intent of this legislation in

1 New York, I think, was to aid arson investigators
2 in tracking down the potential arsonists. Arson
3 is inherently, I think, a very difficult crime to
4 investigate and prosecute and convict. It is, I
5 think, typically done at night and an arsonist
6 takes great pains in order to avoid being detected
7 and, of course, a lot of the evidence, I think, is
8 probably destroyed in the course of the fire. But
9 one piece of evidence that sometimes remains are
10 injuries that the arsonist sustains in committing
11 his or her crime.

12 By creating a central system of reporting
13 burn injuries, it would allow arson investigators
14 throughout the state to detect potential arsonists
15 and then to build a case against them.

16 That is the primary purpose, but one of
17 the secondary benefits of this legislation is that
18 it helps in the detection of child abuse, because
19 one form of child abuse involves burning and
20 scalding, and so this would aid our Children and
21 Youth Services workers in detecting potential
22 child abuse.

23 That summarizes the legislation. I
24 believe that it is a very simple and straight
25 forward piece of legislation that creates really

1 very few administrative burdens for either the
2 health care industry or for the state and yet it
3 would yield, I think, very substantial benefits.
4 This is something simple and easy that we can do
5 that may have, I think, a fairly significant
6 effect on enforcing laws that are already on the
7 books.

8 With that, I would just like to turn it
9 over to Mr. Capozoli.

10 MR. CAPOZOLI: Thank you. My name
11 is Thomas Capozoli. It was spelled wrong on the
12 letter. There is only one P, one Z and one L, but
13 that's okay.

14 I have been with the Pittsburgh Fire
15 Department, I am about to complete my 19th year of
16 service. The last four years I have been assigned
17 to the Fire Investigative Unit with the City of
18 Pittsburgh. In 1990, I was fortunate enough to be
19 selected to attend the New York State Academy of
20 Fire Science, which is in Montour Falls, which is
21 probably one of the two best fire science colleges
22 in the country. The only one that has more
23 credibility than New York State's would be the
24 National Fire Academy.

25 The course that I had taken up in New York

1 was an arson detection course that was a
2 combination of a two-week course given at the Fire
3 Academy for arson detection and a two-week course
4 given at Glenco, Georgia, federal training center
5 for advanced arson for profit. It was an
6 excellent course. In my opinion, it was the best
7 course I have ever taken.

8 Two of the instructors that we had for the
9 arson detection course, one is a Sergeant with the
10 Seneca Falls Police Department. He is also a fire
11 investigator. The other was a DA's -- liaison
12 between the DA's office and the police community
13 as far as arson cases go, and they told me about
14 the bill that New York State had about reporting
15 burns and I thought that it was a good bill.

16 They thought it would be nice if other
17 states could be involved. I think New York State
18 was the second state to get this bill.
19 Pennsylvania, hopefully, would be the third and
20 they would like Pennsylvania to be involved
21 because their largest border is with Pennsylvania,
22 and a lot of times some of the people that get
23 burned, knowing that there is a burn bill in New
24 York, just cross the border into Pennsylvania
25 where there is no bill and Pennsylvania would

1 reciprocate with New York and vice versa.

2 The interesting side effect of the Bill
3 was, as Mr. McNally said, was the child abuse. As
4 a matter of fact, when I had called up to New York
5 and talked to a Mr. Burratelli, I believe it was,
6 I wanted to see if he could give me some actual
7 numbers of how many child abusers they had caught
8 and how many arsonists they had caught.

9 It is kind of difficult because of the
10 size of New York, people call and get the
11 information or they call a hospital before they
12 call Albany, the Office of Fire Prevention and
13 Control, to see if any burns had been reported in
14 Seneca Falls, but unfortunately when Seneca Falls
15 makes a conviction or whatever community makes a
16 conviction, they don't always tell Albany. So
17 some of the numbers may not be as high as I know
18 they are.

19 But when I talked with Mr. Burratelli, he
20 had said it was about a week before they had
21 caught a mother that was using scalding water to
22 train her son to use the potty and so in my
23 respects, as far as catching an arsonist, I
24 certainly hope that this Bill gets passed. As far
25 as curbing or maybe putting a detraction for child

1 abuse or taking a child off someone who may be
2 abusing their son or daughter, I think is
3 important.

