



**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

**(717) 783-5417
Fax (717) 783-2664**

August 27, 1998

Jeffrey M. Ott, V.M.D., Chairman
State Board of Veterinary Medicine
116 Pine Street
Harrisburg, PA 17105

Re: IRRC Regulation #16A-576 (#1958)
State Board of Veterinary Medicine
Professional Conduct; Advertising

Dear Chairman Ott:

Enclosed are our comments on your proposed regulation #16A-576. These comments outline areas of concern raised by the Commission. The comments also offer suggestions for your consideration when you prepare the final version of this regulation. These comments should not, however, be viewed as a formal approval or disapproval of the proposed version of this regulation.

If you or your staff have any questions on these comments or desire to meet to discuss them in greater detail, please contact John Nanorta at 787-8491. He has been assigned to review this regulation.

Sincerely,

A handwritten signature in black ink, reading "Robert E. Nyce".

Robert E. Nyce
Executive Director

REN:kcg
Enclosure

cc: Deborah B. Eskin
Joyce McKeever
Kim Pizzingrilli
Dorothy Childress
Office of General Counsel
Office of Attorney General
Pete Tartline

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

STATE BOARD OF VETERINARY MEDICINE NO. 16A-576

PROFESSIONAL CONDUCT; ADVERTISING

AUGUST 27, 1998

We have reviewed this proposed regulation from the State Board of Veterinary Medicine (Board) and submit for your consideration the following recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness and clarity of the regulation. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Section 31.21(c). Rules of Professional Conduct for Veterinarians (Principle 5. Advertising)
– Reasonableness and Clarity

The proposed amendments to Principle 5 would require veterinarians who advertise that they provide emergency veterinary services to state whether a veterinarian is on the premises, or on call, and whether there is any limitation on hours during which emergency services may not be available.

These are universal advertising rules. As such, they must be complete enough so that anyone in need of emergency veterinary services can determine whether a particular veterinarian can meet their needs. Accordingly, the Board should clarify the kind of information it requires of veterinarians who advertise emergency services in the following three areas.

Scope of Service

Proposed Subsection (c) of Principle 5 should require veterinarians to disclose whether the emergency professional services are available for all animals or limited to only certain sizes or types of animals (e.g., farm animals, including horses and cows).

Type of Emergency Service

The proposed last sentence currently provides:

For the purposes of this section “on the premises” means that a veterinarian is physically present in the veterinary establishment and immediately available and “on call” means that the veterinarian is available within a reasonable time.

First, the use of “and” between “and immediately available” and “on call” is confusing. Is “physically present in the veterinary establishment and immediately available” one type or category of emergency service and “on call” and “...available within a reasonable time” another?

If so, the language would be clearer if the Board created two distinct sentences by putting a period after the word “available” and deleting the word “and.”

Second, the Board should further clarify the Subsection (c) language by requiring advertising (as that term is defined in Section 31.1) to state whether a veterinarian “on the premises” or “on call” is available to provide emergency professional services only at the veterinarian’s office or clinic, or is available to travel to the site where the animal is located.

Third, the Board should specify what constitutes a “reasonable time” period (e.g., 10 or 15 minutes). It should also require that veterinarians who advertise they provide emergency services be able to respond to anyone who contacts them for emergency veterinary services within the period of time established by the Board as a “reasonable time.”

Fourth, provisions should clarify that “reasonable time” applies to responding to the initial contact seeking emergency service and not to the time it takes the veterinarian to actually begin treating the animal.

Consistency in Format

Subsection (c) should be reformatted to a subsection numerical style. It would then be consistent with the format of existing Subsections (a) and (b) in Principle 5.

For example, the first sentence of this rulemaking could remain as the introductory sentence in Subsection (c). A new Subsection (c)(1) could consist of the existing second sentence, but divided into two sentences as previously recommended. A new Subsection (c)(2) could consist of the requirement that advertising for emergency services state whether a veterinarian “on the premises” or “on call” is available only at the veterinarian’s clinic, or is available to travel to where the animal is located. A new Subsection (c)(3) could specify what is the “reasonable time” period (and any related requirements) for a veterinarian to respond to a person seeking emergency treatment for an animal, as described above.



AUG. 27. 1998 10:25AM

BPOA LEGAL

FAX NO. 717 783 2664 NO. 6875

P. 2/21

R - Please Fax &

INDEPENDENT REGULATORY REVIEW COMMISSION

*cc
JHL*

To: Joyce McKeever
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-1088
Fax: 7-0251

From: Kristine M. Shomper
Deputy Director for Administration
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 27, 1998
of Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Veterinary Medicine's regulation #16A-576 (#1958). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: 

Date: 8-27