4 According to the August issue of Fire
5 House Magazine, 1991, according to the FBI
6 reporting of the UCR's, arson is -- has gone up in
7 the northeast 8 percent since last year. The
8 biggest is in cities between 100 and 200,000 and
9 half a million and a million. If the recession
10 continues or even if the drug war escalates -- I
11 mean, right now they are just shooting each other
12 in Homewood. Sooner or later they may be throwing
13 fire bombs at each other. This would definitely
14 help us. I am sure if it does escalate or if it
15 does continue -- it is not hard to sell your house
16 back to the insurance company as long as you don't
17 get caught.

18 Personally, we have called twice -- we
19 have two cases pending now that, one we turned
20 over to the Bureau of Alcohol, Tobacco and Fire
21 Arms because an individual was burned setting a
22 fire. It took us almost a week. You call the
23 hospital and say -- we had information that the
24 fellow that set the fire had burned himself. So
25 we called the hospital that we knew he had gone to

1 and they wouldn't give us the information. So we
2 had to go get a Subpoena and all of this other
3 stuff. So it was about three or four days before
4 we could even talk to the fellow about the burn.

5 This would definitely help us here because
6 within 72 hours or even if we were to call the
7 hospital tomorrow and say, well, the Burn Bill
8 says you have to let us know, they would have to
9 let us know and it would make it easier for us.

10 We caught a gentleman, his trial is coming
11 up next month. We feel he poured gasoline through
12 a house filled with tires and when he lit it, the
13 whole house blew up and he sustained burns on his
14 arm which would not have been reported to us
15 because this Bill didn't exist, but when we went
16 to his house to talk to him, we saw the burns on
17 his arm.

18 The reason I have gone to Mr. McNally and
19 not my local legislator who is Mr. Gigliotti is
20 because Chris' father and uncle are Battalion
21 Chiefs in the City of Pittsburgh Bureau of Fire
22 and I felt that if he had any questions with Fire
23 Department colloquialisms and terminology, they
24 could best answer it.

25 I thank you for this opportunity. I hope

1 the Bill passes. If you have any questions, I
2 will be glad to answer them.

3 CHAIRMAN DERMODY: I have a
4 couple. Understanding that this would apply to
5 Allegheny County at this point, but particularly
6 with regard to children, do the hospitals have any
7 policies now that you know of of reporting
8 incidents of burns that they would suspect would
9 be a problem with child abuse, right now that you
10 know of?

11 MR. CAPOZOLI: No, they don't.

12 CHAIRMAN DERMODY: So it is
13 haphazard, sometimes they do and sometimes they
14 don't?

15 MR. CAPOZOLI: I don't even know if
16 it is sometimes they do. I know I would venture
17 to guess that they don't, because I don't think
18 they want to call the Pittsburgh Police and say,
19 we have a child here that has 15 cigarette burns
20 on his arm, we think something has happened and
21 then the Pittsburgh Police or whomever gets
22 involved and they go to the family and the family
23 may say, well, you have no right to tell them
24 that. He fell down or he got hit with -- they may
25 come up with -- they may be completely honest that

1 he had 15 little burns on there and this way I
2 think that would take any threat -- that is
3 probably the biggest reason why they don't do it,
4 everybody one is afraid of being sued.

5 CHAIRMAN DERMODY: Have you talked
6 to the health care community at all, the providers
7 about the reporting requirements, any problems
8 with that?

9 REPRESENTATIVE McNALLY: Well, in
10 anticipation of this hearing, I know of one
11 hospital that has a Burn Center, very prominent
12 Burn Center here in Pittsburgh, and it is West
13 Penn Hospital, and I directed a copy of this
14 legislation and a summary of the legislation and
15 some other information to their Department of
16 Public Affairs and told them about the hearing and
17 invited them to testify and I haven't heard any
18 response. That was, I would say, a month ago and
19 I haven't heard any response one way or another,
20 except that over the phone their Public Affairs
21 people thought this was a good idea, but that was
22 before they had a chance to talk to any
23 physicians.

24 I presume that they have brought this up
25 to their -- the people that work in their Burn

1 Center and as I say, I haven't heard anything
2 negative. I don't know that Mr. Capozoli has
3 either.

4 MR. CAPOZOLI: No. We have like a
5 junior fire program with the City of Pittsburgh
6 that is through the University of Pittsburgh and
7 there are three firefighters that are actively on
8 the job and we sat down with them and they had a
9 little bit of a legal problem with their end of it
10 and this is not children being burned, it is just
11 children that are setting fires and we know they
12 are setting fires and we have a program and they
13 go and talk with the parents. Sometimes the
14 parents get up in arms, they don't like the fact
15 that their kids may have set the fire and they
16 threaten suits. So if this is just someone
17 setting the fire and they are trying to help them
18 mentally where we are getting static, so something
19 like this, the threat of them being caught for
20 abusing their child, I think would even be more of
21 a threat.

22 CHAIRMAN DERMODY: Representative
23 Fajt.

24 REPRESENTATIVE FAJT: Yes. Two
25 quick questions. I think Frank touched on this.

1 This is only to apply to Allegheny County?

2 CHAIRMAN DERMODY: No, I just meant
3 their response.

4 REPRESENTATIVE FAJT: This is
5 state-wide, right?

6 MR. CAPOZOLI: Yes.

7 REPRESENTATIVE FAJT: Okay. The
8 Fire Marshal that you talk about, is that a
9 state-wide office then?

10 REPRESENTATIVE McNALLY: There is a
11 State Fire Marshal, but the City of Philadelphia
12 has a Fire Marshal and the reports go to the Chief
13 of Police or a designated police official or to
14 the Pennsylvania State Police Fire Marshal in the
15 county where the injury occurred or the Fire
16 Marshal for the City of Philadelphia, and I think
17 each county has its own Fire Marshal as well.

18 MR. CAPOZOLI: I only know that
19 Allegheny County has a Fire -- I don't know what
20 they call theirs in other counties. The way they
21 do it in New York -- and I don't like to keep
22 comparing Pennsylvania to New York -- but they
23 have an Office of Fire Prevention and Control in
24 Albany and everything goes to this office. Every
25 fire report goes to this office, every burn report

1 would go to that office and then that office would
2 distribute it.

3 The way they said they do it in the book
4 is Albany -- Harrisburg would send the report to
5 Allegheny County. The Allegheny County branch
6 would look at it and say, hey, this happened in
7 Pittsburgh, we will send it to Pittsburgh
8 whatever.

9 REPRESENTATIVE FAJT: I guess the
10 impetus of my question is if somebody sets a fire
11 in Allegheny County and goes to Westmoreland
12 Hospital in Greensburg to get treated and then
13 that burn victim gets -- you know, a report gets
14 sent to the Fire Marshal in Westmoreland County,
15 he is going to look at his records and say, no, we
16 didn't have any burns, we didn't have any fires in
17 Westmoreland County on X, Y, Z day, but they had a
18 suspected arson in Pittsburgh, but maybe didn't
19 make the news, so he would not know about it.

20 So I guess what I am looking for is, does
21 it make sense to have a central repository of all
22 of this information like they do in New York in
23 Albany so that the investigator, you know, the
24 person in Albany would have a better flow of
25 information than somebody in a neighboring

1 county? I just bring that out as a --

2 REPRESENTATIVE McNALLY: The intent
3 of the Bill is that there would be a central
4 repository of these records. But, of course, it
5 is necessary that local authorities who are
6 actually involved in the investigation of arsons
7 and other crimes receive the information.

8 For example, in the City of Pittsburgh, I
9 guess we do have professional arson
10 investigators. For the rest of Allegheny County,
11 there are three Fire Marshals, a Fire Marshal and
12 two Assistant Fire Marshals, and then we have in
13 Harrisburg, under the Pennsylvania Emergency
14 Management Agency, a State Fire Marshal or Fire
15 Commissioner, who is Jack Simon, and there is a
16 staff, they run the State Fire Academy and have
17 other responsibilities in terms of fire
18 prevention, fire protection and detection and they
19 would -- it would be in that office where the -- a
20 report similar to this would be compiled and to
21 which local arson investigators and Fire Marshals
22 could refer or could inquire of Harrisburg various
23 records.

24 Typically I think in other rural counties
25 -- the County Fire Marshal in Allegheny County is

1 a county employee. In other counties, smaller
2 counties, the Fire Marshal, I think, is typically
3 a state trooper or another police officer who, in
4 addition to his other duties, has some specialty
5 in arson investigations.

6 REPRESENTATIVE FAJT: Okay.

7 REPRESENTATIVE McNALLY: So that
8 those people are called out to any suspicious
9 fires in those areas in those counties.

10 REPRESENTATIVE FAJT: I will just
11 make a comment that I think that this is a good
12 Bill in the sense that it brings public awareness
13 to this new wave, if you will, of child abuse. I
14 mean, I never heard of -- here in Allegheny County
15 or in Pennsylvania, we have had recent stories
16 where kids were, you know, their hands were put on
17 top of burners because they misbehaved during the
18 day and, you know, it really seems to be a new,
19 sicker form of child abuse than what I have ever
20 seen before and I think that this law will bring
21 that public awareness to the hospitals.

22 At the same time, you know, I have had
23 other people say to me that any time you take a
24 child into the hospital any more, that the staff
25 is automatically questioning you now on potential

1 abuse. I mean, if somebody breaks their arm or
2 breaks their leg, it seems that, you know, the
3 hospitals at times become overzealous in their
4 attempt to find out whether there is child
5 abused. But I guess, unfortunately, that is just
6 a fact of life in society today, as sad as that is
7 to say. I think that the hospitals do have to
8 make those inquiries to, you know, really to guard
9 against the most innocent of our society and that
10 is the children. I think it is a great Bill.

11 CHAIRMAN DERMODY: Sandy.

12 REPRESENTATIVE RITTER: Following
13 up on the point that Greg made in terms of
14 additional information being given to a central
15 and I think you said that was your intention,
16 although I am not sure it is specifically set
17 forth here.

18 Perhaps what you might want to do --
19 because I think it is a good Bill, too -- is where
20 the form is going to be developed by the State
21 Police, perhaps they can prepare a duplicate form
22 where an original copy of the report is filed in
23 the county where the injury occurs, with a copy
24 being forwarded to Harrisburg or some central
25 place and then that way any arson investigation,

1 they would check their own county and then they
2 could just check with Harrisburg, rather than
3 having to go around to other counties, whatever,
4 that the information might be available.

5 That might be the simplest way to
6 accomplish that, because I think that does make
7 sense, particularly since it is so easy. It is
8 not like we have to travel hundreds of miles to go
9 from one county to another. That is very easily
10 accomplished.

11 I guess that was my only -- the only thing
12 on the child abuse, as Greg said, too, it was my
13 understanding -- and, Chris, since you are an
14 attorney you would be more familiar than I --
15 isn't there a requirement, though, that if anyone
16 suspects child abuse, they are supposed to --
17 physicians are included in the list of folks who
18 are supposed to report?

19 REPRESENTATIVE McNALLY: That is
20 right.

21 REPRESENTATIVE RITTER: This would
22 help to catch those that aren't sure?

23 REPRESENTATIVE McNALLY: The
24 primary purpose was arson investigation and this
25 turned out, the idea of detecting child abuse,

1 turned out to be sort of an unexpected dividend.

2 I think, though, you know, from what I
3 have been able to determine, is that, you know --
4 and I think as Representative Fajt indicated -- we
5 think of child abuse typically as being in the
6 manner of battered children, broken arms, bruises
7 and so forth. And, in fact, this is a more
8 insidious and perhaps, you know, we are not as
9 sensitive to the fact that this is another kind of
10 child abuse, that burns from scalding water are --
11 is one form of child abuse.

12 And so that I suspect that it may be
13 somewhat common for health care professionals or
14 even teachers and others who have a responsibility
15 to report child abuse, suspected child abuse, that
16 maybe they are laboring under this misconception
17 as well and so that I think it will create a
18 heightened sensitivity to the various forms of
19 child abuse that exist.

20 If I could add, Mr. Capozoli also had an
21 answer to the question about the form and the
22 reporting requirements.

23 MR. CAPOZOLI: This once again is
24 New York's form. It is self-addressed, no postage
25 necessary. They are on how to report burn

1 injuries. They are to immediately call the New
2 York State Office of Fire Prevention and Control,
3 24 hour hot line and they give a 1-800 number.
4 You are to tell the operator you are reporting a
5 burn injury and give the following information,
6 victim's name, address, date of birth, address
7 where the burn injury occurred, date and time of
8 injury, degree, area, injury severity, apparent
9 cause of the injury, name and address of the
10 reporting facility to the attending physician and
11 then they are to complete this form within 72
12 hours and submit it to the Office of Fire
13 Prevention in Albany, New York.

14 REPRESENTATIVE RITTER: So they do
15 it strictly as a central record keeping as opposed
16 to within each county, although I think it makes
17 sense to keep it within the county as well.

18 REPRESENTATIVE McNALLY: I think
19 that the intent is that the health care
20 professional reports it to the local authority,
21 since their offices are most accessible and then
22 the local authority then files this report.

23 You can take a look at this form. I mean,
24 this is an 8 and a half by 11 form. In terms of
25 paper work, it is very economical and efficient

1 and I might add that this legislation was copied
2 almost -- I take no credit for authorship -- this
3 was copied almost verbatim from the New York law.
4 So, the intent here is to do exactly what New York
5 has done, because I can't really see any area for
6 improvement and no sense trying to reinvent the
7 wheel.

8 REPRESENTATIVE RITTER: My only --
9 having worked with law enforcement folks on House
10 Bill 90, the Victims Rights Bill, they are very
11 concerned about specific procedures and maybe you
12 want to talk to the State Police, for instance,
13 and get their suggestions on what they would
14 want. It is a good idea probably to put the
15 responsibility for the reporting of the incident
16 to the central repository with the local police or
17 Fire Marshal or whatever, that the hospital would
18 report it to their own county official and then
19 the county official would report it to the state,
20 that probably makes sense.

21 But I would, again having worked with them
22 extensively on this other legislation, would think
23 that they would want to have that very specific
24 procedure set forth in the Bill and you might want
25 to talk to Dave Miller at the State Police to get

1 suggestions on how they would want to see that
2 worded so that they would be able to follow your
3 intentions exactly.

4 CHAIRMAN DERMODY: I believe Mr.
5 Krantz.

6 MR. KRANTZ: Has either of the
7 witnesses given thought to the possibility of
8 including teachers? A lot of times I know they
9 have to report suspected child abuse, but there is
10 the possibility that students would arrive at
11 school with burns and stuff that the parents
12 aren't cognizant to take them to a hospital.

13 MR. CAPOZOLI: Well, I would
14 imagine that most schools have an on-duty nurse
15 and the nurse would be one of those attending
16 physicians or medical staff persons and she would
17 be required by this Bill to submit the form also.

18 MR. KRANTZ: Thank you.

19 CHAIRMAN DERMODY: Yes.

20 MS. MILOHOV: I did speak with the
21 State Police legislative liaison who contacted the
22 State Police Fire Marshal and they had expected to
23 give us a memo that I would bring here and it did
24 not come in a timely fashion, but they are
25 definitely in support of centralizing the

1 reporting through the State Police. However, I do
2 feel that there is a little bit of a vagueness in
3 your Bill because although your intent is that
4 they will have a report similar to this, it is not
5 so stated in the Bill and these charts are really,
6 really important.

7 For instance, if you look at pages 8 and
8 9, you will see that children one year old are the
9 third most burned population in the state of New
10 York. You will also see that most fires that are
11 reported occur between 10 and 8:00 at night, so
12 you know where -- what is occurring in a person's
13 typical day and when they would have their burns.

14 You also know that the most fire -- burn
15 injuries that are reported by far, in fact, five
16 times more than the second most reported injury,
17 is from hot liquids.

18 So, you are getting a large amount of
19 information on this sort of report which maybe
20 expensive to produce and distribute, but you are
21 receiving more information than simply the burn.
22 You are getting the statistics piled up in a
23 significant way so you can interpret them, and I
24 think that it would be very important if this Bill
25 became law that it was also required that such a

1 report was compiled on a yearly basis.

2 The only thing that I find wrong with New
3 York's reporting system and annual report is this
4 is their very newest, just off the press report
5 and it is for 1987.

6 REPRESENTATIVE McNALLY: Well, you
7 know, I know I am sure that is a problem in terms
8 of the timing, but I do know, for example, I get
9 reports from the Department of Revenue on taxes,
10 collections and personal income tax collections
11 and I think the most recent report I have is for
12 1988. I mean, I am not sure why there is that
13 kind of delay, but I -- you know, I think those
14 are all constructive suggestions. I think I would
15 support that kind of an amendment to the Bill. I
16 don't know what the expert would say.

17 MR. CAPOZOLI: Going with the young
18 lady, on page 3 it says that there was 5900 burns
19 reported in '87. The most affected age group was
20 from the infant to 4 year old, which is almost --
21 it is probably 20 percent of the total, which is
22 probably the most critical time of their being
23 trained and the terrible 2s fall into that age
24 group and I am sure with some of the parents today
25 that that -- I don't like people that set fires.

1 I really don't. But I detest people that do this
2 to kids. I mean, how would they feel if because
3 daddy didn't work today, or he is not working
4 today, maybe the kid should be allowed to throw
5 hot coffee in his lap or something. It is
6 ridiculous.

7 As I said, I don't like people who set
8 fires and I take great pleasure in hearing a judge
9 or jury say guilty. It is really exciting when
10 that happens. I think what would even be more
11 exciting is if just one person could get locked up
12 for doing something to a kid.

13 MS. MILOHOV: I did want to say
14 that the New York reporting form that you offered
15 in your testimony is an excellent form and it does
16 cover all of these statistical questions and it
17 also is very, very simple for a health care
18 provider to fill out and it could be simply
19 attached to the hospital entrance stack of papers
20 they have to fill out and it wouldn't be, you
21 know, significantly more difficult to report
22 this.

23 MR. CAPOZOLI: No, it is not very
24 long at all.

25 MS. MILOHOV: It is very easy, very

1 easy to check off, very easily comprehensible by
2 any level of person that would be working in the
3 hospital.

4 CHAIRMAN DERMODY: One last quick
5 question. Does New York -- this is a summary
6 offense, that the doctor or the health care
7 professional would not --

8 MR. CAPOZOLI: No. If they don't
9 report it, it is a Class A misdemeanor.

10 REPRESENTATIVE McNALLY: It has to
11 be an intentional failure to make a complete burn
12 injury report.

13 CHAIRMAN DERMODY: That is what I
14 was wondering about enforcement. We contemplate a
15 summary offense here.

16 REPRESENTATIVE McNALLY: Maybe it
17 is.

18 CHAIRMAN DERMODY: It says here it
19 is a summary in the Bill, Chris.

20 REPRESENTATIVE McNALLY: Okay.

21 CHAIRMAN DERMODY: I was just
22 wondering how they do it and whether or not you
23 are even able to enforce it and whether you
24 thought about that at all.

25 MR. CAPOZOLI: It just says here

1 intentional failure to make a complete burn injury
2 report is a Class A misdemeanor in New York.

3 REPRESENTATIVE McNALLY: I am not
4 sure why it would have been changed --

5 CHAIRMAN DERMODY: I like the
6 intentional language myself. We can talk about
7 that. I could be convinced. I just -- it is a
8 difficult law to enforce anyway. It is a
9 responsibility on doctors who often times find
10 themselves in very busy, difficult situations.
11 The intentional language would help that.

12 REPRESENTATIVE McNALLY: Actually,
13 I don't recall -- as I say, this was supposed to
14 be copied verbatim. I am not sure exactly why the
15 Legislative Reference Bureau changed it.

16 CHAIRMAN DERMODY: Something you
17 may want to look into.

18 REPRESENTATIVE McNALLY: Yes.

19 CHAIRMAN DERMODY: Thanks. Any
20 other questions? Anyone else who would care to
21 testify? I believe our Fire Marshal has left.
22 Thank you all very much.

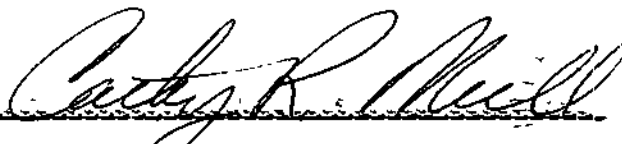
23 (Thereupon, at 10:55 o'clock a.m.,
24 the hearing was concluded.)

25

C E R T I F I C A T E

I, Cathy R. Mull, the undersigned Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify that to the best of my knowledge, the proceedings are contained fully and accurately in the Record taken by me of the Hearing in the previously entitled matter, and that this copy is a correct transcript of the same.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my seal of office at Pittsburgh, Pennsylvania, this 2nd day of December, 1991



 Cathy R. Mull, Notary Public

in and for the Commonwealth of
 Pennsylvania

The foregoing certification does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.

NOTARIAL SEAL
 CATHY R. MULL, NOTARY PUBLIC
 CRAFTON BROUGH, ALLEGHENY COUNTY
 MY COMMISSION EXPIRES MAY 3, 1993

A member, Pennsylvania Association of Notaries